



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Thursday 7th August 2025

The House met at 2.30 p.m.

[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]

PRAYER

Hon. Speaker: Hon. Members, the House is properly constituted to allow us to transact business of the day. Just a reminder that we are on hybrid; that is, we are both physical and online or live, if you may so wish. Clerk, kindly call out the Order.

COMMUNICATION FROM THE CHAIR

ACKNOWLEDGEMENT OF VISITORS

Hon. Speaker: Hon. Members, under Order No. 2, I wish to communicate to the House that we have visitors at the Speaker's Gallery.

Hon. Members, at the Galley we have members of the Law of the Ring, a charity boxing event which is coming up. One of the major participant is one and only our own, Hon. Shadrack Machanje.

(Applause)

Hon. Machanje, I will give you an opportunity at an appropriate moment to bring Members to speed on the intended game, which actually you will be participating actively as a boxer.

We have at the Galley: -

1. Arnold Libasia, who is one of the coaches;
2. Delonis Rono, one of the organizers;
3. Tilus Gatua, the camera man; and
4. Parsley Otieno.

(Applause)

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Hon. Members, at the Speaker's Gallery, we also have: -

1. Mercy Nyabwala, an active Member of Kenyan politics, and by extension awaiting PS.
2. Engineer Frederick Owino, the incoming Member of Ugunja, taking up the position of one, Opiyo Wandayi. He has just come to familiarize himself with the precincts of the Assembly in readiness to represent the people of Ugunja. We wish you well;
3. Joshua Oluoch, the director for his campaigns.

(Applause)

Engineer, one of the Members is concerned, but you will have to meet her behind the tent. She is used to *kata squad operations*. So, you will have to make some arrangements. She is called 'Mama Network.'

(Laughter)

Thank you, and feel utmost welcome at the Gallery and enjoy our proceedings. Hon. Members that is all. You may proceed and take your seats.

(Several Members entered the Chamber)

Clerk, let us proceed.

PETITIONS

UNREGULATED PROLIFERATION OF LIQUOR OUTLETS IN UTHIRU/RUTHIMITU WARD

Hon. Speaker: Hon. Members, I want to present a Petition. This is a public Petition by Uthiru/Ruthimitu residents on the unregulated proliferation of liquor outlets in Uthiru/Ruthimitu Ward within Nairobi City County. I hope the Hon. Member representing this ward is in the Assembly. Hon. Member, are you present? Can we proceed with the Petition?

(Hon. Peter Mwangi spoke off the record)

Thank you. It reads as follows: -

We, the undersigned citizens of Kenya, who are residents of Uthiru/Ruthimitu Ward within Nairobi City County, draw the attention of the County Assembly of Nairobi 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, Part II of the Fourth Schedule of the Constitution of Kenya, 2010 vests the function and powers of the county cultural activities, public entertainment, and public amenities, including liquor licensing in the county government;

THAT, Article 43(1) (a) of the Constitution of Kenya, 2010 guarantees every person to rights to the highest attainable standards of the health;

THAT, Article 174 promotes democratic and accountable exercise of power at the local level, including the protection and promotion of the interest of communities;

THAT, Section 15 of the County Government Act, 2012 provides for petition to the county assembly by members of the public or elected representatives;

THAT WHEREAS Section 102 and 113 of the County Government Act, 2012 promote citizen participation in the planning and delivery of public services, and require that decisions made by the county reflects public input;

THAT, Section 12 of the Nairobi City County Alcoholic Drink Control and Licensing Act 2014 prohibits the licensing of outlets located within specified radius from school, residential areas, and places of worship;

THAT, Section 22 mandates proper control and monitoring of liquor licensing and consumption.;

THAT, over the past several months there has been an alarming increase in number of liquor selling establishments within the Uthiru/Rithimitu Ward, including bars, wines and spirit shops, and other outlets. Many of these are situated within merely a few meters apart with minimal regard for zoning regulations, residential proximity, or community welfare;

THAT, as a result, alcohol has become exclusively accessible, leading to increased consumption among residents, including minors and the unemployed, contributing to antisocial behaviour, raising crime rates, domestic unrest, and most several recent deaths attributed to alcohol abuse within the ward;

THAT, more than five residents have reportedly lost their lives due to alcohol-related complications in recent months. Many others continue to suffer from addiction, deteriorations, and related illnesses;

THAT, the said businesses have led to violation of licensing and zoning laws, where many of these liquor joints are operating in violation of the Nairobi City County Alcoholic Drink Control and Licensing Act, 2014, with some establishments lacking proper licenses or operating too close to schools, places of worship, and residential homes;

THAT, it has led to social disruption where the high concentration of liquor outlets has fueled public disorder, youth, and breakdown of family units.

THAT, this has led to public nuisance and insecurity, where open and early morning drinking has led to increased loitering, noise pollution, and insecurity within the neighborhood;

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

AND THAT, all the matters in 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 intervenes and ensure that: -

1. The Government, through the Nairobi Liquor Licensing and Control Subsector, initiates an immediate audit and mapping of all licensed and unlicensed liquor selling establishments in the ward;
2. The City County Government enforces zoning laws through implementing and regulating minimum allowable distance between liquor joints and school, places of worship, and residential homes, as provided in Alcoholic Drinks Control and Licensing Act, 2014;
3. The City County Government suspends and revokes all illegal licenses of operators operating in contravention of legal and zoning guidelines;
4. The City County Government to impose a temporary moratorium by recommending and freezing issuing of new liquor licenses in the ward until comprehensive framework is adopted; and
5. The City County Government to conduct public sensitization and establish county-led alcohol addiction rehabilitation programmes and public awareness campaigns targeting youth and vulnerable groups.

And your petitioners will forever pray.

Presented on behalf of members by Hon. Maina, being the area Member.

Hon. Members, the Petition, as read out, is now committed to the Culture Committee for consideration.

UNLAWFUL NOTICE AND DISCRIMINATORY IMPLEMENTATION OF NAIROBI RIVER REGENERATION PLANT IN KAGEMI-DAGORETTI CORRIDOR

Hon. Speaker: Hon. Members, we have further Petition regarding the unlawful notice and discriminatory implementation of the Nairobi River Regeneration Plant in Kangemi-Dagorretti corridor.

We, the undersigned residents of Kangemi and larger Dagorretti wards, Nairobi County, hereby present this Petition with utmost urgency and grave concern, regarding the public notice issued by the Nairobi City County Government CEC Member for Built and Urban Planning through the newspapers on 6th March 2025.

In the said notice, the general public is informed that the Minister of Lands, jointly with the County Government of Nairobi, intend to declare the Nairobi River corridor a special planning area, from Naivasha Road all the way to Ruai. This action is allegedly to pave way for, amongst others, development of social and affordable housing projects.

While we support sustainable urban development and environmental conservation, we firmly believe that the current processes are fundamentally flawed, discriminatory and in blatant violation of our constitutional rights and existing laws.

The grievances and grounds for the Petition being: -

1. Ancestral land and livelihoods;

Our presence along the Nairobi River in Kangemi and Dagoretti is not recent. This land is ancestral to many families who have lived here for generations. Our homes and livelihoods are

deeply intertwined with this community, and any forced displacement will lead to immense suffering and destitution. These are lands that our ancestors occupied before independence.

The said lands were inhabited by our ancestors, indigenous families in Dagoretti, then part of Kiambu and Western Nairobi before colonial rule, as explicitly stated in Morris Carter's Kenya Land Commission of 1934. We have interred our deceased generations on these grounds over the years, thus they serve as the foundation for our historical and cultural existence.

All Dagoretti landowners were granted freehold title deeds following the Swynnerton Land Plan Tenure reforms during the colonial era after the Mau Mau War. Currently, we hold title issued by the Government of Kenya, recognizing us as private and legal owners of this parcel of land.

2. Arbitrarily and unlawful riparian land demarcation;

After our publication of the public notice, we witnessed the County Government jointly with Water Resource Management Authority (WARMA), and a foreign company, arbitrarily placed beacons extending the riparian puffer zone to 60 metres from the riverbank. This is a great diversion from the legally established threshold. The Environmental Management and Coordination (Wetlands, Riverbanks, Lake Shores and Sea Shore Management) Regulations, 2009, enacted under the Environmental Management and Coordination Act, typically defined riparian land as six metres from the highest water mark for rivers. The arbitrary extension of 60 metres is punitive, lacks legal basis, and appears designed to displace a larger population.

3. On lack of genuine and inclusive public participation;

The Constitution of Kenya, 2010, under Article 10 (2) (a), enshrines public participation as a national value and principle of governance. It mandates that citizens must be involved in policy making process, that being the public participation notice given as on a very short notice and the exercise conducted was a mere charade. It was discriminative as it was conducted in Kilimani Ward, thus failing to involve the entire affected population or communities along the Nairobi River corridor. Many residents complained that they were unaware and excluded from the purported public participation exercise. This, by law, renders the entire exercise null and void.

4. Discriminatory application of the Nairobi River Regeneration Plan;

5. Violation of property rights;

Undue process in land acquisition over rights of property is protected under Article 40 of the Constitution of Kenya, 2010, which states; -

"40 (1) Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property—

(a) of any description; and

(b) in any part of Kenya."

Further, the Land Act 2012, Part VIII on Compulsory Acquisition of Land, meticulously outlines the legal process for government acquisition of private land. This process demands that the acquisition is for a public purpose or in the public interest. Issuing of informal notices to all affected parties.

6. Legal violation;

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The actions of the Nairobi County Government contravene the following laws: -

- a) Article 40 of the Constitution of Kenya, 2010;
- b) Land Act, 2012;
- c) Article 10 (2) and Article 27 of Fair Administrative Action Act, 2015, that mandates that any administrative action affecting the public must be lawful, reasonable, and procedurally fair.

And now to the prayers of the petitioners. In this light of the foregoing, we the residents of Kangemi ward humbly but firmly petition the Nairobi City County Assembly to; -

- i. Immediately halt any action beyond six metres along the Nairobi River corridor in Kangemi Ward and the larger Dagoretti until a lawful and just process is established;
- ii. Order a review and correction of the riparian land demarcation to align with the legal stipulated six metre threshold as per the Environmental Management and Coordination Regulations, 2009;
- iii. Mandate a genuine, inclusive, and transparent public participation process;
- iv. Ensure equitable application of the Nairobi River Regeneration Plan across all areas of Nairobi, from Naivasha Road to Ruai, including high-end estates and commercial properties to demonstrate fairness and adherence to the rule of law.
- v. Enforce removal of the beacons by WARMA; and
- vi. Facilitate a constructive dialogue between the Kangemi and larger affected Dagoretti land owners, and affected residents along river, the Nairobi City County Government and relevant stakeholders, to find a mutual agreement and lawful solution that respect property rights, human rights, and promote sustainable development.

We trust that the Nairobi City County Assembly, as the representative body of the people, will uphold its constitutional mandate to protect the rights of its citizens and ensure justice prevails for all. Thank you for your time and consideration. This is urgent. Sincerely, the residents of Kangemi and larger Dagoretti ward residents.

You so stand guided, Hon. Members. This is now committed to the Committee on Lands, Planning and Housing for consideration. Thank you.

PAPERS

SPECIAL AUDIT REPORT OF AUDITOR GENERAL ON PAYROLL MANAGEMENT FOR NAIROBI CITY COUNTY EXECUTIVE

Hon. Speaker: Hon. Members, under Order No. 5, we have the special Audit Report of the Auditor General on the payroll management for the Nairobi City County Executive for financial years 2021/2022, 2022/2023 and 2023/2024, to be laid by Hon. Leader of the Government Business before the House.

Hon. Peter Imwatok: Hon. Speaker, pursuant to Article 229 (7) of the Constitution of Kenya, I beg to lay the following Papers on the Table of this Assembly, today, Thursday 7th August 2025:

The Special Audit Report of the Auditor General on Payroll Management for Nairobi City County Executive for the financial years 2021/2022, 2022/2023 and 2023/2024.

(The Papers were laid on the Table)

Hon. Speaker: Hon. Members, the Papers laid is now committed to the Public Accounts Committee for interrogation. Thank you.

The report of the Sectoral Committee on Environment and Natural Resources. Chairperson, Environment Committee, are you ready? The Vice-Chair? Kindly, Clerk, facilitate the Vice-Chair with the report.

There is also the report of the Sectoral Committee on Lands, Planning and Housing on Petition presented by the Parklands and South C residents on adherence to zoning regulations in accordance with the Nairobi Integrated Urban Development Master Plan. Chair Planning, are you ready?

We also have the report of the Sectoral Committee on Lands, Planning and Housing on Petition presented by residents of the Njiru Ward on stoppage of public land from encroachment by a private developer. Chair of Environment?

Hon. Cyrus Mubea: Mr. Speaker, I do not have any communication.

Hon. Speaker: You are the Chair?

Hon. Cyrus Mubea: Vice-Chair.

Hon. Speaker: So, you want brief from who?

Hon. Cyrus Mubea: No, I am the Vice-Chair. The Chair is not in.

Hon. Speaker: But how does that become a problem of the Assembly?

Hon. Cyrus Mubea: Okay, Mr. Speaker, I have already received.

Hon. Speaker: Kindly, can you sit down and go through the report before you proceed? Hon. Chairperson for Lands, are you ready?

Point of Order

Yes, Majority Leader. You are not on microphone, kindly press your mic.

Hon. Peter Imwatok: I said yesterday before this House, there is an indictment coming to the specific office, and the owner of the indictment is before us.

Hon. Speaker, I am seeking your indulgence to change the sequence of business to accommodate our anxiety for the Devolution Conference which is starting next week, so that we give our Chairs ample time to be able to internalize their reports and come with them when they are fashioned. For example, my Chair for Environment is not in. My Vice-Chair is able to present but he is not yet briefed. I beg we go to the next sequence so that we proceed. The next time we can be able to lay this report when they have acclimatized on them. Hon. Speaker, I beg you.

(Applause)

Hon. Speaker: We are at Order No. 5. The Hon. Majority Leader is persuading the House to change the sequence of the Order Paper so that we may address Motions No 8 and No. 9, then revert back to Orders No. 5,6 and 7. Is that the feeling of the House, Hon. Members?

Hon. Members: Yes!

Hon. Speaker: Clerk, kindly proceed,

PROCEDURAL MOTION

ALTERATION OF THE ASSEMBLY CALENDAR

Hon. Peter Imwatok: Hon. Speaker, thank you for granting me this particular request on behalf of the entire House.

THAT, pursuant to provision of Standing Order No. 31 (4), this Assembly resolves to alter the County Assembly's Calendar and adjourn until Tuesday 23rd September 2025 at 2.30 p.m. (Regular Sessions.)

Hon. Speaker, as I said before, it is very simple. And our Secretary General for (County Assemblies Forum (CAF) is before us. He is one of the members who have organized the Devolution Conference, which is starting in the lakeside town of Homa Bay, from next week on Monday.

I believe the entire House is invited to Homa Bay to participate in this edition of the Devolution Conference. Just to give it more flesh, allow me to invite the Secretary General of CAF to second the Procedural Motion and give us a glimpse of what is to take place in Homa Bay.

Hon. Speaker: Hon. Leader of the Majority, what does the Standing Order No. 31 (4) say, before Hon. Chege proceeds to second your Motion?

Hon. Peter Imwatok: 31(4)? Hon Speaker, the Clerk has not gotten you well.

Hon. Speaker: Read out the Standing Order.

Hon. Peter Imwatok: The County Assembly business shall, with approval of the County Assembly, determine the Calendar of the County Assembly.

Hon. Speaker: So you are seeking for the approval of the alteration of the Assembly Calendar?

Hon. Peter Imwatok: Yes, Hon. Speaker. After the House Business Committee this morning had ratified.

“31 (4) Despite paragraph (2) the County Assembly may, by resolution, alter its Calendar or the adjournment date.”

This is what I am seeking, Hon. Speaker.

Hon. Speaker: Okay. Hon. Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I rise to second this Procedural Motion. This will give Members ample time to be in the Devolution Conference, which I am happy to be part of the steering committee.

Mr. Speaker, maybe by your indulgence, because maybe you might be knowing and some of my friends on the other end, this year's Devolution Conference will be in Homa Bay. And in my tour of that part of the world, I wish that Members get a chance to visit this spectacular corner of the country where you find the area is actually like 60% water. The county also has a huge game park. The lovers of fish will enjoy the best of the fish, I think I have ever tasted. There are very interesting features. Lovers of history will get a chance to visit Tom Mboya mausoleum, one of the icons of this country. You will get to understand what he stood for.

Mr. Speaker, I do not know who was able to be there for the Madaraka Day celebrations, but the town has been spruced up. There are very good hotels that are on the hills. For those who think that it is a small town that might not accommodate them, let me assure them that every plan has been put in place to ensure that the bulk of the participants will be accommodated. And if you feel that maybe you want a bigger town, then Kisii, Kisumu, and Migori are not very far off.

Mr. Speaker, as I second, I also want to add that my Member here has told me that I whisper that you make sure they have money in their pockets so that they are able to spread across and not be in a hurry to come back, because the Leader of Majority is requesting that the extension of the House be proper so that we are not in a rush to come back.

(Applause)

I will be on that side for the whole week. I will also want to pass by my friend's place in Migori, the elder on the other hand. I also want to see part of Kisii. I will be there in full swing and I will not be in a hurry even though they think I am a *Ja'raboun*.

(Laughter)

I will be operating and perambulating those areas like a proper *rech monga*. I just want to invite Members to take advantage not just to know Nairobi and their villages, but to also understand that area and appreciate they have a very good stadium, Raila Amolo Stadium. If you want to be doing rounds, there some of us who like running, that place is open. So. I think we have done a good justice to this part again.

(Applause)

I know the Leader of Majority will again be coming shortly with the CASA Games. We will also be in another corner of the country. So, take advantage of these opportunities, it is not just about per diems and just attending the meeting. Also understand people's cultures. You will realize if you go to those rural sides and you compare with your rural side, basically the issues are the same. There are farmers I saw with some very good vegetables in that corner.

Hon. Speaker, these kinds of visits will help us do more inclusivity. With those many remarks, I beg to second. Thank you.

Hon. Speaker: Thank you, Hon. Chege for citing that we do not have to struggle with the per diem of the Members.

(Question proposed)

Hon. Speaker: Hon. Members, I have got two requests; from Hon. Abel Osumba Atito, and Hon. DNG.

Hon. Davidson Ngibuini: Hon. Speaker, I rise to support this Motion. I had a conversation with the Majority Leader to seek his indulgence because I had risen on the floor of this House pursuant to Standing Order 47(A) to raise a question to the CEC Member in charge of Housing and Built Environment. I had requested him to pronounce himself today on this floor because the Standing Order 47 (A) says that the Majority Leader needs to give the date as to when the CEC Member shall come to respond to the questions in person. So, mine is just to request that as we support this Motion, that on the 23rd of September, the CEC be given an ample time to come and respond in person, Thank you.

Hon. Speaker: Thank you. We will just give him time to digest on that. I now call the move of the Motion to reply.

Hon. Peter Imwatok: Hon. Speaker, thank you to the members, I am perambulating among the two...

Hon. Speaker: What is the issue with your microphone?

Hon. Peter Imwatok: The Clerk. Hon. Speaker, all these problems boil to one.

Hon. Speaker: Yesterday you addressed an issue of improving on the Assembly system.

Hon. Peter Imwatok: Hon. Speaker, allow me to thank the entire House and my respective elder, Hon Chege Mwaura, also the Secretary General of CAF, for planning a good event in Homa Bay. I spoke to the Governor, who is also the Chairperson of my party, and she is really eager to welcome all of us to Homa Bay County, where the President, His Excellency William Ruto, will be present. His Excellency, the only Baba in Kenya – As you all know, in Tanzania, there is only one Baba, Julius Nyerere, others are presidents. In Kenya also, we have only one Baba called Raila Amolo Odinga. Others are Presidents

(Applause)

We welcome you to that side of the world, Chege says, *Cham rech* and *Cham muma*. We thank you for that moment, and may Almighty God welcome us back after the recess, we continue building Nairobi and continue speaking the truth as it is, and doing our job. I beg to reply.

On the issue of DNG, I have said, even the preceding Motions coming after this, we have a lot the CEC Member for Lands in 14 days, should appear before this House. So, he will come and respond to all of them, that is a promise. Thank you.

(Question put and agreed to)

MOTION

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

Hon. Peter Imwatok: Hon. Speaker, I think this is a historical day for me, almost the entire Order Paper I have to stand despite having some fever. Allow me now to Table this particular Motion before this House. The subject matter of the Motion is 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 have read the preamble of the enabling laws, let me just give this House a small history I have about Mathare 4A, as I prepare His Worship to second me. He has more experience on what happened because he was the Mayor then. Hon. Speaker, the history of this land began in 1989, I am sure many of us, apart from Madam Kidenda who celebrated her 70th birthday this month, Madam Lugonzo, Madam Catherine and His Worship, were still very young. Our forefathers were fighting to be resettled. I know some of them, like Singh who passed on fighting for this particular land. You can be told from 1989 until 1996, they were fighting without proper documentation until the then Mayor, Joe Aketch, came to their rescue and advised them on what to do.

In 1996, the Mathare 4A Resettlement Scheme - Ruai was registered. They began this journey to be resettled, but unfortunately it never took place until they were told they cannot be settled because it was a self-help group. They had to have an entity that carries them along to be settled. The group resolved, through minutes I have here, to incorporate a company called East End Development Properties Limited. The Mathare 4A residents did not get this land just from the

road, they applied for it and they were given allotment letters on 6th of December 2006. Before that, the Full Council sat on 27th January 2006 and allocated this land to them.

Hon. Speaker, thereafter, the land was reversed because there was no proper development property entity. These honorable old men, who some of them are now dead, went ahead and registered a company called East End Development Properties Limited and applied for the change of allotment from Mathare 4A to East End Development Properties Limited, which was awarded by the City Council in January 2007. They paid for allotment and began paying rates to the County Government from then to date.

Hon. Speaker, they went to the Supreme Court because the Kenya Defense Forces (KDF), which is a public entity for the defense of our country, had taken a portion of this land and established our defense mechanism for the State. Hon. Speaker, the case was presented before the Supreme Court to determine the bona fide owner of this land. The Court, in its judgement, ruled that the land belongs to the County Government, and the County Government had people with interest in this land. The KDF, I can say, for now they have no problem. The problem they might have is; they have taken over to protect our Country.

Hon. Speaker, in LR No. 11344, there are two subdivisions, 118169 which the Kenya Defence Forces has occupied, and the other one is 18170 t is not occupied. The KDF are protecting the country. Article 60 and 61 of the Constitution says all land belongs to the people of Kenya. The KDF is part of Kenya. We own this land with them. So, what they have taken, let them go with it, and what they have not taken, let the people of Mathare 4A, who are more than 2,000, be given a chance under the Constitution. The Constitution has not envisioned any Kenyan to live in a nest, it envisions that every Kenyan has a right to own land in this Republic.

I don't want to go on and on, but it is paining that today the County Government is not committing whether Mathare 4A people are human beings or animals. It is upon this House to make a commitment and give the County Executive an express highway that within 21 days of this Motion passing, we want to hear all the Mathare 4A stakeholders are being aligned for allotments and be issued these title deeds. More so, the KDF be issued with another allotment. Any term the Executive may want to negotiate with the KDF on LR No. 18169, that is none of the business of this House. This House is a protector of people of Nairobi who have been evicted with a promise by the County Government that they will be given land. Kindly, we want that to be settled.

With those few remarks, allow me to invite His worship, the Mayor, who I have the privilege to serve with. He was in these big offices. I beg you to second.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. As I rise to support the Motion, it is important that we understand our role...

Hon. Speaker: Kindly, you have been requested to second the Motion, not to support.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker, for the correction. As I stand to second the Motion, it is important that we understand our role as representatives of the people, and we also are supposed to be doing oversight of the Executive.

Hon. Speaker, as we represent people Mathare 4A, who are part of the population that we represent, and have their member whom they have also posted here whom we have to assist in

representation as colleagues, this is a long overdue matter. It started way back, like the Majority Leader has mentioned. Some Members in this House were even not born by the time this matter started. But you can understand how systems can frustrate human beings to an extent that some of these members of Mathare 4A have left us, and their family members still pursuing their rights. A number of them have been reduced to vagabonds because they cannot afford to get accommodation of their own because what belonged to them was taken up for that project by the Germans who paid money to the County for a resettlement. But the resettlement has been a story all these years. They were even forced to go to court to get a ruling in their favor but still the justice has not reached them.

Hon. Speaker it is important that we reign on the Executive at a time like this as representatives of the people. This matter must be brought to rest because it is an old matter that it is shameful for people to be coming to this Assembly year in year out. We are representing Nairobians but we don't come out with results. These are people are looking up to us.

It has been unfortunate that even as we talk in this Assembly every day, the reports that we write and the resolutions that we pass here are never implemented, and most of the resolutions are touching on human lives. So, Mr. Speaker, it is important that as an Assembly for the first time in history, let us put our foot down to make sure that these people of Nairobi and to be specific the residents of Mathare 4A get their justice and settle where the government was supposed to settle them.

It is a shame that the donors from outside country paid their money and they are reading in newspapers that where they paid their money, these people have not been settled. It is like the Government is conning its own citizens. I think it is incumbent upon you as the Speaker of the House to ensure that our resolutions in this House are implemented forthwith and we settle this matter as is required by the law. Thank you, Mr. Speaker. I second the Motion.

Hon. Speaker: Hon. Member, when you make reference and allegations, it is upon the Speaker to make a decision on this matter, then it goes beyond the responsibility of the Speaker as the presiding Chair, as a contributor of the Motion.

Hon. Geophrey Majiwa: Hon. Speaker, you have the biggest vote to ensure that resolutions that are made here are actually adhered to. You can even do a courtesy to the Governor to make sure that he respects your House. This is your House, and you must make sure you take care of your children and decisions they make here.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, plenary please. Chairperson, Planning Committee, Hon. Alvin Olando, the incoming Member for Westlands Constituency.

Hon. Alvin Palapala: Thank you, Mr. Speaker. Allow me to debate on this. Most issues have been raised by the Majority Leader. Despite the foregoing, the resettlement has not taken place and the squatters continue to live in poor and dilapidated conditions. The Supreme Court

delivered a ruling in 2022 that Nairobi County is the legitimate and legal owner of the land LR. No. 11344, measuring about 500 acres in Embakasi near the KDF barracks. It was previously claimed by the KDF and others.

The squatters presented a Petition to the Assembly in 2023. Through the Committee on Planning, the Assembly recommended that the petitioners be considered for resettlement on the Embakasi land, after the Supreme Court reverted the land to the Nairobi City County.

For proper administration of the land in the interest of the squatters, the Assembly needs to pass a resolution pursuant to Section 93 of the Lands Act of Kenya. As the Chair of Planning Committee, I support this initiative because the Committee has already taken a position on it through its report on the Petition. I beg to support. Thank you, Mr. Speaker

(Applause)

Hon. Speaker: Hon. Members, a critical Motion is before the Assembly but the screen is empty. Hon. Atito the Member for Mathare.

Hon. Abel Atito: Thank you so much, Mr. Speaker, Sir. In my capacity as the Member of Utali Ward where this brutal eviction and demolition took place, I stand to support the Motion. This matter has remained unresolved for the last 30 years, and our former chairman who led us to court, just a few years back died and was buried in Korando, Kisumu, as a poor man.

Hon. Speaker: Are you trying to say that is the brother to Hon. Catherine?

Hon. Abel Atito: Yes.

Hon. Speaker: Hon. Catherine can you confirm whether you are in relation with the deceased?

Hon. Catherine Opiyo: Yes.

Hon. Speaker: He is your brother or cousin?

(Hon. Catherine Opiyo responded off the record)

Hon. Speaker: Okay.

Hon. Abel Atito: Thank you, Hon. Speaker. Having sold everything and joining hands fighting along the court corridors, on May 6th 2011, the Mathare 4A squatters were resettled on land LR. No. 12979/1/R in Ruai. We were there for over 10 years, only for the Nairobi Water and Sewerage Company to mobilize security agencies of this country at a very critical time when the COVID pandemic was biting, to evict us. We had no choice but to go back to Mathare slums. Up-to-date, if you follow up, most of these squatters are staying in churches and riverbanks. Even recently, the Nairobi Rivers Commission came and demolished their houses. That is the third demolition which took place. These people have really suffered.

Mr. Speaker, the Mathare 4A Primary School that was developed by the German people is just a few meters from where I live. A good number of the squatters that did not move out of Mathare slums form part of the team that elected me. They sent me to this House with a lot of trust and love so that when I come here, I will talk to my colleagues to help them get justice.

On behalf of myself and the squatters, I appreciate the Majority Leader for moving this Motion. My brother, thank you for coming to the rescue of my people.

(Applause)

I want to plead with this House to support this Motion, and when this Motion passes through, I am assuring you my colleagues that you will be remembered in Nairobi for having given justice to the poor squatters of Mathare. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Kiogora.

Hon. Eric Murigu: Thank you, Mr. Speaker for giving me this opportunity. I would like to support this Motion, which is timely, and thank the Leader of Majority for bringing it.

Hon. Speaker, many parcels of land have been taken away by the National Government, and as you can see here, already this land that we are talking about, the Kenya Defence Forces have already grabbed a piece of land, of which the Hon. Members here present have given a resolution that they retain the remaining parcel of land.

I want to quote a quote about saving, that says, *“Keep your eyes on the price when spending; don’t regret later to find that you have nothing for tomorrow.”* The question on the land has remained unanswered. You can also note that the KDF has already grabbed that piece of land of which it is very impossible...

Hon. Speaker: Just try to be kind to our forces, they did not grab the land; they occupied the land.

Hon. Eric Murigu: Hon. Speaker, the remaining one, as the County Government of Nairobi, let us make good use of it. I am in the Committee on Public Investments, Nairobi Water has lost a lot of land in such scenarios. Because our Majority Leader has brought this Motion, it is the high time we take the responsibility of our land. It is better we utilize this land as ourselves because our community will benefit from it. I urge all the Members present to support this Motion. Thank you very much for this opportunity.

Hon. Speaker: I hope Hon. Atito is taking record of Members who are present in the Assembly for future engagements. Hon. Members, some of you take matters of this House lightly without getting to the bottom of it... Let me not proceed. Hon. Wilfred Oluoch Odalo, the incoming MP for Mathare. I would request Hon. Perpetua to maybe move a bit so that Odalo can have potential concentration.

(Laughter)

Hon. Wilfred Odalo: Thank you, Hon. Speaker for the protection. Allow me to quote Standing Order No. 98 on Declaration of Interest.

“98. (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.”



Hon. Members, everybody joined this Assembly from a point, it is good to note that Hon. Odalo was once a resident of Mathare 4A. It is also good to note that we used to go to Hon. Geophrey Majiwa when he was the Mayor to seek some guidance on the issue of Mathare 4A. So, fully I am in order to quote that Standing Order.

Hon. Speaker, I am being persuaded by Article 60 (1) of the Constitution of Kenya, 2010, which says that, the principle of land policy shall ensure the protection of human rights, secure land rights for all Kenyans, including marginalized and displaced persons. Hon. Speaker, these are displaced people by the County Government of Nairobi after the purchase of their land by the German Government back in those years.

Hon. Speaker, I am also persuaded by the prayers made by our able Majority Leader. Prayer number three, and we are very much in line with the elder, Hon. Chege Mwaura. It states,

“(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.”

The Members of this Assembly are the ones being quoted in silence. So, I am persuading the Executive, after the passage of this Motion, they should take note that we are the representatives, and they rely on us. The 124 Members are these people being quoted here.

(Applause)

I urge this Assembly to pass this Motion so that our Members can have where to stay. Thank you.

Hon. Speaker: Hon. Member for Mabatini Ward, I am grateful that you cited Standing Order on Conflict of Interest, but again as I was going through this blue booklet, as held by Hon. Majority Leader, I happened to have noticed a signature similar to yours in one of the books of the Full Council, which I happened to be a Member. May be you can bring this forward as well for noting. It is very critical on which role you were playing during that time. Is it still active?

Hon. Wilfred Odalo: Hon. Speaker, that is why I have quoted that section. It is good to note that three Hon. Members of this Assembly were active members of Mathare 4A. One is Hon. Kagis, who we served together for more than 10 years, Hon. Atito, who is the current MCA of the said group, and Hon. Odalo, who was the treasurer of the said group. Thank you.

Hon. Speaker: Thank you. Hon. Perpetua, your mic is on. Kindly switch it off. Hon. Kidenda.

Hon. Lily Kidenda: Thank you, Hon. Speaker for giving this very special opportunity to add my voice to this deserving Motion. I thank our Majority Leader for his authenticity in leadership as he presented this Motion. I also thank the Chair of the Lands Planning and Housing Committee, Hon. Alvin, as I noted that you have promoted him to be the incoming Member of Westlands. I also thank the Members of the Planning Committee in this House.

I stand to support this Motion as a senior member in terms of age in this Assembly. I know there are other senior Members who have been here for a longer time. I support this Motion because I have sat with the members of Mathare 4A, looked into the faces of women and men who have suffered through the years despite of all the efforts they have made to try and live in a dignified manner. In the spirit of making Nairobi work, and in the understanding that when we talk about Nairobians we are not actually talking about people in this House or in leadership, we are talking about families that we present here.

I want to thank Mheshimiwa Atito who has stood firm. He has visited us in the Planning Committee and I have seen his pain. But the pain of Mathare 4A residents and their representatives has broken my heart. When I look at the history of these people, land presented, paid for and the court cases, and when I hear our mantra ‘making Nairobi great’ and we still have to sit over 30 years debating this, I ask myself, did we lose it somewhere? I would like us to take note that history will judge us harshly. Many of us are parents with children. Older people have died and crawled into shelters that are not or should not be habited by human beings.

I pray that the Nairobi County Government will act with speed as it has been stipulated in the prayer in the document that we are handling today. In the year of H.E Arthur Johnson Sakaja, in the year of the leader of government Hon. Peter Imwatok (Jateso), and in the year of each one of us sitting in this House, may it go down in history that we did not allow ourselves to sleep on the job, we have left people in dignity. I pray for proper administration of the land in the interest of the squatters.

This Assembly, I included, need to pass a resolution pursuant to Section 9 (3) of the Lands Act of Kenya. I plead that we will understand the weight of what we are doing today. I hope that today before we leave this House to go for recess, we will have made history. Thank you, Hon. Speaker, and thank you fellow members. May the Lord bless you for what you are going to do.

Hon. Speaker: Thank you. Hon. Catherine

Hon. Catherine Opiyo: Asante sana, Bwana Spika. Naunga Hoja hii mkono mia kwa mia kuhusu maskuota wenzetu ambao wanaishi pale Mathare. Ni binadamu kama sisi na wamezaliwa kama sisi. Kama kuna mahali walitengewa, naomba sisi wote tuwasaidie. Leo ni sisi tuko hapa na kesho ni wengine. Hata sisi tunaweza kuwa maskuota mahali pengine na tuokolewe. Kwa hivyo naomba tuwaokoe wenzetu vile wakili wetu ambaye ni Mheshimiwa Jateso Imwatok amenena. Mmesikia ametumia kizungu yake yote, mtetezi wa wanyonge kwa hii Assembly. Bwana Spika, mimi sina mengi, naunga Hoja hii mkono ili wenzetu wapate usaidizi wa haraka mno. Asante.

Hon. Speaker: I have overheard Hon. Catherine say that she qualifies to get three portions – Hon. Jera, kindly proceed.

Hon. Samson Ooko: Thank you so much, Hon. Speaker for this opportunity. I rise to support the Motion after being keen when the Majority Leader was articulating the matter, also when Hon. Majiwa was articulating, and what the Hon. Member for Mathare, Mheshimiwa Atito, was contributing.

Hon. Speaker, we are here to represent the people of Nairobi County. Our main work is to oversight, legislate and represent. It is a shame that we are gathered here over 120 Members while

our people are suffering somewhere in the cold, sleeping in churches and some in stalls. Any arrangements that will help our people get decent place, I will support. Hon. Atito, I congratulate you for standing with your people. Don't shy away, we will support you.

(Applause)

Just like Mheshimiwa Catherine has stated, I thank the Majority Leader, Hon. Imwatok for being the voice of the voiceless. As a Member for Lindi Ward, I stand to support the Motion 100%. It is our responsibility to stand with our people not to suffer any more. I support the Motion.

Hon. Speaker: Thank you. Hon. Doreen Mugambi.

Hon. Joseph Ndung'u: Hon. Speaker, I would like to seek for your indulgence, my card...

Hon. Speaker: Sorry. Kindly, terminate. You would have come forward before impersonating Hon. Doreen Mugambi. Hon. Anthony Kimemia.

Hon. Antony Gathumbi: Shurani, Bwana Spika kwa kunipa fursa hii ili nizungumzie jambo hili ambalo nalionia ni la aibu sana. Mwaka wa 2007, mimi nilikuwa diwani katika Jiji hili, na nakumbuka kwamba jambo hili lilizungumziwa na kupitishwa. Ninahuzunika kwamba mambo haya tena yamekuja mbele yetu mwaka wa 2025. Mheshimiwa Majority Leader, ambaye ameleta Hoja hii, wakati huo hakuwa na nia ya kusimama kisiasa, lakini sasa hivi yeye ndiye anakuja kuwatetea wananchi ambao tuliwatetetea na kuahidiwa kuwa wangekaa mahali pale bila usumbufu.

Huzuni yangu kubwa ni amri ya korti ambayo haiheshimiki katika Kaunti hii. Inaheshimika tu wakati wanataka iheshimike. Juzi tulikuwa na Hoja hapa ya kumfurusha mtu, lakini alienda kwa korti na akapata amri, na tukaiheshimu. Sasa hivi, Nairobi Water hawaheshimu amri ya korti ya watu hao wakae pale. Wameleta askari kuwafurusha. Ni aibu sana, Bwana Spika, na naomba tukae gangari ili kuwazuia wale wako kwa hizi ofisi kubwa kutotii amri za korti.

Naomba kuwapongeza wale ambao wamechangia Hoja hii. Tuendeleo kutilia nguvu na Mwenyezi Mungu atawapatia hao maskuota mahali pa kukaa. Shukrani.

Hon. Speaker: The Hon. Member for Kiamaiko Ward.

Hon. Joseph Ndung'u: Thank you, Mr. Speaker for giving me this opportunity. I thought it wise for me to contribute to this Motion because I also come from Mathare. Although Utalii is no longer in Mathare, but we used to be in the same constituency.

Mr. Speaker, over the years, we have seen a lot of destruction and lives that have been lost by the squatters who lived beneath a very big boulder. It is in public domain that we lost 8 people in 2020 when a big stone fell due to heavy downpour. This year, we also lost six people, including a mother and her two children, and their properties were destroyed on the same spot. These misfortunes started on 4th April 2012 after a downpour. Some people were trapped in the rubbles and several died. Last year, we also lost 15 people and properties destroyed when another bolder fell on them. I live not very far from the place and over the years I have witnessed the destruction that has taken place under our very own eyes.

Mr. Speaker, this is a very timely Motion, and I would like to support it with all my breath. I would like to urge this House to be the Assembly that will bring to a stop those kinds of disasters in that area so that lives of our beloved Nairobians can be saved.

Mr. Speaker, I don't know whether Members of this House have ever gone there i.e. Mathare 4 A. It is an area whenever there are torrential rains, it would be dangerous to near there because a lot of water come from Thika Road. It is a sort of water way and it is prone to floods and landslides. I would be a very proud member of this Assembly if this Third Assembly can come up with a solution to help our people to be evacuated from that place and move to a place where they can live peacefully without any danger. Thank you, Mr. Speaker.

Hon. Speaker: The last to be Hon. Emmy.

Hon. Emmy Isalambo: Thank you Mr. Speaker for catching my eye. First, I want to congratulate our Majority Leader for bringing this timely Motion. The Third Assembly will be remembered for providing these people who have been kicked out of their land, to get back what belongs to them.

Secondly, Hon. Speaker, When Hon. Kagis was talking about community, I was thinking the people living next to you are your community. In that regard, community starts with you and me. This means that three categories of people are supposed to occupy that area, the KDF has already occupied that area, we want the Mathare 4 A to be settled as soon as possible, and the rest of land be distributed to the community from where we are. I support this Motion. Thank you, Hon. Speaker.

Hon. Speaker: The mover of the Motion to reply.

Hon. Peter Imwatok: Thank you, Mr. Speaker for the cup of warm water. As I had said before, I had *homa* taking a toll on me.

Allow me to thank all the Members who have spoken in support of this Motion, and I am grateful that none of the Members present, both virtually and physically, have raised objection on this matter. That shows how we respect humanity and respect the people of Mathare 4 A.

(Applause)

I was talking about an old man called Sigh, wherever he is resting today, he would say that he left Hon. Atito, a young man and the Chair of Budget, being a member of Mathare 4A. Thousands of people are waiting, including some I heard that they were around City Hall,

I thank you all Hon. Members for the support and more importantly, I want to thank H.E the President of the Republic of Kenya. He is the only Commander in Chief of the Armed Forces, whether we like it or not. H.E Samoei Ruto is the Commander in Chief of the Armed Forces, including the KDF barracks in Utawala. If there is a Motion that defends the people, I know he will give a command to the Army to take what they have and leave to the public what is not theirs. Hon. Speaker, according to the information I have, the President has no objection on the people of Mathare 4A to be settled.

(Applause)

The President, in his own wisdom, instituted a committee led by Chief of Staff, Felix Kosgei, to make sure that this comes to end as soon as possible. I believe now with our resolution - and he was co-chaired by H.E the Governor – I believe that the people of Mathare 4A will be smiling occupying of the land that the German Government bought for them to be resettled.

(Applause)

Hon. Speaker, this journey will not just end with the name of Imwatok being mentioned, there is name which is greater than that name, that is of the Rtd. Hon. Raila Amolo Odinga. When he was the Prime Minister, he said that this was his initiative and the German Government. For those who do not know, Hon. Raila Odinga schooled in Germany, his friends from Germany who made sure that the people of Mathare 4 A are paid more than Kshs.500 million to be settled. We are his children and we must make sure that the people of Mathare 4 A get their rightful share.

(Applause)

Hon. Speaker, I cannot forget H.E the Governor Arthur Johnson Sakaja. I Want to mention four things about him today. As I said, tomorrow, the 4,328 Green Army staff are going to City Park to pick their letters for permanent and pensionable employment. History will forever record that when Arthur Johnson Sakaja was the Governor, for the first time from 1998, he employed more than 4,000 people on P& P basis. We thank him for that and I believe that he will be there tomorrow. Some of us will be there to witness history being made. Governor Sakaja, I will not forget to remind you that in the history of the 47 counties, you are the only the Governor who feeds more than 250,000 children through the Dishu na County programme, that is an accolade to him.

(Applause)

Without this Assembly, through the Budget and Appropriation Committee and the entire House, that accolade could not have happened.

(Applause)

Governor Sakaja, whether they say *mbegeze* or not, history will be written by these children when they grow up that he did it. That is an accolade for you in the last three years to go. I would also like to remind you that people of Mathare will be looking forward to write history that when you were the Governor, more than 4,000 desperate people were given what was rightfully theirs.

(Applause)

On that, I am sure that with this leadership following precisely, I am sure the Governor will not be an impediment to let the people of Mathare. I urge that this Motion will not be followed up by the Implementation Committee, but by the leadership of this House.

(Applause)



If this Motion fails, as part of the leadership, I want to put squarely that it has failed the people of Mathare. After the Speaker communicates the resolution of this Motion, it is in the hands of the leadership and all of us in this House to make sure that the people of Mathare get what belongs to them.

To the German Government who sacrificed – not that there are no squatters in Germany – for those who have gone to Germany after the Soviet Union, there are squatters there. But they had a heart to contribute money and come to Kenya to help those people who were living in a quarry. A human being living in a quarry? 30 years down the line, we thank the Germany Government. Hon. Speaker, I will appreciate if your office writes officially to the office of the German Embassy to appreciate them for this.

(Applause)

Hon. Speaker, lastly, the Kenyan people have spoken about the unity of the nation, Kenya is a tribeless society. The only place that you can find this is in Mathare; Kikuyus are part of Mathare 4 A; I met a Luhya called Sele from Likoni and he is part of Mathare 4A; I met Kiplangat from Likoni, he is a part of Mathare 4 A; I met a Kisii called Onyonka who is also a part of Mathare 4 A. Mathare 4 A is an epitome of all Kenyans suffering in silence.

Hon. Speaker, when the President gives go ahead that these people be settled, I know my party leader will be smiling seeing. All of us as Broad-Based Government did what is just, what is right, and what Hon. Raila fought for when he was the Prime Minister. Now that his brother is the President, he will command the KDF to take what the Assembly has resolved and release the land to the people of Mathare 4A.

Lastly, Hon. Speaker, allow me to applaud your office, the Clerk's office and all those who were involved, for allowing us to sit with your staff to craft this. Mathare people, you have us in your prayers. To our departed hero. Singh, I know if there is a chance to turn from your grave, please don't turn now, turn when the people of Mathare are building their own spaces. I beg to reply.

(Applause)

Hon. Speaker: Thank you Hon. Leader of Majority for such an elaborate way of replying. As correctly demonstrated, the leadership will take up the matter. I would like to remind you that the County Assembly is not limited to 124 members, it is constituted also by the staff of this Assembly. I hope they will form part of the team and the community.

(Applause)

(Question put and agreed to)

Hon. Speaker: Let us proceed.

MOTION

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

Hon. Peter Imwatok: Thank you, Hon. Speaker. Lastly for me today, allow me to move the following Motion on implementation of the court decision on ERC No. 1235 of 2015, on the ownership of the allocation of land L.R NO. 10905 in Ruai. I hope Mheshimiwa Karish is around.

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; and
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. Members, it is the same scenario of injustice. The County Government has not paid the court, or paid or induced a judge, a judge gives a determination that this particular land belongs to the people of Nairobi. The County Government is just custodian by trust, by the people. This is a land of about 140 acres, where a private Muhindi, because he has money and is a foreigner, decided to fence it and then leave other people behind, with other subdivisions of more than 33 illegal documents in one person's hands. The court determined this case on the merits without any influence.

As the Speaker keeps on saying, some people mistake that the County Government comprise of Governor Sakaja, the CECMs, and the chief officers. No. The wisdom of the Constitution speaks about a County Government composed of the Executive and the Legislature. As the Legislature, under Article 1 of the Constitution, the supreme power of the people is vested on 125 of us who are seated here. The supremacy of the Constitution gives us the right to bring such a Motion before the House

Hon. Speaker, I managed to pass there last two weeks ago. I thought it was a cattle-selling market day around the area. There were more than 3,000 young people and men trying to protect that land from the 33 grabbers. Those people protecting that land are poor Nairobi residents. They are people who deserve to be given a space to build their homes. I beg that if indeed the face of humanity still runs in us, it is not about me to get, but I would be very happy passing Ruai one day, and their estates are coming over.

Without much ado, I was to be seconded by the MCA for Ruai Ward. Unfortunately, I am not seeing him in the House. Maybe the heat is too much. Sometimes I bring very heated things to this House. I beg Hon Davidson Ngibuini, he is heated enough, to second me on this.

(Applause)

Hon. Davidson Ngibuini: Hon Speaker, I rise to second this Motion by the Majority Leader. Indeed, the County Government has a responsibility to look at its citizens. All these squatters that have been rendered landless and homeless need to be considered. Therefore, I appeal to the Members of this House to stand with the vulnerable residents of Nairobi who need us to come through for them and stand in the gap for them at this time. I beg to second.

(Question Proposed)

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

Hon Peter Imwatok.

Hon. Peter Imwatok: Allow me to move the extension of the sitting.

THAT, pursuant to provisions of Standing Order No. 33 (3) (a), this Assembly resolves to extend its sitting time until the conclusion of the business of the day

I beg Hom/ kiogora to second the Motion. Thank you, Mr. Speaker.

Hon. Erick Murigu: I beg to support because of the weighty matters that we are discussing here, and again it has been brought by our Majority Leader, Hon Peter Imwatok, so we honor. Thank you.

(Question Proposed)

Hon. Speaker: Hon members, my screen is clear, an indication there are no Members to contribute on this Motion. I therefore call the mover of the Motion to reply.



(Question put and agreed)

Hon. Speaker: Members, we are in Order No. 10. Hon Wilfred Oluoch Odalo?

Hon. Wilfred Odalo: Hon. Speaker, I beg to support the Motion. Just for clarity for some of our members, the land is located along Kangundo Road, exactly after Njiru. The big land measures 1,480 hectares. As the Chair of the Budget Committee, we are scrambling to support our Budget Estimates, but the land is lying there idle. If this County allocates around 2,000 households there, we will be able to get more than Kshs.1 billion. The Land Act also supports those who are already in the land. I understand that one of the former MCA, by the name Defao, under the Wilmet Investment, is doing security work of the said plot. As I said earlier, Hon Speaker, we are representatives of the many. This is an idle land. The County Government should consider these Members of the County Assembly to represent others in the said land. I beg to, I beg to support.

(Applause)

Hon. Speaker: Hon Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I rise to support this Motion as well, chiefly because in the Majority Leader's remarks, he said that it is based on implementation of a court decision. Because we want to strengthen the resolutions of this House, I support it. Sometimes we pass resolutions and then some officers hide behind court decisions, yet we also have court decisions that are also supposed to be observed. When this House has pronounced itself, it should be followed to the letter. I want to support, and then we move forward in pushing for its implementation. Thank you.

Hon. Speaker: Thank you, Hon Members. My screen is clear, allow me to give the mover of the Motion right of reply.

Hon. Peter Imwatak: Hon Speaker, thank you. I was combing through the Constitution to get an understanding of what public land is, and more especially the word ‘alienation of lands.’ I thank all the Members for accepting this reference. I wish you could pass Kangundo Road and see what the young men and women are doing in protecting, for another Indian to come and take, who is not known by face in Kenya.

Hon. when you look at the Constitution on classification of land, you will find that public land is classified land which its effective date as unalienated. The court said in its ruling that the County Government had not alienated this land. Therefore, this particular land LR No. 10905 is classified by the Constitution as unalienated land.

Article 62 (2) of Constitution states: -

“62 (2). Public land shall vest in and be held by a county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission, if it is classified under— (a) clause (1)(a), (c), (d) or (e); and (b) clause (1)(b), other than land held, used or occupied by a national State organ.”

That means, the so-called land we are about is already an open land under the jurisdiction of the County Government. For heaven's sake, many Nairobians are squatters. If you go to Ruai, even a space just to put a good hospital is not there. A good public school or good health Centre is not there in Ruai. The lands Act is very clear, when you do a subdivision in any land beyond 10 acres, you must provide these amenities. Therefore, on this point, I believe if this House approves this Motion, the people of Ruai will be the most beneficiaries. They will have roads, water and sewer system going there. We will get a decent County.

What the Chair of the Budget Committee has said, it will be wrong if this House passes laws that cannot put effect to it. We passed a Regularization Bill almost a month ago. It is a law now. Its implementation, we don't know where it is so far. If more than 3,000 Kenyans of Mathare 4A are given allotment letters, in line with the Constitution in trust, 5 we will add more people paying rates to the County.

(Applause)

The issue of not being paid Ward Development Fund will be history. The issue of staff striking will be history. We will have expanded our tax base, and we have enough money for the County to do this operation. With those few remarks, I beg to reply, and thank the entire House.

(Question put and agreed)

MOTION

ADOPTION OF REPORT OF AUDITOR GENERAL ON RECEIVER OF REVENUE
FOR COUNTY GOVERNMENT OF NAIROBI FOR YEAR ENDED 30TH JUNE 2022

(Resumption of debate on the Motion earlier interrupted on 29.07.2025)

Hon. Speaker: Hon Chairperson for the Public Accounts Committee? I hope we will give Chairperson for PAC, Hon. Chege Mwaura an opportunity to dispense this Motion. It has appeared in the Order Paper on three occasions.

Hon. Chege Mwaura: Thank you. Mr. Speaker, I need to mention that this Motion was already...

Hon. Speaker: Just a reminder, Hon Members, Order No. 11, if you can be keen enough, was adjourned. Now, it requires the resumption of the debate. Hon Chege Mwaura will just move the Motion again and then the resumption takes effect immediately after proposing the question. Kindly proceed.

Hon. Chege Mwaura: Mr. Speaker, I just wanted to mention that it is the resumption of debate. The Members were supposed to deliberate on the same and then I come back and reply. I thank you, Mr. Speaker.

Hon. Speaker: Members, you can proceed. Hon Lily Kidenda, your mic is on? Okay, kindly switch it off. The silence is an indication that there is no further contribution towards this Motion. I direct that the mover to reply.

Hon. Chege Mwaura: Thank you, Mr. Speaker. Just to mention, Hon Emmy Isalambo had moved and Hon Mark Thiga had seconded, and some Members had debated on the same. I think it just got short of time the last time it was here.

Hon. Speaker, I want to thank Members, and highlight that this is the report of Auditor General on the receiver of revenue. Basically, what the County receives and how it is supposed to be spent. In the report, there are issues like market fees that were not well done, issues to do with the defunct NMS balances that were not remitted, issues to do with the betting and lottery games revenue, amongst others.

Hon. Speaker, there are gaps in collection platforms, and so the Committee looked into it deeply and it has given a raft of recommendations. Some like that the Betting Bill could be converted into a fund so that it runs like Liquor Board, so that the Betting Control fees can also be streamlined. I can see His Excellency the President has enacted into law, the Gambling Control Bill.

The Betting Bill, which I am the proposer, I hope next time we come back, we pass and then we link it up so that the revenues of betting can go like the Liquor Fund, and we can do better things with that money. Mr. Speaker, on other issues like sanctions that we have mentioned, they are important.

Finally, Mr. Speaker, I wish to implore to you that this Committee is a very serious Committee. By your indulgence, I request my Vice-Chair, the Hon Abel Atito and few Members of the Committee who are here, please stand. I like sharing this glory with them because these members toil. This is one of the very serious Committees that look into so many government auditing issues, and they burn the midnight oil to ensure that we have adequate reports

(Members of Public Accounts Committee stood in the places)

(Applause)

Please allow them to sit down. By the time the report is tabled, they all are in a capacity to move this Committee's report to completion. So, I want to thank you for giving us this opportunity. If members would wish to look into deeper the details of the report, those members can guide you and show you where the areas are. With that, Mr. Speaker, I beg to reply. I thank you so much.

(Question put and agreed)

Hon. Speaker: Hon Members, you may be aware we changed the sequence of the Business as it appears in the Order Paper. For that reason, it requires that we revert back to Order No.5, being Papers Laid, then Notices of Motion, and subsequently Order No.7, Statements.

PAPERS

REPORT ON PETITION ON ADHERENCE TO ZONING REGULATIONS

Hon. Speaker: Hon Members, under Order No 5, the Chair Planning, you are ready?

Hon. Alvin Palapala: Hon. Speaker, pursuant to Standing Order 196 and 221, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 7th August 2025:

The report on the Sectoral Committee on Lands, Planning and Housing on Petition presented by the residents of Kilimani, Westlands, Kileleswa, Parklands and South C on adherence to zoning regulations in accordance with the Nairobi Integrated Urban Development Master Plan (NIUPLAN), lack of public participation, construction of non-approval and lack of follow-up inspection to ensure adherence to quality standards on building in Nairobi City County.

(The Paper was laid on the Table)

REPORT ON PETITION ON STOPPAGE OF PUBLIC
LAND ENCROACHMENT BY PRIVATE DEVELOPER

Hon. Alvin Palapala: Hon. Speaker, pursuant to Standing Order 196 and 221, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 7th August 2025:

The report of the Sectoral Committee On Lands, Planning and Housing on petition presented by residents of Njiru Ward on the stoppage of public land encroachment by a private developer in Nairobi City County.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. Clerk, next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON STATUS OF WASTE DISPOSAL MECHANISM
OF FARMER'S CHOICE, BURMA, AND KIAMAICO MARKETS

Hon. Speaker: Hon Members, under Order No. 6, on the notices Motion, the Report of the Committee on Environment and Natural Resources on the status of the waste disposal mechanism of Farmer's Choice, Burma Market, and Kiamaiko.

Then attention of Chair has been raised for some intended amendments on the said report. For that reason, the Chair gives leave that the report be deferred and reallocated at a later date.

(Notice of Motion dropped)

STATEMENTS

INVITATION OF MEMBERS TO CHARITY BOXING EVENT AT CHARTER HALL

Hon. Speaker: Hon Mwaniki Kwenya is not in the Assembly. I direct this be deferred. Hon Shadrack Machanje, you may proceed. Also, you need to share with the Members the planned exercise which you will be an active participant.



Hon. Shadrack Machanje: Thank you Hon Speaker. In regard to the to the fight that I have on 29th November, it is an exhibition fight, and we are going to have other fights before our main fight. I am going to fight Shadrak Wambui, a namesake and a renowned lawyer in this country, and is a very good boxer. We are fighting for the sake of upcoming boxers that we want to support in terms of education and upkeep, and buying of boxing equipment. So, all the money collected will be used for charity purposes to help the boxers.

(Applause)

I request for your support as members of this County. The best thing about this fight is that it will be held adjacent here at the Charter Hall. I am sure I am going to knock my opponent in the second round. So, I will not let you down as my colleagues.

(Applause)

Hon. Speaker: 29th at what time.

Hon. Shadrack Machanje: The fights will be starting at 7 p.m. The date also happens to be my birthday, so I think a win will be my birthday present, Hon Speaker.

Hon. Speaker: What is the price tag?

Hon. Shadrack Machanje: We don't have a price tag because we have decided that all the money collected will go to charity in support of the upcoming boxers in terms of education, upkeep, and buying for them equipment. But we will have some prizes and some small tokens that will give the participating upcoming boxers because they are the ones who are going to fight that day.

Hon. Speaker: Okay.

Hon. Shadrack Machanje: The money will be shared equally I think amongst the five gyms. I have a boxing gym with some boxers in the National team, in the Defense Forces and some in Nairobi team. My opponent also has a boxing team. There is an Olympian called Benson Gicharu who operates a boxing gym in Mukuru slums. So, we are going to share the proceeds to the five clubs. We also have a boxing gym I think in Hon Absalom Onyango's Ward, Undugu Boxing Club.

REQUEST FOR STATEMENT REGARDING STUDENTS' LIVING STANDARDS AND IRREGULAR FEE CHARGES AT PUMWANI COLLEGE OF NURSING AND MIDWIFERY

Hon. Shadrack Machanje: Back to my Statement, Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding students' living standards and irregular fee charges at Pumwani College of Nursing and Midwifery.

Hon. Speaker, Pumwani College of Nursing and Midwifery is operated and run by Nairobi City County, being an educational facility operating within Pumwani Maternity Hospital. The

students' living standards and welfare are expected to be of high quality. However, there are concerns from parents and students related to the following issues: -

1. Payment of Kshs. 25,000 when fees for meals is already inclusive for the aggregate school fees. This amount is neither contained in the fee structure, accounted for, nor receipted payment.
2. Students are purchasing food outside since the college does not provide meals.
3. Lack of stable and reliable water supply, which is charged separately at Kshs. 3,000, that is collected in cash and not accounted for.
4. Electricity rating kept at a minimum by a low-rated circuit breaker, limiting the extent of use of iron boxes and electric kettles.
5. Poor standards of sanitation in hostels and washrooms.
6. Students required to pay an indexing fee or register themselves at Kshs. 9,400 to the Nursing Council through M-Pesa. However, majority end up not receiving their indexing numbers.
7. The college issuing different fee structures, occasioning confusion amongst parents.

Hon Speaker, the situation is dire at the college, and something needs to be done by the County to enable students to learn in a favorable environment and for parents to experience accountability and transparency in the operations of the college.

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

- i. The legally approved school fees for students taking courses at the college that is broken down into constituent items;
- ii. Reasons why parents are charged an extra Kshs. 25,000 towards meals when the same is already covered in the overall fees;
- iii. Reasons why the parents have to shoulder an extra Kshs. 3,000 towards water;
- iv. Reasons why the facility cannot take up the responsibility of following up with the Nursing Council;
- v. Steps that the County Executive is taking to ensure an adequate supply of water and enhance standards of sanitation at the facility; and
- vi. Steps the County Executive Committee Member of Health, Wellness and Nutrition is taking to address the issues and concerns raised by the concerned parties.

Thank you, Hon speaker.

Hon. Speaker: Chairperson for Health Services?

Hon. Maurice Onyango: Thank you, Hon. Speaker. Two weeks after recess.

Hon. Speaker: Hon. Shadrack, are you okay?

(Hon. Shadrack Machanje responded off the record)

Hon. Speaker: Hon Majority Leader?

Hon. Peter Imwatok: Honorable Shadrack is our, and he is fighting on 29th of November. That time, we will be heading for recess. My advice to you is that you remind us towards that period, through the offices of the Speaker and the Clerk, so that we come and support our own. And more so, we have something as Assembly to motivate our own.

(Applause)

Shadrack Wambui, the *wakili*, is one of our lawyers in this Assembly. He has won some cases on our behalf. So, it is an in-house fight. To me, he is also our own.

Hon Shadrack, despite the challenges of politics, he still has time to train and to compete. We wish you the best, and we will be there to support you in person and in kind.

Hon Members, even if it is Kshs. 5,000, or Kshs. 10,000, please secure for our colleague so that it shows our togetherness, and being in person. A hundred of us in that hall cheering Shadi, he will take that bout home. We wish you the best, on behalf of this House, and we will be together with you. We wish you the best.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon Members, you may be upstanding. We have come to the close of the business of the day, and that calls for the adjournment of the Assembly to Tuesday 23rd September 2025 at 2.30 p.m. (Regular Sessions). As you proceed for the short recess, I wish you a wonderful stay.

Now the County Government is going to Homa Bay, all the County Government activities are going to Homa Bay County. That is my home County where I was born and bred. The President is opening the session on Tuesday. Then the Prime Minister will be closing on Thursday. So, I don't mind hosting the Hon Members for breakfast at my home, as you come and feel the warmth of the seat of power, because you see, world over, it is only my mom who has shared with the President the seat of power. You can come and have a feel of that seat.

(Applause)

I wish you well, Hon Members.

The House rose at 5: 32 p.m.

