



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Thursday 11th February 2021

The House met at 2.30 p.m.

Hon. Temporary Deputy Speaker (Mr. John Kamangu) in the Chair

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Hon. Members, we don't have quorum, Clerk, confirm whether we have quorum.

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

Proceed, Clerk.

MOTION

ADOPTION OF THE REPORT ON SITE INSPECTION VISIT TO WESTLANDS MARKET

Hon. Daniel Muturi: Thank you Hon. Speaker. I beg to move the following Motion; That, the assembly adopts the report of the Sectoral Committee on Trade, Tourism and Co-operatives on the site inspection visit to the Westlands Market laid on the Table of the assembly on Thursday 12th November 2010.

Hon. Speaker, the Sectoral Committee on Trade, Tourism and Co-operatives at its meeting with the Chief Officer responsible for Trade, Commerce and Industrialization deliberating on the status of the Westlands Market resolved to undertake a site visit to the market on 28th September 2010 to ascertain the allocation of space and stalls in the market so as to get necessary information to inform its report to the House on the matter.

Hon. Speaker, the committee conducted a site visit to the market as its fact finding mission and made appropriate recommendations. During the site visit, the committee was accompanied by officers from the County sector on trade, tourism and co-operatives. Hon. Speaker, during the inspection visit, the zonal superintendent informed the committee that:

1. The market has three floors and can accommodate 371 permanent traders, open air market and curio market traders;
2. The allocation of space and stalls to the traders in the market was executed by the state department of Housing and Urban Development;
3. The 341 traders were reduced to 263 to accommodate 78 curio traders who used to operate from the roundabout
4. The remaining stalls were distributed as follows:
 - i) 30% i.e. 9 stalls were allocated to persons living with disabilities
 - ii) 30% i.e. 9 stalls were allocated to traders who had been operating from Westlands but were not allocated space. The said traders were required to provide evidence of having traded in Westlands.
 - iii) 30% i.e. 9 stalls were allocated to traders in Westlands who were not part of the persons affected by the project; and
 - iv) 10% i.e. three people were allocated three stalls which were allocated to charitable organizations

Hon. Speaker, during the visit, the committee observed the following:

1. The basement was entirely covered by storm water;
2. The height of the rails inside the market and perimeter wall were short;
3. The building had no lift for persons with disabilities;
4. There was no impartiality in the market space allocation;
5. There was no current data base for traders in the county markets; and
6. The state department of Housing and Development has entirely taken the Trade, Commerce and Industrialization Sector mandate of allocation of space in the county markets.

Hon. Speaker, the committee recommends --- and this is very important:

1. That pursuant to the Fourth Schedule of the Constitution of Kenya, 2010, the mandate to manage the county markets solely remain with the County Sector of Trade, Commerce and Industrialization, hence having a fair allocation of the market spaces;
2. That the ongoing market space allocation by the State Department of Housing and Urban Development in Karandini Market, New Wakulima Market along Kangundo Road, Kware Road Market, and Mwariri Market be halted;
3. That all the County markets being renovated and constructed by the National Government be handed over to the County Sector of Trade, Commerce and Industrialization for management;
4. That the Sector of Trade, Commerce and Industrialization liaise with the State Department of Housing and Urban Development to provide a possible channel to storm water to stop flooding of the markets, especially in the basement;
5. That the height of the rails inside the market and the perimeter wall be increased for security purposes;

6. That there is need for the County Sub Sector of Markets to urgently develop a policy on management of County markets;
7. That the County Sub Sector of Markets develop a current database to traders in the County markets; and
8. That the County Government should seek to partner with able institutions to modernize other County markets to increase revenue collected.

Hon. Speaker, we believe that the recommendations of this Committee will be adopted and fully implemented.

I call upon Hon. Clarence Munga to second the Motion. Thank you, Hon. Speaker.

Hon. Clarence Munga: Thank you, Mr. Speaker for giving me an opportunity to second this Motion. I congratulate the able Members of Trade Committee for the good work they did. The Members went to Westlands Market. I support all the recommendations made by the Committee. Let me start with the findings.

The basement of that market is filled with storm water. This is a big concern because the market has started working. Where will those traders and customers park their vehicles? On the issue of rails, they are short. In a market confrontations are often and someone can be pushed. To avoid accidents, there is need of increasing the height of the rails. Third, on the issue of database, the County is the custodian of the database of all the traders in the County.

There is conflict of State Department of Housing and Urban Development coming to do balloting yet they don't have the database and not cooperating with the County. You will find those beneficiaries are not the true traders, like what happened in the Westlands Market. Under the recommendations, you will find Members have highlighted those issues.

I wish this House will support the recommendations so that in the near future when other sectors of the National Government come in to support the County, they need to comply and work together with the County and ensure that the true traders are the beneficiaries and rules and procedures are followed. We are in the process of making market policies so that we ensure that traders and market operators follow those rules.

I highly support the Motion and I beg the House to support. I second, thank you.

(Question proposed)

Hon. Temporary Deputy Speaker: Members, please contribute towards the Motion. You can raise your hands if you are in this House. Sergeant-at-arm please come and check if we have anybody who wants to contribute on Zoom. Hon. Mbugua Kabiro, I can see your hands is up. You can proceed!

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker sir, and greeting to all Members in this New Year and new session. I would like to support the Motion which seeks to make sure that markets are organized and the genesis of which is a committee which I respect in this House. The Committee of Trade Tourism and Cooperatives, which has come up with the outlines and findings. Indeed, it is true that water is going down to the basement, yet we understand the structure of a building is the basement and how high it can go is based on the foundation, which it was dug. If water piles at the basement, that means that we are going to mess-up with the structure of that building and in a few years we are going to have a collapsed

building. If all traders are heaped up in one place, that is going to be a minimum of 1000 that are going to die or lose their lives because of that oversight from the part of the Executive.

Mr. Speaker, markets are functions that were not given to anybody, these are functions that are supposed to be implemented by the County Executive. When the allocation happens, they should be allocated with consultation from the Assembly. We do not want to hear that markets were distributed whether it is initial housing and it is the National Government that did the renovation they should handover the market to the County so that the County can allocate the Market based on the need basis. This is because I do not think that Housing and other National Government ministry get direct requests by the traders.

Traders know that trade is a devolved function, and it is the County Government of Nairobi that should allocate the markets so that should happen in the market like Mwariri, Wakulima and the one that is in question here in Westlands.

Mr. Speaker, I would like to ask that we take good care of these markets. This is because the future of things that are going to be coming outside from the farmers who are doing farming outside of Nairobi are also coming to land in this market. We have to be organized in a way that they will allow us to get this product in a very hygienic manner so if we have water that is piling at the basement, that is not going to be hygienic and we are going to suffer for that. Thank you very much, Mr. Speaker and I would like to thank the chair and the Members of this Committee for doing a good job and thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mbugua. Hon. Doris Kanario Ngoyo, proceed!

Hon. Doris Kanario: Hon. Speaker, thank you for the opportunity. I stand to support this report by the Trade Committee and I urge the Ministry Housing and State Department to work closely with the County so that they can give this stalls to the rightful owners.

Hon. Speaker, I am a Member of this Committee and we have records of the previous owners. We have also done site visit in various market in this County and we have these records. Hon. Speaker, some are very old people who can barely walk alone and we have had a meeting with them at Charter Hall and some at the lobby.

Hon. Speaker, I think it is the high time they are considered because they are the real owners and some of them have not even being consulted. They are shocked to find out that their stalls have been allocated. Therefore, I am urging this House to make sure that there is a good consultation on both sides so that the rightful owners do not miss their stalls. Thank you, Hon, Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Kanairo. Hon. Stanley Gikonyo

Hon. Stanley Gikonyo: Thank you very much Hon. Speaker for giving me this opportunity. I rise to support the Motion of the Trade committee.as you are aware, there are several policies and regulations that came up with the city county that have never been reviewed. I therefore would like to urge the Chair of the Trade committee to come up with the policies and regulations in support with the Delegated Committee so that we can be able to man these markets. However, Hon. Speaker, I would like to thank the committee for the findings that they presented and congratulate the Chairman and all the Members of that committee. I support

Hon. Temporary Deputy Speaker: Thank you Hon. Gikonyo. Anybody else? Hon. Malde

Hon. Jayendra Malde: Thank you very much Mr. Speaker for giving me this opportunity to speak on the Motion by the Trade committee. I support and thank our Hon. Chairman Ngengi for supporting the markets. I hope that the national government will finish the markets because it has taken 14 whole years to open up the Westland's market, other three markets within Highridge ward have been demolished and not all beneficiaries have been incorporated in that. I therefore urge the Assembly to look into that matter and act on it. I rise to support

Hon. Temporary Deputy Speaker: Thank you Hon. Malde. Hon. Gitau Peter Wanyoike
(The Member was inaudible)

Hon. Temporary Deputy Speaker: You can use the next one

Hon. Peter Wanyoike: Thank you Mr. Speaker for giving me this opportunity. I rise to support this Motion. Let me congratulate the Trade committee for coming up with such a good report. The committee has come up with very good recommendations whereby if the Executive can implement them then it can support and improve our markets.

I want to echo what other Members have said that the state department was given work to construct and renovate markets and when the time will come to distribute them then they need to liaise with the County Executive so that those who are needy and also those living within the markets to be considered. I urge them to investigate the distribution of these markets and with that Mr. Speaker, I beg to support.

Hon. Temporary Deputy Speaker: Thank you Hon. Gitau. Hon. Kiriba on zoom, proceed! Hon. Wambui Mwangi? I cannot hear you. Thank you. Nancy Muthami, she had requested. Anybody else in the room? Please proceed.

Hon. Herman Azangu: Thank you for giving me this chance although I don't even have a document. But I want to support the Motion because the Chair is coming from my area. I support because of the Chairperson since I don't even have what I can read. Thank you.

Hon. Temporary Deputy Speaker. Thank you Hon. Azangu. You are supporting because of the mover or you are supporting because the Motion is good for you or for the Assembly?

Anybody else who wants to contribute? Anybody on Zoom? Thank you, there is nobody. Mover.

Hon. Daniel Ngengi: Thank you very much Hon Speaker. First of all, I would like to thank the Hon Members who have supported this Motion that the Assembly adopts the report of the Sectoral Committee on Trade, Tourism and Cooperatives on the site inspection visit to the Westlands Market laid on the Assembly on Thursday 12th November 2020.

Hon Speaker, I would like to thank Hon. Gikonyo, the Vice Chair of the Committee Clarence Munga, Hon. Doris, Hon. Malde, our young Member of the County Assembly Hon. Mbugua. I would also like to thank Hon. Wanyoike and my friend from Starehe, Landmawe, Hon. Azangu, thank you very much for your support of the Motion.

Hon Speaker, I would just like to mention that, of course I think as you have understood or as it has been articulated, the biggest problem is like we have a market here, Mwariro, which the State Department of Housing and Urban Development has taken to balloting.

Hon. Speaker, when that market was initially constructed, it was for the hawkers who had moved to CBD, it was also constructed for the area residents of Kariokor who have not been beneficiaries in this balloting. We have people who are needy and who are genuinely in the streets of Nairobi, who are hawking in the CBD who are supposed to have been re-allocated to this market and due to this act by the State Department of Housing and Urban Development, most of them have been left out. So Hon. Speaker, with those few remarks, I beg to reply. Thank you very much Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much Hon. Ngengi.
(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no other business, the House is adjourned to Tuesday 16th February 2021 at 9.30 a.m.

The House rose at 3.10 p.m.