



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second Assembly – Fifth Session

Tuesday 16th February 2021

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Ms. Emmamet Kemunto) in the Chair)

PRAYER

QUORUM

Hon. Temporary Deputy Speaker: Clerk, check if we have quorum.

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

Proceed Clerk!

STATEMENT

Hon. Temporary Deputy Speaker: Yes Hon. Themendu

REQUEST FOR A STATEMENT REGARDING THE PAYMENT OF YOUTHS WHO ARE ENGAGED IN CLEAN-UP EXERCISES UNDERTAKEN IN ALL THE 85 WARDS IN THE COUNTY

Hon. Jeremiah Themendu: Hon. Speaker, pursuant to Standing Order 45 (2)(c), I wish to request for a statement from the Chairperson of the sectoral committee on Environment and Natural Resources regarding the payment of youths who are engaged in clean-up exercises adding that it is an initiative that was undertaken in all the 85 wards in the County.

Hon. Speaker, in 2018, youths totaling more than 1,000 in number were engaged by the County Government to assist in the cleanup exercise to remove garbage and unblock clogged drainage systems in various parts of the County. However, the youths involved in the exercise have never been paid to date.

Hon. Speaker, in the chairperson should inquire into and report on;

1. Whether the County Government budgeted for the clean-up exercise?
2. Measures the County Executive is taking to urgently pay the youths their arrears for 8 months considering that most of such youths have been hard hit by the Covid-19 pandemic.

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3. Reasons the County Executive has not published a fully functioning information desk to handle public grievances in this time?

Hon. Speaker, it is painful that those youths are languishing in poverty yet they did a commendable job to assist to unclog those drainage and help stop floods in the County. Thank you Hon. Speaker

Hon. Temporary Deputy Speaker: Chairperson Environment committee? Any person from the committee?

Hon. Member: Thank you Mr. Speaker. Can the Member give us two weeks so that we report?

Hon. Temporary Deputy Speaker: Do you have a card?

Hon. Member: No, I do not

Hon. Temporary Deputy Speaker: You are therefore not on record.

Hon. Member: Thank you Speaker. The Member can give us two weeks to reply

Hon. Temporary Deputy Speaker: Hon. Themendu

Hon. Jeremiah Themendu: Hon. Speaker, this is a very urgent matter

Hon. Temporary Deputy Speaker: You are not on HANSARD

Hon. Jeremiah Themendu: Hon. Speaker, this is a very weighty matter and should therefore be taken care of immediately. I hope that the chairperson will not extend those two weeks to three or four months or even a year. I do not expect that

Hon. Temporary Deputy Speaker: Clerk!

MOTION

ADOPTION OF THE REPORT ON INVESTIGATION INTO THE ALLEGED UNCONVENTIONAL CONSTRUCTION OF A BRIDGE ALONG POKOMO LANE IN INDUSTRIAL AREA

(Resumption of Debate)

Hon. Temporary Deputy Speaker: Hon. Members, earlier on in today's early morning session, there was a debate and due to technical hitches, the Speaker was not able to put a question. So now I proceed.

(Question put and agreed to)

COMMITTEE OF THE WHOLE ASSEMBLY

(Hon. Temporary Deputy Speaker left the Chair)

(IN THE COMMITTEE)

[Hon. Temporary Chairperson (Ms. Emily Oduor) took the Chair]

THE NAIROBI CITY COUNTY POP UP MARKETS AND STREET VENDORS BILL 2019 (ASSEMBLY BILL NO. 9 OF 2019)

Hon. Temporary Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Pop Up Markets and Street Vendors Bill 2019, Assembly Bill No. 9 of 2019, and we start with the Bill from Clause 3. Clerk!

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Clause 3, 4, 5 and 6

(Question proposed that Clause 3, 4, 5 and 6 be part of the Bill)

(Question put and agreed to)

Clause 7

(Question proposed that Clause 7 be part of the Bill)

Hon. Temporary Chairperson: Mover?

Hon. Daniel Muturi: Chairperson, I move that Clause 7 be amended as it appears in the Order Paper. Thank you.

(Question that Clause 7 be amended, proposed)

Hon. Temporary Chairperson: Any Debate?

(Question put and agreed to)

(Question that Clause 7 as amended be part of the Bill put and agreed to).

Clause 8

(Question that Clause 8 be part of the Bill, proposed).

Hon. Temporary Chairperson: Hon. Members, any contribution?

(Question put and agreed to)

Clause 9

(Question that Clause 9 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover?

Hon. Daniel Muturi: Hon. Chairperson, I beg to move that Clause 9 be amended as it appears in the Order Paper.

(Question that Clause 9 as amended, proposed)

Hon. Temporary Chairperson: Any debate?

(Question that Clause 9 be amended as proposed put and agreed to)

(Question that Clause 9 as amended be part of the Bill put and agreed to)

Clause 10

(Question proposed)

Hon. Daniel Muturi: Hon. Chairperson, I beg to move that Clause 10 be amended as follows; In Sub-clause 1 by inserting the words 'annually or' immediately after the word renewed.

(Question that Clause 10 be amended as proposed put and agreed to)

(Question that Clause 10 as amended be part of the Bill put and agreed to)

Hon. Temporary Chairperson: Anybody? Hon. Azangu?

(Question that Clause 10 as amended be part of the Bill put and agreed to)

Clauses 11-19

(Question proposed)

Hon. Temporary Chairperson: There is nobody who want to contribute and therefore---

(Question that Clauses 11-19 be part of the Bill put and agreed to)

Clauses 20

(Question proposed)

Hon. Temporary Chairperson: Mover!

Hon. Daniel Muturi: Hon. Chairperson, I move that Clause 20 be amended as follows;

In Sub-clause 2 by deleting the words 'not' immediately after the word 'shall'.

(Question that Clause 20 be amended proposed)

Hon. Temporary Chairperson: Any debate?

(Question that Clause 20 be amended as proposed put and agreed to)

(Question that Clause 20 as amended be part of the Bill put and agreed to)

Clauses 21-25

(Question proposed)

(Question that Clauses 21-25 be part of the Bill put and agreed to)

Clauses 26

(Question proposed)

Hon. Temporary Chairperson: Mover!

Hon. Daniel Muturi: Hon. Chairperson, I move that Clause 26 be amended as follows;
By inserting the words '6 months after enactment of this Bill' immediately after the words this Act.

(Question that Clause 26 be amended proposed)

Hon. Temporary Chairperson: Any contribution? None.

(Question that Clause 26 be amended as proposed put and agreed to)

(Question that Clause 26 as amended be part of the Bill put and agreed to)

New Clause 3 (A)

(Question proposed)

Hon. Temporary Chairperson: Mover!

Hon. Daniel Muturi: Hon. Chairperson, I move that Clause 3 be read for a second time.

Hon. Temporary Chairperson: Mover, you said Clause 3 but if you could quote the Bill as 'New Clause 3 (A)'

Hon. Daniel Muturi: Hon. Chairperson, I move that New Clause 3 (A) be read for a second time.

Thank you Hon. Chair.

Hon. Temporary Chairperson: Thank you.

(Question that New Clause 3 (A) be read a second time)

(Question that New Clause 3 (A) be read a second time put and agreed to)

(Question that New Clause 3 (A) be part of the Bill put and agreed to)

First Schedule

(Question that the First Schedule be part of the Bill)

(Question put and agreed to)

Clause 2

Hon. Daniel Muturi: Hon. Chair, I propose:

THAT, Clause 2 of the Bill be amended as follows;

1. By inserting the following definitions in their alphabetical sequence:
 - i. 'disorderly manner' means "involving or contributing to a breakdown of peaceful and law-abiding behavior"
 - ii. 'public space' includes "every place to which the public are entitled or permitted to have access whether on payment or otherwise in accordance with Section 3 of the Interpretation and General Provisions Act, CAP 2 of the Laws of Kenya"
 - iii. 'informal trade' means "unorganized small scale, self-employment creating activities which might involve individuals or unremunerated relatives of the business owner, small

number of hired workers or totally without any hired workers which the street vendors engage in for the purpose of increasing income generation”.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate? Hon. Azangu, do you have anything to say?

(Hon. Herman Azangu spoke off the record)

*(Question that the words to be inserted be inserted,
put and agreed to)*

(Clause 2 as amended agreed to)

Long Title

Hon. Daniel Muturi: Hon. Chair, I propose:

THAT, the Long Title be amended by deleting the numeric “2019” and substituting with the numeric “2021” therefor.

(Question of the amendment proposed)

*(Question that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Long Title as amended agreed to)

Clause 1

Hon. Daniel Muturi: Hon. Chair, I propose:

THAT, Clause 1 be amended by deleting the numeric “2019” and substituting with the numeric “2021” therefor.

(Question of the amendment proposed)

*(Question that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 1 as amended agreed to)

Hon. Temporary Chairperson: I now call upon the mover.

Hon. Daniel Muturi: Hon. Chair, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Pop-Up Markets and Street Vendors Bill, 2019 (Assembly Bill No. 9 of 2019 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

(Hon. Temporary Deputy Speaker in the Chair)

REPORT AND THIRD READING

NAIROBI CITY COUNTY POP-UP MARKETS AND STREET VENDORS BILL, 2019 (ASSEMBLY BILL NO. 9 OF 2019)

Hon. Temporary Deputy Speaker: Yes Chair, you can report the proceedings.

Hon. Emily Oduor: Thank you Madam Speaker, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Pop-up Markets and Street Vendors Bill 2019 Assembly Bill No.9 of 2019 and approved the same with amendments.

Hon. Daniel Muturi: Hon. Speaker, I beg to move that the Assembly do agree with the Committee in the said report thank you, Hon. Speaker.

(Question proposed)

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Mover!

Hon. Mbugua Kabiro: Thank you very much Madam Speaker and I would like to thank the Members because this is now Third Reading stage. I propose the question which is that the Nairobi City County Pop-up Market and Street Vendor Bill 2019 Assembly Bill No.9 of 2019, be now read a Third time. Madam Speaker I am very happy to have seen this Bill come to this stage. This is the final stage of the making of legislation....

Hon. Temporary Deputy Speaker: Hon. Kabiro, you are not supposed to propose; you are supposed to move the Motion. It is moving and not proposing.

Hon. Mbugua Kabiro: Hon. Speaker, I beg to move that the Nairobi City County Pop-up Market and Street Vendor Bill No.9 of 2019, be now read a Third time. Hon. Speaker, I would like to say that this has been quite a journey, that started in 2017 and the culmination of this journey is very near, and I can see this is the last stage of the legislation of a Bill. I wish to say that it has been a journey assisted by most of the Members in this House to make sure this Bill is done properly.

I would like to say that this Bill covers majorly most of the sections and it talks about the registration of street vendors and pop-up Markets formation and setup. It is something that will benefit this County more to reorganize the street vendors in the streets and the cropping up of the next frontier in traders and businesses, which is the pop-up market industry that happens in many parts of the world.

It is something that I pride myself on by saying that if it happens especially in Nairobi if certain streets can be closed so that the vendors can put their goods, do their sales, and make a few coins. This would allow them to provide for a needy student somewhere or put food on the table if you are a street vendor. Then I think I will be very happy to see that happens. I do not know if am supposed to call a seconder. Okay, thank you very much I move. Thank you.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no other business the House stand adjourned until on Thursday 18th February 2021 afternoon session. God bless you.

House rose at 3.15 p.m.