



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fifth Session

Tuesday 21<sup>st</sup> September 2021

The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Ms. Emily Oduor) in the Chair]*

#### PRAYER

#### NOTICES OF MOTION

**Hon. Temporary Deputy Speaker:** Hon. Mugambi!

**Hon. Mark Mugambi:** Thank you Hon. Speaker. I have a Notice of Motion on Intervention to Prohibit PSV Operators from Terminating at Petrol Stations. I beg to give Notice of the following Motion; THAT aware Article 46 of the Constitution of Kenya 2010 provides that the consumers of goods and services have a right to protection of their health, safety and economic interests. Cognizant that passengers aboard public service vehicles enjoy the rights to safety under statutes as it is under the Constitution including section 27 of the Nairobi City County Transport Act 2020 which prohibits PSVs from picking and dropping passengers at undesignated bus stops and Section 33 (g) of the Act prohibits PSVs not reaching their final destination and other actions that endanger the lives of passengers. Noting that Section 11(g) of the Energy Act mandates the Energy and Petroleum Regulation Authority (EPRA) to formulate, set, force and review environmental health, safety and quality standards for the energy sector in coordination with the other statutory authorities including requiring fuel dispensing to safeguard against fire accidents. Concerned that petrol stations are areas that store and sell highly flammable substances including Liquefied Petroleum Gas (LPG) that are susceptible to explosion unless necessary safety steps are taken by operators on consumers and passenger vehicles. Observing that public transport vehicles have continued to violate public transport regulatory frameworks as well as safety standards for passengers by establishing and utilizing petrol stations as pick and drop terminals hence endangering the lives of passengers despite safety signs and symbols placed by petrol station operators in accordance with the established regulatory frameworks. This Assembly urges the County Executive and the Nairobi Metropolitan Services to:

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1. Issue a public notice prohibiting public transport vehicles (PSV) from terminating at petrol stations and picking and dropping of passengers.
2. Formulate regulations to Nairobi City County Transport Act 2020 forthwith to provide for punitive measures for operators who use petrol station as terminus.

Thank you Hon. Speaker. I beg to give the next Notice of Motion.

**Hon. Temporary Deputy Speaker:** Go ahead. Thank you.

**Hon. Mark Mugambi:** Thank you once again Hon. Speaker. Subject is Acquisition and Strategic Placement of Towing Equipment on Roads in Nairobi County. I beg to give Notice of the following Motion; THAT aware part two of the Second Schedule of the Constitution of Kenya bestows the traffic and parking function on the County Governments. Further aware that the National Transport and Safety Authority Act regulations mandates the authority to tow away stalled commercial vehicles on the roads; Cognizant that the Kenya National Bureau of Statistics, Economic Survey of 2020 pointed to an increased number of accidents up to 10.8% between 2019 and 2020. Noting that stalled vehicles account for a significant percentage of the accidents. Deeply concerned that delayed towing away of stalled vehicles or vehicles involved in accidents lead to a tail back of traffic jam on the affected roads and congestion on other roads compounding the existing challenge of loss of productive time in traffic jams; observing that for unknown reasons, private players in the towing subsector take a longer time to intervene in towing away vehicles involved in accidents or stalled vehicles on the roads, a combination of the foregoing factors giving the public an impression of a government that is reluctant to address or mitigate the existing challenges in the transport sector particularly traffic management. This Assembly therefore urges the County Executive in conjunction with the Nairobi Metropolitan services to:

1. Formulate policy to regulate private operators in the towing industry.
2. Acquire government owned towing equipment and strategically locate them on the roads in the County for timely interventions in case of accidents.

Hon. Speaker, before I lay, kindly allow me to elaborate on the two very quickly.

**Hon. Temporary Deputy Speaker:** But remember you are not supposed to debate on it you are just giving a notice. Elaboration must be very short and clear.

**Hon. Mark Mugambi:** Sure. Thank you Hon. Speaker. On the towing of vehicles, you find that we have lost so many lives especially in our newly constructed highways. We are cognizant that the government is trying to improve the transport sector but you find that vehicles stall on the roads neither have reflective plates as required therefore causing accidents which could be easily averted.

The second one, is that we are risking a lot of lives by closing our eyes to the fact that there is a danger in waiting by all the matatus that operate within petrol stations. When you go to refill your car, there are signs put by the petrol station that you need to switch your engine and your phone off. You can imagine how many phones are within that vicinity are always on and how many vehicle engines are roaring within a small petrol station. I think we should move very first to avert this danger. Let us not react when something bad has happened. Thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Mugambi.

**Hon. Peter Imwatok:** Hon. Speaker, allow me first to say one or two words first, I am now heading to fourth floor in life but I have witnessed the history of Wangari Mathai, the history of Martha Karua, and the history of Charity Ngilu, today I am witnessing another history of Emily Oduor.

Hon. Speaker, I beg to move a Notice of Motion entitled: Renaming of Mbagathi Way after the Right Honorable Raila Amolo Odinga. I move the Notice of Motion.

Hon. Speaker, I beg to move the Notice of the following Motion; THAT, aware that the country has history of conferring honors and recognition on its most outstanding citizens for their services acts or deeds which promotes public good; noting that this tradition has historically been done by both the national government and the then council or municipal councils which are now county governments; cognizant that this honors and recognition has extended to not just medals and titles, but the renaming of roads and other public facilities after our heroes and heroines and other variant Kenyans; observing that the Right Honorable Raila Amolo Odinga EGH has for the entire period of his adult life greatly impacted in the development of the Kenyan state both democratically and economically, and has during this period been involved in the fight for greater democratic space, good governance, rule of law and development of infrastructure against many odds including detention without trial for almost ten year; noting that in 2005 as the Minister for Roads and Public Works, the Right Honorable Raila Amolo Odinga conceived a plan and implemented masterpiece infrastructure such as the Thika Super Highway and the Mbagathi Way concrete road which have proved to be the most durable roads ever constructed in Kenyan history; grateful that this recent action of shaking hands with both the former President H.E Emilio Mwai Kibaki EGH and the current President H.E President Uhuru Kenyatta EGH led to restoration of peace and harmony in Kenya; recognizing that in the recognition of decades of service, the African Union recently appointed him as the African Union High Representative for Infrastructure Development, therefore this assembly resolves that the Nairobi City County Government renames Mbagathi Way in Kibera Constituency to Raila Odinga Way in recognition of Raila Amolo Odinga's contribution in the development and growth of Kenya state including his selfless sacrifice in championing for good governance, democratic space and development of infrastructure for the period of his entire adult life up to date.

I beg to move the Notice of Motion, Madam Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. I thought you would ask for time to elaborate on that, I can give you a few minutes.

**Hon. Peter Imwatok:** Thank you Madam Speaker. As I said when moving the Motion, this is one of the Motions that I have ever moved with a lot of passion and emotions. I hope that this House will move it with the same speed like for Motions such as pronouncement of our renown unionist Mr. Atwoli, the Motion was passed in the afternoon and the following day the road was renamed. This is quite different. He is the father of democracy not only in Kenya but I the entire African continent.

I believe especially that the Orange Democratic Members of the County Assembly and the Jubilee Party Members - we are now partners that when the House Business Committee slate this Motion this House will be full in respect of our father of democracy in this country. I am looking forward to the House Business Committee, the Speakers' chamber and I must thank you Madam Speaker and the Speaker's chamber for

allowing this Motion to see the light of the day. Thank you, Madam Speaker. I will elaborate more on the day of moving the Motion.

**Hon. Temporary Deputy Speaker:** Thank you Minority Whip.

### STATEMENTS

**Hon. Temporary Deputy Speaker:** Hon. Mberia, can you hear me?

**Hon. David Mberia:** Madam Speaker, I can hear you. Can I make my statement?

**Hon. Temporary Deputy Speaker:** We can't hear you, what are you saying? I can hear you now.

**Hon. David Mberia:** Madam Speaker, I have two statements to make. Can I continue?

**Hon. Temporary Deputy Speaker:** Yes, continue, we can hear you.

#### REQUEST FOR A STATEMENT REGARDING CONSTRUCTION OF ROADS IN THE COUNTY, SPECIFICALLY ACADEMY ROAD IN KAREN WARD

**Hon. David Mberia:** Pursuant to Standing Order 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works, regarding the construction of roads in the County, specifically Academy Road in Karen Ward.

Hon. Speaker, roads make a crucial contribution to economic development, growth and bring important social benefits. They are of vital importance in order to make a nation grow and develop. In addition, roads provide access to employment, health services and education services. In the same pedestal, road network is crucial in fighting against poverty by opening up more areas and stimulating economic and social development.

Hon. Speaker, it is alleged that the contract of the Academy Road in Karen was awarded in the FY 2016/2017. The contractor commenced the works but left the site because of nonpayment. It is important to note that the said road project has since stalled.

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

1. Steps being taken by the Nairobi Metropolitan Services to have the said completed: and
2. Measures that the Nairobi Metropolitan Services has put in place to revive all other projects that stalled due to non-payment.

Madam Speaker, I have another statement. Pursuant to Standing Order 45 (2), I wish to request a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives, regarding the construction of markets in the County, specifically Karen Market in Karen Ward.

Hon. Speaker, in 2016, Karen market was brought down by an inferno, and the government through emergency fund allocated Kshs.20 million for its reconstruction. Allegedly, a contractor was awarded a tender for the said reconstruction during the FY 2016/2017---

**Hon. Temporary Deputy Speaker:** Hon. Mberia! Can you hear me?

**Hon. David Mberia:** Yes, Madam Speaker.

**Hon. Temporary Deputy Speaker:** I think we should have finished with the first statement so that we see whether the Chair for Roads and the committee can help before we go to the statement concerning Trade. Otherwise, we will end up mixing the issues. Let us first finish the statement for Roads.

**Hon. David Mberia:** Much obliged, Madam Speaker.

**Hon. Temporary Deputy Speaker:** Chair, Roads? Are you standing in for him?

**Hon. Mark Mugambi:** Thank you, Chair. Due to hard task of Transport Committee getting the NMS officials responding to our questions, I therefore request for two weeks. The first week is for giving them an invite because they require seven days to respond to any invites. The next week is for preparing for the response. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Mberia, are you there?

**Hon. David Mberia:** Yes, Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Mugambi responded on behalf of the committee and requested for two weeks. Is that okay with you?

**Hon. David Mberia:** Madam Speaker, I have no objection, knowing that it has been a norm for the County Assembly Chairpersons of committees to request for two weeks to respond to our statements.

**Hon. Temporary Deputy Speaker:** Thank you. Go ahead with your next statement.

REQUEST FOR A STATEMENT REGARDING THE CONSTRUCTION OF KAREN MARKET IN KAREN WARD

**Hon. David Mberia:** Thank you once again, Madam Speaker. Pursuant to Standing Order 45 (2), I wish to request a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives, regarding the construction of markets in the County, specifically Karen Market in Karen Ward.

Hon. Speaker, in 2016, Karen market was brought down by an inferno. The government through emergency fund, allocated Kshs.20 million for its reconstruction. Allegedly, a contractor was awarded a tender for the said reconstruction---

*(Technical hitch)*

**Hon. Temporary Deputy Speaker:** Hon. Mberia, we have lost you. We cannot hear you.

**Hon. David Mberia:** Madam Speaker, I am back. In 2016, Karen market was brought down by an inferno, and the government through emergency fund allocated Kshs.20 million for its reconstruction. A contractor was awarded a tender for the said reconstruction during the FY 2016/2017. However, the contractor abandoned the construction midway due to non-payment as usual.

Hon. Speaker, until now there is no indication of ensuring that the construction of the said market resumes for the traders to utilize it. Hon. Speaker, in the statement the chairperson should inquire into and report on;

1. The status report of the construction of the said market, which is referred to as Karen market in Karen Ward.
2. Measures the Nairobi Metropolitan Services NMS has put in place to resolve the issues of none payment to contractors and suppliers for full implementation of the county projects.

Thank you very much Madam Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Chair Trade, we tried to get you online. Hon. Daniel Muturi, we are looking for you. Do we have any other Member of Trade Committee online who can answer for this?

**Hon. Patrick Musili:** Thank you Madam Speaker, I request you give us two weeks to respond to issues raised by the Hon. Member.

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**Hon. Temporary Deputy Speaker:** Hon. Mberia, are you still online. The Trade Committee has requested for two weeks.

**Hon. David Mberia:** There is no objection for two weeks as usual, Madam Speaker, I will be patient enough.

**Hon. Temporary Deputy Speaker:** Thank you. Next statement we have Hon. Patrick Musili.

REQUEST FOR STATEMENT ON ALLEGED ILLEGAL CONSTRUCTIONS IN THE COUNTY AND SPECIFICALLY ERECTION OF AN OFFICE BLOCK ON LAND REFERENCE NUMBER 21984/512 IN KAREN WARD

**Hon. Patrick Musili:** Thank you Madam Speaker, I wish to request for a statement on the alleged illegal constructions in the County and specifically the erection of an office block on land reference number 21984/512 in Karen Ward.

Hon. Speaker, pursuant to Standing Order 45 2 (C) I wish to request for a statement from the Chairperson of Sectoral Committee on Planning and Housing regarding alleged illegal constructions in the County and specifically erection of an office block on land reference Number 21984/512 in Karen ward.

Hon. Speaker, it is alleged that the initial approved use shows that it ought to be a ground floor plus two floors but the developer has since erected a third floor in contravention and illegally to both the county government and national agencies. For instance, building plans are approved by National Construction Authority (NCA) and National Environment Management Authority (NEMA).

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

1. The documentation of the above-stated office block and specifically report on the alleged change of user documents approved building plans and official plans approved structurally plans and official stamps, approved and stamped Nairobi Metropolitan Service authorization and official statutory inspection clearance
2. Measures were taken by the County Executive and Nairobi Metropolitan Services to ensure conformity to obligatory laws in relation to construction in the County.

Hon. Speaker, the statement is in good faith given that there are those ongoing trends of the building coming down and killing people. Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Chair planning! Anybody from the Planning Committee. Unfortunately, we are unable to get anybody from the Planning Committee and therefore we shall pass your statement to the Chair of Chairs who will make sure it gets to the Planning Committee. We apologies for that.

### MOTION

**Hon. Temporary Deputy Speaker:** Hon. Benson Mwangi.

**Hon. Mary Mwami:** We are unable to get Benson Mwangi. I think I can read it on his behalf; it is an area of my interest and I have the Motion, if you allow me.

**Hon. Temporary Deputy Speaker:** No, but the last time we had agreed that for you to be able to read something on somebody's behalf, you must have written consent before we come here. So since he did not do that we will not allow that, we will schedule it for another meeting.



I know you are very passionate about this but we had agreed here there must be a written document for someone to read a Motion on your behalf. He is not online and, unfortunately, we cannot get him and therefore we will take this back to the House Business committee so that we reschedule it.

I am appealing to all Members: please if you have a Statement or Motion it would be very important to come to the Assembly or avail yourself online because we will end up having a very big backlog, whereby every time we have to take things back to House Business Committee. Therefore, from next week make sure if you have a Statement or Motion please avail yourself online or in the Assembly.

*(Motion deferred)*

### **ADJOURNMENT**

**Hon. Temporary Deputy Speaker:** Hon. Members, there being no other business the Assembly stand adjourned until Thursday 23<sup>rd</sup> September 2021 at 2.30 p.m. thank you.

**The House rose at 3.25 p.m.**