



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fifth Session

Tuesday 26<sup>th</sup> October 2021

The House met at 2.30 p.m.

*(Hon. Speaker (Mr. Benson Mutura) in the Chair)*

PRAYER

#### QUORUM

**Hon. Speaker:** Clerk confirm whether we have quorum. I understand we do not have quorum. Serjeant-at-Arms, kindly ring the bell for ten minutes.

*(Quorum bell was rung for ten minutes)*

Hon. Members, we now have quorum, Clerk proceed.

#### PAPERS

**Hon. Speaker:** Chair of Budget? Leader of Majority, you have a Paper to lay?

**Hon. Abdi Hassan:** No I don't.

**Hon. Mary Mwami:** Thank you Mr. Speaker sir. The Chair who was in the morning sitting had told me that we will revert to the case I had presented before we go on. This is because the matter we are bringing before this honorable House is prejudice because according to Standing Order No.57 any matter that is before the court is not supposed to be brought before the House. I was told that I do not have the reason for that but I have it right now. I wanted to present it to you.

**Hon. Speaker:** Order Hon. Member! We have not even reached there.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. Pursuant to Section 118 of the Public Finance Management Act 2012, I wish to lay this report before the assembly. Thank you Mr. Speaker. Sir.

**Hon. Speaker:** Thank you. Next order!

**NOTICE OF MOTION**

**Hon. John Muthiga:** Thank you Mr. Speaker sir. Hon. Speaker, I beg to give Notice of the following Motion: That aware that Article 46 of the Constitution of Kenya 2010 provides that consumers of goods and services have a right to protection, health, safety and economic interests, the Constitution in Part II of the Fourth Schedule apportions the parking and traffic aspects of transport functions to county governments; cognizance that Section 27 of the Nairobi City County Traffic Act 2020 prohibits PSVs from picking and dropping passengers at undesignated bus stops and Sections 46 and 47 of the Act prohibits persons from parking on public roads in a manner that impedes traffic flow and strictly restricts parking to the designated areas, the sections particularly prohibits PSVs from using undesignated areas as parking prior to obtaining authority from the County; noting that in pursuit of the county beautification initiatives, the county has for years allocated and appropriated funds towards rehabilitation, greening and decoration of roundabouts including entering into maintenance agreements with private companies for the purpose of environmental ethics; deeply concerned that the persistent use of roundabouts by PSVs as termini has contributed to cause heavy gridlocks of traffic on key roads such as Outer Ring road on a daily basis leading to loss of productive time and loss of value for public money and investments; this assembly urges the County Executive and Nairobi Metropolitan Services to:

1. Issue a public notice prohibiting public transport PSVs from using roundabouts as termini, lay bys and/or parking areas in contravention of the law;
2. Continuously enforce the foregoing prohibition notice using enforcement officers and the county and sub-county measures; and
3. Formulate the Nairobi City County Transport Act 2020 forthwith to provide for punitive measures to operators who illegally use roundabouts as termini, lay byes or parking.

Thank you Mr. Speaker, I beg to lay.

**Hon. Speaker:** Serjeant-at-Arms, you can get the document.

*(The Paper was laid on the Table of the Assembly)*

**STATEMENT**

REQUEST FOR A STATEMENT REGARDING A RESIDENTIAL BUILDING WHICH HAS BEEN CONVERTED INTO A COMMERCIAL BUILDING

**Hon. Speaker:** There is a statement by Hon. Daniel Muturi.

**Hon. Daniel Muturi:** Thank you Hon. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding a residential building which has been converted into a commercial building.

Hon. Speaker, the Nine Planet Apartment is a demarcated for residential occupation. The introduction of commercial offices where trading enterprises have set up shops in some units is disturbing the residents of the quiet life causing insecurity at the place.

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

1. The approvals for the change of user from residential to mix use at the Nine Planet Apartment;
2. Measures the County Executive and the Nairobi Metropolitan Services are taking to ensure the apartment remain a residential place for the security of the residents.

Hon. Speaker, you may give me a leeway, with a lot of respect, we have a lot of situations where residential areas have been turned into business establishments. We are raising families in these apartments and our children are no longer safe if we have people coming in and out. We are not in control of what is been traded on.

With those few remarks, thank you Hon. Speaker. I would also like to point out that I have some pending statements which have never been replied to from the Justice and Legal Affairs, Roads and Public Works committees which are long overdue, some of them from last year March. Thank you Hon. Speaker.

**Hon. Speaker:** Thank you. Can we have the Chair Planning? Do the undertaking on how soon you will be able to dispense the statement of Hon. Muturi?

**Hon. Benson Mwangi:** Thank you Hon. Speaker. We shall be responding to the statement in the next five working days.

**Hon. Speaker:** I did not get you.

**Hon. Benson Mwangi:** Five working days.

**Hon. Daniel Muturi:** Hon. Speaker, I am very content if it is indeed five working days unlike the Chairman of Legal and Justice who told me two weeks and it is now a couple of months. Thank you Hon. Speaker, I am quite obliged.

**Hon. Speaker:** I hope the Chair of Planning will honour his word because this is not the first time that a Chair is undertaking to dispense the statement in five days; I am used to the standard two weeks. I will follow on that one. Let us wait and see whether he will be able to do a thorough job.

Next, statement by Hon. Redson?

*(Point of Order)*

**Hon. Speaker:** What is the point of order?

**Hon. Jeremiah Themendu:** The Chair is lying because mine has been one year now and he has not responded.

**Hon. Speaker:** Order Hon. Member! If you are to address the House, you must make a request through the Chair.

**Hon. Jeremiah Themendu:** Hon. Speaker, the Chair, Planning is lying before this House. The Chair is misleading the House because you cannot say that you are going to reply---

**Hon. Speaker:** Order Hon. Member! Hon. Members, even if you are agitated, you have to use parliamentary language, withdraw that.

**Hon. Jeremiah Themendu:** I withdraw but I shall include the words, 'he is misleading the House'. I do not think that he will be able to bring that response within five working days and yet he has not brought a response to a statement request one year ago and he has an able Clerk who can guide him accordingly. Thank you Mr. Speaker.

**Hon. Speaker:** Hon. Member, I believe you are now conversant with the parliamentary practice that if you are not contented with any issue you have to raise it with the Chair. I do not remember any time that you have raised your discontent with the Chair. Make it formal, and the Chair will be able to help you. Next Order!

*(Hon. Themendu spoke off-record)*

Order! We have already ruled on that one, we are on the next order now.

**Hon. Speaker:** We have a statement from Hon. Redson, is he online? The statement for Hon. Redson is deferred. Let us move to the next order.

#### **MOTION**

*[Motion expunged pursuant to resolution of Assembly during sitting held on Tuesday 12<sup>th</sup> April 2022]*

#### **ADJOURNMENT**

**Hon. Speaker:** Honorable Members, there being no other business, the House stands adjourned to Thursday 2:30 p.m.

**The House rose at 3.55 p.m.**