



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Sixth Session

Tuesday 7th June 2022

The House met at 9.30 a.m.

[Hon. Speaker (Mr Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm if we have quorum.

(Clerk-at-the-Table confirmed there was no quorum)

I understand we are yet to achieve the quorum. Serjeant-at-Arms, ring the bell for ten minutes.

(Quorum bell was rung)

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

PAPERS LAID

Hon. Speaker: Chair of Trade, you have a Paper to be laid? I understand that report is not ready. Report on Transport?

Hon. Peter Wanyoike: Thank you, Mr. Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the Assembly today, Tuesday 7th June 2022:

The Report of the Sectoral Committee on Transport and Public Works on the workshop held on 18th to 21st September 2021.

Mr. Speaker, I lay.

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

Hon. Speaker: I understand there is another report.

Hon. Peter Wanyoike: I have two others; can I continue?

Hon. Speaker: Proceed.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the Assembly today, Tuesday 7th June 2022:

The Report of the Sectoral Committee on Transport and Public Works on the workshop held on 3rd to 6th September 2021.

Mr. Speaker, I lay.

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

Mr. Speaker, pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the Assembly today, Tuesday 7th June 2022:

The Report of the Sectoral Committee on Transport and Public Works on the joint workshop with the Nairobi City County Roads, Transport and Public Works Sector held on 29th June to 3rd July 2021.

Mr. Speaker, I lay. Thank you.

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

Hon. Speaker: Thank you. Next Order!

(Point of Order)

What is the point of Order?

Hon. Waithera Chege: Hon. Speaker, I am on a point of order under Standing Order 45 (2) (c). Shall I proceed?

Hon. Speaker: Proceed, but be a bit audible.

Hon. Waithera Chege: I don't know whether you have any other business under statements? Thank you, Mr. Speaker.

STATEMENTS

Hon. Waithera Chege: Mr. Speaker, on Thursday 31st March 2022, I requested for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the rent increment at Mariakani Estate in Nairobi South Ward.

In the Statement, I requested the Chairperson to inquire and report on the following pertinent issues:

1. Whether the tenants were issued with a notice of rent increment and if so, how long was the notice period;
2. Reason for the rent increment by over 200%; and
3. Measures the County Executive and the Nairobi Metropolitan Services are taking to ensure tenants in the County owned estates including those at Mariakani Estate are not given unreasonable rent increment from landlords considering the effects of COVID19 pandemic to the economy.

Mr. Speaker, you directed that the matter be considered jointly with the Select Committee on Public Accounts and table a comprehensive report within the two weeks. It is now two months and the Committee is yet to table their report. The term of this Assembly is coming to an end very soon and it will be fortunate for us to leave such pertinent issues without addressing them with finality. The tenants at Mariakani Estate are in dire need of a solution to this unreasonable rent increment. Therefore, the committees tasked to look into this matter should urgently before Thursday table their report for the Assembly to make a decision on this matter. Mr. Speaker, I hereby seek your guidance.

Hon. Speaker: Thank you, Hon. Member. I do recall that is a very pertinent issue. Do we have the Chair of the PAC or any Member to tell us where is the report? It was supposed to be a joint report with the Chair of Planning and Housing. Do we have them online?

Hon. Member, I understand the two Chairs are not online, but I also want to give an undertaking that the report must be ready. It is wrong that we will be making orders here futility. It is true it was in two weeks' timeline, but now it is two months. Can we have the said report by Thursday? Clerk, do all that is necessary to make sure that we have a report so that we can have a tentative Assembly position over the same. Is that in order, Hon. Member?

(Point of order)

Hon. Speaker: Hon. Ariviza, do you have an issue?

Hon. Mary Ariviza: I am standing on the same point of Order under Standing Order 45 (2) (c). As a Member of the County Assembly and we are coming to an end, it will be very sad for us to lose the land across the road that we have been parking and which I believe will be used for the extension of facilities of Members of this County Assembly, including those of us who are nominated and who never had offices in this place. I think the future is that place. I am seeking for some directions because the land seems to be lying idle. Being in Kenya, I would not like it to be taken over by somebody else. Please, Mr. Speaker, give directions so that we leave the Clerk in this place knowing which direction they can take knowing that land remains in our custody. Land in Nairobi even if it is for the National Government, we are the custodians of it. So, Mr. Speaker, I stand for your directions. Thank you.

Hon. Speaker: Thank you, Hon. Ariviza. There is a statement that was requested by one Hon. Redson on the same. We also require the report to be made available by Thursday.

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Mr. Speaker left the Chair)

IN THE COMMITTEE

[Hon. Temporary Chairperson (Mr. Daniel Muturi) took the Chair]

THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL, 2021
(ASSEMBLY BILL NO.11 OF 2021)

Hon. Temporary Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Betting, Lotteries and Gaming (Amendment) Bill, 2021 (Assembly Bill No. 11 of 2021). We will start with the Bill from clause 2.
Clauses 2, 3 and 4

(Question that Clauses 2, 3 and 4 be part of the Bill)

(Question put and agreed to)

Long Title

Hon. Temporary Chairperson: Mover to move amendments.

Hon. Waithera Chege: Hon. Chair, I beg to move:

THAT, Long Title of the Bill be amended as follows;

By deleting the numeric "2021" and substituting with the numeric "2022" thereof.

(Question, that the words to be inserted in place thereof

be inserted, put and agreed to)

(Long Title as amended agreed to)

Hon. Temporary Chairperson: Debate if any?

(Question put and agreed to)

Clause 1

Hon. Temporary Chairperson: Mover to move amendments.

Hon. Waithera Chege: Hon. Chair, I beg to move:

THAT, Clause 1 of the Bill be amended as follows;

By deleting the numeric "2021" and substituting with the numeric "2022" thereof.

(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: Mover.

Hon. Waithera Chege: Hon. Chair, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Betting, Lotteries and Gaming (Amendment) Bill, 2021 (Assembly Bill No. 11 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

REPORT AND THIRD READING

THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL, 2021 (ASSEMBLY BILL NO. 11 OF 2021)

Hon. Speaker: Chairperson to report.

Hon. Daniel Muturi: Hon. Speaker, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Betting, Lotteries and Gaming (Amendment) Bill, 2021 (Assembly Bill No. 11 of 2021) and approved the same with amendments. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Can I have the mover?

Hon. Waithera Chege: Hon. Speaker, I beg to move that the Assembly do agree with the Committee on the said report. Thank you, Mr. Speaker.

(Question proposed)

Hon. Speaker: Hon. Bishop Karanja

Hon. Anthony Karanja: Thank you. I believe it is time to discuss the report. I would like first to congratulate the Trade Committee and the mover of this Motion because betting and gambling are the leading causes of suicide in the world, this has been scientifically documented.

Hon. Speaker, it is important that this Assembly exercise its mandate under Schedule Four of the Constitution to regulate among other things, liquor licensing and betting. It is a great step forward for us to limit the time that our people can bet, where betting can only be between 8pm and 6 a.m. As representatives of our people, we are aware that all our people in the wards have now turned into gambling. They have become addicted and they do nothing else from morning to evening.

Hon. Speaker, we now have seen even betting shops are now in our estates. I would like to categorically mention companies like Betin and Dafabet, who have opened shops in our estates. They have turned our people into betting addicts. I believe that our Governor will move with speed and sign this into law and get it implemented.

Hon. Speaker, the elephant in the room in the gambling sector is online betting, betting with our phones. Currently, Nairobi County has no capacity but that does not mean that we should not curtail this mess. We have seen from international case studies, for example, in 2009 when this problem was going out of hand in Russia, they closed all gambling in the country. I hope that we will be able to do that as a country and set the pace as a county. I believe that this Bill cannot be timelier than now. Thank you.

Hon. Speaker: Thank you.

Hon. Mary Ariviza: Thank you, Mr. Speaker Sir for this great opportunity for me to contribute on this as a Member of the Committee on Trade, Tourism and Co-Operatives and as well as an individual who has lived in this city for a while. As a citizen of Nairobi, we cannot allow our city to be turned into a gambling den.

Gambling has its history in pre-industrial revolution in England. People used to go to the mines and then come and gamble everything they had gotten from the mines. I can equate this to our Nairobians who go to work in a construction site and get less than 600 shillings and then gamble all of it in our estates because we have the gambling shops. We cannot allow our city which is in its developing stage to go back to the state of pre-industrial of England.

Gambling is a very dangerous state such that when William Booth, the founder of the Salvation Army, would get into the streets and convert the prostitutes and the gamblers, he would then give them an oath to enter into the Salvation Army. That oath went something like this; 'I join the Salvation Army and I agree to it that I will not do gambling.' Gambling was one of the things you had to swear against because it had killed families, killed individual visions and dreams. So, we also have the Salvation Army and if you go there, they will still tell you to take the same oath that you'll not do gambling.

Gambling comes in different sorts, we have the casinos, the ones where someone uses cards, then there is the other one which involves the machines which are being operated in our estates and so on. All of these are ways of gambling. I know we also have the long existing charity sweepstake, but that is different because it also gives money to charity even in the city. A certain amount of what is purchased during that time is given to charity. Now, we are having our television and radio stations all doing gambling in this city. What we are doing is leading our young men and women to do and take gambling as the way of becoming wealthy, which is not true and will never be true. We have to teach our children that hard work pays. We have to teach them to go to school and when they leave school to start working and being entrepreneurial in their minds, not going to gamble from morning until evening. This is not right.

So, I stand here to completely support this Motion, saying that this gambling must have designated places like in five star, and the timing from 8 o'clock until morning, since at that time our children are protected in our homes so that they are not tempted. A girl from Machakos recently committed suicide because she gambled her school fees and could not go home to tell the father who is very harsh that she had gambled with the money. So, we are saying the timing be 8 o'clock until 5 a.m in the morning. Secondly, it should be in a five star where not every Tom, Dick and Harry can easily access like the estates and jump in when they are from work.

I am hoping in the future we need to regulate even the TV stations. That should not be a means of their getting money. We must regulate what they put on TV and our radio stations. They must not make this a means of having their stations working. They must use advertisements and in the right way. So, I stand strongly to support this because a country or a city can never develop because of gambling.

Thank you, Mr. Speaker Sir.

Hon. Speaker: Thank you.

(Question put and agreed to)

Hon. Speaker: Mover!

Hon. Waithera Chege: Thank you, Mr. Speaker. I beg to move that the Nairobi City County Betting, Lotteries and Gaming Amendment Bill 2021, Assembly Bill No. 11 of 2021 be now read a Third Time.

(Question proposed)

(Question put and agreed to)

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

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business, the House stand adjourned to 2.30 p.m., 7th June 2022. Thank you.

The House rose at 10.20 a.m.