



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fourth Session

Tuesday 30<sup>th</sup> June, 2020

The House met at 9.30 a.m.

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

PRAYER

#### STATEMENT

REQUEST FOR STATEMENT REGARDING DILAPIDATED STATE OF SEVERAL ROADS AND IMPROVEMENT OF DRAINAGE SYSTEMS IN PARKLANDS/HIGHRIDGE WARD

**Hon. Jayendra Malde:** Thank you, Mr. Speaker, pursuant to Standing Order 45 (2) (C), I wish to request for a statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the dilapidated state of several roads and improvement of drainage systems in the County and more specifically in Parklands/Highridge Ward.

Hon. Speaker, several roads and drainage systems in Parklands/Highridge Ward were rendered impassable during the raining seasons to a point that the members of the public draw and cartooned the roads on social media as swimming pools and fishing ponds due to their dilapidated state. For example, Mtama Road off 5<sup>th</sup> Avenue has big potholes which are dangerous to motorists. The issue has been raised to relevant County department but nothing has been done to date.

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

- (a) Reasons for delayed rehabilitation of the roads in Parklands/Highridge especially Mtama Road and Eldama Ravine Road
- (b) Commencement of rehabilitation of the roads in the Parklands/Highridge ward especially Mtama road and Eldama Ravine Road where the roads are impassable; and
- (c) Measures the county executive is taking to ensure that roads and drainage systems rehabilitated within the shortest time possible to avert the looming floods in Parklands/Highridge Ward and county in general. Thank you, Hon. Speaker.

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**Hon. Joyce Muthoni:** Thank you, Mr. Speaker, I request the Member to give us three weeks, we will be back with the response.

**Hon. Deputy Speaker:** Three weeks Jayendra!

**Hon. Jayendra Malde:** Hon. Speaker, I ask the Chair if she can do it, it is very urgent since and now it three years that I have been complaining and nothing has been done.

**Hon. Deputy Speaker:** I think three weeks is okay, because I know we are going for recess. It is sufficient.

**Hon. Jayendra Malde:** Most obliged Hon. Speaker.

## MOTION

### CONTROLLED PARKING AND BUS TERMINI IN THE COUNTY

**Hon. Abraham Njihia:** Thank you, Hon. Speaker and I beg to move the following Motion: That aware that under the Article 186 (1) and Part Two of the Fourth Schedule to the Constitution of Kenya 2010, the functions and powers of the County Governments, among others, covers County transport including county roads, street lighting, public road transport traffic and parking.

Further aware that the City has designated preferential parking zones and bus termini throughout the City with parking restrictions for each zone; noting that recent years have witnessed a marked increase in the number of public service vehicles plying various routes in the County;

Concerned that most streets, pedestrian walkways and on-street parking in the city center have been illegally turned into bus stops and parking slots for public service vehicles, which has led to increased congestion and accidents including deaths to pedestrians;

Further noting that the allocation of parking, picking and dropping zones for public service vehicles was last done in the year 2000. This Assembly urges the Nairobi Metropolitan services to abolish all on-street parking by the public service vehicles and *boda bodas* within the Central Business District and direct them to revert to the designated bus termini and develop a comprehensive policy on allocation of parking, picking and dropping zones for public service vehicles and bus termini in the County.

Hon. Speaker, I think I will start first of all as I had done last week by congratulating and commenting on the NMS because we can see the kind of good work they are doing. If you happen to walk at night, they are working 24 hours making the capital city better. Hon. Speaker, the kind of work they are doing is great whereby we have pedestrians walk, *boda bodas* rides walkways and they are also tarmacking our roads greatly.

Hon. Speaker, after they have done all work I do not see why we should have back street and on street parking common as *mashimo* which are run by cartels. I do believe in 2000 there was a demarcation which was done by the defunct Nairobi City Council. The designated bus termini are everywhere, for example, we have the bus station, Kencom, GPO, Nation center or these are places where these buses and *matatus* should drop and pick.

Generally, Hon. Speaker, this matatus have taken all spaces where there was supposed to be fire escape routes and where water pipes pass. If we get like an outbreak of fire somewhere within the town all those escape roads have been turned into stages for buses.

Hon. Speaker if you go around Nazarene University you will find buses on route No. 126/111 operating there. These buses are denying the county resources because you will find that those buses instead of paying picking and dropping, some cartels collect the money instead of these resources going back to the county.

Hon. Speaker, I do believe that when these bus park they pay Kshs 400 and this can generate a lot of revenue from that parking. It is not possible that you can park in the morning for the whole day without paying. Therefore, I urge that we make our County great again.

Hon. Speaker, I visited Dortmund in Germany and the kind of transport arrangement there is wonderful. When the bus comes to the stage it drops, pick and leave within two minutes and so I am urging the NMS to borrow suit. We came back we came with some documents which we can assist them to copy to make this town a great place again.

Hon. Speaker, I have a graph here, which I want you to allow me to refer to. We have off-street, on-street and buildings. Since JICA did a master plan study and they came up with how we can be able to generate revenue, in due course Hon. Speaker, I will be able to share with Nairobi Metropolitan and see how better they can do it. I believe such a direction is the way forward for this county.

Hon. Speaker, I was expecting Hon. Clarence and I cannot see him therefore since this is a very simple motion, I would like to request Hon. Mberia, the Minority Leader, to come and second the Motion. Thank you, Hon. Speaker.

**Hon. David Mberia:** Thank you Speaker. As much as the Chair for Culture and Community Services did not engage me to second this Motion, Hon. Speaker, you know very well this is a transferred function under the Nairobi Metropolitan Services which are county roads, transport, public lighting and others.

We are happy that this Motion was long overdue and it will strengthen this Assembly resolve to support the NMS and the four vital transferred functions. As all you know the Transport Bill was passed by this House and now it is awaiting implementation by the NMS. Hon. Speaker, this House needs some structured communication with NMS in terms of implementing the bills and resolution of this House by the Nairobi Metropolitan Services.

Hon. Speaker, some of the issues this motion is addressing are already being implemented by the NMS. You can see how the sector is doing. You have seen how the pedestrian walkways have been done beautifully across the city by this entity. As a House, we have a duty to ensure that any other act or any other law this entity needs, we will do it with utmost good faith.

There is a survey which was done after the NMS completed its first 100 days in office, 70% of Nairobians want the NMS to continue working for Nairobians and implementing the four functions which were transferred by the Governor.

In the County Assembly follow-up, the Nairobi Metropolitan Services (NMS) must ensure this motion is implemented fully. I second. Thank you.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. members, you can now debate.

**Hon. Kabiro Mbugua:** Thank you, Mr. Speaker. I would like to support this motion that seeks to abolish all on-street parking of public service vehicles (PSVs) and bodabodas within the CBD and direct them to specific termini. Most importantly, is to reorganize the transport sector in a way that we can all be proud of a city that is growing and diversifying its transport system.

Mr. Speaker, the mover of the motion has alluded to the fact that he is well travelled. I heard him cite places like Berlin, Germany, and other places like Dubai in his moving speech. That is a good thing. They say, if you travel far, you know more and you see a lot. This is an innovative thing here. It has been implemented properly in many other places. I hear there are city metros which have designated travel lanes. That is what the proposed Bus Rapid Transit (BRT) is supposed to come and do.

There should be a proper structure within the transport industry. I am happy we passed the Transport Bill. I am sure the General, together with his team is trying to look at how best to implement the Bill. I think when we get to a point where the city has to grow and expand to other areas, we need to think and rethink what will hail our expansion strategies. One of them is the transport sector. If we can organize the transport sector in a way that we take out the matatus and PSVs out of the city to allow for organized ways of accessing and exiting the city, then we will be able to open it up to a level that we can say we have done good as an Assembly.

The policy that should be done by the NMS should then forwarding to us to approve. The law says it is the County Executive, but right now the function has been transferred. The policy should fix the transport sector once and for all. We do not want to go back to the transport sector where matatus and PSVs are designated today, but tomorrow you find them in illegal places and also carry and drop off passengers in places where they are not supposed to do.

I can vouch for the General; I am sure he will do good. Given the opportunity that he has been given within the last 100 days which ended the day before yesterday, he has done tremendously well. So, giving him such a motion for implementation is something that we will be proud as Nairobi City County Assembly, having participated in the development through the NMS.

Mr. Speaker, I beg to support the motion, and I would like to praise the mover for thinking about it. Thank you.

**Hon. Leah Supuko:** Thank you, Mr. Speaker. I would like to support the motion which I think is overdue. But by what the NMS is already doing in our streets, for example, I have passed Kenyatta Avenue, they are trying to decongest the city by even taking away the parking that were around that street. From where I am seated, I think they have a plan of getting the parking where the buses can drop and pick, as the motion mover has suggested. We are headed there.

As the Minority Leader said, it is good if we can follow up these things with the NMS so that what we are doing here, because this is already taken away function, can be implemented. Not just us coming here to talk but there is no follow up with the NMS.

I thank the mover of the motion, and I beg to support.

**Hon. Deputy Speaker:** The mover to reply.

**Hon. Abraham Njihia:** Hon. Speaker, I thought more members wanted to contribute. I can see Hon. Matara was there.

**Hon. Deputy Speaker:** None has requested.

**Hon. Abraham Njihia:** He was lifting his hand but---

**Hon. Deputy Speaker:** But he should use his card, you know that.

**Hon. Abraham Njihia:** Okay. First of all, I want to thank my Minority Leader for the support of the motion. I am 100% sure he was not prepared. I had conversed with Hon. Clarence, who is a good friend of mine, but unfortunately, I don't know where he is. Also, I want to say a big thank you to Hon. Kabiro, and last but not least, Hon. Leah Supuko, who have stood with this motion. Now, I think it is upon this Assembly to pass this motion to the NMS. I know the guys who are there are capable, they are good.

Before I sit, I want to urge all the members of Nairobi County Assembly that nobody was born a leader, leaders are made. We have fought for so long, and it is my wish that the wars that we have had should come to an end.

*(Applause)*

Hon. Ng'ang'a here fits to be the Majority leader of this County Assembly. Anybody can be the majority leader of this Assembly. so, I am urging that we put our House in order. There is no monopoly that one person can be the Majority Leader. Hon. Speaker, you are our leader, sit with the Speaker and call those people and tell them we want peace. We want to work for the Nairobians, that is why we were elected. We were not elected to come here and fight.

*(Applause)*

Hon. speaker, if we go the way we are going, this Assembly will end in tears. We must stand firm. We don't want these fights. On Thursday, I came here very early in the morning and I was arrested. I regret *nikiwekwa ndani ya* Land cruiser yet I am an elected member. Together with the Speaker, sit these factions down and tell them we don't want to end in tears. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Njihia. Let me give a warning. There is someone misusing Hon. Elias Otieno's card. You all know that Hon. Otieno is not with us for now but somebody went ahead and took the card and I can see it requesting for a chance. I request the Seargent-at-Arms to make sure the card of Hon Otieno is not misused in this assembly. Thank you.

*(Question put and agreed to)*

## MOTION

### ADOPTION OF REPORT OF COMMITTEE ON LABOUR ON SITE VISIT TO MJI WA HURUMA HOME FOR THE AGED

**Hon. Geoffrey Mbutia:** Thank you Mr. Speaker and I thank the Labour committee for having found favor on me to be their chairman. I would like to move a motion on behalf of Labour and Social Welfare committee that this assembly adopts the report of the sectoral committee on Labour and Social Welfare on the site visit to Mji wa Huruma home for the aged, laid on the table of the assembly on Tuesday 23<sup>rd</sup> June 2020.

Hon Speaker on 11<sup>th</sup> March 2020 the sectoral committee on Labour and Social Welfare conducted a site inspection visit to Mji wa Huruma home for the aged in Runda to inspect the status of the said home for the elderly. The site inspection visit to Mji wa Huruma home for the aged in Runda was in response to the committee meeting held on 26<sup>th</sup> February 2020 with the chief officer of youth affairs, social services and gender who raised a concern regarding the poor status of the said facility and failure by the county government to allocate funds for the expansion of the said facility and for sustaining the said home of the aged.

Hon Speaker, the committee was accompanied by the county director of social services and the acting assistant county director of family welfare during the site inspection visit to the said home. During the site visit the committee observed the home as follows:

- i. The home for the aged is a county facility built for the elderly people who are homeless and abandoned most of them were brought by the police, social workers, churches, provincial administrators and Kenyatta national hospital.
- ii. The home for the aged is constructed on a 7-acre plot.
- iii. The home has a total of 48 elderly people, 23 being male and 25 being female.
- iv. The home has a county health facility which supports the elderly and the neighboring community.
- v. Broken down boreholes leading to lack of water at the facility. Fire department sometimes irregularly provide water in the said home.
- vi. The perimeter wall constructed at the said home is incomplete due to nonpayment by the county government. The contractor left the site of the perimeter wall three years ago.
- vii. Presence of informal settlements, slum-dwelling behind the said center causing insecurity at the said home. No transport at the said home for the aged when they sick elderly people get referrals to other hospitals.

Previously Ksh 150,000 facilitation fee per month was provided by the county government for the meals at the said home for the aged. Apparently, for the last two years, the center had not received any funds from the county government. Most of the time the said home had relied on neighboring churches for donation of meals and schools. Money is allocated every financial year but funds don't reach the home for the aged and encroachment of part of the land of the home for the aged by a school which is built by the makeshift containers.

Therefore, Hon Speaker, the committee recommends the county should:

- i. move with speed to complete the perimeter wall about 800 meters around the said home for the aged as it is a security breach at the said home for the aged.
- ii. Construct a new borehole at the said home to supply water.
- iii. Provide a vehicle to the said home to assist in the transportation of the sick and dead people and donated stuff.
- iv. Regularly provide facilitation fee of Ksh 150,000 per month for basic needs to the said home and domesticate a policy to address the opening of an independent account for Mji wa Huruma in order to allow sponsors and partners to donate funds for the institution.



**Hon. Deputy Speaker:** Hon chair, sorry for the direction. This was just a motion so you need somebody else...because you have read it and we agree. Look for somebody to second your motion.

**Hon. Geoffrey Mbutia:** Thank you, Mr. Speaker. I, therefore, call upon Hon Rose to second the motion.

**Hon. Rose Ogonda:** Thank you chair. I second the motion but Mr. Speaker I have something to say on this. Wazees from Mji wa Huruma are suffering due to COVID 19 and the coldness which is happening now. The perimeter wall has to be done completely. Second, the borehole which they were using is not working. I don't know how they are getting water for them to use. Thirdly for the Kshs 150,000, we asked the director and there was no good response. I beg for implementation and the chair to act quickly. Even now they don't have a budget. I beg to second.

*(Question proposed)*

**Hon. Jared Akama:** Thank you Mr. Speaker for giving me this opportunity and I rise to support this motion having been a member of this committee and also to appreciate members for their time they took to visit the center.

Mr. Speaker notably society can be judged by how they treat the elderly just as they treat the children because these are vulnerable people in our society. Looking at the center which is also owned by this county there is something we noticed in the sense of negligence and ignorance.

Negligence was because of the situation we found our 48 elderly people in that home. Mr. Speaker, I want you to note that the center has the capacity to accommodate more elderly but owing to the fact of the negligence and lack of support and commitment from this county the center has no capacity to take in more. Therefore, I urge this house to come up and give more support to this center.

Ignorance was because of the tendency we are seeing especially with the management. We have several donors who indicated to support the center but they have had a hard time to be absorbed because of the bureaucracy which is being set. We have several of them who wants to support but because of the bureaucracy in the sense that the center is not even allowed to open its own independent account. By virtue of that aspect of being denied to open an account, they are losing more donors who are willing to support these elderly people in our society. Therefore, is to urge that we support this center and also urge the relevant sectors to come up with speed and show goodwill even to our donors who want to support. Therefore, just as I have said this was a report which we pledge this house to support and help in the implementation to support our vulnerable in the society. I support Mr. Speaker, thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Jared.

**Hon. Kabiro Mbugua:** Thank you very much, Mr. Speaker. I happen to be one of the members of the said committee that visited Mji wa Huruma in Runda. I can only tell of the deplorable condition in which we have kept our elderly. It is not good to treat our elderly in a way we wouldn't like to be treated, whether we are young or old.

Mr. Speaker, Corona pandemic is here with us. WHO has recommended that washing your hands with running water and soap prevents the risk of contracting Coronavirus. In the event that one of the visitors to the home is Corona virus-positive, and we have seen in this report that there is no water or borehole, yet we are the people in charge of providing water. These people will be exposed to the virus.

It is prudent that this report is implemented properly to allow the aged to live comfortably by providing them with water and food. The Kshs.150, 000 every month is doable though, in the coming financial year, we as Labour Committee have pushed for it to be included in the budget estimates and we were told that it was included in the estimates. We will make sure that it is checked and we will also speak with the duty manager to allow us to get the status report periodically to make sure that the aged are treated well.

The perimeter wall is also very critical especially during this period that the nation is suffering and also globally with the corona pandemic, the wall will make sure that people do not have access to the home from every direction. This is a good report and I would like to congratulate the Chair for taking over the leadership from Hon. Peter Wanyoike and his deputy Hon. Gerald Akama, guide us to the next path and in advancing the agenda of the committee. I support this motion, thank you.

**Hon. Deputy Speaker:** Hon. Silas do you want to contribute? You can do that now, proceed.

**Hon. Silas Ongwae:** Thank you, Hon. Speaker for giving me this opportunity despite the long wait. I would like first to congratulate our Chair and the committee for the good work they have done to ensure that they table a report that is insightful of whatever is happening on the ground. I can testify that on this specific visit, the photos taken on this report, I was present. The issues that have been raised by the other members I saw them practical and it is deeply saddening.

As elected leaders, we campaigned on the platform of protecting the interests of the people of Nairobi including the aged, the disadvantaged and the vulnerable in our society. Just like my colleague has said, a society is judged by how it raises the children and the vulnerable. In this case, it is important and it is the onus of this able House that we take this issue about the aged with utmost seriousness and treat it as urgent. At the end of the day, by the virtual of them being in that home, it means that either they do not have any living relatives, and even if they do they are poor to take care of them. Or possibly they do not have somewhere to call home.

Hon. Speaker, I would like to add to what other members have said. When it comes to the perimeter wall, it is up to this House to direct the responsible sector to ensure that the table a report to this House as to why the wall has not been finished to this moment. Is it luck of budget because I have realized there are white elephant projects around Nairobi and when you peruse through the budget you find that it is lack of budget or they are not prioritized. But once we get to analyze what is the problem, then that issue can be finalized once and for all. It is also going to cure the issue of encroachment and Hon. Speaker you know that in Nairobi any piece of land especially government can be hived off by land grabbers. The perimeter wall will come hardy to protect that land and protect the interests of the properties in the County.

Secondly, when it comes to the allocation of Kshs.150, 000 to that sector, due to inflation because I believe when they were allocating that amount, considering the inflation issues and the increasing cost of living, I don't think it is adequate to take care of the basic needs in that home. I hope that the budgetary allocation for the financial year 2021 has taken into account the needs of this home so that they get to increase it and also other homes that are in this county. Hon. Speaker, you need to direct that sector gets more allocation so that when we will have an issue in this House we can say that the allocation was increased.

There is the other issue of delay in payment. I believe that when you supply to the government it takes a long time for you to be paid. Then, the items are going to sold expensively in order to carter for the



delay. When we were there, the last payment they received of Kshs.150, 000 was like in four months. In a year, they receive less than two or three. This is an important issue that needs to be addressed by this House on this floor.

Hon. Speaker, there is an issue of vehicles when one is deceased or when they are sick or other emergencies. There are ambulances used in the county, there is a need to allocate one to the home or for streets children to carter for their needs and the environs. Hon. Speaker, if you walk around our garages, you will find county vehicle wasting away. Possibly we could get a report on whether there is any vehicle lying idle somewhere which requires minimal mechanical repair to allocate to the home as we prepare to allocate a budget for a vehicle specifically for that sector.

Lastly, Hon. Speaker, there is this issue of the non-functional borehole. The last time it was repaired is a while back. We need the Chair for Water if at all is in the House to direct the county engineers do an inspection of the borehole and see whether it can be repaired as we await the allocation for sinking another borehole or what needs to be done. You realize that most of the county projects due to non-maintenance waste away, then we can decide whether they need another borehole. Currently, the Nairobi Metropolitan Services are sinking boreholes all over. They have done over 140 boreholes and still counting. If we can request the NMS in the same programme to do a borehole in that home because they do the drilling, equipping and installation of a steel tower, that will come handy and we can take the advantage of what the NMS is doing.

I urge members of this House that we do the policy framework and pass laws to address some of these issues, but there is a thing that each member can do voluntarily, we can plan possibly after the COVID 19 is managed and the restrictions are lessened to pay a visit to the home. Those who cannot be able to do so can contribute financially in order to support them. Because as it is, we don't know when they are going to receive Kshs.150, 000. With those few remarks, I beg to support. Thank you.

**Hon. Geoffrey Mbutia:** Thank you, Hon. Speaker. I take this opportunity to thank the members of the Labour Committee for taking their time to go and visit Mji wa Huruma and also to socialize with those senior citizens, and they were really happy. I would like to request that for those who have money, rather than using the money to look for leadership positions, I would advise them to visit such homes, this could be a blessing to such homes.

I also take this opportunity to thank Hon. Members who have supported this motion. God bless you so much and we would like to commit ourselves as Labour Committee to follow up closely to make sure that these recommendations are implemented. We request the Implementation Committee to commit themselves to follow up so that our recommendations are implemented. Otherwise, our going there and bringing such a good report to this House, will be in vain. Thank you, Mr. Speaker, I beg to reply.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, having transacted today's business, the House stands adjourned till 2.30 p.m. today. God bless you, thank you.

**The House rose at 11.00 a.m.**