



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fourth Session

Wednesday 4th March, 2020

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: We don't have quorum, please ring the bell for ten minutes.

(Quorum bell rung)

Hon. Deputy Speaker: Proceed Clerk, we have quorum.

PAPERS

Hon. Deputy Speaker: Chair Budget?

Hon. Robert Mbatia: Thank you Mr. Speaker. Pursuant to Standing Order 135 of the PMF Act 2012, I beg to lay the following paper on the table of this assembly today 4th March 2020; the 21st report of the Select Committee on County Finance, Budget and Appropriation on the first supplementary estimates for the financial year 2019-2020 for the Nairobi City County Government and County Assembly. I beg to lay.

Hon. Deputy Speaker: Thank you Chair Budget. Chair Lands, who has been given the responsibility of tabling the City Planning documents? I can see we have so many members here like the Hon. Member for Nairobi Central. Hon. Ngengi, you have something to say? Proceed.

Hon. Daniel Ngengi: Thank you Hon. Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following paper on the table of the assembly today Wednesday 4th March 2020; the report of the Sectoral Committee on Planning and Housing workshop held at Travelers Hotel from 28th November to 1st December 2019. Thank you Hon. Speaker, I beg to lay.

Hon. Deputy Speaker: Thank you Hon. Ngengi. The Leader of the Majority? Any member for PIC? Any member who can lay the paper on behalf of the chairperson? Hon. Mbatia please proceed.

Hon. Robert Mbatia: Thank you Mr. Speaker. Pursuant to Standing Order 198 (5) I beg to lay the following paper on the table of this assembly today Wednesday 4th March 2020; the third report of the Select Committee on Committee on Public Investment on the report of the Auditor General on the financial

statements of the Nairobi City Water & Sewerage Company Limited for the year ended 30th June 2018. I beg to lay.

Hon. Deputy Speaker: Thank you Hon. Mbatia. Clerk, proceed.

NOTICES OF MOTION

Hon. Robert Mbatia: Thank you Mr. Speaker once again. I want to give Notice of the following motion; that this assembly adopts the 21st report of the Select Committee County Finance, Budget and Appropriation on the first supplementary estimates for the financial year 2019-2020 for the Nairobi City County Government and County Assembly. Mr. Speaker, I beg to move.

Hon. Deputy Speaker: Thank you Hon. Mbatia, proceed.

Hon. Robert Mbatia: Thank you Mr. Speaker. I beg to give Notice of the following motion that this assembly adopts the third report of the Select Committee on Committee on Public Investment on the report of the Auditor General on the financial statements of the Nairobi City Water & Sewerage Company Limited for the year ended 30th June 2018. I beg to move.

Hon. Deputy Speaker: Thank you Hon. Mbatia. Clerk, proceed.

BILLS

NAIROBI CITY COUNTY POP UP MARKET AND STREET VENDORS BILL 2019 ASSEMBLY BILL NO. 9 OF 2019
(A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO CREATE A LEGAL FRAMEWORK FOR ESTABLISHMENT, REGULATION AND RECOGNITION OF POP UP MARKET AND STREET VENDING IN NAIROBI CITY COUNTY AND FOR THE IDENTIFICATION OF MINIMUM STANDARDS FOR POP UP MARKETS AND STREET VENDORS AND FOR RELATED PURPOSES)

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I beg to move that the Nairobi City County Pop Up Market and Street Vendors Bill 2019 be read a second time. I would like to elaborate what this Bill is all about in order for the members---

Hon. Deputy Speaker: Hon. Kabiro before you proceed, who is using the Clerk of the Assembly's card because I can see it here on the screen. Who could be having it? It has just been withdrawn, who has it? Who is No. 34? Hon. Kabiro, proceed.

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. Whoever is having that card should hand it over. Mr. Speaker, kindly protect me from the ladies.

Hon. Deputy Speaker: Hon. Nyambura please stop harassing Hon. Kabiro. Proceed Hon. Kabiro you are protected.

Hon. Mbugua Kabiro: Mr. Speaker, a pop up market refers to a shop or an establishment or temporary market that is opened at specific locations and closes during specific times as gazette by a committee that is to be set by this Bill.

Who is then a street vendor? This is a person engaged in selling of goods and services that we use on a day to day basis anywhere, it can be in walkways, roads, markets, and other places. The Bill before this House being read for the second time seeks to solve the problem of youth unemployment since these pop markets would target young urban style conscious youths who would then get employment from these markets.

We would then be able to sort out the lack of opportunities by giving employment to these youth and even other people like the elderly, street vendors and hawkers. We want also to curb the harassment of the

street vendors which is done by our Inspectorate department where at times we have no control of how the street vendors are mishandled while doing their business.

Mr. Speaker, the hawkers also are a menace and they are not controlled in a certain way. We need to have a regulated way in which they can trade and make money without causing disturbances. This Bill proposes that the county would be categorized into vending zones. One of the category would be restricted for vending zone where there would be no vending in specific spaces, for example, a place like Parliament vending cannot be allowed.

There will be a second category that is called restriction free vending zone where vending can happen at those places at any time and there is no vending zone. This will be done by a committee and will be passed on the floor of this house the different categorization of the different regions. You will find like in Westlands there are like 7 vending zones and probably 10 vending's zones. The different categorization will help with making sure the categorization is adhered to and that report will be tabled in this house and passed by the assembly.

Mr. Speaker the Bill proposes there will be a formation of a pop up market department that will see the day to day running of this market. This market will come up once in a while and in line with that there will be a committee that will also include members of the informal and formal sector who will then form the policy and decision making entity which will be implemented by the pop up market department.

Mr. Speaker this markets will be gazette on specific days and at specific times. For example, the road which is directly at the center of Uhuru park could be closed and vendors can then be asked to apply for space and pay for license and be asked to display and sell their goods. When the whole mass of people that is coming from Upper Hill from the government jobs come they will be allowed to buy. For example, a farmers pop up market they will pass by, buy fruits and vegetables on their way home.

Mr. Speaker if it is allowed that it starts at about 5 p.m. and ends at about 9 p.m. the cleaning will take place after so that by morning there is dirty that will be left in the streets.

This pop up market will be mindful of traffic, the walkways, sanitation, people with disability, toilets, cleaning and most of other things that are crucial for running of affairs. We propose that there will be a farmers' pop up market, a Maasai and culture pop up market, we also propose there will be a clothing and fashion pop up market, also propose kitchen and homeware pop up market, arts and gallery, electronics and music amongst many other things that will be displayed but it will be specific products to be sold on specific days for specific type of customers.

I will also there will be a book pop up market so that the people who read will go to street and buy some of these books.

Mr. Speaker the location of these pop up markets will be gazetted and it will be marketed in a newspaper and traders will be allowed to apply for space and will happen majorly in the CBD and the main streets and avenues, controlled parking's. It will also happen in the ward and villages and open public spaces.

Mr. Speaker I am one of the beneficiaries from these street vendors and it gives me joy to stand here when I didn't have a lot of money to buy a lot of clothes. I used to wait for the hawkers to come out with clothes and the street vendors so that I can be able to buy these clothes.

Some of the more established businesses would use this as avenue to test new products and this will be a very good thing of building the brand to drive the market demand.

This is not a new concept. It started in Los Angeles, California and has now since grown to be a global phenomenon and it happens in Canada, China, Japan, Mexico, France, Germany, UK, Australia, South Africa and now we want to institutionalize in Kenya for it to work perfectly. I wish to ask my colleagues to support this as it is going to solve most of the problems that we see day to say.

I want to appreciate the officials from the street vendors and others who have come to the gallery to see this occasion being done.

I want to thank you and would want to welcome the Hon Ngengi to second this motion. Thank you.

Hon. Daniel Ngengi: Thank you Hon Speaker, there is no way I would have risen to second the motion without you first acknowledging me and giving me the microphone.

Hon Speaker as I stand to support this Bill, the Nairobi City County Pop Up Street Vendors Bill 2019 I first of all like to appreciate the visitors – Zachary, Waweru, Raphael, Maingi- who are the street vendors in the CBD and they are testimony of the way this Bill can be of great use to Nairobians.

Hon Speaker the genesis of street hawking was to create employment for the youth. There are also the challenges of whether the marginalized and cost of starting business has always been very high. Street vending became a way of life.

I like also to point out that families have been raised, educated, we have leaders, we have businessmen whose origin is street vending. I would also like to mention that when I lived in New York in school I also did a lot of vending in this pop up markets where I got my money for my little beer here or my little friends.

Hon Speaker I would like to also point that of course the definition of a street pop up market and vendor has been well defined by Hon Kabiro who we are very grateful for this Bill.

This is a hybrid of Senate Bill and being a county this is what our job is implement this. Hon. Speaker the registration and licensing of traders would protect the traders known in Kiswahili as *wachuuzi wadogo* not hawkers, to protect them from the harassment of the Kanjo kingdom. A few years ago we had cases where hawkers have been killed, stabbed by the cartel that is run by the county enforcement officers where they always seek something for themselves.

Hon Speaker I also like to point out that we had public participation a few weeks ago and some of the members attending have already been threatened to stop or shy away from this Bill. I would like to assure you that we as leaders of the CBD are right behind this Bill.

Hon Speaker as I arise as member of the county assembly for Nairobi Central, CBD is not a special ward but a unique ward. This is where everything – whether transport, all the businesses- converge in the CBD. We do have other businessmen in other wards like Kariobangi, Kahawa, Wetlands, Parklands and this are the people we are trying to protect so that people stop coming to the CBD just to vend.

Hon. Speaker, one of the things I would like to point out here is that there will be an executive committee member that should be responsible for the effective management of the popup market within the city. This executive committee will have a lot of roles. One of them is the vending zone plan which shall ensure that the provision of space for street vending is reasonable and consistent with the existing natural markets.

Number two, promote convenient, efficient and cost-effective distribution of goods and provision of services. Number three, ensure the right of commuters to move freely and use the roads without any impediment. Number four, is take into account the civic facilities for the appropriate use of the identified spaces or areas as vending zones. Number five, ensure balance between the interest of formal retailers and

other stakeholders in the private sector to promote coexistence of hawkers and street vendors. And lastly, such other matters as may be specified in the county legislation to give effect to the street vending.

Hon. Speaker, this gives hawking a new meaning. We are going to have an orderly city and a clean city. We are not going to experience the nonsense that we experienced yesterday where we had people trashing the streets in protest. It is good that this Bill is before this House and I urge the Members to please pass this Bill so that our brothers and sisters can have a better and organized life. A life devoid of harassment. With those few remarks, I second the motion. Thank you.

Hon. Deputy Speaker: Thank you Hon. Ngengi. Let me notify all the Members that no Member is allowed to recognize anybody in the public gallery because they are not in the Speaker's gallery. That is just a simple information. Thank you.

(Question proposed)

Hon. Deputy Speaker: Mover? Hon. Leah.

Hon. Leah Supuko: Thank you Mr. Speaker. I was wondering why you were pushing the mover to reply before you could reply. I thank Hon. Kabiru for bringing this very nice motion. It is a very good motion for reorganizing the vendors. I hope it will be implemented because the vendors are the most vulnerable people. They always run around the city. When they are put in a place where they are recognized and allowed to do their businesses, it will be a very good thing. I thank him for thinking about the Maasai. They bring in a lot of money to the governments because they vend goods that are attractive to tourists. So, I support the motion.

Hon. Jeremiah Themndu: Thank you Mr. Speaker. I would like to congratulate Hon. Kabiru for bringing this motion to this Assembly. Our people are suffering. We don't have jobs for our people. By allowing them to do business without any interference, we shall fulfil one of our campaign pledges. I support the market because I have travelled and seen how well they do. If it is here in Central Business District, I propose that we close some streets and let the vendors do their business.

In a week, we can give them like three days. Nairobians shall know certain roads shall be closed on certain days for the popup markets. Hon. Speaker, we should speed up the process because it will cool down the temperatures. We see the hawkers being chased by the askaris daily and that is not good for us because we are their representatives. The best thing we can do is to pass such a motion. I beg to support the motion.

Hon. Deputy Speaker: Hon. Mary Ariviza. Before you talk, let me convey this message. This is not a motion. This is a Bill. Proceed.

Hon. Mary Mwami: Thank you. I wanted to get that clarification first. I support this motion, but with some reservations. Our people are not yet up to the level of being able to be allowed in very many places. We should probably start with one street. We then do some advertisement.

Two days ago, I found people with oranges near KENCOM and it becomes quiet difficult for even our askaris to move them. Some of the women are carrying babies on their backs. We don't want *Sukuma wiki, kunde* and oranges near KENCOM.

We also need to know that the CBD is no longer the old one. Even Upper Hill is part of CBD these days. We therefore need to be careful because Upper Hill is housing embassies like the UK and others. We need to know that our people have not known how to adhere to laws. We will start with a street or two and then progressively be able to see how it works. We may become like Lagos, the hawkers' city. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Silas Ongwae.

Hon. Silas Matara: Thank you. I rise to support this Bill. I also congratulate the Hon. Member for this Bill. I rise to support it for two reasons.

We need to take cognizance of the fact that we are living in hard times and people are lacking job opportunities therefore when a Bill that is going to cure the harassment of hawkers in the CBD and sort the issue of their disorganization to help them conduct their business in a manner that is efficient and dependable on the customers. With those few remarks, I beg to support

Hon. Deputy Speaker: Thank you very much Hon. Matara. Hon. Jayendra Malde

Hon. Jayendra Malde: Thank you Mr. Speaker for catching my eye. I rise to support this Bill and congratulate Hon. Kabiro for introducing this Bill in such a timely manner. The rate of unemployment in Kenya and specifically in Nairobi is quite high. We have about six million people in Nairobi and everyone is looking for jobs. Therefore, if we can strategize and enable citizens to conduct their businesses without any harassment then it will be good. Kanjos take money from hawkers on a daily basis not to mention that they also intimidate them and in the process they end up losing their property and money. Let us work on this pop up market so that we create jobs for our youths and in turn earn revenue for the county. I rise to support. Thank you.

Hon. Deputy Speaker: Mover

Hon. Kabiro Mbugua: Thank you very much Mr. Speaker. I wish to thank everybody who supported this Bill and Hon. Ngengi for seconding it. They all spoke from their hearts and with that, I wish to thank them. I beg to reply

Hon. Deputy Speaker: Thank you Hon. Mbugua Kabiro

(Question put and agreed to)

(The Bill was read a Second Time)

Hon. Deputy Speaker: Hon. Adow

THE NAIROBI CITY COUNTY TRANSPORT BILL, 2019, ASSEMBLY BILL 10 OF 2019

Hon. Deputy Speaker: Hon. Adow

Hon. Osman Adow: Thank you Mr. Speaker. The Nairobi City County Transport Bill, 2019: Assembly Bill 10 of 2019. This is an Act of County Assembly of Nairobi City County to provide for administration of county transport to make provisions for county roads, public road transport, traffic management, parking, street lighting and for connected purposes.

Mr. Speaker, this is a very comprehensive Bill. After devolution, I found out that we did not have any laws on public transport and therefore I came up with a small Bill and since then, it has had a lot of contribution from different people and organizations that have helped build it up in the various aspects of transport in the county.

From regulation of matatus to bodabodas to bicycles to buses, it gives responsibility to the county government on improvement of roads, street lighting and footpaths, cycling lanes and the light rails. If this Bill is passed and implemented it will bring Nairobi to the 21st century cities world standard and help improve the image of Nairobi as a world class city.

If you go through this Bill, you will find lots of stuff that is good for this city. I would urge members to support it.

I ask the Chair of Roads, Transport and Public Works Committee, Hon. Joyce Kamau to second.

Hon. Joyce Kamau: Thank you, Mr. Speaker, I rise to second this motion. First of all, let me take this opportunity to congratulate my colleague, Hon. Osman Adow for coming up with this Bill that will transform our transport system in a great way.

Mr. Speaker, I will highlight on few issues that have been of interest to me. You are aware that over the past years, we have had a lot of challenges regulating our public service vehicles (PSVs) and congestion in the city. This has been captured in this Bill. There shall be a committee formed to regulate PSVs. If you look at No.7 there, it says; *'Every five years, the County Executive Committee shall in consultation with stakeholders at the national and county level, prepare a capital city transport plan.'* This transport plan will help our sector to regulate on congestion and how PSVs will operate in the County.

Mr. Speaker, the committee in consultation with Public Service Board ensure that the positions of the Chief Officer, Transport and Planning and Chief Officer Infrastructure and Public works be formed. I think this positions will help in regulation of congestion and planning of our city.

Hon. Ariviza had raised that all PSVs shall designate seats near the alighting door for passengers with physical disability. So, this Bill has captured the needs of people with disabilities, pregnant women and the elderly. They will have special seats in every PSV.

Mr. Speaker, another issue that will be of interest to Nairobians is that the committee that will be formed will work on regulating the bus fares for the PSVs. That means PSVs will not be hiking bus fares whenever they feel like. Fare guide will be displayed at a location in the vehicle that is visible to all passengers and no one should pay fare that exceeds the amount displayed on the vehicle. I second the motion, thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. Mary Ariviza.

Hon. Mary Ariviza: Thank you, Mr. Speaker Sir, I am a member of this Committee of Transport and Infrastructure. This is an honorable thing that Hon. Adow brought. It is a Bill that will be able to regulate how transport is done in Nairobi. I stand to support this Bill. There are various parts to this Bill that are of importance to all of us.

The first one is administration. How will this be? We have the role of the County Executive Committee Member. These members are drawn both from within the Transport Sector and the public. So, it means everybody will be represented so that the stakeholders don't feel out of place. Then we have the identification of the roads. We all know there are some roads that are for the County and others for the National Government.

We also have the Public Transport which is very complex. Apart from our normal transport and digital transport such as Uber and Bolt, we now have Swvl which operates like matatus hence picking more people. That is also coming out in this Bill and how things are working, for example, licenses and so on.

We also have traffic management which is a nightmare for our city. This traffic management is very important because it brings out the role of our traffic marshals, cycles, lane markings, zebra crossing and the responsibility of the utility companies which we call them sacco. How will they be able to manage this vis-à-vis the County Administration. We have the parking which bring a lot of revenue. I know we lose a lot of it. We should have rules so that people don't park on the wrong places, this will ease congestion. We also have the street lighting.

This is a very comprehensive Bill and we thank the Transport Committee. This will go on record that the European Union helped us greatly with this Bill by facilitating and giving us advise. When this Bill goes

through and being implemented by the County Government, we will have Nairobi that is healthier for everyone where we can be able to walk freely.

So, I stand to support this Bill and urge everyone of us to be able to support. Thank you Sir.

Hon. Deputy Speaker: Hon Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker, I stand to support this very nice Bill and congratulate Hon. Osman Adow. I know he has been pushing this thing for quite some time, and now it is in the House for second reading. I appreciate him for that.

Mr. Speaker I have looked at it and I have liked. The only section that I would wish to be considered the most is to take care of those informal industry within the transport that we call the taxi hailing services; the likes of Uber, Bolt and the rest. If this Bill can then take care of a place where they can be dropping people within town without any form of harassment, I will appreciate. I will try to see if it is provided for and if it can be amended if it is not included because it is the future of transport. We are moving from more of conventional transportation to a more app related modern or postmodern way of transportation. With that, I wish to support this Bill. Thank you.

Hon. Speaker: Mover to reply.

Hon. Osman Adow: Thank you, Mr. Speaker, I wish to thank everyone who is here in the House for supporting this important Bill. We will take to account what Hon Kabiro has raised. I know we had discussed it with the drafter who is a European Union expert and he had told me he was going to consider it. We can check if it is in the Bill and if it is not, it should be added.

It has been long since first brought the Bill to the House, which was during the First Assembly. Now I can see it is bearing fruits. So, I thank all the members for supporting me. I beg to reply.

Hon. Deputy Speaker: Thank you, Hon. Adow.

(Question put and agreed to)

*(The Bill was read a Second Time and committed to a
Committee of the Whole House)*

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, having transacted today's business, the House stands adjourned till tomorrow, Thursday 5th March 2020. God bless you all.

The House rose at 3:50 p.m.