



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Thursday 14th October 2021

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Serjeant-at- Arms, we do not have a quorum, could you kindly ring the bell for 10 minutes.

(Quorum bell was rung for ten minutes)

(The Clerk-at-the-Table confirmed there was quorum)

Hon. Temporary Deputy Speaker: We have a quorum. Proceed!

PAPERS

Hon. Peter Wanyoike: Thank you, Madam Speaker, Pursuant to Article 185 (4) of the Constitution of Kenya I beg to lay the following Paper on the Table of the Assembly today Thursday 14th October 2021: The Nairobi City County Sessional Paper No.3 of 2021 on Land Use Policy. I beg o lay.

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

NOTICES OF MOTION

DEVELOPMENT OF NAIROBI CITY COUNTY HARM AND INFECTIOUS DISEASES REDUCTION AND PREVENTION POLICY

Hon. Peter Warutere: Hon. Speaker, allow me first to congratulate you for being on that chair. I have never seen you there for many times I have visited this Assembly and you being in that chair, I know you are competent and am humbled this afternoon.

However, Hon. Speaker, I beg to give Notice of the following Motion: That aware that Article 43(1) of the Constitution of Kenya 2010, provides inter alia that: every person has the right to the highest attainable standard of health which includes the right to health care services, including reproductive health care; further aware that Part 2, Paragraphs 2 of the Fourth Schedule of the same Constitution provides for county health services including but not limited to the promotion of primary Health care as devolved functions for execution by the County; disturbed that prevalence of infectious diseases such as HIV and AIDS, hepatitis, sexually transmitted infections (STI), tuberculosis among other infectious diseases are a significant burden to the country and county's health system and its overall prosperity; noting the need for the county government to develop strategic measures to mitigate the spread of infectious diseases in the county, and conduct sensitization towards the creation of public awareness for its mitigation; further noting the need for promotion and provision for psychosocial support, treatment and rehabilitation of persons with problematic drugs use, their families, caregivers, dependents and the community in general; now, therefore, this Assembly urges the Nairobi Metropolitan Service in conjunction with the County Executive to develop a county harm and infectious disease reduction policy in conformance with the existing national policies on infectious diseases.

MEASURES TO EQUIP INFORMAL SETTLEMENTS WITH FIREFIGHTING FACILITIES

Hon. Patricia Mutheu: Thank Madam Speaker, it is a pleasure to see you looking all beautiful; it is an honour to always have a feminine face up there.

Hon. Speaker, I beg to the following Notice of Motion: That aware that Part 2 of the Fourth Schedule to the Constitution provides for firefighting services and disaster management as a function of the County Governments: deeply concerned that there are increasingly numerous cases of fire outbreaks, particularly affecting informal settlements across the county; noting that these fire outbreaks have caused heavy losses for residents, some of whom have had these incidents affect them repeatedly; recognizing that if the County Executive were to take measures to ensure fire safety precautions are taken in all market and informal settlements it would help curb the scope of damage caused by the repetitive fires since the response will be timely; realizing that these measures include mapping out hot spots across informal settlements and markets where the repetitive fire outbreaks are notorious; convinced that the county can do this by equipping Nyumba Kumi and select volunteers under it, with the necessary facilities such as fire extinguishers to act as first responders in case of fire or other emergency outbreak; this Assembly urges the county executive to urgently take measures to identify, train and equip Nyumba Kumi members and such volunteers under them with the necessary skills and equipment as appropriate to enable them to respond faster to fire and emergencies in Nairobi City County especially the informal settlements where rescue services take longer to respond.

STATEMENTS

CONSTANT HARASSMENT OF BUSINESS OWNERS BY THE CITY INSPECTORATE ACROSS THE COUNTY

Hon. Jayendra Malde: Thank you, Hon. Speaker, pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the Constant harassment of business owners by the City Inspectorate across the County.

Hon. Madam, the City Inspectorate department is tasked with enforcement for the order to prevail within the County; the procedure and conduct of these officers are enshrined under the Nairobi City County

Inspectorate Act, 2017. However, my office has received several complaints by the residents of the business community pertaining to harassment by the County *Askaris* from the Nairobi Metropolitan Services tasked with enforcement, despite having valid documentation at their business establishments.

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

1. How often do enforcement officers undertake refresher training and when the last training took place.
2. The procedure and circumstances for conducting arrests by the enforcement officers.
3. Why enforcement officers use force in undertaking their mandate and whether they are aware of the provision of section 23 of the City Inspectorate Act 2017 and
4. Measures the County Executive and the Nairobi Metropolitan Services are taking to stop harassment and assault of members of the business community and County residents by the city Inspectorate officers across the county.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Malde. Let us check if the Chair for Justice and Legal Affairs is in the House. The Chair of Justice and Legal Affairs is not in the House. I am requesting the Deputy Majority Whip to respond.

Hon. Peter Wanyoike: Thank you Madam Speaker. We will respond two weeks after recess.

Hon. Temporary Deputy Speaker: Hon. Malde, is that okay with you?

Hon. Jayendra Malde: Most obliged Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. Clerk.

MOTION

Hon. Temporary Deputy Speaker: Hon. Mary Ariviza

COUNTY TO SET ASIDE 5% OF BUSINESSES TO PEOPLE LIVING WITH DISABILITIES

Hon. Mary Mwami: Thank you Madam Speaker. I take this great opportunity to bring this Motion: THAT aware that Article 27 of the Constitution of Kenya 2010 provides the citizens of this country comprehensive quality and freedom from discrimination where every person is equal before the law and has the right to equal protection and benefit of the law. Further aware that Article 56 of the Constitution provides that the state shall put in place affirmative action programmes designed to ensure that minority and marginalized groups are provided special opportunities for access to employment. Concerned that people living with disabilities have not been given priority in the allocation of business space within Nairobi City County. Further concerned that few traders who manage to secure space have faced harassment from county government officers, which has led to protests from such traders. Noting that there are many persons with disabilities with the potential to run businesses effectively without depending on well-wishers across the county government. Acknowledging that Article 27 (6) of the Constitution requires the state to take legislative and other measures including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. This Assembly urges the County Government to set aside at least 5% of all businesses within the central business district-specific points in the city streets, county markets and trading centres for people living with disabilities and ensure

adherence to the provisions of the Constitution, Persons Living with Disabilities Act of 2013 and the Nairobi City County Persons with Disabilities Act 2015 on the rights of persons with disabilities.

Madam Speaker, it is very important that we realize that equalization of opportunities means the process through which the various systems of society and the environment such as services, activities, information and documentation are made available to all of us. In particular, persons with disabilities.

The principle of equal rights implies that the needs of every individual are of equal importance and that those needs must be made on the basis of planning and all resources must be employed in such a way to ensure that every individual has equal opportunities for participation. Persons with disabilities are members of society and have the right to remain within their local communities. They should therefore receive the support they need within the ordinary situation and structures of education, health, employment and social services.

Madam Speaker, despite the major gains of recent years as far as persons with disabilities is concerned within Nairobi County, still faces discrimination and other barriers by fully participating in their socio-economic due to unemployment, poor working conditions, poor infrastructure amongst others.

The county government should therefore demonstrate their commitment to employ people with disability by operating as a model employer to the people that have businesses in Nairobi. By this, we mean that 5% of employment within Nairobi County should be given to people living with disabilities.

This should include quarters for the government parastatals to employ people living with disabilities, fair allocation of trading places as well as security provision and capacity building for the current or aspiring entrepreneurs being demonstrated in the commitment of adherence of the provisions of the Constitution 2010 of Kenya.

Madam Speaker, I urge the Members of this County Assembly and the Executive to take into consideration that people living with disabilities are affected with Covid-19 and it is important that we take measures to help improve their standards. It is therefore important that we help them by creating spaces for them and creating employment opportunities---

Hon. Temporary Deputy Speaker: Just a minute Hon. Mary Ariviza. ICT, Members on Zoom cannot hear what Mary is saying. There is no sound. Can you please correct that?

Hon. Mary Mwami: Do I wait or---

Hon. Temporary Deputy Speaker: Wait for a few minutes to have the sound issue rectified because they cannot hear anything.

Hon. Mary Mwami: Thank you.

Hon. Temporary Deputy Speaker: Proceed. We are now okay

Hon. Mary Mwami: My apologies to the people who could not hear what I was saying. I will do a brief. This is a Motion on people living with disabilities to be granted opportunities within Nairobi County so that they get to have businesses in designated places.

The County Government should lead by example by employing at least 5% of persons living with disabilities as per the Constitution of Kenya 2010, Persons Living with Disabilities Act of 2013 and the Nairobi City County Persons with Disabilities Act 2015.

I was saying that with the emergence of Covid-19, PWDs have been greatly disadvantaged and it is important for us to help them put food on their tables. They do not want to live on handouts on a daily basis

and now with the procurement procedures that have been laid out, 30% should go to persons living with disabilities, women and the youths.

I urge that we as the County Assembly of Nairobi support this Motion so that person living with disabilities can get to jumpstart their businesses and move on in life. I would like to invite my Deputy Majority Leader Hon. Peter Wanyoike to second this Motion. *Karibu*.

Hon. Peter Wanyoike: Madam Speaker, let me take this opportunity to thank and congratulate Hon. Mary Ariviza for fighting for the rights of the people living with disabilities since she joined this House. It is said that disability is not inability and therefore it is prudent that they be given spaces within Nairobi County to work and put food on their table.

With this Motion, we urge the County Executive to come up with measures and allocate spaces for the persons with disabilities to work and with that, I rise to second the Motion.

Hon. Temporary Deputy Speaker: Thank you.

(Question proposed)

Hon. Peter Imwatok: Hon. Speaker, it is a blessing to have you in the Chair. Allow me to congratulate Madam Ariviza for the good job. Though she was not born disabled, she has shown--- I want to quote the Bible in the Book of Romans 8:28, it says; “*All things work together for the good of them who have called and for His purpose*”.

I want to tell Hon. Ariviza that when she came to this County Assembly, she was not such disabled but out of the struggle for truth, and justice for all, she is now a disabled with ability to transform and change the way things are done. As the Bible says, even things that make us shed tears one time we will understand why. I believe that the disabled in this county understand that there is a lady with disability called Mary Ariviza who can stand for them.

Madam Speaker, about six years ago we approved the Nairobi Disability Act. In that Act, it stipulates a disability Board and it is very explicit that in this Board which was moved by another man that I respect Bishop Abuka. He was a nominated member who was living with disability. He is the current Board member I think with Kisumu Water & Sewerage Company. He was so passionate about this Act. He was advocating on the same thing that Hon. Ariviza is advocating that we should have special seats for the disabled people in our buses. We must provide the first two seats for the people living with disability. However, this has not been enforced in our county.

When it comes to the issue of businesses, we don't expect people living with disabilities to compete with able bodied people. We need to treat them with care because they deserve it. This morning a young man who was given work to construct a road in my Ward about six years ago - who lives with disability from Bungoma - by the then director of procurement who is the current director of procurement for World Bank named Mr. Obiero, gave this young man work to construct a road in my Ward which has taken years to get completed. Why? The way an abled person is paid is totally different because he cannot be able to go upstairs at the treasury. This young man cannot walk but he is expected to go to the government offices where there are no rails to go and complain.

It is important for the County Government after the passage of this Bill to make a deliberate decision that where a disabled person has done business in this county, let him be the first to be paid. It hurts a lot that we pay billionaires than paying those who deserve to be paid. I am aware that the county has exhausted

all the votes for any kind of services out of the over sh. 12 billion. When you ask you are told that every who is who in this county is in New York, from the acting Governor to the leadership of this House to the top brokers in the streets.

If you look at the itinerary of the President of Kenya, they are not part of it. Hon. Speaker, a huge amount of money over sh. 800 million was paid to one individual. People have gone to perambulate in New York Coty because they have money while the disabled are suffering in the streets. They have not been paid for the supplies made to our county.

Hon. Speaker, this has to be said by somebody. Hon. Ariviza, they may not do it but your voice has been heard. Hon. Abuka tried it and his voice was heard. The Bible says, I met a person on the streets who asked for water, and you say where were you, I did not see you. I was disabled but you did not help me to climb a bus. Hon. Ariviza is saying please help these disabled people, they are human beings. If you watched the funeral of John Pombe Magufuli the late President of Tanzania, you could see how they treat people with disability there. The armed forces of the republic of Tanzania had to dedicate specific officers to carry disabled people in order for them to see their President.

In Kenya if you are disabled, you have to work extra hard. This is not right before God. As I support this Motion, I believe the Implementation Committee and the current government of the day led by the Acting Governor Anne Kananu, we need to support the disabled people in our society. Soon I am going to request for a statement from the Budget Committee on how many people living with disability have been given opportunities to do business with the County Government. If so, how many of them have been paid?

Madam Speaker, it is very disheartening that unscrupulous businessmen have registered companies in the name of the disabled while they are not. It is wrong even before God. How do you feel as a Christian when you take advantage of a disabled person to register a company in order for you to siphon millions of money knowing too well you are a multi-millionaire? Let us be honest with ourselves. My challenge goes to the County Government led by the Acting Governor, it cannot be business as usual.

She is a lady and we respect her, but she must wake up to work. There are things happening in the County that in a normal sense of life you cannot allow it to go unquestioned. Thank you, Madam Speaker and congratulation Hon. Ariviza.

(Applause)

Hon. Temporary Deputy Speaker: Thank you. I can see Hon. Themendu.

(Technical hitch)

IT, could kindly give him the speaker. Hon. Themendu is online and wants to contribute to this Motion. Anyone else on Zoom as we try to get Hon. Themendu?

(Hon. Themendu spoke off the record)

I can hear you, but the House can't hear you. We are waiting for the IT team to correct it. Just, give us a minute, Hon. Themendu.

Hon. Jeremiah Themendu: Madam Speaker, can you hear me?

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

Hon. Jeremiah Themendu: Okay. Madam Speaker, let me take this opportunity to contribute and support the Motion from Hon. Mary Ariviza.

We as society should recognize those people who are living with disabilities. Disability is not an inability. We have many doing well in their places of work, like in the Judiciary. I support that they be given an opportunity by the County and the National Government at large. This Motion is timely because it affects our children, sisters, brothers and parents. Let us recognize and give them that opportunity. I beg to support. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Themendu. I am trying to get anybody who wants to contribute. Unfortunately, I cannot see any hand up. Mover.

Hon. Mary Mwami: Thank you, Madam Speaker. I want to take this great opportunity for the unanimous call for the Motion to be passed. I want to thank my seconder, Hon. Deputy Majority Leader, Hon. Peter Wanyoike. I also thank my Minority Whip, Hon Imwatok. I also thank Hon. Themendu for supporting, and Hon. Malde who was here a while ago. He supported it but he had to rush out because of an appointment with a doctor.

I want to thank everyone for supporting the Motion. We have had a technical problem, but I know everyone online supports the Motion. I stand to reply. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Ariviza.

(Question put and agreed)

Hon. Temporary Deputy Speaker: Next Order!

MOTION

Hon. Temporary Deputy Speaker: Deputy Majority Leader.

ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR OF THE COUNTY ASSEMBLY

Hon. Peter Wanyoike: Thank you, Hon. Speaker. I beg to move the Motion:

THAT, pursuant to the provisions of Standing Orders 28 and 29 (3), this Assembly adjourns until Tuesday, 26th October, 2021 at 9.30a.m. in accordance with the Calendar of the County Assembly (Regular Sessions).

I call upon Hon. Mary Ariviza to second the Motion.

Hon. Mary Mwami: Thank you, Madam Speaker and my Deputy Majority Leader. It is time that we have a break, recuperate and be with our families. Also, we will be with our constituents, especially as we gear towards our general elections next year 2022. I second that we adjourn until 26th of October 2021. Thank you, Madam Speaker.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members? Mover.

Hon. Peter Wanyoike: Thank you, Hon. Speaker. Let me thank the House for the good work---

(Hon. Wanyoike spoke off the record)

---voter registration. Hon. Members will take that one week to promote the exercise. With that, I beg to reply. Thank you.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, this Assembly adjourns to 26th October 2021 in accordance with the Assembly calendar. Have a pleasant recess. Thank you

The House rose at 3.35 p.m.