



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fifth Session

Thursday 18<sup>th</sup> November 2021

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. Geoffrey Majiwa) in the Chair)*

#### PRAYER

#### MESSAGES

##### NOMINATION OF PAUL MUTUGA MUTUGI TO POSITION OF DEPUTY GOVERNOR

**Hon. Deputy Speaker:** Hon. Members, Standing Order 43 (1) relating to the messages from the Governor provides that the Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly. In this regard, Hon. Members I wish to report that the office of the Speaker is in receipt of a message from Her Excellency the Governor of Nairobi City County Vide Letter dated 16<sup>th</sup> November 2021.

In the message Hon. Members, Her Excellency, the Governor notifies this Assembly of the vacancy in the office of the Deputy Governor Nairobi City County following her swearing-in on Tuesday 16<sup>th</sup> November 2021 as the third Governor for the County City of Nairobi.

Subsequently Hon. Members, in her letter, the Governor nominate Mr. Paul Mutuga Mutugi for the position of Deputy Governor Nairobi City County, pursuant to section 31 of the County Government Act 2012. Hon. Members, pursuant to the Standing Order number 196 (4), I hereby commit the vetting of the nominee for the position of Deputy Governor Nairobi City County to the Select Committee on Appointment for vetting and conduction of public participation, for the suitability of the candidate and table its report for consideration by the Assembly within 14 days as guided by the section 8 of the Public Appointment and Parliamentary Approval Act 2011. Thank you, Hon. Members.

#### PAPERS LAID

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**Hon. Milicent Jagero:** Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly today Thursday 18<sup>th</sup> November 2021:

The report of the Sectoral Committee on Justice and Legal Affairs on the inquiry into all pending Bills arising from cases handled by all the prequalified firms that have financial implications on the County since 2017 to date.

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

**Hon. Wilfred Odalo:** Thank you Mr. Speaker. Pursuant to Standing Order 191 I beg to lay the following Paper on the Table of the Assembly today Thursday 18<sup>th</sup> November 2021:

The report of the Sectoral Committee on Environment and Natural Resources on the consideration of Environment Water and Energy Sector reports on the closure of Kiamaiko abattoirs.

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

### STATEMENT

#### REQUEST FOR STATEMENT REGARDING ALLOCATION OF LAND FOR PUBLIC UTILITY IN THE LUCKY SUMMER WARD

**Hon. Deputy Speaker:** Is Hon. Fredrick Otieno!

**Hon. Fredrick Otieno:** Hon. Speaker, pursuant to Standing Order 45 (2) (c) I wish to request a statement from the chairperson sectoral committee on Planning and Housing regarding the allocation of land for public utility in the Lucky Summer ward.

Hon. Speaker, while planning for estate, Nairobi City Council provided for space to be utilized for utilities and amenities for instance hospital, playing ground and sanitation facilities. However recently most of these government spaces are illegally finding themselves in hands of private developers hence denying residents the neediest facilities for living in lucky summer.

Most of the public spaces have been grabbed and developed. This has led to limited public spaces for setting up the most important utilities, amenities and benefits for the local population.

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

1. The list of public spaces in the Lucky Summer ward and their acres and current ownership and development status;
2. Steps that the Nairobi Metropolitan services (NMS) has taken to revert all grabbed public space in Lucky Summer ward;
3. Ownership including the safeguarding of the respective titles deeds more so in the Lucky Summer ward.

Thank you.

**Hon. Deputy Speaker:** The chairperson of Planning, do you have a point of order in his statement or what?

**Hon. Jared Akama:** Point of order 45 (2) (C)....

**Hon. Deputy Speaker:** Just take your sit Hon. Akama. Can we get a commitment from the Planning committee on that statement? How much time do you want to give that request?

**Hon. Peter Imwatok:** Chair, maybe you give us a week so that I can liaise with my chairperson and two weeks are appropriate, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Fredrick are you okay with two weeks.

**Hon. Fredrick Otieno:** I am okay chair.

**Hon. Deputy Speaker:** I would want to stress that because two weeks must be two weeks this is because Planning committee is overloaded with so many reports on land grabbing. Hon. Akama what is it?

**Hon. Jared Akama:** Thank you, Mr. Speaker, I rise on a point of order 45 (2) (C) and first before I continue I would want to give trust to my brother Ronaldo that we are in the knowledge of the Standing Order he is seeking for statements and emphasizing that we get them.

Mr. Speaker, I have two issues. I have stood on the floor of this House seeking statements. The first statement was on matters of bursaries which is around two months ago.

Mr. Speaker, I want to bring to your attention that I was given two weeks and I wanted your interpretation of whether two weeks has been transformed into two months. On the same and it is very serious and I am happy that it is on your knowledge that the Planning committee is overloaded with statements because they are not taking issues of statements seriously and we are not getting responses. For instance, through your chair and your wisdom, I sought for a statement like two weeks ago on what is happening in Mugumoini ward and I was assured because of the urgency of the matter I was to get that response within a week.

Mr. Speaker, one week has elapsed and the urgency is that the developer is on site doing very serious work of disturbing the old estate and yet that the plans that were blacklisted in 2018. I was seeking your mercy, for your wisdom that you comply with the Government's side and am happy that the leadership is here, and that this matter is treated urgently.

Therefore, it is a very serious matter, Mr. Speaker and I wanted you to give a directive that we get these statements as soon as possible. In addition, an emphasis that the government side should take this issues of statements very seriously. This is a very serious House and when we come to ask for statements we are not just asking for the sake of it. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** It is clear what Hon. Akama is talking about. The chairman of Planning needs to pull up his socks to ensure that these reports are done at a speed that will help the public and if there is a problem with the Executive with responding he should make the House aware because the Chairman has not come here to make the House aware that the executive is not responding. Many times, you will realize probably that the Planning itself does not sit to discuss this report as required. I would like to direct that the chairperson responds to this report within a week or if there is a problem. He should notify the House so that the House can help him to fast track.

**Hon. Moses Ogeto:** Hon. Speaker, I remember the Deputy Minority Leader took the undertaking of stopping [the developments] in Baba Dogo and he assured me that the same will be stopped. Hon. Speaker, I can report to this House that the same project is ongoing and he had told me that he was doing that thing within a few days.

The Deputy Leader of the Majority assured me that he would ensure that he has called the chairperson who is absentia in this House. Hon. speaker, maybe you can also give direction on the same so that we be on the same line with the Leader of the Majority and tell us what is the status because Hon. Akama had requested also the same about the construction on that site to be stopped and he is complaining here.

Therefore, Hon. Speaker, we are worried that if we are requesting statements and the laws and regulations, which are being set in this Assembly are not to be followed then this will be a kangaroo County Assembly where people do not follow rules and procedures.

**Hon. Deputy Speaker:** I want to go back to Standing Order number 41 on Notice of Motion that did not appear on our Order Paper. I will allow Hon. Millicent Jagero to proceed.

**Hon. Peter Imwatok:** Hon. Speaker, I rise on point of order number 56 (h) on statement of privilege. I stand before this House as the President of CASA games and I wish to laud the County Assembly of Nairobi for performing exemplarily and being discipline. Nairobi showed decency and respect and with that I congratulate the members of staff and the honorable members who participated in the games.

I would also wish to pass my congratulations to Her Excellency the Governor Anne Kananu as I was absent during her swearing in. It is a privilege for a woman to serve this County and that it itself is inspiration to my daughters who will one day know that Hon. Imwatok contributed to the bringing up of a woman as Governor of the capital city.

Hon. Speaker, let me congratulate my brother and former councillor Mutunga Mtungi whom you served with for having been appointed as Deputy Governor of this city. I have known him since my days in high school when he was my councilor when the wards were amalgamated. More importantly, I want to inform Members that as a leader of this House, we have a task to execute as a civilized leadership. I am happy that the Speaker is steadfast on resolving issues in the County Assembly as is my counterpart Mheshimiwa Kados whom I spoke with on the corridors. I assure the House on behalf of the opposition that the leadership of the County Assembly is in touch with every reality including the court cases and animosity between staff and I believe that we are going to bring harmony to this Assembly. Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Members, under Standing Order 41, there was an omission of some notices in the Speakers brief. I will therefore allow order number 6 to be reread to allow Hon. Jagero to proceed with the notice. Clerk.

### NOTICES OF MOTION

**Hon. Millicent Jagero:** Hon. Speaker, I beg to give Notice of the following Motion: THAT this Assembly adopts the report of the sectoral committee on Justice and Legal affairs on the inquiry into all pending bills arising from cases handled by all the prequalified firms that have financial implications on the county since 2017 to date. Thank you Mr. Speaker.

**Hon. Deputy Clerk:** Clerk!

### MOTION

PROHIBITION OF USE OF ROUNDABOUTS AS LAYBYS, PARKING AND TERMINI BY PUBLIC SERVICE VEHICLES

**Hon. Deputy Speaker:** Proceed.

**Hon. John Kamau:** Thank you Mr. Speaker. 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 Two of the Fourth Schedule apportions the parking and traffic aspects of transport functions to county governments. Cognisant that section 27 of the Nairobi City County Traffic Act 2020 prohibits PSVs from picking and dropping passengers at undesignated bus tops and section 46 and 47 of the Act prohibits persons from parking on public roads in a manner that impedes traffic flow and strictly

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restricts parking to designated areas particularly to PSVs prior to obtaining authority from the County. Noting that in pursuit of the county beautification initiative, the county has from years to 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 continued to cause heavy tailbacks of traffic on key roads such as Outering road on daily basis leading to loss of productive time and value for public money and investments. This Assembly urges the County Executive and the Nairobi Metropolitan service to:

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

I call upon Hon. Mark Mugambi to second the Motion.

**Hon. Mark Mugambi:** Thank you Hon. Kamau for bringing this Motion at a time when the NMS is trying to decongest the city. Most of the matatus have designated picking and drop off areas but we have unscrupulous dealers that sabotage this by giving letters for pickup and drop off in undesignated areas.

For instance, at the Globe roundabout next to the fires station, you find a roundabout that has been turned into a picking and dropping off zone. Counties such as Rwanda and Ethiopia have very clean roundabouts. Drivers should have clear visions and in Koja, they have created havoc to motorists when it is supposed to be clear. Our fire engine personnel would end up wasting time trying to join Thika road because of that.

Also, walk ways have been converted to picking and dropping off points by matatus and therefore the executive should move with speed to ensure that pedestrians do not compete for walking spaces with the matatus. Let the pick and drop passengers at their designated loading points

Traders are also complaining that the loading zones which they pay for annually have been turned into picking and dropping off points by matatus

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker I have missed speaking and more importantly I am speaking on behalf of my boss, the Chair for Environment and Natural Resources Committee. This sector is mandated mostly on issues of parking, touching on environmental issues.

Hon. Speaker, this is a very pregnant motion if I may use that word exceptionally. Indeed, it is bad because if you go to Outer Ring Road, Thika Road and as you go to Dawa Limited, the entire roundabout is a parking bus terminus. If you go downtown at Globe Cinema roundabout, the entire roundabout is a parking bus terminus. This is creating a snarl-up to Nairobians which has no value in terms of economy.

I also want to point out what people may fear to speak; this is caused by the failure of the Inspectorate department. I want to authoritatively call on Dr. Martin Leluku, to wake up and report to work. I give a thump up to Governor Anne Kananu on this, she gave a go-ahead to employ more than 800 Inspectorate officers.

To date, the deployment of these officers is mostly in the CBD. If you go to Outer Ring Road you will find that the bus terminus operators or the brokers are the ones manning these termini.

There is no sanity. Why? The public service tried to bring sanity in the Investigation and Inspectorate sectors but unfortunately, this sector is led by a class seven dropout as compared to a man who has a Master's degree. I will say this once and say it again: that the moment we decide to give positions and portfolios based on qualifications in terms of education, our decisions will determine our output.

Hon. Speaker, the public service did an interview internally and all those people were qualified to bring reforms and changes in this sector. The head of this sector Dr. Leluku could not work with a fellow but insisted to work with a fellow who is a class seven dropout as the director of inspectorate. This is a failure and we will say it as it is. Today, the Inspectorate department is a collecting point for illicit revenue. This is because the master of collection of illicit revenue is none other than the same person.

Hon. Speaker, if you look at the organogram of this sector, all the four substantively appointed directors by the public service were removed after some months. When you ask you are told; 'It is because of political interests'. We are not going to make decisions in this county based on political interests. Let us allow professionals and independent bodies to make decisions in order to shape the county.

Hon. Speaker, the failure has led to these roundabouts being occupied by cartels. It is a source of illicit collection of money to this department. We added 800 staff to this department but no reforms are being seen. You will find that people use Biashara Street as toilets. This is because the point of concentration of the person in charge of this sector is on illicit money collection. One of it is a bus terminus, you will never find any inspectorate officers here. The cartels count every matatu, every bus that has parked there and by evening; Hon. Speaker I want to challenge you today, the only officers that work until 11 p.m. are the inspectorate officers, waiting for the day's collection at the expense of capital city operations.

Hon. Speaker, this is wrong and as leaders tasked with this in the next three or four months while in this chamber, we must speak it. It must not be fulfilled, as I was saying in my statement 56 (h), it might not be business as usual. When you are quiet, injustices are being committed on a daily basis just because of the fear of the unknown.

Hon. Speaker, you have been a mayor of this city, you used to be court clerk but you dreamed and it became true. Some of us are dreaming to be people who will be counted in this county whether we will be here or outside there, that we stood for justice and truth. I say authoritatively here that the mover of this Motion as the Chair of Environment Committee, the problem is aided by the inspectorate department and I want the entire media to quote this.

The inspectorate department led by Dr. Leluku must wake up and report to work. That is the only way that we can save the face of this county. Dr. Leluku is a great man and a sharp guy and I wonder where he missed the point. Why a doctor will be so comfortable working with a class seven dropout and not working with a person with a Master's degree. It does not make sense; he is a minority like me. It is not about tribe, interest, relation or religion, I don't get it.

Thanks, Hon. Speaker and my Chair for moving this Motion. We need to come up with a policy to make sure that there is no terminus in a bus station. For instance, you can imagine a petrol station having a terminus, what are we building? We are building another Saschangwan in this city. I said this last time and I

thank God that after I had spoken on this floor, it stopped. People were saying 'Imwatok you are a mad man'. I said I might be mad today in 2021, but in 2028 I will not be mad. When I said that we cannot allow a petrol station at Uhuru Park, I became an enemy but I thank God that it stopped.

Hon. Speaker, I ask the Inspectorate Department through Dr. Leluku to wake up and report to work. Thank you, Mr. Speaker, I beg to support.

**Hon. Peter Wanyoike:** Thank you very much Mr. Speaker for this opportunity. First, let me take this opportunity also to thank Hon. Kamau for coming up with such a good Motion.

Mr. Speaker, this issue has been on the agenda in the Transport Committee for some time. As the Minority Whip has said, it is as if the inspectorate department are sleeping on their job or something queer is going on.

Mr. Speaker, if you happen to pass through Outer Ring Road roundabout to Dandora, you stay at that roundabout for an hour while you used seven minutes from Nairobi CBD. You can spend an hour or two due to these matatus picking and dropping passengers.

With that, Mr. Speaker, I beg that this Motion be passed and then implemented because this can help Nairobians to save a lot of money lost in the jam and also fuel consumption. With that, I beg to support. Thank you.

**Hon. Deputy Speaker:** Hon. James Mwangi.

**Hon. James Mwangi:** Can you hear me, Mr. Speaker?

**Hon. Deputy Speaker:** Yes, I can hear you. Proceed.

**Hon. James Mwangi:** I would like to support this Motion--- (*Technical hitch*) ---We have designated routes where matatus are supposed to use, and not at the roundabouts. I beg to support.

**Hon. Deputy Speaker:** Hon. Cecilia Ayot.

**Hon. Cecilia Ayot:** Thank you, Mr. Speaker. I want to take this opportunity to contribute to this timely Motion. I want to echo the sentiments of Hon. Ronaldo.

Mr. Speaker, I also want to display my disappointment on the choice of words by Hon. Imwatok, our Whip. He had great and valid sentiments, but on choosing to refer to the Motion as pregnant, I want to tell the House that pregnancy is a crucial biological role that is given to women--- We know the impacts and results of pregnancy, and you cannot just refer to a Motion as pregnant. Pregnancy has produced great people like the fifth president of this country that we are going to swear in next year. So, I would kindly ask the Hon. Member to drop that word and replace it with an appropriate one. I stand to support the Motion. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Mover to reply.

**Hon. John Muthiga:** Thank you, Mr. Speaker. First, I would like to appreciate all the Members that have seen the light of us trying to prohibit matatus from using roundabouts, from our senior, Hon. Imwatok, Deputy Majority, Hon. Mark Ronaldo, Chairman of Transport, and all others.

Mr. Speaker, why did I come with this Motion? Sometimes we don't do good to Nairobians when we are making laws here. It is a point to note, when you travel to Kariobangi Roundabout from here, it will take around seven minutes. But u-turning to join Outer Ring Road or to go to Baba Dogo, you will end up using

more than one hour. Nairobi is one of the fastest-growing cities. The Inspectorate department are the same people who are issuing licenses for matatus to use roundabouts.

Mr. Speaker, when I was doing this research, there is a roundabout in Ethiopia that has the same design as that which is in Kariobangi. When you compare the two roundabouts, our roundabout is a dumpsite. The Inspectorate department is issuing licenses to use roundabouts knowing very well that it is against the law. We should have a clear sight when using our roundabouts. I would urge this House to put pressure on the Inspectorate department so that they can act fast and make sure our roundabouts are safe from all these cartels. There is no revenue we are getting from those roundabouts because they are manned by so-called cartels.

As our senior, Hon. Imwatok said we should come up with a policy. The solution to end traffic jams is not to build new roads, it is knowing the root cause. One of the root causes of traffic jams is the roundabouts which are everywhere. If you come from Thika Road to Nation Roundabout, you will end up using 30 minutes. All matatus are entering that roundabout creating a jam.

It is a good Motion. The office of Dr. Mark Leleruk should wake up. We should not be giving letters every day. Nairobianians will ask themselves what we do in this Assembly. We use taxpayers' money to visit countries for benchmarking. We want to make this city a model, but we cannot do so if an officer will just go to the office and issue licenses for people to go and park at roundabouts. The issue of picking and dropping, you will find a Sacco with tree matatus parked. That is their parking zone. We end up antagonizing Nairobianians. I beg to move.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**Hon. Deputy Speaker:** Hon Members, there being no any other business, the House stands adjourned to Tuesday 23<sup>rd</sup> November 2021 at 9.30 a.m. Thank you.

**The House rose at 3.50 p.m.**