



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 22nd June 2021

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Ms. June Ndegwa) in the Chair]

PRAYERS

QUORUM

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

STATEMENTS

REQUEST FOR STATEMENT REGARDING BARS AND RESTAURANTS OPERATING UNDER NOISY ENVIRONMENT DURING CURFEW HOURS

Hon. Daniel Ngengi: 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 Environment and Natural Resources, and Culture & Community Services regarding bars, restaurants operating under noisy environment during the curfew time within the county.

Hon. Speaker, paragraph 3 of the Fourth Schedule to the Constitution 2010 provides for the functions and powers of the county government, which include control of air pollution, noise pollution and other public nuisances and outdoor advertising.

Hon. Speaker, in recent days, the residents of Exeter Apartments in Kileleshwa are undergoing sleepless nights due to a bar and restaurant that plays loud music past curfew time, thus depriving residents of their quiet life. In addition, the said bar is located near Getrudes Children's Hospital which is contrary to the provisions of Section 2 of the Nairobi County Alcoholic Drinks Control and Licensing Act of 2014. In the statement, the Chairperson should inquire into and report on: -

- (i) The approval of the establishment of the bar and restaurant located on Othaya Road near Getrudes Children hospital;

- (ii) Measures the County Executive and the Nairobi Metropolitan Services are taking to ensure the level of noise and careless parking of vehicles along the pavements by the revelers at the bar are controlled; and
- (iii) Measures the County Executive and the Nairobi metropolitan Services are taking to ensure the provisions of the Nairobi City County Alcoholic Drinks and Control Licensing Act 2014 is adhered to.

Hon. Speaker you may give me just a bit of leeway. We have been closing up bars as a county because of the said kind of pollution on Ngong Road in residential areas, the bars which had been licensed at the time, we closed some of them which are known to us, and it appears there is another cartel that is cropping up again, starting loud music in residential areas where we have children.

In the said apartment on Othaya Road, we have had people who have had to move out, people are no longer enjoying their homes and after a long day's work, Hon. Speaker, it is only fair, wherever you live, you find a bit of peace and quiet rather than hearing music all night. In addition to that, having bars near residential areas in the entire Nairobi, is very wrong because we are trying to bring up children and when the bars are right next door, they sneak out and start indulging in alcohol.

Also, it is a danger because when you have cars parked on the road as evidenced on Othaya Road, the careless driving, accidents are bound to happen and unless we as a county come to the rescue of residents all over Nairobi, we are starting to see the mushrooming of the same public nuisance we have always seen.

Hon. Speaker, I even have letters of complaints here which I shall be submitting to the committee, area residents who have complained. Number two there are also investors who have invested their good money, they are on loan and they no longer have tenants and some of them are now facing auction of their properties by the banks. Unless this county comes to the rescue of her citizens, in every corner of Nairobi, we are going to have another chaotic city. With those few remarks, thank you Hon. Speaker. I hope for a quick reply.

Hon. Temporary Deputy Speaker: Thank you Hon. Ngengi. Do we have the Chair for the sectoral committees, either Environment or Culture? And if they are on Zoom, kindly ICT connect us. They seem not to be online or in the House, can I take this to the Deputy Majority Leader, kindly can you assist. It needs to be a combination of the Environment and Culture Committees.

Hon. Peter Wanyoike: Thank you Madam Speaker. Let me report to the relevant committees and report back to this Assembly after two weeks.

Hon. Temporary Deputy Speaker: Hon. Majority, are you committing for two weeks?

Hon. Peter Wanyoike: Yes

Hon. Temporary Deputy Speaker: To the relevant committees? I would also like to ask that you find a way of involving the Nairobi Metropolitan Services, just in case you need to.

Hon. Peter Wanyoike: Thank you Madam Speaker, we will do that.

Hon. Temporary Deputy Speaker: Mheshimiwa Ngengi, is two weeks okay?

Hon. Daniel Ngengi: Hon. Speaker, I am very comfortable with two weeks as long as we have results, and as we have indicated, we need to involve the [Nairobi]Metropolitan Services. I say this because

I have a statement which was directed to Roads and Public Works I think from 2020, we have complaint letters from traders and the issue has never been addressed, and it is very unfortunate as I mentioned this morning before Hon. Speaker Emily Oduor that due to the delays, we have lost a child, Hon. Speaker.

If the matters that are raised in the statement were addressed with both the county and the Nairobi Metropolitan Services, the accident of the young lady who we only recognized because she is a daughter of a prominent person, a lot of citizens are suffering in this city and unless someone is recognized is when something is done. If some of these things are not solved, we have blood on our hands in terms of loss of life and livelihood and in terms of our youth.

The lady was a 25 year old, she was crushed on Tom Mboya Street where there is no pick up and drop off point for matatus, I have even written to NMS, I have asked for a statement in this Assembly, it seems to be all in vain, so I pray, and I will be patient with the two weeks, even three weeks, as long as this House gives us the desired results to protect the residents of Nairobi in every corner despite our social standing, background because we all deserve equal fairness in treatment of the law. Thank you Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you Hon. Ngengi. I think you also could maybe put it out to the leadership because there have been complaints from Hon. Members about statements not being answered in time either by the Executive or Nairobi Metropolitan Services. Kindly see to it that may be you have a liaison meeting to see what is holding up the delay. I know we have Covid-19 but in cases like Hon. Ngengi's statement, Hon. Waithera, Hon. Majority Leader, kindly see to it that statements that come to the Assembly are responded to as fast as possible. Next order.

MOTION

ESTABLISHMENT OF A REHABILITATION PROGRAMS FOR YOUTH ON DRUGS AND SUBSTANCE ABUSE

Hon. James Kariuki: Hon. Speaker, I beg to move the following Motion:

AWARE THAT Article 55 of the Constitution of Kenya, 2010 provides *inter-alia* that the State shall take measures, including affirmative action programs to ensure that youth are protected from harmful cultural practice and exploitation; further aware that Article 21 (2) of the same Constitution dictates that all state organs and all public officers have the duty to address the needs of the vulnerable groups within the society including the youths; cognizant that Part 2 of the Fourth Schedule of the Constitution of Kenya 2010, provides for the functions and powers of the County Governments, which includes *inter-alia* control of drugs and pornography; deeply concerned that the rising number of youth indulging in drugs, substance abuse such as cannabis sativa, heroin, cocaine amongst others, with reasons for such ranging from dysfunctional families, peer influence, uncontrolled alcohol trading environment, unemployment, social media influence, stress, depression to mention a few; disturbed that failure by all the relevant stakeholders to reverse the growing trend of youth involving in alcohol, drugs and substance abuse, would see the County and the Nation lose an entire generation and this would have adverse effects on the moral fabric of the society as seen from the rising case of sexual and gender based violence, suicides, homicide, femicide, crime, hopelessness, unstable marriages; acknowledging that the existence of the National Authority for Campaign Against Alcohol and Drug Abuse (NACADA), a state corporation under the Ministry of Interior and Coordination of National Government, mandated to undertake public education and awareness against drug abuse; further

acknowledging the need for top-bottom co-ordination approach by the National Government and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the young generation from drugs and substance abuse; this Assembly resolves that the County Executive moves with speed and:

1. To partner with the National Authority for Campaign Against Alcohol and Drug Abuse (NACADA) in developing programs and policy for creation of awareness, treatment and rehabilitation of the Persons with Substance Use Disorder (SUDs);
2. To initiate plans for the establishment of an affordable Rehabilitation and Rescue Centre to be equipped with qualified personnel and offer medical care to those already addicted; and
3. Anchor the said program and project in the County's Budget estimates for the financial year 2021/2022 for its timely implementation.

I beg to request Mheshimiwa Wanyoike, the Deputy Majority Leader, to second this Motion.

Hon. Peter Wanyoike: Thank you very much, Madam Speaker. Let me first of all congratulate Hon. Kiriba for coming up with such a good Motion. Our youths are languishing in drug abuse. If this Motion can be passed in this Assembly and be implemented by the Executive, it can save our youths.

Mr. Speaker, there is this kitty of liquor which is supposed to be channeled to help the community to cater for things like drug abuse. I will urge this Assembly and the Executive to come up with something that can cater for our youth. It will be of much help. I second, thank you.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon. Members, debate.

Hon. Daniel Muturi: Thank you, Hon. Speaker. First, I would like to take this opportunity to congratulate Hon. Kiriba for the timely Motion on establishment of a rehabilitation programs for youth on drugs and substance abuse in liaison with NACADA. What makes this Motion timely is what we are going through as a country. Our youth are no longer youth because youth is any age between 18 and 35. Now we have people exceeding to the age of 45 without work due to economic environment in the country. This idleness has led to a lot of substance abuse as people search for hope. With that, come broken homes. We have people in jail because of being arrested either dealing with or consuming the illicit substances. So, we have a loss of workforce when people are most productive, when they should be gaining education and experience to be the leaders of tomorrow. We are losing them to drugs.

Madam Speaker, we also have domestic violence, which at this time it is worth noting. Hon. Waithera had a Motion on creating safe houses for gender based violence victims, which needs to be implemented because at this stage we have seen where, especially women and children are suffering physically, mentally psychologically, and sexual kind of violence due to consumption of these substances.

Hon. Speaker, I would like to quote the Deputy Majority Leader Hon. Wanyoike, who has said of course this Liquor Board which is mandated to deal with some of the things especially the rehabilitation and I think Hon. Speaker, we should also tag a question and ask the Chairman of Culture Hon. Njehia regarding this issue to give us a statement of affairs both accounts and programmes which the Liquor Board has done because we always have a budget of about 250 million shillings plus.

Hon Speaker, I do not have any programme in CBD and I have some youth who are consuming drugs and sometimes we try to support them from out of pocket and with the litter things that they do. Therefore, as a County, we need to find out what is the Liquor Board doing and with our Chairman Hon. Mwangi Njehia I think that answer should come.

Therefore, I do support this Motion that we should anchor the said programme and project in the County Budget Estimates for the year 2021/2022 for its timely implementation and with this Hon. Speaker, it is very sad Hon. Speaker because we do have children and we cannot just stand by and even if it is not my child personally, my brother's children, my sister's children and our relatives and even our residents.

Therefore, this is very timely that as an Assembly we should take very seriously because it affects Nairobi and this is a very Motion and it should be duplicated to other 46 Counties so that we can try and rehabilitate, educate or sensitize because again prevention is better than cure. So most of this establishment should have stops or where we are telling the children or the youth or even the adults on dangers of these things. With those few marks Hon. Speaker, I beg to support. Thank you.

Hon. Jeremiah Themendu: Thank you Madam Speaker and I rise to support the Motion and I congratulate my brother Hon. Kiriba for the same. The issue of alcohol in our county is bad and our youths are consuming alcohol which is not good for human consumption. The matter should be taken in the County by the Liquor Board it is mandated to licensing alcohol consumption in our county.

Issues concerning NACADA which is a national government-funded and also it should be motivated to make sure it is doing its mandated without favour and fear and also as we can see some young men and women have died for consuming this alcohol which is not healthy.

We found out that those breweries or those who are selling alcohol even many are not licensed and we do not see what our officers are doing like police and chief are mandated to make sure in their area of jurisdictions to make sure that there are no those an authorized clubs or alcohol selling in some areas but they are doing nothing concerning the same.

Hon. Speaker, I think now is the right time we should deal with our own like where we stay with the Liquor Board we do not have even the members who are supposed to be in our sub-counties to make sure they are helping officers to perform their duties, they are not there and the case is in court. My finding is that the officers that are mandated to do the same are reluctant and relaxing and the County is going to suffer. I am a Member of the culture committee and I know what we are facing when handling the matter of oversight concerning the same department. Therefore, I think some officers in our County should just wake up and we as the Assembly we should make sure we are doing an oversight goal without fearing or favouring anybody.

Therefore, Hon. Speaker we should do our job without fearing or favouring anybody and Nairobi shall be safe concerning issues of our youth. This is because they are the future in Nairobi and without them, I think we do not have a county to be proud of. Therefore Hon. Speaker, I think it is time and I congratulate Hon. Kiriba for the same. It is time we should implement that Motion as quickly as possible. Thank you, Hon. Speaker and I beg to support the Motion.

Hon. Mary Mwami: Thank you Madam Speaker, I was on the Zoom outside but when I saw it was you I had to come and congratulate you and I am so proud of you sitting in that Chair and I know you are a great lady and the future is ahead of you.

I would like to support this Motion as I am a mental health worker and I have a master in counselling psychology and I can tell for sure that we have a pandemic in our country as far as drug abuse is concerned. Recently I had the opportunity of listening to a young Kenyan from the Coast who was saying that he had a very good poem in Kiswahili. He was saying that the coastal people are overwhelmed as it were by the pandemic of drug abuse and they do not know as coastlines what to do.

This, as somebody else has said, is a problem that is all over the country but it is more prominent in some areas than others. It is very important that we have a policy to do this. Apart from the policy we should move with speed even to pass a bill or an act so that we have ways of being able to deal with people suffering from drug abuse.

Drug abuse is not only young people taking drugs and so on; but even amongst us the elderly, we are also wallowing into alcoholism and drug abuse. As adults, we need to check on this because what I have learnt is that as you get into drug addiction, you go into denial and most of the time you don't realize that you have a problem and other people have to point it to you. If you find that you have to take alcohol in order for you to function during the day, when people are taking breakfast in a hotel you are busy having a beer, then you are getting into addiction because it means you cannot function without the drug you are addicted to.

I stand to support this - I was not going to support Hon. Kiriba and he knows why but I want to congratulate you for sitting in that Chair. As a mental health worker I think he has brought a good Motion and I support it. Thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Ariviza. I think the Motion is what is important and not the mover. Mover!

Hon. James Kiriba: Thank you Hon. Speaker. I want to first congratulate you for being the Chair of this very important sitting today in the history of Kenya discussing this Motion. I must also appreciate my colleague Mheshimiwa Ariviza. She is one of the best debaters in this assembly. We have worked closely on many occasions for the betterment of whatever projects that we have handled in this assembly. And she is my best friend. It does not matter how many times people fight, achieving the goal is key. Thank you Hon. Ariviza for your noble cause of serving Nairobians.

I must also say that Kenyans have their own culture, they have intermarried and travelled. Whatever is happening in Nairobi is happening in Kisumu, Busia, and all over the country. Meaning that, our youth have been in schools in Siaya and all parts of this republic. They have also brought about a new tribe, a new culture, new jargon, they have Sheng' which cannot be applicable anywhere else in the world. The aim of this Motion is to ensure that our youth are safe for tomorrow's development of this country.

Mheshimiwa Ariviza, you are a senior Member who has a foresight of the future of our youth, thank you so much. I must also appreciate Mheshimiwa Ngengi because your just concluded Motion touches on my Motion and has deeply touched my heart. When I imagine that we are crying for the youth of this country and some authorities are sleeping on their job or they are bribing their way to enrich themselves while we drain the brains of very young people in this republic. I concur with you that when we have bars in the estates, this House should also legislate on a way of allocating bars only in the shopping areas because this is where the youth are buying the drugs.

Those licensed with selling the cheap alcohol are contributing to the mess that we are having of loss of young lives in this republic. Thank you Mheshimiwa Ngengi and I hope that the relevant authorities once Members pass this Motion, will take the responsibility of the loss of youth that we see in Lang'ata and other prisons languishing in poverty in the streets. It is very sad for this nation at such a time when we should be preparing for a succession plan for young people to inherit parents' wisdom and also develop this country but instead we are draining 60% of the youth due to such circumstances.

I also want to appreciate our Majority Leader today for his support of this Motion. This Motion is not an individual's Motion but a Kenyan Motion. If Nairobi starts, all the other 46 counties will emulate this Motion.

Madam Speaker I am also appreciating Hon. Themendu for his contribution because every morning we see young people hanging in bus parks borrowing money instead of them working and earning an income. It is very sad for this county, for the parents and it is also very sad that there are people charged with the responsibility of saving this young generation. They are the future human resource and are in crime, have lost guidance and families are breaking up.

Therefore, I urge this House to pass this Motion making it a law that is going to guide the youth of this country to the next step of their future. Thank you Madam Speaker. I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: There being no other business, the assembly stands adjourned till Thursday 24th June 2021 at 2.30 p.m.

The House rose at 3.25 p.m.