



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Thursday 8th December 2022

The House met at 2.30 a.m.

[The Speaker (Mr. Kennedy Ng'ondi) in the Chair]

PRAYER

Hon. Speaker: Clerk, you may proceed.

PETITION

Hon. Mark Mugambi: Hon. Speaker, due to the weighty matter of the petition ahead, I propose we disregard the normal sequence of the House so that we can expedite---

Hon. Speaker: Hon. Member---

Hon. Mark Mugambi: Personally I had a petition, I want to use parliamentary language instead of the word disregard---

Hon. Speaker: You can defer.

Hon. Mark Mugambi: We may defer the petition to the next sitting so that we can expedite the main agenda of the House today. Thank you Hon. Speaker.

Hon. Speaker: Is that the feeling of the House honorable Members?

(Honorable Members unanimously agreed)

PAPERS

Hon. Peter Imwatok: Hon. Speaker pursuant to Section 8 of the Public Appointments (County Assembly) Approval Act 2017, I beg to lay the following Paper on the Table of the Assembly today Thursday 8th December 2022: The First Report for the Select Committee on Appointment on the vetting of nominees of the County Executive Committee. I beg to lay Hon. Speaker.

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

NOTICE OF MOTION

Hon. Peter Imwatok: Hon. Speaker, I beg to lay the following Notice of Motion: That, this assembly adopts the First Report for the Select Committee on Appointment on the vetting of nominees of the County Executive Committee laid on the Table of the Assembly today Thursday 8th December 2022.

Hon. Speaker: Clerk, can you proceed?

MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT AS THE COUNTY EXECUTIVE COMMITTEE MEMBERS

Hon. Peter Imwatok: Hon. Speaker, I think the Minority Whip is counting the numbers, the numbers are okay especially on this side. Hon. Speaker, that, taking into consideration the findings of the Select Committee on Appointments in its first report on the vetting of nominees for approval as members of the County Executive Committee laid on the Table of the Assembly today Thursday 8th December 2022 and pursuant to provisions of Article 179 (2) (b) of the Constitution of Kenya 2010; Section 35 (2) of the County Governments Act 2012, Section 3 and 9 of the Public Appointments (County Assemblies approval) Act 2017; and Standing Order No.202 (4), this assembly:-

- i) Approves the appointment of the following persons as the County Executive Committee Members: -

| NOMINEE | SECTOR |
|-----------------------------------|--|
| 1. Mr. Charles Kerich | Finance and Economic Affairs |
| 2. Mr. Michael Gumo | Innovation and Digital Economy |
| 3. Mr. Brian Mulama | Talent, Skills Development and Care |
| 4. Mr. Patrick Mbogo | Mobility and Works |
| 5. Mr. Stephen Gathuita Mwangi | Built Environment and Urban Planning |
| 6. Mr. Ibrahim Auma Nyangoya | Boroughs Administration and Personnel |
| 7. Ms. Rosemary Kariuki | Business and Hustler Opportunities |
| 8. Dr. Anastasia Mutethya Nyalita | Health, Wellness and Nutrition |
| 9. Ms. Maurine Njeri | Green Nairobi (Environment, Water, Food and Agriculture) |
| 10. Ms. Suzanne Silantoi | Inclusivity, Public Participation and Consumer Service |

- iii) Resolves that, in view of the committee's observations on the naming of the sectors, H.E. the Governor reconsiders renaming of the following sectors to closely reflect the devolved functions as listed under Part II of the Fourth Schedule of the Constitution.: -

| S/No. | Current Name As Submitted by H.E the Governor | Proposed Renaming by The Committee |
|-------|---|--|
| 1 | Innovation And Digital Economy | Information, Communication and Technology |
| 2 | Talent, Skills Development and Care | Education, Youth, Sports, Social Services and Gender |

| | | |
|---|--|--|
| 3 | Mobility and Works | Transport and Public Works |
| 4 | Boroughs Administration and Personnel | Devolution and Public Service Management |
| 5 | Built, Environment and Urban Planning | Urban Planning and Lands |
| 6 | Business and Hustler Opportunities | Trade and Co-operatives |
| 7 | Green Nairobi (Environment, Water, Food and Agriculture) | Environment, Water, Food and Agriculture |
| 8 | Health, Wellness and Nutrition | Health Services |
| 9 | Inclusivity, Public Participation and Consumer Service | Public Communication and Relations |

Hon. Peter Imwatok: Hon. Speaker, as I move this Motion, allow me to say a few words. First, I want to congratulate the entire House for recognizing that we have a duty to execute by passing these men and women for these active roles in the County Government. I must also say that on behalf of the Speaker who is the Chair of this committee; the committee did its part. We sat from morning till 9.30 p.m. to make sure that the government of the day is progressing.

For the nominees who appeared before us, I may not have much to say because history is written in black and white; what I want to say today may be used against me in future. I want to say that we did our job and we have given the Governor all the ten CECs so that he can constitute a cabinet and so that the policies of this county can be effective and well represented.

Hon. Speaker, I do not want to waste more time. I invite my counterpart the Minority Leader to second this Motion and Members as you are aware, we have Utawala Ward in the offing. Let us do it quickly so that we can move to Utawala and Azimio face Kenya Kwanza and see how it will fare out.

(Applause)

Hon. Anthony Kiragu: Thank you Majority Leader. Hon. Speaker, I want to take this opportunity to support this Motion. Let me also take this opportunity to tell honorable Members and residents of this county that there is no trickier county than Nairobi. It is the only county government where we have to consider so many factors when coming up with a list. Sometimes you pity the Governor because of the many interests that he has to balance to come up with a list.

My good friend honorable Majority Leader, a colleague sometimes I choose to differ with on many occasions, I would like to appeal to you honorable Chair that I would like him to read the second part of this changing of names and Section 46 of the County Governments Act 2012, which says; '*That the county governments can determine the organization of the county and its various department and for that purpose may (d) Determine or change the name of any department.*'

Hon. Speaker, unless it is the request of the Governor like he has said, I would beg that we retain the names as had been proposed by the Governor so that we do not tie ourselves in litigation. For example, people applied for job group A but we have approved them for job group B. A CEC who applied for a position of Innovation and Digital Economy will be approved for Information, Communication and Technology. I beg

for the indulgence of the Chair, the Majority and the Minority Leaders, so that we retain the names that were passed.

I support this Motion and I would like us not to give the Executive any reason not to perform. We need bursaries, payments, we need a lot of things from the Executive, we need to work. I beg to second.

Hon. Speaker: Order! Let the House be orderly. Serjeant-at-Arms, no Member is supposed to leave the House when the Hon. Speaker is on his seat. I request the honorable Members to come back before I proceed.

(Applause)

Hon. Speaker: Honorable Members, the honorable Minority Leader while seconding the Motion has quoted a reference in the Constitution in regard to (iii) of Order No. 8. This calls for the passing of the Motion or declining by amendments. Consider this as you debate.

(Question proposed)

Hon. Speaker: Hon. Hashim Kamau! Honorable Member, you may be seated; the Majority Whip is on the floor.

Hon. Moses Ogeto: Thank you Hon. Speaker. Thank you Hon. Hashim for respecting the precedence, you know very well that when any leader has requested to contribute; he takes the precedence over the other members.

Hon. Speaker, first I want to thank the committee for ensuring that the men and women who were nominated by H.E the Governor were approved. You burnt the midnight oil and spent the whole day and I was even sympathizing with you for sitting from 9 a.m.to 8 p.m. to ensure that the CEC nominees were vetted, identify their talents and their capacities.

Hon. Speaker the Leader of the Majority and Minority Leader have said that Nairobi is a big County and has different interests. If you remember the other day when these names were tabled in this House, the Muslim Community had indicated that they were not represented. The Court made its decision and said that it was a well-vetted position. We have many religious organizations such as Regio Maria, Akorino, Msalaba and we even have Atheists who do not believe in God. So even if they go to Court you will find that the positions are very few.

In future, the Governor should consider all positions and ensure that they are well presented as per the Constitution of the Republic of Kenya. Hon. Speaker, I also want to sincerely thank the 10 chairpersons who sat tirelessly to ensure the government runs its agendas. There is a time I told the Governor after swearing in that he was only shooting from inside and these are the precarious things.

Hon. Speaker, we are supposed to be in our constituencies but we understand, we are here to ensure that our Government runs. I believe that next time when the Governor has been sworn in, he will not delay in appointing CEC Members. He should ensure that they are sworn in immediately for the purposes of continuity.

Hon. Speaker, I also want to remind my counterpart, the Leader of Minority that he is a Member of this committee and I believe he also gave his views. In the Fourth Schedule of the Constitution of the republic

of Kenya, you cannot rename. Let us respect this Constitution, it is not our own making, it is for all of us as Kenyans. That is why yesterday we were reminding the Kenya Kwanza government to respect the Constitution. It is the one which leads us as Members of this County Assembly, it's the father of the democracy of the Republic of Kenya. It has ensured that over 2,000 Members of the County Assembly in Kenya are represented and all tribes are represented in the County Assemblies, like Lamu.

Hon. Speaker, with those few remarks I believe these men and women will be ready to serve and with the help of the Governor ensure that services are delivered to the residents of Nairobi. Today I was walking to the Executive and there was no electricity and wondered what is happening. I, therefore believe the 10 CEC Members of the cabinet will ensure that City Hall will never be called City Hole. With those few remarks, I believe these men and women will serve Nairobians and this Hon. House. I beg to support this Motion, thank you.

Hon. Hashim Kamau: Thank you Hon. Speaker. Reading the mood of the House, let me change my position. Hon. Speaker, I rise to support the Motion, but the appointing authorities next time should consider inclusivity. What happened Hon. Speaker is that, Muslims were not considered in these appointments. In the First Government of Mr. Kidero there was a Muslim, and in a Sonko's Government somebody was appointed from our community.

(*Loud Consultations*)

Hon. Speaker: Do not engage the Member you have not been allowed to talk.

Hon. Hashim Kamau: Next time the appointing authority should consider inclusivity, Hon. Speaker, next time I will not burn my midnight oil at the Appointment Committee. However, the appointees next time should know the location of the colleges they attended. I happened to attend those interviews, unfortunately one nominee did not know where he schooled. The nominee should know that when a document is lost immediately you are supposed to get an abstract. One of the nominees got an abstract 20 years later after his degree which he got from Colombia as it got lost there 15 years ago.

Hon. Speaker: Hon. Hashim, the said persons are not in plenary to defend themselves.

Hon. Hashim Kamau: I did not mention anybody's name but it is in the Order Paper as it is the subject of discussion in this House.

Hon. Speaker: Then you need to get a substantive Motion for discussion over the same

Hon. Hashim Kamau: Hon. Speaker, I support those concerns.

Hon. Wilfred Odalo: Thank you, Mr. Speaker, I stand to support but before that let me thank the Azimio fraternity for turning up in large numbers against UDA who are only 23 in the House.

(*Laughter*)

Hon. Anthony Kiragu: Honorable Member, you need to guide the Member to look very well around the House, I have sent my people to make Azimio appear to be many. He just need to look behind and see where I have sent the people of the ruling government to support him. Therefore, he needs to withdraw and focus on the Motion. Thank you.

(*Laughter*)

Hon. Speaker: I think Hon. Odalo you may proceed but you must also consider that the House has free space for Members to sit anywhere.

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Hon. Wilfred Odalo: Hon. Speaker, numbers do not lie, let's call a spade a spade. Members of the Azimio have done their best and they are here in full House. If you look at the list, I happen to be one of the Members of the Appointment Committee and we must say thank you to our Governor because three out of ten have institutional memory. Just to refresh Members who are new in the Assembly, Mr. Kerich, Mr. Patrick Mbogo and Mr. Stephen Gathuita Mwangi are the oldest employees in City Hall; so institutional memory is well catered for.

Mr. Speaker, if you look at the nominees again Ms. Suzanne Silantoi she is only 29 years old so the issue of youth was also covered. Hon. Speaker, I beg this Assembly to adopt, support and pass this list the way it is. Thank you, Mr. Speaker.

Hon. Robert Alai: Hon. Speaker, thank you for the opportunity. Despite not interacting with the nominees well enough, I think we will approve and give them the benefit of doubt. I only pressed the button when I realized that the Minority Leader is calling the minority side my people. I beg to ask if some people have their people in this House or we have honorable Members?

(Laughter)

Hon. Jeremiah Themendu: Hon. Speaker, thank you for this chance I only touched the button because I wanted the mover to standup and reply.

Hon. Peter Imwatok: My colleague Hon. Themendu is one of the Members I respect very much. ---
(Point of order)

Hon. Eric Murigu: Thank you Mr. Speaker for your consideration, I just wanted to correct the honorable Members who were in the Committee of Appointment because on page 25 of the report they have given us, I have seen that they have employed a child. Mr. Michael Gumo, the nominee is a Kenyan born on 23rd May 2022, I think the nominee is 8 months' old!

(Laughter)

Hon. Speaker: Thank you for noticing such an error.

(Laughter)

Hon. Peter Imwatok: Hon. Speaker, I knew there was something he has seen that is making us laugh. I was speaking about Jeremiah Themendu who has been a man in the struggle for a long time. Therefore, when he says that when looking at the mood of the House, he understands what we need to achieve.

Hon. Speaker as I reply, may I take this opportunity to say thank you so much to the entire House both the Kenya Kwanza side and the Majority side for showing what the majority needs. More importantly, when I was moving this Motion, I was so much tempted to place whosoever the nominees because it reaches a time when the rubber meets the road. It does not mean that the 10 nominees have been given an open cheque that, they can write whatever it is in that cheque book. It means that we have given them the cheque written in it and that they have to work for the Nairobians and must deliver, and must respect the employer who is the County Assembly of Nairobi.

You must not at any given time disappoint the authority, as the entry point can also be the exit point. We have been in this County and we have seen the CECs who turn out to be arrogant after they have been vetted and who turn out not to come to the committees to answer questions relevant to their committees; this

time round it will not be that easy. If a CEC is asked to appear before any committee, it is a must to appear because our role is to represent the people, oversight and legislate.

Hon. Speaker, I want to thank the Chair of the Select Committee, the Hon. Speaker, for persevering the whole day leading us through the process to where we have reached today. Honorable Members of this Appointment Committee, you sacrificed your backs like Hon. Emily Oduor but that day she sat. In addition, the secretariat led by the Clerk and the young men and women, the deputy and senior clerks, and our senior clerk Hellen Mutie and the rest; you have done us proud. Researchers you have done us proud that this Assembly can do something professionally. Above all, I thank the Governor for making sure that things are going to run well in the County and we will be watching from afar but closely. Hon. Speaker, I beg to apply.

(Applause)

(Question put and agreed to)

(Applause)

Hon. Peter Imwatok: Hon. Speaker I want to remind you that the Minority Whip requested through a Standing Order for the change of sequence of the day. The responsibility of the respective parties is to execute our duties in Utawala [ward by-election] hence if you can only read the petitions so that we can join our colleagues, friends and candidates who are pursuing to represent Utawala in this House.

Hon. Speaker: Thank you. After considering the Motion before the Assembly and as indicated by the Minority Leader, he has deferred in line with the Constitution. I would like to request the technical team to take up the matter and advice accordingly so that we make a communication on the way forward over the same issue. Thank you.

PETITIONS

PETITION BY THE PUBLIC ENTERTAINMENT AND RESTAURANTS ASSOCIATION OF KENYA ON THE PUBLIC NOTICE OF REVOCATION OF LICENSE FOR BARS AND NIGHTCLUBS

Hon. Speaker: Hon. Members, I received a public petition pursuant to Standing Order No. 213 by the Public Entertainment and Restaurants Association of Kenya on the Public Notice of revocation of license for Bars and Nightclubs dated 25th November 2022 by Governor of Nairobi City County. I read on behalf of, the undersigned Citizen of Kenya who is a resident of Nairobi City County.

Draw the attention of the County Assembly of Nairobi to the following: Aware that, Article 185 of the Constitution vests the legislative authority and oversight of the County Government in the County Assembly.

That, Part Two of the Fourth Schedule of the Constitution of Kenya vests the functions and powers of the County cultural activities, public entertainment and public amenities including liquor licensing in the County Government. That, Article 27 of the Constitution provides that every person is equal before the law and has the right to equal protection and equal benefit of the law and the state shall not discriminate directly or indirectly against any person on any ground including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, concerns, beliefs, culture, dress, language or birth.

That, Article 10 of the Constitution imposes an obligation on the state organs and agencies to conduct meaningful qualitative public participation in major public decisions. That, Standing Order No.213 of the Nairobi City County Assembly provides that a member of the public can request the County Assembly to consider any matter within its authority. Aware that, the Nairobi City County Alcoholic Drinks Control and

Licensing Act 2014 established the Alcoholic Drinks, Control and Licensing Board and the Sub-County Alcoholic Drink Control and Licensing Committees under Section 4 and 6 respectively and vests in them the duty to control and license all persons in the county engaged in the business of alcoholic drinks.

That, Section 4 (3) of the Fair Administrative Action Act, states that where an administrative action is likely to adversely affect the rights or fundamental freedoms of any person, the administrator shall give the person affected by the decision;

- a) Prior and adequate notice of the nature and reasons for the proposed administrative action;
- b) An opportunity to be heard and to make representations in that regard,
- c) A statement of reasons; or
- d) Information, materials and evidence relied upon in making the decision or taking the administrative action.

Further, that whereas on 25th November 2022, the County Government issued unilateral public message to cancel licenses of bars, restaurants and night clubs without the input of the petitioners and other stakeholders who are greatly affected by the said decision. That, the directive the County Government made was despite the petitioners having had discussions with the officers of County Government and the various resident's associations to resolve the problem; And that, whereas the members of the Public Entertainment and Restaurant Association of Kenya have been paying for licenses to the Nairobi City County in accordance to Section 8 of the Alcoholic Drinks Act.

Noting that, the sudden unilateral decision by the County Government of Nairobi to shut down the business that it has licensed to operate is not only a direct and immediate threat to livelihoods and massive loss of employment, but also against the principles of fair administrative action. The businesses affected had already paid for the licenses leading to losses by the businesses. And that, the decision of the county government to shut down bars, restaurants and nightclubs while leaving out churches, construction sites and mosques is openly discriminatory and unconstitutional.

Aware that, nightclubs pay annual liquor licenses fee of Kshs. 130,000 per license which translates to about Kshs.52 million in liquor license fees paid to Nairobi County every year. That, we confirm that the petitioners herein have tried to resolve the matter by writing letters and calling for meetings with His Excellency the Governor of Nairobi but our efforts have borne no fruit. And that, all the matters in respect to which this petition raises are not pending before any court of law or constitution body.

Now therefore your humble petitioners pray that the County Assembly of Nairobi City County intervenes and ensures that;

1. The Public Notice issued by the County Government on 25th November, 2022 be lifted;
2. Enforcement of the public notice by the County Government of Nairobi and the Inspector General National Police Service be suspended;
3. The petitioners and the County Government to hold a joint discussion to develop guidelines on how to curb noise pollution by pubs and restaurants including but not limited to sound proofing;
4. The revoked licenses by the County Government as a result of Public Notice dated 25th November 2022 be lifted; and
5. The Nairobi City County Alcoholic Control and Licensing Act 2014 be amended.

Your petitioners will forever pray.

Presented by Hon. Speaker on behalf of the Pubs, Entertainment and Restaurant Association of Kenya and by extension all members of the association. Thank you.

Hon. Speaker: I commit the petition to the Committee of Culture.

(Applause)

PETITION BY SOWESAVA SELF-HELP GROUP ON EVICTION FROM THE LAND THEY WERE REGULARLY ALLOCATED

Hon. Speaker: Hon. Members, I'm in receipt of a public petition pursuant to Standing Order No.208 by Amos Nyasami on behalf of Sowesava Self-Help Group on eviction from the land they were regularly allocated vide a gazette notice and continued harassment by police officers through trumped up charges.

I, the undersigned citizen of Kenya, who is a resident of Nairobi City County, draw that attention of the County Assembly of Nairobi to the following; Aware that, Article 185 of the Constitution vests legislative authority and oversight of the County Governments in the County Assembly. That, Article 62 of the Constitution mandates the County Government to hold in trust public land on behalf of the county residents. That, the Kenya National Lands Use Policy 2017 recognizes the need for social development that take cognizance of provision of basic infrastructure and services. That, whereas Section 5 (e) of the National Lands Commission Act 2012 requires the commission to initiate investigation into present and historical lands injustices and recommend appropriate redress.

That, aware that, Section 116 of the County Government Act 2012 imposes an obligation to the County Government and its agencies to deliver services within its designated area of jurisdiction and Section 117 (1) (a) provides that the County Government shall give priority to the basic needs of the public to ensure that all the members of the public have access to public services. That, whereas Sowesava Self-Help Group which was established in April 1997 with its main objectives being to lobby for the settlement of its members who are squatters who had been living in Nairobi Block No. 82/7333 after the land had been allocated to them by the defunct Nairobi City County since the 1970's. That, in April 2016, the squatters raised complaints to the Nairobi City County to help ward off intruders with request to look into the issues surrounding Nairobi Block No. 82/7333 with the view to obtain the title documents and to determine the official position of the parcel of land.

(Loud consultations)

Hon. Speaker: Order Hon. Catherine!

That whereas in 2016, the National Lands Commission appointed a team and conducted a public hearing to determine issues related to the ownership of the parcel of land including parcel number Block 82/7375 in order to establish ownership and make appropriate recommendations. Noting that National Lands Commission made a determination which was followed by a Gazette Notice Number 11710 of November 9th 2018 with recommendations that the Chief Lands Registrar do issue title deed to the Nairobi City County Government.

That the commissioners of the National Lands Commission including the Chairperson term ended on the 19th February 2019 as they had exhausted their term. That however, three days before the expiry of the said term on February 15th 2019, the commission's chairman Mohammed Abdalla Swaziri without any authority and without any meeting convened by the National Lands Commission, unilaterally, callously and

maliciously purporting to act on behalf of the National Lands Commission purportedly deleted Entry No. 11710 of the Gazette Notice dated 9th November 2018 vide Gazette Notice 1551.

That, a number of these squatters have been accused in various courts on trumped up charges. That, whereas the petitioners who are legally entitled to the use of the plots are now unable to access them; and although budgetary allocation by the Nairobi City County for the construction of public schools, health centers etc on that land, it has been made impossible to put up these facilities. Further, as residents of the area and on account of important security in the area, we came together as a community and raised enough funds to enable the setting up of a police post. That, whereas petitioners confirm that efforts have been made to make the matter addressed by the relevant body, it failed to give satisfactory response; and that, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body.

Therefore, your humble petitioner pray that the County Assembly of Nairobi County intervenes and ensures that;

1. The Nairobi Lands Commissioner and all the relevant bodies furnishes the Nairobi City County with the deed plans for Nairobi land Block No. 82/7333 to facilitate and solve the disputes herein;
2. Summon current and former management of National Lands Commission persons with interest who purported to be original and current owners; and
3. Establish a role of the Directorate of Criminal Investigation and police in the matter especially after the DCI personnel and the former commissioners of the disgraced Swazuri led National Lands Commission were accused of harassing the officials of the self-help group

And your petitioners will forever pray.

Presented by Hon. Speaker, on behalf of Amos Nyasami and by extension all residents of Nairobi City County Assembly.

Hon. Speaker: I commit this to the Lands, Planning and Urban Committee. Clerk. I am made to understand that we have another petition by Hon. Mark. Proceed.

DESIGNATION OF PASSENGERS, PICKING AND DROP OFF SLOTS IN THE COUNTY

Hon. Mark Mugambi: Thank you Hon. Speaker. I have a public petition pursuant to Standing Order No. 208 by Hon. Mark Mugambi on behalf of drivers in transport network taxis hereafter referred to as online taxis regarding designation of passengers, picking and drop off slots in the County and more so in the central business district.

We the undersigned are citizens of Kenya who are residents of Nairobi County, draw the attention of the County Assembly of Nairobi to the following;

Aware that Article 185 of the Constitution of Kenya 2010 vests the legislative authority and oversight of the County Government in the County Assembly and Article 46 provides that consumers have a right to goods and services of reasonable quality and have the right to protection of their health, safety and economic interest. That, Part Two of the Second Schedule of the Constitution confers the traffic and parking functions to the county government. Section 88 of the County Government Act 2012 entails the citizens' rights to petition the County Government on any matter that is within the scope of their mandate. That, whereas Section 27 of the Nairobi City County Transport Act 2020 prohibits public transport vehicles from picking and dropping passengers at undesignated bus stops and Sections 46 and 47 of the Act further prohibits persons

from parking on public roads in a manner that impedes traffic flow and strictly restricts parking to designated areas. The Sections particularly prohibits PSV's using undesignated areas as parking prior to obtaining any authority from the County;

That, whereas the County Government has designated parking slots within the CBD for matatus and stationery taxis and online taxis that provide equally important services lack authorized and designated slots to pick and drop off passengers. That, whereas the County having yet to designate passenger pick and drop off points for online drivers, the County officers impounds these online taxis and arrest the drivers whenever they are providing these services to the clients working in the CBD. Hence, these drivers keep in motion around the CBD in fear of arrest. That, whereas these online drivers are compliant with all the prerequisite statutory requirements for the provision of these services and efforts to address these matters with the relevant executing authorities but the response has been unsatisfactory; and that all matters in respect of which the petition is raised is not pending before any court of law or constitutional body.

Herefore, your humble petitioners pray that the County Assembly of Nairobi intervenes and ensures;

1. Require upon the County Executive to map out and reorganize taxi parking bays in the CBD and issue public notice communicating designated taxi bays in the CBD in view of designating and permitting regulated access to selected pick and drop off slots for online taxis; and
2. Require upon the County Executive Roads, Transport Public Works Sector to expedite the formulation of regulations pursuant to Section 68 (1) (f) of the Nairobi City County Act of 2020 to provide for regulations of the operations, licensing, pick and drop off and driver organization for both hail and online taxis in the county and your petitioners will forever pray.

And your Petitioners will forever pray.

Hon Speaker, I beg to lay.

Hon. Speaker: Thank you. The petition is committed to Transport Committee. Honorable Members, I now direct that the pending business which was to be transacted within the day be deferred to next week Tuesday at the same hour.

ADJOURNMENT

Hon. Speaker: The Assembly stands adjourned to next week Tuesday 13th December 2022, at 2:30 p.m. Thank you.

The House rose at 4 p.m.