



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 13th September 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

Hon. Temporary Speaker: Members, you may now be seated.

QUORUM

Hon. Temporary Speaker: On Standing Order No. 37, I instruct the Serjeant-at-Arms to ring the bell for ten minutes.

(Quorum Bell was rung)

Hon. Temporary Speaker: Order, Members! Serjeant-at-Arms, please ring the bell for another five minutes.

(Quorum Bell was rung)

(Loud consultations)

Order, Hon. Members! Order, Hon. Ochieng Jera! Clerk, please confirm if we have quorum.

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

The House is now fully constituted; we can now start the business. Clerk.

STATEMENTS

Hon. Temporary Speaker: Hon. Members, there are statements but have not been captured in the Order Paper. I defer them to the next sitting.

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(Statements deferred)

MOTION

REMOVAL OF BROKEN DOWN VEHICLES IN THE COUNTY

(Resumption of debate interrupted on Tuesday 12th September 2023 at 2:30 p.m.)

Point of Order

Hon. Temporary Speaker: Yes, Minority Whip?

Hon. Moses Ogeto: Madam Speaker, I want to go on record that I am the Majority Whip and not the Minority Whip. I am on a motion of privilege because my counterpart and I are having a hard time mobilizing Members to the precincts because of the catering services outside our premises. I would wish that you instructed the caterer to stop serving food immediately the bell rings. I was embarrassed to ask Members to stop eating and get into the Chamber. It is really embarrassing when you tell a Hon. Member whose sugar levels have gone to attend the Assembly. Therefore, I request that in your determination to allow the Office of the Clerk or your Office to give specific timelines when food should be served so that we have an easy time mobilizing members into the House. I could wish that you give direction over the same. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Majority Whip. We will---

(Hon. Hashim Kamau spoke off the record)

Order! Minority Whip.

Hon. Mark Mugambi: Thank you, Madam Speaker. I wish to differ with the Hon. Member for California, Hon. Hashim Kamau and also call upon all Members of the Third Assembly. We all know that representation is one of our key functions, and we can only do it through attending plenary. It is absurd that we adjourn on so many occasions while most of us are within the precincts of this House. This is therefore to humbly request the Hon Members to be observant of time. Let no leader, Serjeant-at-Arms or anyone force us to come and do what we are paid to do. If it is because of the catering services, then let us all be time conscious. We know that we should be having lunch between 1 p.m. to up to 2:20 p.m. When it reaches 2:30 p.m., we should all be in plenary. We therefore humbly request Members to observe the same.

A few months back, we had demonstrations from Members for failure of being paid allowances. As at now, I understand that most of them have been cleared and are up to date. Therefore, I see no reason as to why we shouldn't perform our legislative duties by observing time of attending plenary. Let us not adjourn the House yet we are seated outside here. You can come to the Assembly if you have not eaten and once the Assembly has raised quorum and the business is ongoing, then you can excuse yourself if you are in dire need of increasing your sugar levels, as the Majority Whip has said. I beg to end at that and humbly request us to end this confusion of waiting for someone to come and push you to come and do your job. Thank you Madam Speaker.

Hon. Temporary Speaker: Thanks, the Whips for noting the timing. We will make a commination regarding the timings and---

(Hon. Oyugi spoke off the record)

Hon. Temporary Speaker: You are out of Order, Hon. Member! I have not given you permission to speak. I have said that I will make a communication on what the Whips have noted. Have some respect, Hon. Member!

(Hon. Oyugi spoke off record)

Hon. Temporary Speaker: You do not engage the Chair in debate! Hon. Member, please have some respect for the Chair! Proceed, Minority Leader.

Hon. Anthony Karanja: According to Standing Order 47 (2) (b), Hon. Speaker, I think Hon. Oyugi is now becoming a nuisance to this House. Ignore him for today but we are putting him on notice. He cannot be sitting at the corner shouting at the Speaker, that is not acceptable. I request Hon. Oyugi to respect the Chair and we go with your decision that you will give a communication on that.

Hon. Temporary Speaker: Thank you, Hon. Member.

Hon. Kennedy Oyugi: Point of Order, Madam Speaker.

Hon. Temporary Speaker: Denied. Please take your seat Hon. Oyugi.

(Hon. Oyugi spoke off the record)

Please take your seat! Thank you. It is a gross misconduct, Hon. Member if you continue addressing the Chair as you want. This is not High Rise Ward, you are not addressing your electorates. Please have some respect for the Chair.

(Hon. Oyugi spoke off the record)

But I denied and I had all the rights.

Hon. Members, there is resumption of debate interrupted yesterday. The motion was moved by Hon. Sospeter Mumbi and seconded. You may now debate on the motion. Thank you, Hon. Members.

Point of Order

Hon. Temporary Speaker: What is your point of Order, Hon. Kiogora?

Hon. Eric Murigu: Madam Speaker, this is a House of order and I am not happy to hear the Hon. Member calling you a dictator. He should withdraw that statement. Thank you.

Hon. Temporary Speaker: Hon. Speaker is always blind, but if Hon. Kiogora has noted that, Hon. Member is out of order and I have suspended you for one week from the plenary. Because of you misconduct, I denied you and you cannot address me, please.

(Hon. Oyugi spoke off record)

Hon. Temporary Speaker: I have not given you permission to speak in the plenary, please have some respect.

(Loud consultations)

Hon. Temporary Speaker: Back to business, Hon. Members. You may now debate on the motion as the Member is preparing to go out escorted by the Serjeant-at-Arms.

(Loud consultations)

(Hon. Oyugi left the Chamber escorted by some Hon. Members)

Hon. Temporary Speaker: Let Members who want to represent their wards continue, please.

Hon. Perpetua Mponjiwa: Thank you, Madam Speaker. We appreciate you and we are proud of you. You are a woman of substance. Before I support the motion, I want to tell you to stand your ground whatever the decision, although it does not augur well with some of us that the Hon. Member has been suspended for one week. We respect and support your decision no matter what.

(Applause)

For the motion, I support it in total. Thank you very much.

Hon. Anthony Karanja: Hon. Speaker, I want to support this motion, however, I have a suggestion that we ask Hon. Sospeter Mumbi to read it again so that members can jog their memory on the said motion. It is a very beautiful motion that talks about vehicles that are parked all over. In Waithaka and Dagoretti South, we are victims. Stalled vehicles are used as markets and shops yet they do not fall under any category for paying the County licenses because they are neither kiosks nor shops. Hon. Speaker, I would like you to request Hon. Sospeter Mumbi to read it again so that we can gain momentum to debate it because it has been in this House for several days. Thank you.

Hon. Temporary Speaker: Serjeant-at-Arms, please circulate the Order Paper as Hon. Sospeter Mumbi takes us through the motion.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. Hon. Members, I wish to read the motion as it appears on our Order Paper. The motion is about removal of broken down vehicles in the county.

THAT, aware that Part II of the Fourth Schedule to the Constitution of Kenya, 2010 apportions traffic and parking function to County Governments; acknowledging that Section 14 of the Nairobi City County Transport Act, 2020 prohibits any activities on road reserves and spells out the sanctions for violation of the same; cognizant that there are many vehicles in the County that are broken down and whose owners are unknown and that such vehicles are often parked and left along main roads, in estate roads and public spaces; further cognizant that car yards operating along major roads in the County also illegally park their units on public spaces resulting to obstruction of pedestrian walkways; concerned that such abandoned vehicles present obstruction to flow of traffic mostly along pedestrian walk ways and that such vehicle provide an inadvertent hiding spaces for would be criminal, hence pre-exposing residents to security risks; further concerned that such activities on road reserves constitute encroachment onto road reserves that are meant for road construction related activities; noting that removal of such vehicles from public spaces will go a long way to clear up the most needed public spaces for activities they are purposed for; now therefore, this Assembly resolves that the County Executive:-

1. Issues a public notice asking the owners to remove all broken down vehicles and road construction equipment from any public spaces in the County or they be removed by the County at the owner's cost at the expiry of a period of 2 months;
2. Issues a public notice to all car yard owners to vacate any public spaces they operate in within a period of one month at the expiry of which the County will enforce compliance through an operation of towing away the vehicles; and
3. Through the County Executive Chief Officer for Security and Compliance, puts in place measures for countywide operation to enforce the foregoing vacation notices at the specified timelines; and continuously monitor any further violations for action.

That is the motion. Hon. Speaker, the motion is meant to request the County Government to fast track the removal of the broken down vehicles that are lying idle within our various wards. It is evident and Members can attest that this is an issue that is reflected in all the 85 wards. When you walk around on public spaces, walkways and garages, you will realize that there are those broken down vehicles which are used as shops and storages for mechanics as toolboxes in garages.

Accidents have taken place in our various wards because of these broken down vehicles parked in wrong places. Also, they have become unfriendly to our environment because some of them are used as urinals, for example in matatu stages where there are no public washrooms. The other thing is that, during this time of flooding or rain season, these vehicles even block drainages. The picture they give to our City is not friendly. This is why I implore all of us to support this motion so that we have all these vehicles cleared by the owners. Some owners have left their vehicles because they can't raise the penalties for parking. It is high time that we bring sanity and order in our City by having those stalled vehicles removed.

With that much, Hon. Speaker, allow me to end there and request Members to support my motion. Thank you very much.

Hon. Temporary Speaker: Hon. Heho.

Hon. Carrington Heho: Thank you, Madam Speaker. I rise to support this good motion that has been presented by the Hon. Sospeter. Early this week, I witnessed a grizzly road accident along Eastern Bypass when a matatu that was plying the Utawala-Ruai route rammed into parked trailer and it costed the lives of two Nairobian. This would have been averted if such a motion was to take effect and the Inspectorate do what is necessary. If you walk around Nairobi, you will witness some of the roads, especially in Ngara and Ziwani being used as mobile garages, hampering mobility. We well know that traffic management is well vested within the County Government. Without further ado, I would like to support the motion. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Madam Speaker and congratulations Hon. Mumbi for this great motion. Actually, those cars have made Nairobi become an aisle because they are in every corner even within the estates. It is dangerous for our children to go out and play because you do not know who is hiding within those cars. I suggest that in case the owners of these cars are unable to retrieve them, it could be another way of raising revenue to our County. They can be auctioned, and if they are in a position that they cannot be auctioned, we can sell them as scrap metal. This is how we will get some income. As he has mentioned, they are a health hazard in the sense that people have made them urinals and more things than

that. Crimes have also taken place at the backseats of those cars. Young girls have been raped inside those cars.

So, I support and appeal to the Executive to take this thing seriously and act promptly so that we clear the City of these cars, remove the health hazard and if possible raise revenue. Thank you, Madam Speaker.

Hon. Temporary Speaker: Majority Whip.

Hon. Moses Ogeto: Thank you, Madam Speaker. I thank Hon. Sospeter for bringing such a brilliant motion and echo my friend the engineer, who has narrated what happened in those sides of Eastlands. In Utawala, some stalled trailers on the roadsides cause traffic jams and also cause accidents especially at night because of poor vision. Recently, there was an accident which happened in Kericho because of some stalled lorries on the road. Also most of these trucks are stalled along the Southern bypass. So, Madam Speaker, if you don't have a good vision, especially people like you who are in spectacles, you may hit them.

Madam Speaker, this has been practiced in various countries including Singapore, United States of America and England. The moment a vehicle stalls, you will see a towing machine coming in and tows the vehicle at the owner's cost. I wish the notice should not be two months but less than two hours. If a car has stalled on the road, it should be towed at owner's cost.

In Kilimani, there are vehicles passing Argwings Kodhek Road through Gitanga Road to Waitthaka, where the Minority Leader comes from. Some of them are not roadworthy and sometimes stall on the way. If a vehicle stalls for even one hour, imagine the traffic that it can cause in the City.

Madam Speaker, all these Hon. Members have cars because they got car reimbursement, this has contributed to whatever is happening. Outside here, Members are parking on the road. If we want members of the public to adhere to this motion, let the Hon. Members and others who park on the road, stop. As much as we don't have a parking space, it is uncouth to park on the road. Between Supreme Court and the Jubilee House, you will take almost an hour because Hon. Members have parked on the road yet they know well that it is not a parking zone. Madam Speaker, you should give a ruling and determination over the same. As much as we want to ensure the members of the public adhere to this, let us lead as an example. With those few remarks, I support this motion.

Hon. Temporary Speaker: Hon. Peter Maina Mwangi.

Hon. Peter Mwangi: Thank you, Madam Speaker. I support this motion and congratulate Hon. Sospeter. Some of these stalled vehicles should not be referred to as stalled but scraps. Some are so old and have not been moved for years. They are a security risk as they act as den of robbers. As Hon. Emily said, there are women who have been raped and boys sodomized there. So, the County Government needs to remove them immediately. They also obstruct pedestrians

Therefore, I support the motion and encourage Members to pass this noble motion and the Executive to implemented it. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Hon. Minority Whip.

Hon. Mark Mugambi: Thank you, Madam Speaker. I would like to support the motion by Hon. Wamumbi Sospeter. Not long ago, we had a stalled bus just outside the Executive that stayed there for close to three months. This was a unique situation where a stalled bus stayed there for long awaiting for a part or

an engine to be imported and be fixed while still staying there. That shows laxity from those who have been tasked with performing such duties.

Hon. Speaker, during the last Assembly, I brought a motion where the County Government of Nairobi needs to seriously think of getting their own breakdowns, not these rough ones operating within the CBD. As a County, we need to purchase our own breakdowns, both big and small to assist us in such operations.

Hon. Speaker, if you go to this well-off cities, a vehicle cannot stay stalled for more than 10 minutes as it is towed away. Even on our newly constructed Expressway, if you stall you will be assisted immediately.

Hon. Speaker, we also have scraps, as Mheshimiwa Osama has called them. It is high time we step up and take them to our yard and maybe we crash them because we cannot store them, not unless the owners can give us good reasons as to why they keep them. Hon. Speaker, also along Outer Ring Road just after Tajmall, we have so many trucks that pack just on the road. I normally see that as a disaster in waiting, and as a county and nation, we are used to acting immediately when disaster strikes. So, with this motion by Hon. Wamumbi, we should move with speed to pass it and make sure it is implemented on time. With these few remarks, Hon. Speaker, I beg to support.

Hon. Temporary Speaker: Thank you. Hon Mark Thiga.

Hon Mark Thiga: Thank you, Madam Speaker for giving me this chance to make my contribution on this important motion by my friend and colleague, Hon Sospeter Mumbi. I congratulate him for the patience because it nearly become a stalled motion yet it is talking about stalled vehicles. It has been on the Order Paper for nearly seven times. I have never seen that, this is a very unique motion.

Madam Speaker, it is a timely motion especially with the coming of El Nino rains. We expect that once it rains, visibility becomes a problem to the drivers, and with the parking of those vehicles, it automatically becomes a danger in waiting. Parking of those vehicles is a misuse of the road reserves. There is a reason why we have got road reserves

Madam Speaker, I remember His Excellency the Governor in his speech here talked about a city of order. The parking of these vehicles is a sign of the disorder that is in our City. Just to emphasize on what my colleague, Hon Emily had talked about, these vehicles have been used severally as rape dens. We have got several incidences where our people have been abused from these vehicles. They also pose a health hazard because drunkards use them as urinals. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon Jeremiah Themendu.

Hon Jeremiah Themendu: Thank you, Madam Speaker for giving me this chance to contribute on the same. I thank Hon Sospeter for the good motion. I think we have many parking in all our wards but the parking is packed by those stalled vehicles. They need to be cleared so that our children and also the people there can enjoy parking. The County should go and make sure it is secured for the same purposes. The owner of the vehicles should be advised to go and sell them to the scrap metal dealers. I beg to support. Thank you.

Hon. Temporary Speaker: Irungu Mukuru

Hon Gerald Mukuru: Thank you, Hon Speaker for giving this chance to support this good motion that has been brought by our brother here, Hon Sospeter. I am happy because I have come from that background of many stalled vehicles. Having worked in a garage for over 30 years, those vehicles have been

obstructive. There are also many that have been turned into kiosks, creating business. As Madam Emily has said, they have been turned into urinals. It is not the wish of those mechanics to do this, it is only that facilities that help relieve themselves are not near. I thank God that it is time we should go with the idea of those movable, towable vehicles that should be moved out because they have become hindrance those causing obstruction and many people going along with their businesses. If they are towed by the County, it will collect revenue which will help us and the county. By that, I think I support partially, but for the other one Hon Sospeter, you will do some adjustments. Thank you very much, Madam Speaker.

Hon. Temporary Speaker: Are you supporting the motion?

Hon Gerald Mukuru: Yes, with corrections, Madam Speaker.

Hon. Temporary Speaker: The mover to reply.

Hon Sospeter Mumbi: Thank you, Hon Speaker. I wish to thank my fellow colleagues who have supported this motion. Thank you very much for your support and time.

May be just to note from Hon Irungu has said, the issue of vendors using those broken down vehicles as shops, it is not a bad idea but the question we have to ask ourselves, is it in order? I think they are not meant for that work. Hon Minority Whip's comments were okay because we don't have breakdowns for the County. So, anytime you raise an issue with the Executive requesting that they tow off those broken down vehicles, there is always that laxity from their end, which is largely occasioned by lack of breakdowns.

Lastly, maybe Members and through Hon Speaker, we also need to ask ourselves in terms of timelines. How long should people leave their vehicles before we declare them stagnant or broken down. It is a question that we need to ask ourselves so that any time the County wants to tow off these vehicles, they are guided by that law that this vehicle has been stalled for these number of months. Through that legislation, may be now the County can move on to tow those vehicles. That is a thinking that we need to introduce in the House so that we are able to guide the Executive when it comes to clearing such vehicles. With that much, I beg to reply. Thank you very much Hon speaker.

(Question put and agreed to)

MOTION

INEFFICIENCIES AND DELAYS IN THE DELIVERY OF COUNTY GOVERNMENT SERVICES

Hon. Temporary Speaker: Hon Paul Kados's motion will be deferred to next week's sitting.

(Motion deferred)

ADJOURNMENT

Hon. Temporary Speaker: There being no other business, the House stands adjourned till tomorrow, Thursday 14th September 2022 at 2:30 p.m. Thank you so much.

The House rose at 3: 48 p.m.