



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 15th June 2023

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Paul Kados) in the Chair]

PRAYER

QUORUM

Hon. Deputy Speaker: Clerk, is there quorum?

(Clerk-at-the-Table confirmed there was no quorum)

Sergeant-at-Arms, ring the bell for ten minutes.

(Quorum bell was rung)

Sergeant-at-Arms, can you confirm whether we have quorum. I can see there is a Member roaming around there, why don't you call him to get in?

(Hon. Majiwa requested to go and call the Member)

Not you; I have directed the Sergeant-at-Arms. Hon. Dan Oria, can you take your seat, please? Is it Hon. Kimemia who is out there?

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

Clerk, proceed.

COMMUNICATION FROM THE CHAIR

ALLEGED PHYSICAL FIGHT BETWEEN HON. MEMBERS

Hon. Deputy Speaker: Hon. Members, I have the following communication to convey:

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Hon. Members, my Office is in receipt of a report alleging that Hon. Joseph Karanja Ndung'u, MCA, Member for Kiamaiko Ward and Hon. Christopher Wanjohi Mutumishi, MCA, Member for Kormarock Ward engaged in altercation that resulted in a physical fight. The incident is alleged to have happened at the corridor between Committee Room No. 5 and 6 within the precincts of the Assembly.

Hon. Members, during the induction workshop of the Assembly and committees, Members were sensitized on the need to always conduct themselves in manner that brings honor and dignity to the County Assembly and the office they hold in accordance with provisions of Chapter Six of the Constitution of Kenya, 2010, Leadership and Integrity Act 2017, the Country Assemblies Powers and Privileges Act 2017, and the County Assembly's Standing Orders.

Hon. Members, I am aware that The Select Committee on Powers and Privileges, on its own motion, is seized on this matter. Accordingly, I direct the Committee to expeditiously deal with this case and report back to the Assembly.

Thank you, Hon. Members. Clerk!

PAPERS

INQUIRY ARISING FROM A STATEMENT REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR NO.1870/111/46

Hon. Deputy Speaker: Chairman of the Sectoral Committee on Lands, Planning and Housing.

Hon. Nasra Nanda: Good afternoon, Mr. Speaker, Sir. I rise to lay the Paper on behalf of the Chair of the Sectoral Committee on Planning:

Pursuant to Standing Order 221 (2) and 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 15th June 2023:

The report of the Sectoral Committee on Lands, Planning and Housing on the inquiry arising from a statement regarding illegal demolition of residential home built on land LR NO.1870/111/46 and irregular acquisition of the same by Lariak Properties in School Lane, Parklands/Highridge Ward.

(The Paper was laid on the Table)

INVESTIGATION INTO ALLEGED CLOSURE OF THIGIRI LANE IN KARURA WARD

Hon. Deputy Speaker: The Chairperson of Public Works, the report on Sectoral Committee on Transport and Public Works on alleged road closure on Thigiri Lane.

Hon. Musango Maithya: Mr. Speaker, pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 15th June 2023:

The report of the Sectoral Committee on Transport and Public Works on the investigation onto alleged road closure of Thigiri Lane in Karura Ward.

Mr. Speaker, I beg to lay.

(The Paper was laid on the Table)

Hon. Deputy Speaker: Thank you. Clerk!

NOTICES OF MOTION**CONSTRUCTION OF A WELL-PLANNED PURPOSE BUILT TOI MARKET**

Hon. Deputy Speaker: Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, allow me to say good afternoon to all the Hon. Members.

THAT, aware that Paragraph Two of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the functions of the county government, which includes trade development and regulation of markets; further aware that the Toi Market in Kibra Constituency is one of the largest open air markets in Nairobi with over 5000 traders on outskirts of slums in Nairobi; deeply concerned that the rise of arson attacks on the informal markets in the county including Toi Market, often suspected with through human malicious act, has led to significant economic losses, social unrest and endangering the lives of traders and residents in Toi Markets; concerned that for the livelihood of traders in Toi, who have suffered significant losses due to repeatedly arson attacks and emphasizing the necessity of creating a safe and a sustainable trade environment for their economic well-being; now therefore, this Assembly urges the County Executive to allocate sufficient funding sources, including public private partnership grants or development loans to finance the construction of Toi Market, ensuring its timely completion and sustainability to undertake the construction of a well-planned purpose built market in affected Toi area with the following objectives:

1. Enhance safety and security measures to prevent arson attacks through an electrified perimeter fence, installing advance fire suppression systems, robust security cameras and employing adequate security personnel, including deployment of inspectorate officers;
2. Providing proper infrastructure and facilities including sheltered stalls, storage areas, sanitation facilities and utilities to ensure conducive trading environment for the Toi Market traders;
3. Collaborating with administrative authorities, community leaders and stakeholders to ensure the design and construction of Toi Market are inclusive, meeting the specific needs of traders and the community at large of the Kibra area.

Mr. Speaker, I beg to lay a notice of motion with a rider; I need it to be tabled on Tuesday for discussion.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader. I direct that to the House Business Committee to allocate the time it is going to be discussed.

**INQUIRY ARISING FROM A STATEMENT REGARDING ILLEGAL DEMOLITION
OF RESIDENTIAL HOME BUILT ON LAND LR NO.1870/111/46**

There was a report of Sectoral Committee on Lands and Planning from a statement regarding illegal demolition on residential home built on Highridge Ward, laid on the floor of the Assembly on 15th June 2021.

Hon. Nasra Nanda: Hon. Speaker, I beg to give notice on behalf of the Chairperson of Planning on the following notice of motion:

THAT, this Assembly adopts the report of the Sectoral Committee on Lands, Planning and Housing on the inquiry arising from a statement regarding illegal demolition of residential home built on land LR

NO.1870/111/46 and irregular acquisition of the same by Lariak Properties in School Lane, Parklands/Highridge Ward, laid on the table of the Assembly, today, Thursday 15th June 2023.

Hon. Deputy Speaker: Thank you. There is another notice you are supposed to give on the report on Thigiri. Have given notice?

Hon. Nasra Nanda: Yes, Mr. Speaker, I have given notice.

Hon. Deputy Speaker: Okay, I refer it to the House Business Committee to allocate time. Thank you.

Sectoral Committee on Transport and Public Works on investigation on alleged closure of Thigiri lane in Karura Ward.

THE ADOPTION OF REPORT REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME AND
IRREGULAR ACQUISITION OF THE SAME BY LARIAK PROPERTIES IN SCHOOL LANE,
PARKLANDS/HIGHRIDGE WARD

Hon. Musango Maithya: Hon. Speaker, I beg to give notice of the following motion:

THAT, this Assembly adopts the report of the Sectoral Committee on Lands, Planning and Housing on the inquiry arising from a statement regarding illegal demolition of residential home built on land LR NO.1870/111/46 and irregular acquisition of the same by Lariak Properties in School Lane, Parklands/Highridge Ward, laid on the table of the Assembly, today, Thursday 15th June 2023.

Hon. Deputy Speaker: Thank you. Clerk!

STATEMENT

REQUEST FOR STATEMENT REGARDING STATUS OF COMPLETED PROJECTS ACROSS THE CITY

Hon. Deputy Speaker: Hon. Oyugi Kennedy.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a statement from the Chairperson of the Select Committee on Ward Development Fund regarding the status of the completed projects across the city, particularly Nyayo Highrise Ward.

Hon. Speaker, the County recently embarked on major renovation works on improvement of drainages on constructed roads across the city. Whereas various projects have been implemented, some areas of the County have neither started nor completed road works. For instance, in Shilanga village, Nyayo Highrise, contract awarded for drainage improvement has never begun as the contractor has never reported to the said since December 2021. The contract was terminated and ought to be re-advertised but so far nothing has been done by the County Executive.

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

- i. Reasons for the termination;
- ii. Reasons why the CEO Ward Development Fund has never re-advertised the said contract despite the fact she terminated it; and
- iii. Steps the County is taking to ensure that all contracts awarded to contractors are completed across the County.

Thank you.

NOTICE OF MOTION

INVESTIGATION INTO ALLEGED CLOSURE OF THIGIRI LANE IN KARURA WARD

Hon. Deputy Speaker: Hon. Musango, are you really on the right notice? Please, can you look at what you have read.

Hon. Musango Maithya: There was confusion from the Clerk.

Hon. Deputy Speaker: Then you can go on if there was confusion.

Hon. Musango Maithya: Okay. Mr. Speaker I beg to give notice of the following motion:

THAT, Assembly adopts the report of the Sectoral Committee on Transport and Public Works on the investigation onto alleged road closure of Thigiri Lane in Karura Ward, laid on the table of the Assembly, today, Thursday 15th June 2023.

Hon. Deputy Speaker: Thank you.

COMMUNICATION FROM THE CHAIR

STATUS REPORT ON PENDING STATEMENTS

Hon. Deputy Speaker: Hon. Members, I have the following communication to convey on pending statements:


Hon. Members, you may recall in the communication which was given by the Speaker on 6th June 2023 on the resumption from recess, all chairmen were directed that they would be called upon to give status report on pending statements before their respective committees on 8th June 2023. However, this did not happen on the said appointed date.

Hon. Members, in this regard, I have liaised with Office of the Clerk and I am aware that the chairpersons have been made ready to give the said reports on this sitting of the Assembly.

Accordingly, at this juncture, I want to call upon the chairpersons of sectoral committees to present their status reports in the following order;

1. The Sectoral committee on Health Services
2. The Sectoral Committee on Children, Early Childhood Education and Vocational Training
3. The Sectoral Committee on Transport and Public Works
4. The Sectoral Committee on Justice and Legal Affairs
5. The Sectoral Committee on Finance, Budget and Appropriations
6. The Sectoral Committee on Trade, Tourism and Cooperatives
7. The Sectoral Committee on Agriculture, Livestock and Fisheries
8. The Sectoral Committee on Environment and Natural Resources
9. The Sectoral Committee on Water and Sanitation
10. The Sectoral Committee on Energy and ICT
11. The Sectoral Committee on Lands, Planning and Housing
12. The Sectoral Committee on Culture and Community Services
13. The Sectoral Committee on Ward Development Fund
14. The Sectoral Committee on Labour and Social Welfare

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I thank you Hon. Members.

Point of Order

Hon. Deputy Speaker: Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I believe we are on Statement hour, allow me to say one or two as the Leader of Majority.

Hon. Deputy Speaker: You can go on.

Hon. Peter Imwatok: Thank you, Hon. Speaker. Hon. Speaker and Hon. Members of the House, I have been confronted with several questions in the corridors of this Parliament in regards to adjournments of assemblies across the country. It is important for us to note as a House that we are our brothers' and sisters' keepers. The issue that is being addressed across the country is the remuneration by the SRC, and so far, there are several negotiations taking place. The day before yesterday, there was a public participation between the SRC and relevant bodies including the CAF. This is a fight that we are going to take together with other counties because as I said earlier, we are our brothers' keepers.

This Assembly for the first time in the history of Kenya, has produced a leader, Mheshimiwa Chege Mwaura who is the head of the CAF. He is not just an MCA for Ngara, but also has been an Acting Speaker in this House. It is therefore upon us to give due respect to our own as much we are fighting this war that I believe we will soon win.

The recommendations by the SRC have been opposed by the CAF. They have asked for another meeting next week. The issue of adjourning the County Assembly of Nairobi amidst what is happening, I beg us to put it on hold in the meantime until when it will be necessary for us to do so. We have a budget to look at and I ask that we do what is deserving of us. Let all elected Members ensure that their ward agendas are captured before the budget is passed. The first two years are years for development for your respective wards and the fourth year is all about the competitors, so be careful about what you take home to your people between now and the 30th of June.

Lastly, Mr. Speaker, we have social halls where people can exercise their anger. We do not need to exercise that towards another colleague. This is a House of records and it will be unfortunate if in years to come, your son comes here only to hear that you fought a Member like Hon. Lawi. It is not right. Let us handle ourselves with the decorum that is deserving. Thank you.

Hon. Deputy Speaker: Thank you, Majority Leader. Hon. Members, we will go by the statement made by the Majority Leader and give them a chance to fight for our interests.

STATEMENTS

Hon. Deputy Speaker: Hon. Oyugi, I know why you want to raise a point of Order. Can any Member of the WDF take an undertaking and remind the Chairman that I have noted that he does not honor plenary? Proceed.

Hon. Hamisi Maleya: Thank you, Mr. Speaker. I rise on behalf of my Chair who is on an official engagement and commit to respond in 14 days.

Hon. Deputy Speaker: Are you okay with 14 days? I believe that is a very direct question.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. The answer I seek for does not need research, so why the two weeks? Is it because of tradition? I think three to five days will be sufficient.

Hon. Deputy Speaker: Can you give reasonable days because it is a very direct question.

Hon. Hamisi Maleya: Hon. Speaker, I am acting on behalf of my Chair who has travelled to Kisumu and I would not wish to commit myself here and make my Chair look awkward. Kindly, on behalf of my Chair, I still insist that 14 days will be enough.

Hon. Deputy Speaker: Hon. Oyugi, let me help you. I direct that he be answered that question on Thursday next week. Inform the Chair that your request has been declined by the Speaker.

Hon. Hamisi Maleya: As you wish, Hon. Speaker. Thank you.

Hon. Deputy Speaker: Chair, Health

STATUS OF STATEMENTS BEFORE HEALTH SERVICES COMMITTEE

Hon. Maurice Onyango: Thank you, Hon. Speaker. This is in regard the status of the Statements that were asked from the House. The Health Committee has a mandate to oversight under the Third Schedule of the Standing Orders, dealing with matters related to health services, including, in particular county health facilities and pharmacies, ambulances, promotion of primary health care, licensing and control of undertakings that sell food to the public, veterinary services (excluding regulation of the profession) cemeteries and funeral parlours---

Hon. Deputy Speaker: Chair, just go to the points and not the mandate of the Committee

Hon. Maurice Onyango: Thank you, Hon. Speaker. Allow me to submit to this hon House the status report on pending statements committed to the Sectoral Committee on Health Services.

1. On Tuesday 22nd November 2022, Hon. Mark Thiga, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding stalled projects in the County, particularly the construction of Upendo Hospital in Hospital Ward. Hon. Speaker, the Committee held a meeting with the relevant CECs and the Member was satisfied with the response from the sector, thus seeking leave to respond in two weeks.
2. On Wednesday 23rd November 2022, Hon. Victor Omondi, MCA, rose on the floor of the Assembly pursuant to the Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the construction of public health center in Lucky Summer Ward. Hon. Speaker, the Committee held a meeting with the relevant CEC. The response was satisfactory. However, Hon. Victor Omondi did not turn up despite the invitation but sent apologies on being absent. The Committee resolved to re invite him in order to share the response with him on Thursday 22nd June 2023.
3. On Thursday 1st December 2022, Hon. Sam Kago, MCA, rose on the floor of the Assembly pursuant to the Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the lack of medical supplies in the County health facilities, particularly Mwiki Health Centre in Mwiki Ward. Hon. Speaker, the

- Committee held a meeting with the relevant CEC and the Member was satisfied with the response.
4. On Wednesday 9th November 2022, Hon. Mwangangi Diana Katile, MCA, rose on the floor of the Assembly pursuant to the Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the operationalization of Umoja II Health Centre which was developed by the Nairobi Metropolitan services. Hon. Speaker, the Committee received response on the said Statement and has since invited the relevant CEC and the Hon. Member to its sitting to be held on Thursday 22nd June 2023.
 5. Hon. Samora Mwaura, MCA, rose on the floor of the Assembly pursuant to the Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the yellow fever vaccination and premises across the country. Hon. Speaker, the committee received response on the said statement and has since invited the relevant CEC and the Hon. Member to its sitting to be held on Thursday 22nd June 2023.
 6. On 1st November 2022, Hon. Robert Alai, MCA, rose on the floor of the Assembly pursuant to the Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the deteriorating status of Nairobi City mortuaries; Mama Lucy and Mbagathi. Hon. Speaker, the Committee held a meeting with the relevant CEC and the Member was satisfied with the response from the sector, thus seeking leave to respond in two weeks.
 7. On 15th March 2023, Hon. Geophrey Majiwa, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding alleged diversion of user fees foregone for Baba Dogo Health Center. Hon. Speaker, the Committee received response on the said Statement and has since invited the relevant CEC and the area Member for a sitting to be held on Thursday 22nd June 2023.
 8. Hon. Kennedy Swaka, MCA, rose on the floor of the House pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding storm water management in the County, specifically in Gatina Health Center. Hon. Speaker, the Committee is yet to receive a response from the CEC. However, correspondence has been done requesting the County Executive to furnish it with the same.
 9. Hon. Stazo Omung'ala, MCA, rose on the floor of the House pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the transfer of health workers from Mama Lucy Kibaki hospital to Pumwani Hospital. Hon. Speaker, the committee is yet to receive a response from the CEC. However, correspondence has been done requesting the County Executive to furnish it with the same.
 10. On 19th April 2023, Hon. Redson Otieno, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the County health facilities constructed under the defunct Nairobi Metropolitan services. Hon. Speaker, the Committee is yet to receive a response from

- the CEC. However, correspondence has been done requesting the County Executive to furnish it with the same.
11. Hon. Paul Wachira, MCA, rose on the floor of the House pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding the increased cases of cholera, specifically in St. Josephs Health Center in Ng'ando Ward. Hon. Speaker, the Committee is yet to receive a response from the CEC. However, correspondence has been done requesting the County Executive to furnish it with the same.
 12. On 1st November 2022, Hon. Redson Otieno, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Health Services for a statement regarding increased cases of medical negligence in the County health facilities. Hon. Speaker, the committee is yet to receive a response from the Executive. However, correspondence has been done requesting the County Executive to furnish it with the same.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you Chairman. I have a request from the Chairman of Water as he is about to catch a flight. Hon. Member, are you properly dressed? Do you have a tie? Proceed.

STATUS OF STATEMENTS BEFORE WATER AND SANITATION COMMITTEE

Hon. Redson Onyango: Thank you very much, Hon. Speaker. This is a Statement tracker for the Water and Sanitation Committee's Third Assembly, starting November 2022 to June 2027.

1. Hon. DNG requested for a statement regarding perennial lack of water in Woodley/Kenyatta Golf Course Ward. Hon. Speaker, the Hon. Member was called to the Committee, a response was given, and he was satisfied.
2. Hon. Malyun Abdi requested for a statement regarding operation, management and rehabilitation of the sewage system and sanitation infrastructure across the County. The statement is still pending because we have not received any response from the County Executive.
3. Hon. Silas Matara requested for a statement on drilling of seven boreholes that were advertised through tender on 6th May 2022 by the NCWC. We wrote to the County Executive and the statement is still pending.
4. Hon. Kennedy Oyugi asked for a statement regarding water pollution by industries and factories in the County, in particular Baba Dogo Ward. The Hon. Member was called and was satisfied with the response.
5. Hon. Mukiri asked for a statement regarding perennial lack of water in the County, in particular Kahawa Ward. The Hon. Member was called to the Committee meeting and was satisfied with the response from the County Executive.
6. Hon. Fiunifiu Thuo asked for a statement regarding the number of boreholes drilled and water points by the defunct Nairobi Metropolitan Services. The Hon. Member was called but we have not received any response so that we can table in the House.

7. Lastly, Hon. Jeremiah Themendu asked a statement regarding the perennial lack of water and rationing in the County, particularly in Kayole Central Ward. We are still waiting for the response from the County Executive.

Thank you.

Hon. Deputy Speaker: Thank you. Chairman of Culture, I am informed that you are going to do a report on behalf of Labour Committee. Go on.

STATUS OF STATEMENTS BEFORE CULTURE AND SOCIAL SERVICES COMMITTEE

Hon. Clarence Munga: Thank you, Mr. Speaker. Status report for the pending statements for the Sectoral Committee on Culture and Social Services.

1. Statement requested by Hon. Maurice Onyango regarding discrimination against Kenyans in hospitality establishments operating in the County, in particular Westlands Sub-county. The response was received but the Member never availed to receive the response.
2. Statement requested by Hon. Malyun Abdi concerning increased cases of street children in the CBD and various parts of the County, especially in Eastleigh and slum areas. Status – response received and tabled.
3. Statement requested by Hon. Nicholas Juma regarding status of ownership of Eastleigh Social Hall that is allegedly owned by a private developer i.e. Merchants Limited. Response yet to be received.
4. Statement requested by Hon. Hashim Kamau regarding Moi International Sports Centre and Nyayo National stadia managed by the National Government. Response yet to be received.
5. Statement requested by Hon. Perpetua Mponjiwa regarding mushrooming of liquor kiosks in Nairobi, especially lower parts of CBD. Response received awaiting tabling.

Thank you. You can go on with the Labour Committee.

STATUS OF STATEMENTS BEFORE LABOUR AND SOCIAL WELFARE COMMITTEE

Hon. Clarence Munga: Status report of the Labour and Social Welfare Committee.

1. Mr. Speaker, on 8th November 2022, Mheshimiwa Hashim Kamau rose on the floor of the Assembly and requested a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the alleged outsourcing of workforce in the County health facilities. Hon. Speaker, the Health Committee held a meeting with the relevant CEC, and the member was not satisfied with the response.
2. Statement requested by Hon. Hashim Kamau requesting for a statement from the Committee regarding lack of medical insurance for the City County Executive. Hon. Speaker, the Member was not satisfied with the response.
3. Statement requested by Hon. Emily Oduor regarding interdiction of staff serving in the Nairobi County Executive in the Urban, Lands and Housing Department. Hon. Speaker, the Committee held a meeting with the relevant CEC, and the Member was not satisfied with the response.

4. Statement requested by Hon. Robert Alai regarding impounding of vehicles by the Nairobi City County Executive. Mr. Speaker, the statement was sent to the relevant CEC and it has never been responded to.

Thank you, Mr. Speaker.

(Hon. Jared Ondieki spoke off the record)

Hon. Deputy Speaker: Can we have the Chairman for Public Works, then you can come later please?

STATUS OF STATEMENTS BEFORE TRANSPORT AND PUBLIC WORKS COMMITTEE

Hon. Musango Maithya: I have twelve statement requests.

1. Statement requested by Hon. Stazo Omung'ala regarding allocation of pick up and drop off points in the County. It is still pending.
2. Statement requested by Hon. Joseph Ndung'u regarding dilapidated roads in the County, especially Makongeni Road in Ruai Ward. I responded on 13th June 2023.
3. Statement requested by Hon. Joseph Ndung'u regarding blockage of Wangari Mathai Road. I also responded on this on 13th June 2023.
4. Statement requested by Hon. Mwaura Samora regarding the status of loading zones in the county. It is still pending.
5. Statement requested by Hon. Redson Otieno regarding delayed completion of road projects in the County, particularly Sokoni and Kibichoi Roads in Ngei Ward. I gave a response on 13th June 2023.
6. Statement requested by Hon. Redson Otieno regarding delayed completion of earmarked projects in the County. It is still pending.
7. Statement requested by Hon. Moses Kitema regarding dilapidated roads, especially GMCA Road in Kware Ward. The response is pending.
8. Statement requested by Hon. Redson Otieno regarding the number of matatu SACCOs that have been allocated pick and drop off points. It is still pending.
9. Statement requested by Hon. Robert Alai regarding impounding of vehicles by the Nairobi County Executive. It is still pending.
10. Statement requested by Hon. Thuo Fiunifu regarding road blockage at Gigiri Lane at New Muthaiga. Investigation report ready for tabling in the Assembly for debate.
11. Statement requested by Hon. Redson Otieno regarding the status of payment of all contractors who have completed their projects across the city, particularly in Ngei Ward. Response pending.

Hon. Speaker, the Committee held a meeting with the County Executive Committee Member to deliberate on the statements on 25th May 2023. Responses to majority of the statements have since been provided to the Committee. As indicated in this report, we have already responded to three of them and the rest will be responded by a way of a report rising from comprehensive investigations.

Hon. Speaker, the challenge the Committee is facing in getting the concurrence of respective Members who did not attend the joint meeting with the sector. As you are aware, the sectoral committees

have been busy with the budget documents and sometimes because of the public participation events, it has been difficult raising quorum to dispense with the matter. Nonetheless, the Committee will be scheduling meetings in the coming two weeks with the said Members in order to agree on the responses for the onward transmission to this Assembly.

I want to assure the Assembly that the Committee is committed to this and shall deliver on the rest of the statements. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Chairman. Can we have the Chairman for Legal and Justice Committee?

STATUS OF STATEMENTS BEFORE JUSTICE AND LEGAL AFFAIRS COMMITTEE

Hon. Jared Ondieki: Thank you very much, Hon. Speaker. On 2nd November 2022, Hon. DNG Ngibuini rose on the floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested from the Chairperson of the Sectoral Committee on Justice and Legal Affairs a statement regarding the harassment of traders and members of public by the City Inspectorate across the County.

Hon. Speaker, I want to report that the Committee held a meeting with the County Chief Officer for Security and Compliance on Tuesday 28th March 2023 to respond to the statement and subsequently tabled the report on 6th April 2023. Hon. DNG was furnished with a copy of the response and informed the Committee that he was satisfied with the same.

The second statement request is from Hon. Mwaniki Kwenya who rose on the floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested from the Chairperson of the Sectoral Committee on Justice and Legal Affairs for a statement regarding the harassment of hawkers operating within the CBD in the County.

Hon. Speaker, the Committee invited the County Chief Officer for Security and Compliance to attend its meeting on Tuesday 16th May 2023, but the meeting was postponed following a request from the Chief Officer who had to attend to an urgent matter. The Committee resolved to reschedule the meeting thus seeking for leave to respond in two weeks. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Chair of Environment Committee.

STATUS OF STATEMENTS BEFORE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. I would like to give a status report of the pending statements for the Sectoral Committee on Environment and Natural Resources. I have seven statements, where some have been dispensed with while some are pending.

1. Statement requested by Hon. Redson Otieno. The Committee held a meeting with the relevant CECM and the Member was not satisfied with the response. The Committee is therefore waiting for a further response from the sector. We are seeking leave to respond in two weeks.
2. Statement from Hon. Jared Akama. The Committee held a meeting with the relevant CECM and the Member was not satisfied with the response. The Committee is therefore waiting for a further response from the sector, to be able to respond to the Hon. Member in two weeks.

3. Hon. Speaker, on 10th November 2022, we received a statement from Hon. Antony Kimemia, and held a meeting with the relevant CECM. The Hon. Member was not present but after deliberations with the Committee, the Member was satisfied with the response by the CECM.
4. Hon. Speaker, on 23rd November 2022, we received a statement from Hon. Joseph Ndung'u, and we held a meeting with the relevant CECM. The Hon. Member was not satisfied with the response. The Committee will be tabling the response by Thursday 22nd June 2023.
5. Hon. Speaker, Hon. Victor Omondi Ochola requested for a statement, the committee held a meeting held a meeting with the relevant CECM. The Hon. Member was not present for the deliberations but will be given a copy of the response that we received from the CECM, and once he is satisfied, the Committee will be seeking leave to respond in two weeks.
6. Hon. Speaker, on 29th November 2022, we received a statement from Hon. Abel Atito. The Committee held a meeting with the relevant CECM but the Hon. Member was not present and was given a copy of the response. The Committee will be tabling the response once the Hon. Member is satisfied---

Hon. Deputy Speaker: Hon. Chair, can you try to be audible, you will make these members fall sleep.

Hon. Silas Matara: Hon. Speaker, I am going to revert back to No. 5.

5. Hon. Speaker, Hon. Victor Omondi Ochola requested for a statement, the committee held a meeting held a meeting with the relevant CECM. The Hon. Member was not present for the deliberations but will be given a copy of the response that we received from the CECM, and once he is satisfied, the Committee will be seeking leave to respond in two weeks.
6. Hon. Speaker, on 29th November 2022, Hon. Abel Atito sought for a statement from the Environment Committee. The Committee held a meeting with the relevant CECM. The Hon. Member was not present but was given a copy of the response. The Committee will be tabling the response once the Hon. Member is satisfied. We therefore seek leave to respond in two weeks.
7. Hon. Speaker, on 29th November 2022, Hon. Carrington Heho sought for a statement from the Environment Committee. The committee held a meeting with the relevant CECM but the Hon. Member was not present but will be given a copy of the response. The committee will be tabbing the response once the Hon. Member is satisfied. We therefore seek leave to respond in two weeks.


Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. How many chairpersons are here? Is there any other chair or vice-chair who is giving a report on behalf of his or her committee? I want to direct as follows; any chairperson who will not give the report as was directed by the Speaker on 6th June 2023, to report to the Liaison Committee to give reasons why they have not done so. This applies to all chairpersons. Clerk, note this. Thank you.

Chair, Trade Committee, you are the last one.

STATUS OF STATEMENTS BEFORE TRADE, TOURISM AND COOPERATIVES COMMITTEE

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Hon. Deonysias Mwangi: Thank you, Hon. Speaker. Allow me to give the status report of two pending statements. During the period under review, the Committee considered the following statements;

1. Statement requested by Hon. Kennedy Oyugi regarding declining revenue collection from the various markets in the city, on Wednesday 15th March 2023. The Committee has already considered the statement and is planning to invite Hon. Kennedy Oyugi to a meeting of the Committee to deliberate on the response before it is tabled.
2. Statement requested by Hon. Nicholas Okwacho regarding the reconstruction of Eastleigh Market in Eastleigh North Ward, on Wednesday 5th April 2023. The response was received from Ag. County Secretary on 7th June 2023 and will be tabled before the Committee for consideration and thereafter be tabled by next week on Wednesday.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. That is the end of pending statements reports. Clerk.

MOTION

PROVISION OF MEDICAL SERVICES FOR THE COUNTY'S CONTRACT/CASUAL WORKERS

Hon. Deputy Speaker: Hon. Emmy.

Hon. Emmy Isalambo: Thank you, Hon. Speaker for giving me this chance. I beg to move the following motion:

AWARE THAT, the County Public Service Board often approves sectors such as Mobility and Works to engage contract work services/casual employees to provide support to the County, their services cut across sections and include clearing of drainage system, gardening, landscaping and doing road works often for a period of more than one month; concerned that the workers are usually hired to provide such services often to a period of time and as a result of nature of the work they do, they are likely to pose risks to their wellbeing and health; acknowledging that for the period that the County engages the workers, the County and workers are deemed to have entered into an employer-employee engagement in the definitions contained in section 2 of the Employment Act, 2007; appreciating that Article 43 (1) (a) of the Constitution of Kenya, 2010 entitles every person to the highest attainable standard of health, which includes the right to healthcare services, noting that Section 34 of the Employment Act, 2007 requires of employers to provide sufficient and proper medicine during illness, except when the employee is covered by a medical scheme provided by the Government; concerned that in the definition of Article 260 of the Constitution of Kenya, 2010 and Public Service Human Resource Policies, such employees are not in the categories of public or civil servants and leaves them vulnerable in terms of benefits related to wellbeing; this Assembly urges the County Executive to put in place structures, measures and guidelines on attendance to the medical needs of staff on short-term contracts/casual workers.

Hon. Speaker, the minimum wage and conditions of employment in certain industries are imposed by the government under the Regulation of Wages and Conditions of Employment Act. Article 43 (1) (a) of the Constitution of Kenya, 2010 states that every person is entitled to the highest attainable standard of health, which includes the right to health care services.

Hon. Speaker, casual labourers in Kenya are a group of employees earning the lowest possible wages whose daily duties expose them to immense risk, however young, strong and full of energy. It is painful to note that after years of hard labour and toiling, many of these workers end up being destitute. In their later years, many suffer from respiratory conditions, hearing damage or other serious injuries. Sometimes, fatalities are ascertained in the course of their work.

Hon. Speaker, the Occupational Safety and Health Act provide for some level of protection for causal workers, but this is not guaranteed. Those who are fortunate get some level of compensation upon having escalated these issues to the highest level of authorities. However, the majority are dismissed after the first indication of reduced productivity. They go home with no pension, no health cover and no retirement packages.

Hon. Speaker, these workers are often exposed to various hazards, such as exposure to chemicals, long-term exposure to injuries, and other health issues. Establishing structure and safety measures is vital and will make them great people in this society, especially the Nairobians.

Hon. Speaker, schemes such as the National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF), though allowing self-employed people to remit payments, put responsibilities on consumers of casual labourers to safeguard the welfare of their workers. By improving the health aspect of the casual workers, will lead to improved productivity.

Hon. Speaker, the Assembly therefore urges the County Executive to put in place structures, measures, and guidelines on attendance to the medical needs of staff on short-term contracts. This will also help us, especially those who are elected as those that will be covered are those who help with drainage blockages, sewers, and other things. It will enhance and elevate them in helping the County.

Hon. Speaker, I call upon my colleague, Hon. Matara to second this motion. Thank you.

[Hon. Deputy Speaker left the Chair]

[Hon. Temporary Speaker (Hon. Diana Mwangangi) took the Chair]

Hon. Silas Matara: Thank you, Hon. Speaker, for this opportunity. As much as I have been caught off guard, but in the interest of time, I am going to delve on the import of this motion.

First, I would appreciate and extend gratitude to the Hon. Member for thinking about the vulnerable members of our community. The casuals who are employed by the County and who we normally engage, offer services to the communities. They augment the inadequate capacity of the County in terms of human labour and service delivery. They are called upon in times of emergencies and to attend to issues that in principle are supposed to be sorted out by the County. Due to the inefficiencies or the minimal budget allocation to those sectors like the Mobility and Environment, they get to play a big part in terms of addressing the concerns of Nairobians.

For the Special Elect Member to think about them, it really speaks a lot in terms of knowing what she came to do in this County. There young women and youth who are employed in that sector; she really presents their needs and ensures her representation role is actually executed well in this Assembly. In that regard, I would like to congratulate her for thinking about it, and I urge other Members of this Assembly, in

as much as we have a lot to focus on, to think about the people who brought us into this House either by nomination or election.

Hon. Speaker, most of these casuals are paid minimal wages, almost Kshs.300 or even Kshs.500 per day. They work from Monday to Friday, and in a month, they work for like 24 to 25 days. When you do a simple calculation, this comes to around Kshs. 12,500 per month. The cost of living has gone up and inflation has gone up over the years. You will find that seeking medication in public and private hospitals is an expensive affair. You realize such a person has worked for over a month or two and they have rent and other utilities like water and electricity to pay. They also take their children to school and feed them. When they happen to fall ill, the first effect is that the County loses the support that this casual staff is offering to the county in service delivery. Secondly, if they go to the hospitals and since medical costs are very high, they spend all their wages seeking medical care.

It is important that the County comes up with a regulation or a policy to accommodate the medical costs that these staffs incur. They can make a provision in our county facilities, be it Mbagathi and Mama Lucy hospitals or the health centers that were built by the NMS, which are evenly distributed around the county. We applaud the efforts of the Governor in terms of the provision of medicines and ensuring that they also get casuals as nurses and doctors. So, they should make a provision to ensure that if one of these casual workers fall sick, they can go and seek medical services either at a lower rate, a special rate, or even for free. If that is done, it means that the expenses that they would have incurred when they fall sick, can be used for other things in increasing their livelihood.

Lastly, Hon. Speaker, as I normally say, the leadership or a society is just by the way it treats the vulnerable members of the community. In as much as they are earning wages from the County, the way we treat them speaks a lot about this Assembly.

I urge my colleagues to support this motion and ensure that when it goes to the Executive, it is fully implemented according to the dictates of this motion. And if possible, because we are in the process of making budget for the financial year 2023/24 and the subsequent budget, I urge any Member here who is a Member of the Health Committee to make a provision and increase or vary the budget to accommodate this motion. It has come at the right time, and we hope the Executive is going to prioritize such a motion because it will go a long way in supporting these people. With those few remarks, I beg to second. Thank you, Hon. Speaker.

(Question proposed)

Hon. Temporary Speaker: Members, you may debate. Hon. Lily Kidenda

Hon. Lily Kidenda: Thank you, Hon. Speaker for giving me this opportunity to speak on this very important motion. I would like to declare that I am the Vice Chair of the Health Services Committee of this County.

I want to congratulate my young sister, Hon. Emmy, for coming up with this crosscutting motion because this is what truly would make Nairobi work. A lot of times, we take care of those who are in offices because it is laid down and written. So, everybody comes into work and know what is due to them. Unfortunately, much more is happening in the Contract Services Section and in the Casual Employment Section. They are the ones who make the wheels roll in this society. While they come on and off, without

them, Nairobi would come to a standstill. We have seen it that if these drainages are not attended to and if the casual work that goes on in hospitals or in whatever institution all over the County is not operating, it brings things to a standstill.

Allow me to suggest that it would be excellent for the Executive and all those concerned to consider the NHIF, which this country has really made it affordable. I want to testify that even those who work for us as domestic workers and who take care of our shamba at home, if we do not go that extra mile and put them in those medical schemes, we are truly being inhuman.

I would also like to suggest that in this country, there is something that has come up called group health insurance. If within wards or sub-counties, they are grouped, and it will be very affordable for this to be done. May be to go an extra mile, these individuals, if spoken to and enlightened, could even partner with the County to make these health services affordable.

I want to say that I am very encouraged that my young sister was able to come up with this motion realizing that unless this is done, our workforce, our casuals and our contract workers are grounded. The beauty of NHIF and these group insurances, it will not only address the needs of the workers themselves but also the spouse and the children.

I therefore join her in urging the County Executive to put in place structures, measures and guidelines on attendance for the medical needs of staff on short-term contracts and casuals. This would speak deeply to the hearts of those who truly make Nairobi work. Thank you, Hon. Speaker.

(Applause)

Hon. Temporary Speaker: Thank you, Hon. Kidenda. Hon. Deonysias Mwangi.

Hon. Deonysias Mwangi: Thank you, Hon. Speaker, I rise to support and salute my colleague, Hon. Emmy, for this timely motion. These casual workers have for a long time felt neglected, not appreciated and taken for a ride, and somehow that may have resulted in them not dedicating themselves fully to the services. If this motion is implemented, I believe that apart from making them feel appreciated and making them happy, Nairobians will get quality services. Thank you. Hon. Speaker.

(Applause)

Hon. Temporary Speaker: Deputy Minority Whip, Hon. Joyce Kamau.

Hon. Joyce Kamau: Thank you, Madam Speaker, I rise to support this well thought motion by Hon. Isalambo Khatemeshi. Madam Speaker, matters of health are very important to us, and I believe to every human being.

Madam Speaker, I think it is high time that the Executive starts treating its employees with equality and dignity. There is a major problem in this County, most employees are not covered by medical insurance, particularly those of lower job groups, which is not fair. In other countries, the government provides medical covers to every citizen, not only to workers. I think it is high time we learn from the western countries. I suggest that the Health Committee can do bench marking in developed countries like UK so as to find out how they manage to provide medical covers to every citizen. These are some of the ideas we need to borrow and bring to our County and implement for the sake of representing the people.

Thank you for the well thought motion, and Hon. Kathemeshi, I believe that you will follow this motion to implementation. Thank you.

(Applause)

Hon. Temporary Speaker: Hon. Rosemary Masitsa.

Hon. Rosemary Masitsa: Thank you, Madam Speaker for the opportunity to speak and support the motion. I thank Madam Kathemeshi for bringing up this wonderful motion. We need to support the motion to ensure that our casual workers know that we care for them to enjoy this country.

Madam Speaker, we urge the Executive to work on this motion and make sure that our workers enjoy their constitutional rights in this country. I support this motion. Thank you.

(Applause)

Hon. Temporary Speaker: Well done, Hon. Rosemary Masitsa. Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Madam Speaker for the opportunity to contribute to the motion. I congratulate Madam Emmy for coming up with the good motion.

Madam Speaker, these casual labourers are critical in Nairobi County, but many at times they are not appreciated not only medically but also not being paid. They end up without salary for about three to four months. I support the motion by saying that they need to be appreciated and also taken care of medically and also paid in time their dues. For those few remarks, I support the motion.

(Applause)

Hon. Temporary Speaker: Hon. Hellen Awuor Okello.

Hon. Hellen Okello: Asante sana, Bi. Spika kwa nafasi hii ambayo umenipa ili niweze kuchangia mswada huu wa utoaji wa huduma bora za afya kwa wafanyikazi wa kawaida.

Bi.Spika, kama tunavyojua, wafanyakazi wa kawaida ni wazazi wetu, ndugu zetu na watoto wetu. Kwanza, nampongeza Mheshimiwa Emily Kathemeshi kwa kuleta mswada huu kwa wakati ufaao. Bi. Spika mara nyingi tumeona watu wengi wakiugua na kwa kuwa hawakupata matibabu kwa wakati ufaao, wanapoteza maisha. Kwa sababu hiyo, naunga mkono mswada huu na ningependa kukubaliana na Mheshimiwa Lilly Kidenda kuwa si wafanyakazi wa Kaunti pekee ambao wanahitaji kulipiwa bima bali pia wafanyakazi wetu nyumbani ili tuweze kuwapa motisha. Ni wakati mwafaka kuwapa usaidizi wafanyakazi hawa.

Kama tunavyojua, Bi.Spika hawa wafanyakazi wanapata kiwango duni cha malipo kila mwezi na wengi wao hawawezi kugharamia matibabu ya kiafya wakati wanapohitaji. Nawasihi wanawadi wenzangu kuunga mkono mswada huu. Asante, Bi.Spika.

(Applause)

Hon. Temporary Speaker: Pongezi Mheshimiwa Hellen kwa kuwasilisha hoja yako kwa lugha sanifu ya Kiswahili. Hon. Sospeter Gathahu Mumbi.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker for the opportunity. I rise to support the motion presented by Hon. Emmy. Borrowing from the opening speech of the Governor when he presented his

manifesto, he was categorical on ensuring that people of Nairobi live in dignity. It is in that spirit that I support this motion that these casual labourers need to be treated with dignity.

I would encourage that we look it beyond that and perhaps put a condition for one to be recruited or enrolled in that service, they need to have subscribed to the NHIF. We all understand that the government is really pushing and encouraging Kenyans to subscribe to this for service. Once they are enrolled in the County jobs, the County can now pick up that burden to continue paying on their behalf. Once they are done with their service in the county and other places, at least they will continue benefitting from the service of NHIF.

Thank you, Madam Speaker and again thank you, Hon. Emmy for fronting this motion. Thank you.

Hon. Temporary Speaker: We can have Hon. Machanje Shadrack Namunyu and we finalise with Hon. Chris Mutumishi, then I will call upon the mover to reply.

Hon. Shadrack Machanje: Thank you, Hon. Speaker. I rise to commend Hon. Emmy Isalambo for coming up with this motion. I support it because, as we know, a healthy environment is good for any person and for any society to prosper. Health should be a priority to any worker whether on short term contract or long term contract. I think for these short term workers, it should be set as a priority because they do a lot of work in an unhealthy environment, especially workers who unclog drainages and sewers in the county.

When we pass this motion, I think it should be implemented by the Executive as fast as possible so that these workers can start enjoying these benefits, especially by paying for them NHIF. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Mutumishi.

Hon. Chris Mutumishi: Thank you, Madam Speaker for the opportunity to support this motion. I would like to start by appreciating and commending Hon. Emmy Kathemeshi Isalambo, who happens to be Vice Chairperson of Agriculture Committee. We have seen a spirit of motherhood from this Hon. Member, thinking of our casual workers in Nairobi County and saying they need to have these medical services.

As Hon. Member from Roysambu has said about dignity, when these workers are working, sometimes you find that they do not have gumboots, gloves and the right attires for unclogging the blocked drainage and sewer systems. You wonder how they live and how do they work.

I would also like to add that sometimes these casual workers work in insecure environments. I would like to request his Hon House if it is possible to help those casuals as they work by providing County askaris to provide security. Otherwise, Hon. Emmy I want to appreciate you and tell you we are very much in support of this. Thank you, Madam Speaker. I boldly support this motion.

Hon. Temporary Speaker: I now call upon the mover to reply.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. My gratitude to Members of this County Assembly, especially my seconder Hon. Matara. You talked labourers with minimal wage and the need to be supported. Thank you, Hon. Lilly Kidenda. Being the Vice Chairperson of the Health Committee, I know you are going to help a lot. I will be dependent on your input and whatever comes out, you and I will be the bearers. Hon. Deonysias Mwangi, who is my Chair for Trade, I know in most cases around the market areas we find a lot of these people and most of them even end up being amputated because of injuries caused by cuts from sharp objects. I am grateful for your support. Thank you our Minority Deputy Whip, Hon. Joyce for supporting this motion.

Hon. Rosemary, you have supported so well. Hon. Themendu, you talked of importance and output of casual labourers to the County. Hon. Sospeter, thank you so much, you spoke about the County paying the NHIF of these casuals. However, we also need them to be insured because they go through a lot. Thank you, Hon. Shadrack and Hon. Mutumishi, you have articulated so well, and we hope the County will follow it.

As our Governor's manifesto stands, Nairobi has to work. According to me, if Nairobi has to work, also our labourers, especially the casual ones have to be featured in his manifesto because they are the bottom ones with minimum wages and they are our voters. With those remarks, I beg to reply. Thank you so much.

(Applause)

(Question put and agreed to)

MOTION

REGULATIONS FOR RESIDENTIAL BUILDINGS PLANS TO HAVE PARKING SPACES FOR TENANTS

Hon. Temporary Speaker: We have another motion by Hon. Brian Itenya. Is Hon. Brian Itenya in the House?

Hon. Members: No!

Hon. Temporary Speaker: On that note the motion by Hon. Brian Itenya hereby stands deferred and it will be reallocated by the House Business Committee.

(Motion deferred)

ADJOURNMENT

Hon. Temporary Speaker: It is at this juncture that we adjourn until Tuesday 20th June 2023 at 2.30 p.m.

The House rose at 4.43 p.m.