



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 16th March 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Doreen Mugambi) in the Chair]

PRAYER

QUORUM

Hon. Temporary Speaker: Serjeant-at-Arms, ring the bell for ten minutes since we do not have quorum.

(Quorum bell was rung)

Serjeant-at-Arms, ring the bell for a further five minutes.

(Quorum bell was rung)

Serjeant-at-Arms, ring the bell for a further three minutes.

(Quorum bell was rung)

We have quorum, we can proceed.

PETITION

COMPREHENSIVE MEDICAL COVER INSURANCE FOR EMPLOYEES OF
THE NAIROBI CITY COUNTY GOVERNMENT

Hon. Temporary Speaker: Public Petition pursuant to Standing Order No 214 by Kenya Medical Practitioners, Pharmacists and Dentists Unions on comprehensive medical cover insurance for employees of the Nairobi City County Government:

We, the undersigned citizens of Kenya, who are residents of Nairobi City County and officials of KMPDU Nairobi Branch, draw to the attention of County Assembly of Nairobi to the following:

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THAT, aware that Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Government in the County Assembly.

THAT WHEREAS, under Part Two of the Fourth Schedule of the Constitution of Kenya, County health services, including the human resource for health component, is a devolved function.

THAT, Article 4 (6) (a) of the collective bargaining agreement (CBA) signed between the Nairobi City Government and KMPDU, it is the duty of the employer to provide comprehensive medical insurance for all employees, medical practitioners, pharmacists and dentists, their spouses and children.

THAT, the contract for provision of comprehensive medical insurance for all members between the Nairobi City County Government and NHIF lapsed in July 2022 and has not been renewed in this financial year.

NOTING THAT, the lack of comprehensive medical insurance has negatively affected our members economically, emotionally and subjected to pecuniary embarrassment as our members cannot afford services that they offer selflessly and wholeheartedly to the people of Nairobi. In addition, some of our members have been detained in hospital for being unable to clear huge bills.

THAT, there is an attempt by Nairobi City County Executive to transfer the comprehensive medical insurance of our members from NHIF to an inferior cover offered by private insurance, which is unconstitutional and in violation of Article 10 of the Constitution of Kenya as it is being done without any public participation and in a manner devoid of any transparency and accountability.

NOTING THAT, the best of our knowledge, we did the deed of transfer of functions from the Nairobi City County Government to the National Government, signed on 25th February 2020, is yet to be terminated.

THAT WHEREAS, Article 28 of the Constitution states that every person has inherent dignity and the right to have that dignity respected and protected.

THAT WHEREAS, the petitioners confirm that efforts have been made to the matters addressed to the relevant body, it failed to give a 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.

NOW THEREFORE, your humble petitioners pray that the County Assembly of Nairobi intervenes and ensures that:

1. The County Executive puts in place mechanisms to ensure that NHIF contracts for comprehensive medical insurance for all our members is renewed and activated immediately;
2. The County Executive ensures that NHIF statutory deductions for all employees and any matching contributions from the Nairobi City County Government are paid to the NHIF by 9th of every month as is required under section 15 of NHIF Act;
3. The County Executive reimburses all medical costs incurred by our members from July 2022 to date with interest at rates the Assembly may deem fit and reasonable;
4. Investigate the attempt by the County Executive to transfer the comprehensive medical insurance for our members from NHIF to a private insurer without public participation and involvement of the intended beneficiaries;

5. It investigates whether the deed of transfer of functions from Nairobi City County Government to the National Government signed on 25th February 2020 has been terminated and that all the functions and relevant instruments have been transferred back to Nairobi City County Government;
 6. It passes a resolution that with the implied transfer of functions and obligations from the defunct NMS, the Nairobi City County Government to be made the immediate executor and successor of all existing County staff, human resource management functions and obligations;
 7. It makes any law that is necessary for/or incidental to effective execution of prayers 1-6 above as provided under Article 185 (2) of the Constitution of Kenya; and
 8. It makes any other order that it deems fit in the circumstance of the petition;
- And your Petitioners will forever pray.
Presented by Hon. Speaker, on behalf of the KMPDU.
I commit this Petition to the Labour Committee.

(Point of Order)

Hon. Temporary Speaker: What is your point of order?

Hon. Member: I want to bring to your attention that one of our Members is not properly dressed in this House. This is a House of decorum and should respect. Please, take action.

Hon. Temporary Speaker: Serjeant-at-Arms, confirm if the Hon. Member is properly dressed. Hon. Joseph Karanja go out, dress well and then come back to the House.

(Hon. Joseph Karanja walked out of the Chamber)

(Applause)

STATEMENTS

REQUEST FOR STATEMENT REGARDING IMPOUNDING OF VEHICLES BY
THE NAIROBI COUNTY EXECUTIVE

Hon. Temporary Speaker: Hon. Robert Alai.

Hon. Robert Alai: Hon. Speaker, thank you for the opportunity. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the impounding of vehicles by the Nairobi County Executive.

Hon. Speaker, in 2019, the Ombudsman mentioned that City Hall should stop impounding motor vehicles and motor cycles until a law backing such action is put in place. According to the Ombudsman, the department had been operating without relevant legislation and had been using the defunct Nairobi City Council By-laws. Further, on 18th November 2022, His Excellency the Governor issued a directive revoking the impounding of vehicles in the county.

Hon. Speaker, despite the directive by the Governor, the County Executive has outsourced for private breakdowns who impound vehicles in the City with a lot of impunity. Further, the officers under the Directorate

of Parking Services have been allegedly working with these independent breakdowns to extort money from both the public and Hon. Members of this County Assembly.

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

- i. The comprehensive report of the law or regulation the County Executive has been using to impound vehicles in the County;
- ii. The criteria used to contract private breakdowns, their numbers and owners;
- iii. The number of breakdowns operated by the County and their mechanical status; and
- iv. Plans that the County Executive has put in place to acquire its own breakdowns.

Thank you, Hon. Speaker.

Hon. Robert Alai: Hon. Speaker, I wish to---

Hon. Temporary Speaker: Order, Hon. Member! The Chair, Transport is supposed to respond to your first Statement. Any member of the Transport Committee around?

Hon. Musango Maithya: Hon. Speaker, I need 14 days to respond.

Hon. Temporary Speaker: Is that okay, Hon. Robert Alai?

Hon. Robert Alai: Yes, Hon. Speaker.

REQUEST FOR STATEMENT REGARDING RECRUITMENT OF DIRECTOR PARKING SERVICES

Hon. Robert Alai: I wish to request for the second Statement. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the recruitment of the Director Parking Services in the Nairobi City County Executive.

Hon. Speaker, Section 8 of the Public Officers Ethics Act, 2012 provides that public officers shall, to the best of his abilities, carry out his duties in ensuring that the services that he provides are provided efficiently and honestly. Further, Section 8 (1) read together with Section 3 (c) of the Nairobi City County Transport Act, 2020 provides that the County Executive Committee Member responsible for Transport and Planning, shall appoint a Director responsible for Parking Services.

Hon. Speaker, there has been an outcry from the public on the conduct of some of the officers in charge of impounding vehicles under the Directorate of Parking Services. The officers in charge of impounding vehicles have allegedly been harassing both members of the public and Hon. Members of this County Assembly.

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

- i. The Comprehensive report on the recruitment and Director of Parking Services in the County Executive;
- ii. A list of the roles and duties the Director is mandated to execute; and
- iii. Whether the officer in charge of the Directorate has been undergoing continuous performance monitoring.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chairman, Labour and Social Welfare.

Hon. Member: Madam Speaker, give us 14 days.

Hon. Temporary Speaker: It that okay Hon. Robert Alai

Hon. Robert Alai: Much obliged, Hon. Speaker.

Hon. Temporary Speaker: Clerk!

MOTION

CONSIDERATION OF SESSIONAL PAPER NO.2 OF 2021 ON PROPERTY ADDRESSING AND STREET NAMING POLICY

Hon. Temporary Speaker: Hon. Palapala, Chair Planning Committee.

Hon. Alvin Palapala: Thank you, Madam Speaker. I beg to move the following Motion:

THAT, this Assembly adopts the Report of the Sectoral Committee on Lands, Planning and Housing on the Consideration of Sessional Paper No.2 of 2021 on the Nairobi City County Property Addressing and Street Naming Policy.

Madam Speaker, as you are aware, in the last Assembly we deliberated on this. The policy outlines the principles and procedures that must be followed when addressing properties and designing streets. Each property shall be assigned a unique identity consisting of a number and name of the road the property falls under this policy. The Committee finds the Policy a bold step towards solving these challenges and ultimate easing of doing business and movement, particularly economic growth and development.

Madam Speaker, I beg call my friend, Hon. Bishop to second the Motion.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I would like to second this Motion and maybe comment that this has taken a lot of resources, research and time to come up with this report. So, I support as it will now be easier for us to move around after we name properties and streets in Nairobi. I second.

(Question proposed)

Hon. Temporary Speaker: Members, you may now debate. Hon. Fiunifiu.

Hon. Kamau Fiunifiu: Yes, Speaker.

Hon. Temporary Speaker: You have requested to speak.

Hon. Kamau Fiunifiu: That was a mistake, Hon. Speaker.

Hon. Temporary Speaker: Hon. Nasra Nanda.

Hon. Nasra Nanda: Thank you, Madam Speaker. I wish to support the Sessional Paper No.2 of 2021. As a Member of Planning Committee, I firmly support our Chairperson, Hon. Palapala in endorsing this policy because as you are aware, one of the key objectives of this Government and indeed our Governor is to ensure that Nairobi is a city of dignity and order. One of the ways we can ensure that Nairobi becomes a city of order and dignity is by ensuring we have a well-functioning street naming system in place. This can only be achieved if we endorse and support this policy. I have nothing further to add except to endorse this fully. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Fiunifiu, is it a mistake yet again?

Hon. Kamau Fiunifiu: I think now am ready to contribute on this, Hon. Speaker. I also rise in support of this Motion. I would want to take this House back, in 2015, I pioneered a Motion on renaming of Forest Road to Wangari Maathai Road and it was passed in this Assembly. Later on, Forest Road became Wangari Maathai Road.

I am happy that, through the Planning Committee, we now have a policy on how we go about naming buildings, avenues and roads. This policy will help this County so that we do not name roads haphazardly. We have seen in the recent past that people who do not deserve to be given roads have been given roads in this city.

With those few remarks, I would also want to commend the Second Assembly and also this Third Assembly's Planning Committee and Hon. Palapala for the good job that they are doing and to see to it that we have this policy in place. Thank you.

Hon. Temporary Speaker: Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, before I support further, I would like to request that such reports be made available to Members earlier so that we can improve the quality of participation in the Assembly.

Nevertheless, I think what Hon. Fiunifiu has said is correct, that during the last Assembly we had two roads that were named and were very controversial. Without any prejudice, I would like to mention Yusuf Haji Road in Eastleigh and Francis Atwoli Road somewhere in Kileleshwa. There was drama because members and residents of Kileleshwa Ward occasionally went uproar about the naming of that road.

Hon. Speaker, I have seen that there is an established panel of people, a committee that will be used to check and to make sure the names that have been given to these roads are people who adhere to Chapter Six of the Constitution, people of high moral integrity, people who we would want remember many days in the future. Even some of us are looking forward to have very serious roads named after us, but that should be guided on how we behave while we are here.

So, I would like to support and may be request your Chair to request that such reports be availed to Members in good time so that they can go through them, especially those who were not here the last Assembly. Thank you.

Hon. Temporary Speaker: Is there any other Member who wants to contribute to this Motion? Mover.

Hon. Alvin Palapala: Thank you, Madam Speaker. I want to take this opportunity to thank Members who have contributed to this Motion. Before I give my remarks, I want to tell Members that this Assembly is an Assembly that has respect and people should not be moving in and out like a toilet. As you can see now, we do not have even a quorum, so it is like we are doing useless business. I am sorry to use such a term. Serjeant-at-Arms, do your work. When Members are here inside let them remain until the House business is finished.

(Applause)

Hon. Speaker, now I take this opportunity to thank my Minority Leader, who is consistently in my Committee meetings and even in this Assembly. There is no even a single time you will miss the Minority Leader in the Committee or in the Assembly, I congratulate you for that.

Hon. Speaker, if Nairobi City County Assembly adopts such a policy, Nairobi will not only be the first County to engage on this issue on a purposeful policy level but will also provide the stage for the benchmarking across the country. I would wish to thank Members for supporting this policy. Thank you Madam Speaker.

(Question put and agreed)

ADJOURNMENT

Hon. Temporary Speaker: There being no other business, the House stands adjourned until next week Tuesday, 21st March at 2:30 p.m.

The House rose at 3:37 p.m.