

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 1st March 2023

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Temporary Speaker: Clerk, confirm whether we have quorum.

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

Ring the bell for ten minutes.

(Quorum bell was rung)

Serjeant-at-Arms, ring the bell for 5 more minutes.

(Quorum bell rung)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF KILIFI

Hon. Temporary Speaker: Hon. Members, I have the following Communication to convey:

Hon. Members, today sitting is graced by a delegation drawn from the Membership and Secretariat of the Implementation Committee of the County Assembly of Kilifi who are seated in the Speaker's Gallery.

The delegation is here to benchmark with us, specifically with the Assembly Select Committee on Implementation.

Hon. Members, the delegation comprises of the following, who will stand and wave as I mention their names.

1. Hon. Emmanuel Changana – The Committee Chairperson

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| 2. | Hon. Miram Mkumbi | _ | The Committee Vi | ce-Chairperson |
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3. Hon. Grace Mwangi Minority Whip 4. Hon, Harrison Thaura Mweni Member 5. Hon. Mwambire Mohamed Member 6. Hon. Tatu Salim Member 7. Hon. Samson Zia Member 8. Hon. Hamisi Mumbo Jambo Member

9. Hon. Egna Mapenzi Member 10. Hon. Humphrey Mkadi Member

11. Hon. Umi Mohamed Member 12. Hon, Faith Jane Keah Member 13. Hon. Justine Rafiki Member

14. Mr. Shauri Nyule Clerk Assistant 15. Ms. Charity Mwarumba Clerk Assistant 16. Ms. Anita Mashaka Hansard Reporter

17. Ms. Salome Konde Serjeant-at-Arms Assistant

(Applause)

May I take this opportunity, on behalf of the County Assembly of Nairobi, to extend a warm welcome to our distinguished guests and to appreciate you for finding it appropriate to benchmark with us and to share experiences. I wish you all the best in your engagements with our Committee and the Assembly by extension. Thank you, Hon. Members.

Communication delivered for Hon. Kennedy O. Ng'ondi, Speaker, Nairobi City County Assembly.

PAPER

SESSIONAL PAPER NO. 2 OF 2021 ON THE NAIROBI CITY COUNTY PROPERTY ADDRESSING AND STREET NAMING POLICY

Hon. Temporary Speaker: Chairperson, Sectoral Committee on Lands Planning and Housing.

Hon. Alvin Papapala: Thank you, Madam Speaker. Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 1st March 2023:

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. Thank you.

(The Paper was laid on the Table)

NOTICE OF MOTION

SESSIONAL PAPER NO. 2 OF 2021 ON THE NAIROBI CITY COUNTY PROPERTY ADDRESSING AND STREET NAMING POLICY

Hon. Alvin Papapala: Thank you, Madam Speaker. I beg to give notice of the following Motion:

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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, laid on the Table of the Assembly on Wednesday 1st March 2023. Thank you.

STATEMENT

RESPONSE TO STATEMENT REGARDING A FOOD MARKET ALLEGEDLY OPERATING ILLEGALLY AT PARKLANDS POP IN CENTER.

Hon. Temporary Speaker: Chairperson, Trade.

Hon. Deonysias Mwangi: Thank you, Hon. Speaker. On Thursday, 3 November, 2022, Hon Fiunifu Kamau Thuo, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Trade, Tourism and Cooperatives Committee for a Statement regarding a private wholesale and retail food market that is alleged to be operating illegally at Pop in Centre.

In his Statement, the Member requested the Chairperson to inquire into and report on:

- Whether the Sector is aware of the existing private market operating at Parklands Pop in Centre and efforts being put in place to ensure fair market competition;
- The measures that the Sector has put in place to provide adequate water and sanitation at ii. the City Park Market along Limuru Road;
- iii. Reasons the Sector has failed to close down Witemere, the private market, even after numerous petitions to the County Government by the City Park informal traders, that the said market was also operating on a public road and road reserve which cause human and vehicular traffic: and
- Measures the Sector is putting in place to ensure the City Park Market acquires the intended İ۷. rental status that will in turn increase revenue for the County Government of Nairobi.

Hon. Speaker, the Committee wrote to the County Secretary on 24th November 2022 requesting to be furnished with a written response to the Statement requested by Hon. Fiunifiu Kamau Thuo, MCA. The Chief Officer responsible for Markets and Trade responded vide letter reference NCC/MKTS/47/162/2023, dated 22nd February 2023.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows;

a. Whether the Sector is aware of the existing private market operating at Parklands Pop in Centre and efforts being put in place to ensure fair market competition;

Hon. Speaker, the Committee was informed that the sector is aware of the existence of the market that started in the year 2015 after fire gutted down City Park Market where they used to operate from. During the period from 2015 to 2020, the main market was under construction by State Department of Housing and Urban Planning. The construction is now complete and traders including some of those operating at Pop in are fully settled in the newly rebuilt market.

The process of addressing the grievance and resettlement was conducted towards the end of the year 2020.

b. The measures that the sector has put in place to provide adequate water and sanitation at City park market;

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Hon. Speaker, the Committee was informed that whereas the market gets running tap water three days in a week, Tuesdays, Wednesday and Thursdays, the other four days are supplemented by five (5) storage tanks, two overhead tanks and two additional tanks of 5,000 liters each at the eatery block.

That improvement of loading and offloading zones, drainage and office block are part of the scope of work being undertaken by the State Department of Housing and Urban Planning. The site has already been handed over to the contractor.

c. Reasons the Sector has failed to close down the private market even after numerous petitions to the County Government by the City Park informal traders, that the said market was also operating on a public road and road reserve which cause human and vehicular traffic;

Hon. Speaker, the Committee was informed that the market was under construction during this period of petitions thus the sector was unable to close down the market without providing an alternative relocation site. It was also reported that the construction and resettlement process has been completed and that the sector has initiated the process of removing the traders from the aforementioned areas.

d. Measures the Sector is putting in place to ensure City Park Market acquires the intended rental status that in turn will increase revenue for the County;

Hon. Speaker, the Committee was informed that currently, the traders continue paying Kshs 400. However, there are proposals to have rental charges of a minimum Kshs 1500 included in the next Finance Bill for effective implementation.

Hon. Speaker, the Committee was informed that there were new developments pertaining the two markets:

- That, traders at City Park Market were involved in a protest on 10 February 2023 demanding the closure of the market with immediate effect, the move has affected the traffic along the busy Limuru Road;
- ii. That, after intervention by the security personnel, County Government and local political leadership, have since resumed their daily operations; and
- iii. That, a consultative meeting was subsequently convened with major stakeholders on 13 February 2023 with an aim of coming up with an amicable solution to the problems experienced.
 - Hon. Speaker, I beg to lay this response. Thank you.
 - **Hon. Temporary Speaker:** Hon. Fiunifiu are content with the response given.

Hon. Kamau Fiunifiu: Thank you, Madam Speaker. I would wish to take this opportunity to extend my thanks to the Chairperson of this Committee, Hon. Waithera, the Members and the Clerk. Allow me to also say the Committee has done a good job, but it is also good to mention that there are two senior officers in the Sector of Markets that have been a hindrance to the closure of the said market. I have resolved to bring a censure motion against those two particular officers so that this Assembly can discuss their conduct and give them an opportunity to defend themselves.

I would also want to commend the Governor of the City who has given an undertaking about the closure of the market, but the two officers have been a hindrance and that is why the said market has not been closed. I hope with this response and this being a House of records, now we have a basis as residents of Karura and City Park to push for the eventual closure of the same. If that does not happen, we are going

to consult Article 1 of the Constitution of Kenya, 2010 which says that the sovereign power belongs to the public. Thank you

Hon. Temporary Speaker: The Chairperson, Trade has taken note.

Point of Order

Hon. Kamau Fiunifiu: I rise on a point of Order under Standing Order 47 (2). I was also scheduled to do another Statement. Kindly allow me to seek another Statement.

Hon. Temporary Speaker: It was not brought to my attention, but allow me to consult.

(Hon. Temporary Speaker consulted the Clerk-at-the-Table)

Hon. Fiunifiu, kindly raise your statement during tomorrow's sitting.

MOTION

ESTABLISHMENT OF CAR PARKS FOR TAXIS IN THE C.B.D.

Hon. Waithera Chege, you can proceed.

Hon. Waithera Chege: Thank you, Madam Speaker, I rise to move the following Motion:

THAT, aware that Article 186 (1) of the Constitution of Kenya 2010, and Paragraph 5 of the Fourth Schedule to the Constitution provide for the functions and powers of County Government on County transport including county roads, street lighting, public road transport traffic and parking; further aware that the City has designated preferential parking zones and bus termini throughout the City with parking restrictions for each zone; noting that recent years have witnessed a marked increase in the number of vehicles in the County; concerned that there are limited number of parking slots specially for taxis in the Central Business District making it difficult for motorists to get a slot especially during working hours; further concerned that some of the available parking slots are in a dilapidated state giving motorists option of using private parking services thus denying the County revenue; noting that some areas designated as parking slots have been converted into walkways; further noting that Section 55 of the Nairobi City County Transport Act prohibit taxi cab operators from parking upon any roadway other than within a taxi zone; acknowledging that a good percentage of County revenue is from parking services, this Assembly urges the County Executive to establish and designate more parking slots for taxicabs and picking dropping areas for online taxicabs within the Central Business District and revamp the existing ones in order to ease the pressure on the available spaces, provide efficient parking services to taxicabs and boost revenue collection for the County.

Madam Speaker, I wish not to belabor this Motion because it is self-explanatory. Allow me to quote a Nairobi resident this morning who drives a Bolt online cab service in this County. He said, "Kuweni rada, leo nimeshikwa tu ghafla. Walikuja na kuweka gari lao mbele yangu alafu watatu wakaingia gari langu na kuchukua funguo. Wanakutoa na kukubeba, my friends, kuweni chonjo. Gari limelala uko, wanadai 20K. Kesho niko nao tena uko tusumbuane nao. Hawa watu si wazuri. Kama siku yako imefika, imefika. Na siku zote muwe rada kwa sababu wako kila mahali". This is a Bolt driver, Madam Speaker, who wrote cautioning other Bolt, Uber and other online cab services.

Madam Speaker, I am aware, if not 100% it is 87% of the Members in this Assembly have been using online cab services. For the last few months, I have personally witnessed an online cab driver being harassed by the City County askaris because of dropping passenger along the roads. I would want you to one of these fine days to stand at Wabera Street. If you see a passenger being dropped right outside Trattoria Restaurant, you will see a County askari on the left hand side waiting to arrest that cab driver. The other day a passenger almost fell off while alighting because the driver was trying to run away from County askaris.

The reason I say this Motion is self-explanatory is because in one way or the other, we have experienced what is going on in this County. There is a thirst for order. Areas like Kenya Cinema, Nation Centre and right outside Tom Mboya Street were areas where the County Government then secured places for taxis.

Through this motion, we are urging the County to allocate some spaces called the taxi ranks for drivers of the normal taxis not only in the CBD but also other areas in the wards and to also have the online taxi drivers being allocated drop off and pick up points. As of today, Members of this Assembly do not have parking hence from the Cathedral to City Hall becomes impassable because Members have parked along the road. Those who are being dropped by the online cabs are also not safe in one way or the other.

Madam Speaker, allow me to base this motion on the issue of insecurity. During the days when we did not have online cabs, we had yellow line taxis with stickers where if you left anything there then the driver would look for you or you go back and search for the car via the rank numbers. One of the Bills that the Assembly has been able to pass is on anti-terrorism, which is the Violent Extremism Bill. When you look at some of the evidences in that Bill laid down before this House, it is cautioning Nairobi residents about people who come from all walks of life who use our transport services. Some of the best people who gave evidence before our Committee were the taxi drivers. They gave us a lot of information on where to get these terrorists.

What am I trying to say, Madam Speaker? The online cabs came with advantages. I remember the actual taxis held demonstrations against introduction of online cabs. But as of today, they have no option but to accept each other. Therefore, we are asking the County Government to treat these cab drivers like human beings and allow them to drop and pick passengers at the designated spaces within the areas they are operating from.

Madam Speaker, if you go further and peruse the research that has been done, you that 30 million Kenyans own phones but only 15 million Kenyans own data enabled phones, which leaves us with people who may not be able to call the online cabs. We need to harmonize the online cabs and actual taxis.

One of the resolutions that we are asking of the Assembly today is that we allow the actual cabs to have the taxi ranks and then we can have the online cabs have designated drop off and pick up points. By doing that, we will be making sure that we reunite these two groups of entrepreneurs.

Therefore, allow me to ask Hon. Fiunifiu to second the Motion. Thank you, Madam Speaker

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. I wish to commend my sister, Hon. Waithera, who is echoing the sentiments of the Hon. Governor who always says that this must be a city of order, dignity, hope and opportunities for all. With those few remarks, I beg to second this Motion. Thank you.

(Question proposed)

Hon. Temporary Speaker: Members, we may now debate. We have a problem with the system, so make an effort to catch the Speaker's eye. Hon. Whip, Mark Mugambi Macharia

Hon. Mark Mugambi: Thank you, Hon. Speaker. Allow me to congratulate Nairobi South MCA, Hon. Waithera Chege for this timely Motion. I have been a great champion of these online taxis because some of the people that I represent have been casualties to the cruelty bestowed to them by our County askaris. Their main mistake is that they lack proper picking and dropping zones within the Capital City. It is absurd that in the 21st century and with the fast growing technology where we have online taxis, that as a County we have not caught up with the changing times. Hon. Speaker, at one point I was forced to stop and interrupt a County askari that was forcing his way into an online taxi driver.

As an Assembly, we should sanction measures to stop immediately the arrest of these online taxis within Nairobi. The Executive must move with speed to implement this Motion with speed. I am sure that as we are here debating on this Motion, outside there one or two of these people are being harassed by our County askaris. The message that Mheshimiwa has read, I confirm that it is a true account of events that happens at our yard at St. Peters. Drivers are forced to part with huge sums of money yet they are also charged with the App, making them work for longer hours to be able to pay their loans. To add salt to injury, we clump their vehicles and demand for unreasonable amounts of money. Hon. Speaker, on a single day these drivers make between Kshs. 2,000 and 5,000 if there is business yet someone is asking you to part with the same very early in the morning with this economy.

Hon. Speaker, we cannot be in the Government and the same government is being cruel to its people. These are our voters and we must protect them. I therefore support this motion.

As I conclude, I did a petition on the same, so, we can join hands together and support this Motion so that we can stop this madness. It will be appropriate for the Executive to give us timelines to which they will effect this Motion. Let this be treated as a matter of urgency to this House. With those few remarks, I beg to support.

Hon. Temporary Speaker: Hon. Matara

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. I would like to congratulate my colleague, Hon. Waithera Chege for the well thought out Motion. I stand to raise a few concerns. One is the practicability. As a House, we need to be alive to the fact that Nairobi was designed to handle 450,000 people, but currently we have about 6 million during the day and 5 million during the night. As such, Hon. Speaker, the design of the CBD was meant for a few people and the County has most of its services being accessed from City Hall. Also, other National Government agencies have their offices in the city.

During the Nairobi Metropolitan Services (NMS) tenure, together with the Transport Sector, they came up with a policy of non-motorized transport. If you travelled from the Bus Park in Uhuru Park, all the parking spaces along that area were removed to cater for the walking population who work from Upper Hill, downstream to where they get to board their matatus. Just outside the Assembly, they reduced the parking area and places where taxis could operate. I believe that this motion is supposed to be looked at with all the sectors and specifically Transport Sector. So, the question that we need to ask ourselves is, do we revert to the policy of having parking available to everyone because we cannot reserve the current unavailable parking slots for the taxi hailing services in as much as it is important?

Going forward, Hon. Speaker, I think that the Transport Chair and Hon. Waithera should do a statement and do inquiries because if we move with the route of NMS, then there will be no available slots for the taxi hailing services.

Secondly, Madam Speaker, there is corruption in the Inspectorate where County askaris are behaving like the National Police Service in that instead of the officers enforcing the rule of law, they ask for money. If I heard what Hon. Waithera said---

(Technical hitch)

--- a money minting mechanism for the County askaris. So, it is important that we appreciate that facilities are not available for the number of vehicles we register in Kenya because around 7,000 vehicles are registered in a month. I want to echo the sentiments of the Minority Whip on what should be done; the Inspectorate should halt its operations in harassing the online cab drivers because the facilities are not available as we as a County make plans to address those concerns.

It is unfortunate that we are discussing about the parking of taxi service providers while we as an Assembly do not have parking for ourselves. We do not have that authority to push for that agenda. It is also important that this is handled carefully so that by the time this House makes resolutions, they must be alive to the current underpinning situations in Nairobi. With those few remarks, I support the motion. Thank you.

Hon. Temporary Speaker: Hon. Kimemia.

Hon. Anthony Gathumbi: Thank you very much, Madam Speaker for this opportunity to add my voice to this very important Motion that has been brought by our very smart legislature, Hon. Waithera Chege.

I want to echo my colleagues who have spoken before me on the problems that we are facing in our Transport Sector. Mheshimiwa Matara has mentioned about the NMS having taken all parking lots and turned them into footpaths. This issue needs to be addressed because this is a County Government that eats itself, where they are supposed to get resources to do the operations but are destroying by putting footpaths and reducing spaces where they get parking fees. This can be called economic sabotage because when City askaris follow these hard working Kenyans when they are dropping clients and ask for Kshs. 20,000, they do not want people to work. They know many Kenyan are struggling economically and people are demonstrating all over because of high living standards.

Hon. Speaker, on the way forward, you as a legislature and a lawyer, will agree that this matter is under public law which provides for public institutions such for Transport boards. I would urge Hon. Waithera Chege to also request for Transport Board on this Motion where these taxi drivers should hold meetings to discuss their matters on anything pertaining to transport. These boards work like administrative offices such as Ombudsman. If we leave this to the City askaris to be the ones to control Nairobi, they will continue robbing people their hard earned money.

Hon. Waithera, I support the motion but I would like you to add that we should have the Transport Authority Board where these people can have their issues deliberated and resolutions made. Thank you very much, I support the Motion.

Hon. Temporary Speaker: Hon. Jerimiah Themendu.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. I also thank Hon. Waithera Chege for the good and timely Motion. We as Members have experienced problems with parking. Those taxi cabs that were there before the online taxis came should also be considered for these parking lots because they also pay taxes to the County of Nairobi. I know they do not get jobs because they were overtaken by the online taxis and it is not good for the City askaris to ask for money because they are parking on undesignated areas.

I ask the Executive to designate the parking so that Nairobians can enjoy their working areas or businesses. With those few remarks, I support the Motion. Thank you. Hon. Speaker.

Hon. Temporary Speaker: Hon. Fathiya.

Hon. Fathiya Mohammed: Thank you, Madam Speaker. I rise to support the Motion even though there have been some concerns that have been raised by Hon. Members, for example, Hon. Matara. Anybody who is not talking about revenue in this House is in the wrong place. Hon. Waithera, in the motion, has said that we are denying the County chances to collect revenue where parking spaces is one of the biggest revenue earners for the County.

The other thing is, these online taxis do not stay for long in the parking spaces before they get requests. By harassing them, somebody is not doing them right because they get requests even before they drop passengers, they spend a few minutes. This is a concern which has been raised in this motion and I support. It is good that we give them drop off points where we know they are not going to stay for long. We can strike a balance as much as there is a designated parking, as Mheshimiwa Matara was saying, this is a matter that should be considered. Thanking you, Hon. Speaker.

Hon. Temporary Speaker: Hon. Alai.

Hon. Robert Alai: Thank you, Mheshimiwa Speaker. I rise to support this motion of Hon. Waithera, but I have a few concerns. When I hear Members saying that the City Inspectorate should suspend inspections, this is a city of law and order, even when we want good for our brothers and sisters who operate taxis and bodabodas, I think enforcement to some extent brings revenue to this city. It also brings order, proper operation and respect for everybody's space in the city.

Currently in Kileleshwa, there is a road called Kandara Road where all online taxis in Kilimani and Kileleshwa park along. If you go there today, you will find 20 or 30 of them occupying one lane. Last week, we had a very serious accident because they had blocked one side of the road and a woman was knocked while crossing that road. She now has multiple fractures because the driver of the vehicle which was coming from the other side could not see her, she sustained permanent injuries. I urge us not to suspend enforcement because there will be a lot of chaos. You know what the Anti-terrorism Bill that you passed in this House entails. It can only be fair if our enforcement units are left to operate as they should.

The other thing why I think we should work with the minds like that of Hon. Waithera, is to standardize how the online taxis should look like. If you travel to countries like US, you will find that they have illuminating light at night and during the day you can clearly spot an online taxi. In future we should bring a bill that will bring sanity to this sector.

This Motion also talks about CBD. We should work with Hon. Waithera to expand every part of the city. You can get parking in Buruburu, Roysambu etc. where our county officers collect revenue. Those areas

should also have parking ramps for the taxis which are clearly marked for both the offline and online taxis so that there is order.

Even if we allocate parking zones to these taxis, there are no public amenities like toilets and waiting areas. Nobody has ever thought about such amenities even for the bodabodas in this city. They do not have areas where people can take their bodabodas from and even places for the route managers. I am very happy with Hon. Waithera and I really appreciate her for bringing this motion in place. But I think as Hon. Members, we can go further and improve the environment and ensure that even the law that was passed here sometime back is operationalized and these people are accorded the dignity they deserve. Thank you. Hon. Speaker.

Hon. Emmy Isalambo: Thank you, Madam Speaker. Thank you Hon. Waithera for bringing such a good motion. I have few remarks to make regarding the motion.

First as a woman, we need lady online taxi drivers, especially Muslim lady drivers. Our Muslim sisters do not feel comfortable when being driven by other taxi drivers. When we come to revenue collection, somebody sits outside Africa and makes so much money from these online taxis e.g. Uber. What if we introduce our own Apps so that our taxis operate using that Apps? Is it not one way of earning revenue for our County? We would collect so much money. I was talking to somebody who works for Safaricom and he said that somebody sits in Italy and makes over Kshs.200 million on a weekend. Supposing we do we register online taxis under our App in Nairobi. With those few remarks, I support the motion. Thank you, Hon. Waithera and Madam Speaker.

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

Hon. Waithera Chege: Thank you, Madam Speaker. Allow me to thank all the Members who have participated in supporting this Motion. I want to remind this House that Ghana is leading by signing something they are calling 'the standard of understanding' between taxi drivers and online cab drivers. I think that Nairobi County is already doing very well but we are not yet where we wanted to be. I am therefore requesting that all issues that have been raised, I want to promise the Members that our Amendment Bill is on the way and we are heading in the right direction. All those concerns are well noted.

Having said that, Madam Speaker, I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, the House stands adjourned until tomorrow, Thursday 2nd March 2023 at 2.30 p.m.

The House rose at 3.53 p.m.