



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 21st June 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Antony Gathumbi) in the Chair]

PRAYER

Hon. Temporary Speaker: Hon. Members, you may sit.

QUORUM

Hon. Temporary Speaker: Serjeant-at-Arms, ring the bell for ten minutes so that we can get quorum.

(Quorum bell was rung)

Hon. Temporary Speaker: Order, Members! Clerk!

PETITION

PETITION BY ELIZABETH WANJIRU GICHURU, A FORMER EMPLOYEE
OF NAIROBI CITY WATER AND SEWERAGE COMPANY

Hon. Temporary Speaker: Hon. Members, I have a public petition before me pursuant to Standing Order No. 213 by Elizabeth Wanjiru Gichuru, a former employee of Nairobi City Water and Sewerage Company Limited.

I, the undersigned citizen of Kenya, who is a resident of Nairobi City County, draw the attention of the County Assembly of Nairobi to the following:

THAT, aware that Article 185 of the Constitution of Kenya, 2010 vests legislative authority and oversight of the county governments in the county assembly;

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FURTHER AWARE THAT, the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Governments Act, 2012, provides that the right of citizens to petition the authorities or the county government on any matter;

THAT, aware that this petition is presented in line with Article 37 of the Kenya Constitution, 2010 and Article 15 (1) of the County Governments Act, 2012;

THAT, I, the above named person is a resident of Nairobi City County and was employed by the then Nairobi City Council on 23rd February 1999 and was seconded to the Nairobi City Water and Sewerage Company Limited under similar terms and conditions of service;

THAT, on 23rd October 2013, I was accused by the Nairobi Water and Sewerage Company together with two others for malpractice in performance of our duties, accusations which were baseless and could not be substantiated;

THAT, despite having responded to the notice to show cause, I was later summarily dismissed from service;

CONSEQUENTLY, the Ministry of Labour appointed a reconciliatory to try and arbitrate in my case and made a recommendation of my reinstatement to service but my employer willingly or maliciously failed to comply with the said recommendations;

THAT, this Hon. House is the only available redress in pursuit for justice as I feel that I was dismissed unfairly without any valid reasons;

THAT, aware as I confirm that the efforts have been made to have the matter addressed by the relevant body but the said body has failed to give a satisfactory response;

THAT, all matters in respect to which the petition is raised is not pending before any court of law or constitution body;

NOW THEREFORE, your humble petitioner prays that the Nairobi City County Assembly intervenes and ensures that;

- i. I be reinstated to work under similar terms and conditions held before I was dismissed; and
- ii. The Nairobi Water and Sewerage Company Limited be compelled to pay all my salary and arrears.

And your petitioner will forever pray.

Presented by the Hon. Speaker on behalf of Elizabeth Wanjiru Gichuru.

I was waiting for the Members to have their seats. I commit this to the Committee of Labour and Social Services. It is so guided.

PAPER

APPOINTMENT OF MEMBERS TO COMMITTEES

Hon. Peter Imwatok: Hon. Speaker, pursuant to Standing Order No. 196, I beg to lay the following paper on the table of this Assembly, today, Wednesday 21st June 2023:

The Fourth Report of the Select Committee on Selection on nomination of Members to Assembly's select and sectoral committees.

Hon. Speaker, I beg to lay.

STATEMENTS

Hon. Temporary Speaker: Mheshimiwa Shadrack Machanje.

REQUEST FOR STATEMENT REGARDING A SEWER SYSTEM IN UMOJA II WARD

Hon. Shadrack Machanje: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding a sewer system in Umoja II Ward.

Hon. Speaker, Article 42 of the Constitution of Kenya, 2010 stipulates that every person has a right to clean and healthy environment which includes to have environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69.

Hon. Speaker, the private developer on L.R No. 964 opposite St. Veronica's Catholic Church, has interfered with the approved sewerage system by channeling the residential sewerage system to other personal residences, which has led to leakages and clogging of the system.

Hon. Speaker, one of the biggest challenges facing the County is lack of proper sewerage amenities and infrastructure. Consequently, sewer leakages have been linked to several health risks to residents.

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

- i. Whether the sewerage line in question was connected as approved by the County Executive;
- ii. Plans the County Executive has in place to ensure sewerage is disposed within the required standards; and
- iii. Measures put by the County Executive to address and resolve the current situation in Umoja II Ward.

Thank you, Mr. Speaker.

Hon. Temporary Speaker: Thank you, Hon. Shadrack. This is committed to the Committee of Water and Sanitation. Chairman, Water?

Hon. Redson Onyango: Hon. Speaker, we are kindly requesting for 14 days.

Hon. Temporary Speaker: Hon. Member?

Hon. Shadrack Machanje: It is okay.

Hon. Temporary Speaker: Thank you very much. Chairman of Water, you have a response?

RESPONSE TO STATEMENT REGARDING WATER POLLUTION
BY INDUSTRIES AND FACTORIES IN THE COUNTY

Hon. Redson Onyango: Hon. Speaker, on Tuesday 29th November 2022, Hon. Kennedy Oyugi, pursuant to Standing Order No. 47 (2) (c), rose on the floor of the Assembly and requested for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding water pollution by industries and factories in the County, and in particular Baba Dogo Ward.

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

- i. Steps the County is taking to curb water pollution in the County;
- ii. Measures the County Executive is taking to ensure the menace of water pollution is curbed; and
- iii. Measures the County Executive has put in place to regulate management of industrial effluent.

Hon. Speaker, the Hon. Member appeared before the Committee and was satisfied with the response. I beg to lay.

Hon. Temporary Speaker: Thank you very much Chairman. Is Mheshimiwa Oyugi around?

Hon. Kennedy Oyugi: Yes, he is around.

Hon. Temporary Speaker: Tell us whether you are satisfied with that response.

Hon. Kennedy Oyugi: Mheshimiwa Spika, nataka kuhakikishia Nyumba hii ya kwamba hilo jawabu iliniridhisha. Asante.

Hon. Temporary Speaker: Karibu.

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR THE WEEK

Hon. Sospeter Mumbi: Thank you. Hon. Speaker. Before I go to the statement, let me begin by appreciating Hon. Members for making quorum in today's session, we do not take this for granted. We want to continue encouraging this so that we can give priority to the session. On the same breath, I want to thank you for the way you have continued to conduct yourselves in the committees, your presence has been felt. Let us keep up that spirit.

Having said that, Hon. Speaker, pursuant to Standing Order No. 47 (2) (a), on behalf of the Assembly Business Committee, I rise to give the following statement regarding the business appearing before the Assembly for the week beginning Wednesday 21st June 2023.

Hon. Speaker, the Assembly Business Committee met on Tuesday 20th June 2023 to allocate business for the week for consideration by this Assembly. In that regard, allow me to brief the Assembly as follows:

Pursuant to Standing Order 47(2) (a), on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the business appearing before the Assembly for the week beginning Wednesday, 21st June, 2023.

1. Today, Wednesday 21st June 2023 under Order No. 8 and 9, will be considering the under listed business item respectively: -
 - a) A substantive motion by the Leader of the Majority Party, Hon. Peter Imwatoke, MCA, urging the County Executive to allocate sufficient funds from the County budget in the coming FY 2023/2024 or seek alternative funding sources, including public-private partnerships, grants, or development loans to finance the construction of the market, ensuring its timely completion and sustainability to undertake the construction of a well-planned, purpose-built market in the affected area, with the following objectives:-
 - i. Enhancing safety and security measures to prevent arson attacks, such as installing advanced fire suppression systems, robust security cameras, and employing adequate security personnel;
 - ii. Providing proper infrastructure and facilities, including sheltered stalls, storage areas, sanitation facilities, and utilities, to ensure a conducive trading environment; and
 - iii. Collaborating with administrative authorities, community leaders, and stakeholders to ensure the design and construction of the market are inclusive, meeting the specific needs of the traders and the community.
 - b) A motion by the Chairperson of the Select Committee on Selection on appointment of Members to various committees.

2. Further, on Thursday 22nd June 2023, under Order No. 8, the Assembly shall be considering the Motion by the Hon. Dr. Clement Ng'ang'a, MCA, urging the County Executive to move with speed and: -
- i. Partner with the National Transport and Safety Authority and the Judiciary, through the City courts, towards introduction of a mandatory post-conviction community service for all the drink and drive case in the County;
 - ii. Provide for community service to be conducted in the existing Nairobi City County mortuary facilities, focusing on administrative and compound cleaning duties under the supervision and clearance by the facility's chief administrator;
 - iii. Undertake a sensitization talk from the facility's chief administrator on the risk associated with drink and drive and information on death cases as result of drunk driving; and
 - iv. Develop a policy that would see the introduction of the Community Services for the convicted drunk and drive cases in the County.

Hon. Members, this is really an enticing motion and we encourage all of us to be present.

3. Lastly, Hon. Speaker, on Tuesday, 27th June, 2023, the Assembly will be considering the motion by Hon. Sospeter Mumbi, MCA, urging the County Executive to: -
- i. Undertake an audit of County roads with a view to re designate more speed limit areas and increase designated pedestrian crossing where necessary and rehabilitate the existing ones with visible signs to ease traffic flow and minimize road carnage; and
 - ii. Enforce the speed limits and other traffic rules with the aid of modern technology.

Hon. Speaker, the Assembly Business Committee urges members of this Assembly to familiarize with the aforementioned Motions and prepare accordingly for debate through the help of our Research Department. Details of the Motions can be obtained in the Notice Paper, being the last page of the day's Order Paper.

Hon. Speaker, the Assembly Business Committee shall be informing this Assembly through its designee, the allotted business every Wednesday during the Statement Hour for timely preparation.

Finally, Hon. Speaker, the Assembly Business Committee will again meet on Tuesday 27th June 2023 at the rise of the Assembly to ballot Business for the subsequent week.

Hon. Speaker, I now wish to lay the Statement on the Table of the House. Thank You very much.

Hon. Temporary Speaker: Thank you. Clerk.

MOTION

CONSTRUCTION OF MARKET AND A PERIMETER WALL IN TOI MARKET

Hon. Temporary Speaker: Leader of Majority.

Hon. Peter Imwatok: Hon. Speaker, 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 include trade development and regulation of markets; further aware that Toi Market is one of the largest open-air markets in Nairobi with over 5000 traders on the outskirts of Kibera slums in Nairobi; deeply concerned that the rise of arson attacks on informal markets in the County including Toi Market, often suspected to be through human malicious act, has led to significant economic losses, social unrest, and endangering the lives of traders and residents in Toi Market; concerned that for the livelihoods of traders who have suffered

significant losses due to repeated arson attacks and emphasizing the necessity of creating a safe and sustainable trading environment for their economic well-being; now therefore, this Assembly urges the County Executive to allocate sufficient funds from the County budget in the coming financial year 2023/2024 or seek alternative funding sources, including public-private partnerships, grants, or development loans, to finance construction of the market, ensuring its timely completion and sustainability to undertake the construction of a well-planned, purpose-built market in the affected area, with the following objectives:

- i. Enhancing safety and security measures to prevent arson attacks, such as installing advanced fire suppression systems, robust security cameras, and employing adequate security personnel
- ii. Providing proper infrastructure and facilities, including sheltered stalls, storage areas, sanitation facilities, and utilities, to ensure a conducive trading environment; and
- iii. Collaborating with administrative authorities, community leaders, and stakeholders to ensure the design and construction of the market are inclusive, meeting the specific needs of the traders and the community.

Hon. Speaker, this motion is touchy to some of us. I am aware Hon. Brian, Hon. DNG and Hon. Kimemia, the Speaker on the seat, are part of the manifesto of the Hustler Nation; that hustlers must be given what is best for them, which I doubt so far.

Hon. Speaker, Toi Market is a historical market. When I was young, my first sports shoes in primary school were bought from the Market. The sport shoes I use currently to run and play football are from Toi Market. It is so sentimental to me that when I get the opportunity to buy them once again, I find the market razed down. It is a cause for alarm and requires the Assembly to rise to the occasion. I am pleased with the Members of the County Assembly who visited the victims to stand with them. I also thank the former Prime Minister Raila Odinga for accompanying us to Toi Market to assist the victims to rebuild the market, though not in a formal way. We pledged to the traders as Assembly together with the Speaker, the Whip, most of the Chairs and I. We also got apologies from Hon. Brian and Hon. DNG who were unable to get there. It was a concerted effort for Nairobi because your tribe didn't matter in that market but just as a trader.

Hon. Speaker, I place the motion before the Assembly respectfully for the sake of the Toi Market traders. I am told a motion will soon be tabled before this Assembly to change the name of this market. May be it will reduce the arson incidences. If we can change it to Raila Odinga Market, perhaps people will be scared to raze it down.

(Applause)

Hon. Speaker, I am very aware of the bill which passed this Assembly. I believe in due course the Whip is under instructions to bring the motion to the House. Toi Market is emotional to most us, and not just Toi, this afternoon, I met traders from Gikomba who passed by my office over concerns of elections in the market. If we don't sort these issues earlier, there might be chaos.

Last week, I was in Kisumu. The former president Uhuru Kenyatta built a market there but it is yet to be occupied because there are factions fighting one another. We must find a proper way to deal with our markets and our traders.

Hon. Speaker, I would like to implore the Executive to hasten the process of employing inspectoral officers to guard these markets. No one has been arrested since Toi Market was razed

down. I was shown a video by Mheshimiwa Lawi of young men walking in Toi Market saying, “this time round no one will come back here, we finished it.” It is wrong. The DCI should act with speed because the videos are available. They should not look for Hon. Lawi to ask him about the group of people are responsible for razing down the market but to look at the videos and arrest the suspects. Parents are using the market to educate and feed their children.

Kindly, Hon. Members, I ask with humility, this motion is not only about Toi Market, it is about all Nairobians who know Toi. It is also about Hon. DNG who is the leader of this area, Hon. Brian who was raised near Toi Market, Ochieng Jera whose kids are wearing shoes from Toi Market, and people like Hon. Majiwa who has been the father of this City.

Hon. Speaker, the reason we need this funding is that we need to put public money into a public entity because there are grabbers who purport to have title deeds of that land. When public money is put into public entity, it becomes public utility that cannot be stolen.

Hon. Speaker, I want to urge this Assembly that let us not look at who has brought the motion and why it was brought. I don't know any trader from Toi Market, what I know is that it has traders who are now suffering after being razed down.

Thank you, the Executive led by the Governor for the provision of food and building materials to the victims. That is the spirit we should have during times of disaster, I implore the Government to keep on supporting them.

With those few remarks, let me invite the leader of Jubilee Party, Mheshimiwa Kados to second this motion.

Hon. Paul Kados: Thank you, Majority Leader for coming up with this motion. Hon. Speaker, it is a pity that we speak about small scale traders every time but not about their future. I remember when Toi Market was razed down, Mutindwa Market was also razed down the same night. I know, Hon. Speaker, you come from the area of Mutindwa Market. Unless we safeguard our traders and their wares, we will not be seen as fighting for the hustlers. I have seen the Governor has formed a sector that provides for the hustlers.

I am asking each person who is in this Chamber not to look that it has been brought by the Majority Leader. The ward is represented by Hon. DNG whom I have seen many times posting what has been happening to the traders. If we pass this motion, it will give a leeway of looking for ways to safeguard not only Toi Market, but all our markets in Nairobi. With those few remarks, I beg to second

Hon. Temporary Speaker: Thank you very much, Majority Leader because you speak to the spirit of the issue. I don't think there is anything wrong in bringing up this important motion.

(Question proposed)

Hon. Temporary Speaker: Members, you are welcome to debate. Mheshimiwa Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker. I want to thank the Leader of Majority for bringing such a motion that will consider over 5,000 traders within Kibra Constituency. As per the goodwill of the Governor, His Excellency Arthur Sakaja and the spirit of this House, I hope that the market will be considered in the budget that is going to be read in this Assembly in the next one week or so. I believe that this motion has come at the right time.

Hon. Speaker, time and again, Toi Market has been on fire and millions of shillings have been lost. The former Mayor is here and I hope he will be given an opportunity to speak. He will tell us that the market

was a public utility. As the Leader of Majority has said, around seven to ten people have titles of this property. The Executive, especially the Office of the Governor and the National Lands Commission should revoke all the titles of those individuals who are called developers thus reducing fire incidences in the city. For example, Gikomba Market is often on fire because most people try to claim ownership.

Hon. Speaker, this motion should be precedent. All those who claim that they own these properties, their titles should be revoked by the National Lands Commission. The motion has said that personnel and CCTVs should be installed in Toi Market. It should also be installed in Gikomba Market. When fire razes these markets, they are Kenyans who lose billions of shillings. These small markets are the ones which bring vibrancy and raise the economy of this country. I believe that the DCI has moved with speed to arrest those people and charge them with economic crimes.

Hon. Speaker, I want to thank the former Prime Minister for ensuring that he has at least tried to bring life back to the traders who lost properties worth millions. I believe our budget has disaster management fund that will be disbursed to the affected traders so that we can revamp our economy. The Leader of Majority has said that there are individuals who have been hired to do this unacceptable act.

We are requesting the DCI to stop harassing members of Azimio who are assembling instead of arresting the criminals burning the markets. Yesterday when our peaceful protesters were on the streets picketing about the cost of living, the DCI were quick to arrest them but they are not arresting the culprits who burned Toi Market. It will not be right for this Assembly not speak to for these people. We also want to tell the Kilimani DCI office that they should move with speed and arrest the criminals that burnt Gikomba and Toi markets and stop arresting those people who protest about the cost of living. I support this motion.

Hon. Temporary Speaker: Thank you for that passionate address. I invite Mheshimiwa Brian Itenya.

Hon. Brian Ndavua: Hon. Speaker, in the spirit of hustlers in Toi Market, I want to strongly support this motion and thank the Leader of Majority for coming up with the idea whose time has come when needed. This motion will give the people of Toi, myself included, a solution that will enable us do business well.

Hon. Speaker, I know that we will differ on the naming but that is not an issue as at now. The County Government should come up with new constructed markets that will see the 43 title deeds issued, revoked and made public utility for the traders to use. We all know that every two years Toi Market is usually burnt down by individuals and I would like to urge my Majority Whip to make sure that those people are named so that they are arrested. I urge that we do a public participation on the renaming of the market and also build the markets. Thank you, Mr. Speaker.

Hon. Temporary Speaker: Thank you very much, Hon. Brian. Mheshimiwa Stazo Omung'ala

Hon. Stazo Omung'ala: Thank you, Hon. Speaker for catching my eye. Allow me to support this motion by the able Majority Leader of construction of a perimeter wall in Toi Market. Also allow me to implore on Hon. Brian, the UDA fraternity and the Governor that the only similarity between the people of Toi Market and the Leader of UDA Party, Hon. William Samoei Ruto is that, one of them is a former hawker and these others are hawkers at the moment. This should implore the other side of the House to support this motion. I am a former hawker at City Stadium Market and I understand the pain of waking up in the morning only to find out that your business was burnt down to ashes. All markets in the city must be protected because it has become a norm to burn them down and cover them with other structures. The people working in these markets are our employers and have employed Hon. DNG, Hon. Lawi, Hon. Jera and Hon. Masitsa. This is a motion that should not arouse emotions but rather bring us together. With that, I beg to support.

Hon. Temporary Speaker: Thank you very much senior. Mheshimiwa Majiwa.

Hon. Geophrey Majiwa: Ahsante sana, Mheshimiwa Spika. Kwanza, nachukua fursa hii kumshukuru Kiongozi wa Walio Wengi Bungeni kwa kuleta huu mswada ili hawa ndugu na dada zetu ambao ni wafanyabiashara waweze kusaidika kufuatia Bunge hili la Nairobi. Inavyojulikana, sisi ni waajiriwa na waajiri wetu ni baadhi ya wafanyabiashara wa Nairobi. Toi *Market* limo ndani ya Kaunti Nairobi, hivyo basi hao pia ni baadhi ya waajiri wetu. Katika kawaida ya maisha, kila mtu ambaye ameajiriwa ana jukumu la kufuatilia na kuzingatia matakwa ya mwajiri wake. Kila mtu anajua kuwa uchumi ya Kenya inashikiliwa na Kaunti ya Nairobi, na tukiangalia kwa undani, imegawanyika kwa sehemu tofauti. Kuna sehemu ambayo imeshikilia uchumi kamili na kuna sehemu ambayo ni ya starehe kidogo. Mheshimiwa Spika, makina iko katika sehemu ya vitongoji duni. Ukiangalia jinsi uchumi wa Nairobi unavyoendelea, unapata kuwa umeshikiliwa na sehemu za vitongoji duni. Kwa hivyo, hii ni sehemu muhimu sana katika uchumi ya Kenya.

Mheshimiwa Spika, wakati tulipo sasa tunaendelea kukadiria bajeti ya Nairobi. Huu ni wakati muhimu ya kukadiria pesa kwenye bajeti ili itumike kwenye soko hilo. Pesa hizi ni za umma ambazo tunakadiria na ile soko ni la umma, kwa hivyo, hatuna budi kuunga mkono huu mswada kwa sababu sisi tunarudisha mahali ilipotoka. Wale ndio wenye pesa na ndio walitutumia kufanya kazi. Kwa hivyo tukifanya kazi hapa, basi tunajua kuwa tunawajibika kwa waajiri wetu.

Mheshimiwa Spika, hili soko limekua na janga mara kwa mara na sio ajabu imefikia hapa kwa sababu tunajua kawaida ya Nairobi. Kuna watu ambao asubuhi wakiamka ni kutembea kutafuta sehemu iliyo na viwanja ambavyo vinaweza badilishwa kutoka kwa umma hadi viwe vya watu binafsi. Masoko yetu ya Nairobi yamekuwa na shida kwa sababu kwa muda mrefu Nairobi haikuwahi chukua nafasi ya kutengeneza karatasi za wamiliki wa sehemu hizi za umma. Kwa hivyo, Toi *Market* ni moja ya sehemu za umma ambayo Nairobi ilizembea kuipa makaratasi ya umiliki na kuipatia wale mabwenyenye wakora wa mashamba nafasi ya kuanza kufikiria jinsi gani wanaweza pata mashamba haya. Hii ndio sababu unaona hili soko linachomwa kila mara kwa sababu wanatafuta njia ya kusema ni mashamba yao ya kibinafsi wala si ya umma.

Mheshimiwa Spika tunajukumu kubwa kama Wawakilishi Wadi wa Nairobi kuhakikisha kwamba wanaofikiria sehemu za umma ziko na nafasi nzuri ya kunyakuliwa, wujue kwamba tuko macho. Hii tutaifanya kwa njia moja wa kupitisha huu mswada na kupata hizi fedha ili soko lijengwe na wafanyabiashara waweze kuendelea na biashara zao bila kusumbuliwa. Wamepata hasara kubwa.

Kando na kujenga soko lile, tungefikiria kama Kaunti tuone ni njia ipi tunaweza kuwainua kuichumi kwa sababu pale ndani kuna watu ambao walipoteza mali yao na hiyo ndiyo ilikua maisha yao. Kuna mzazi ambaye watoto wako shuleni, analipa nyumba kodi na kukula kupitia soko hili. Hilo si jambo la kuachilia hivyo. Ni muhimu tufikirie tunapojenga soko namna gani tutainulia wale watu biashara zao ili waweze kuendelea na maisha yao kama kawaida. Itakua vibaya wapoteze kazi zao na tukae ni kama hatujui kua wamepoteza kazi. Naomba tunapoweka bajeti katika huu ujenzi, tuwakumbuke pia hao ili waweze pia kuinuliwa kwa kiasi fulani.

Mheshimiwa Spika, najua kuwa serikali iliyoko sasa ilituzungusha sana wakisema kuwa wanajali masilahi ya *mahustler*. Cha ajabu ni kwamba kufafanua neno *hustler* limekuwa shida kwa sababu haieleweki na inashinda kuhamishwa kutoka sehemu moja hadi nyingine kutegemea jinsi wanavyotaka kufanya wakati huo. Hatujui kama Toi *Market* ilivyoungua, hao si *mahustler*. Naona ajabu kwa sababu ingalikua kweli hii serikali ni ya *hustler*, basi wangeshakimbia mahali pale na kujenga huu ukuta ambao tunataka kujenga. Nakumbuka wakati kulikua na tatizo Langata Road Primary ambapo shamba la umma lilikuwa linachukuliwa na watu binafsi, serikali ilikuja pale na wanajeshi kujenga ukuta kwa wiki mbili. Mbona hawawezi kufanya hivyo ilhali hii ni sehemu ya umma ambayo imechomwa na nia kujulikana kuwa wanataka kuichukua?

Mheshimiwa Spika, naomba wenzangu walio upande ule mwingine wa serikali waunge mkono. Sisi katika upande huu tunaunga mkono lakini wenzetu wa pande ule kama Mheshimiwa Brian alivyosema ameunga mkono lakini anavyodekeza mwili unaona kuwa hajaunga kabisa. Nawaomba wawe watu wa kujali masilahi ya raia ambao ni waajiri wetu na kazi waliotupa imetupa majina muhimu na tunaishi maisha ya kutamani. Kwa hivyo, tuwape maisha ambayo wanaweza tamani ili soko lao lijengwe na liwe na *security*.

Gikomba *Market* limekua likijengwa kwa miaka mbili zilizopita ingawa halijamalizwa, lakini viza vya moto vimepungua kwa sababu sehemu kubwa imejengewa nyumba ambazo watu wanaweza fanya biashara na hazishiki moto kwa urahisi. Sisi tumecheza mpira kwa uwanja wa Toi kabla ya wengine wetu kama Mheshimiwa Brian kuzaliwa. Ningependa kumwambia Mheshimiwa Brian atushikilie kabisa katika jambo hili. Mheshimiwa Spika, asante sana. Ninaunga mkono.

Hon. Temporary Speaker: Shukran sana, Mheshimiwa Majiwa. Umeibua maswala mazito. Nampa Mheshimiwa Deonysias nafasi.

Hon. Deonysias Mwangi: Thank you, Hon. Speaker. I rise in support of this motion and also thank the Majority Leader for the wonderful motion. When we are talking about Toi Market, I believe that we are talking about the entire Nairobi County and its markets because our people work there. Hon. Speaker, I did not get a chance to accompany His Excellency the Governor to Toi Market but had a chance to accompany him to Mutindwa Market. While there, we found out that the claims are the same, that there were some individuals with papers and documents claiming to own the land. This Assembly can finish those developers' claims in a blink of an eye if we agree that we want to bring order to our markets.

The other thing that I find causing issues is that the County left some of its powers to the market committees. These committees play a part in the fire outbreaks in our markets because of self-interests and fights amongst themselves. I want to appreciate the Sector of Trade for coming up with a bill that will help this Assembly bring policies, regulations and laws for the County to bring sanity and order and help the County attain the legal documents for the market. I know that after the Bill is passed, then we will be talking about fire in the markets as past tense. Thank you, Mr. Speaker for the chance.

Hon. Temporary Speaker: Thank you very much, Mheshimiwa. I call upon Mheshimiwa Lily Kidenda then Mheshimiwa Ochieng will follow.

Hon. Lily Kidenda: I want to thank you, Hon. Speaker for giving me this opportunity to support this very noble motion and also thank the Majority Leader for not waiting too long. This happened and he brought it in the earliest opportunity and not wait for the dust to settle.

Hon. Speaker, it was with great pain that Nairobians watched millions of shillings and the livelihood of over 5,000 households go up in smoke. Kenyans watched helplessly as that happened. I am yet to find anybody who has lived in Nairobi and not gone to the Toi Market to buy something unique, special, and different. As we consider the restoration of this market and other markets, and upgrading, I want to appeal to the County Executive and to those on the ground to have a clear and precise record of those who have been affected. It is a known fact that sometimes when markets burn like this, other imposters come and push out those who have suffered considerably and take advantage of the problems the traders have.

I would like to urge this Assembly, the Trade Committee and everybody who is involved to do oversight in such a way that will speak for something. I want to urge the Hon. Members of the Assembly, those who are neighbours and have a voice in this area to stand firm. This is a painful reality but it is also an opportunity to do things differently for the people of Nairobi and Kibra. As I said, this is an opportunity and will be a springboard for all of us to help other markets improve in Nairobi County.

Hon. Speaker, the rehabilitation should be all-inclusive; taking care of adequate space, proper and modern security facilities, proper sanitation and utilities. Many of us have had opportunities to travel out of Nairobi and I have seen the beautiful markets we have visited. Therefore, I pray that each one of us will stand up and be counted, and we will add our voices. I beg to support.

Hon. Temporary Speaker: I want to call upon Mheshimiwa Jera. As you conclude, call the mover. Thank you.

Hon. Samson Ooko: Thank you, Hon. Speaker for this opportunity. As a resident of Kibra, together with my colleagues who are here, Mheshimiwa Lawi and Mheshimiwa Masista, I am glad. I wish to remind this House that Toi Market serves the five wards of the Kibra Constituency. The market equally serves part of the wards within Lang'ata, Dagoretti North and Dagoretti South constituencies. Therefore, we are talking about a huge market that is serving almost half of Nairobi County.

Hon. Speaker, in a span of 10 years, Toi Market has been razed down three times. Imagine the loss to the traders who spent their money to put up their stocks and after few years they were brought down. The police have been conducting inquiries for many years, and just as the Majority Leader has said, in 10 years we have never seen or heard anyone arrested regarding the fires.

I wish to thank our Majority Leader for coming up with the wonderful motion that a wall be erected around the market and CCTVs put all over. We should also bring askaris from the County to guard the market because it is one of the public markets within Nairobi. A lot of money is collected in there as revenue. If you want to know the impact, 7 days or so since Toi Market was razed, ask the County how much money they have lost as revenue. This should tell us that the market is one of the biggest markets around. Some of these traders have loans, imagine you are paying a loan yet you lost your stocks through fire.

Hon. Speaker, I appreciate that the Governor came there and supported us in our hour of need. In equal measure, I must thank the former Prime Minister, my Party Leader and the person I regard as my president, for coming and delivering foodstuffs, building materials and so many other things to the traders of Toi Market. I also thank the Leadership and Members of this House for joining the former Prime Minister. Hon. Majority Leader, thank you so much for making sure your team, the Whip, the Speaker and everybody joined in.

My brother, Hon. Itenya is the man I respect so much. He talked about change of the name Toi Market. Just a piece of advice to my brother, there is a proposal to rename Toi Market to Baba Market, which I am sure you are not comfortable with. Let me remind him that Baba started defending this land 30 years ago when his mother was still a very young lady. She supported this market and voted for Baba. Now that he is here as a Hon. Member, I beseech him since he also has stalls in that market, to bring a motion to rename Toi Market to Baba Market. I know he is a man of wisdom.

Hon. Speaker, I want to thank you for giving us time to discuss this matter. As the Chairperson of Trade has mentioned, many markets are burning down often. I want to request the Majority Leader, because we will stay here and nothing will happen, to one day ask all the Members to visit Toi Market and see the progress of work done there, same to Mutindwa Market. Otherwise, we shall be speaking here and nothing will be done for our people.

My friend, Hon. Itenya is still wearing the same suit he wore yesterday when he was with his party leader. I do not know why he is doing that. I saw you greeting your party leader yesterday in that suit. Thank you, Sir.

Hon. Temporary Speaker: The mover!

Hon. Peter Imwatok: Hon. Speaker, in few words, I would like to thank the Hon. Members for the support of the motion. I beg to reply.

Hon. Temporary Speaker: Hon. Members, thank you very much. I realize that there are so many Members that wanted to be part of the debate. Mheshimiwa Lawi, please forgive the Speaker. I saw it very late.

(Question put and agreed to)

(Applause)

MOTION

APPOINTMENT OF MEMBERS TO COMMITTEES

Hon. Peter Imwatok: Hon. Brian, you should not leave the Chamber.

Hon. Speaker, pursuant to the provisions of Standing Order 171 (1), this Assembly approves the appointment of the following Members to various select and sectoral committees:

1. Hon. Jane Wanjiru, MCA, be appointed to the Select Committee on County Finance, Budget, and Appropriations;
2. Hon. Patrick Karani, MCA, be appointed to the Sectoral Committee on Labour and Social Welfare;
3. Hon. Patrick Karani, MCA, be appointed to the Sectoral Committee on Water and Sanitation; and
4. Hon. Cyrus Mugo, MCA, be appointed to the Sectoral Committee on Environment and Natural Resources.

Hon. Speaker, my Whip, Hon. Ogeto, will second.

Hon. Moses Ogeto: Hon. Speaker, I beg to second the motion. This is in line with the aspirations of the committee and its members who are really working hard. I thank the Leader of the Majority for ensuring that these Members join these Committee. They should serve diligently. I beg to second.

(Question proposed)

Hon. Temporary Speaker: Hon Members? Mover!

Hon. Peter Imwatok: Thank you, Mheshimiwa Itenya for keeping cool, we are nurturing you slowly. Hon. Speaker, I thank the Members of the County Assembly, especially the Members our Azimio Coalition. As you are aware, in our Azimio Party we are equal. All these members are Members of the Jubilee Party. This is where the rail meets the rubber; politics at its best. I know they will execute their duties well. Mheshimiwa Cyrus Mugo and Hon. Patrick Karani, the incoming Vice-chair of Labour and the incoming Member for Water Committee and the Budget and Appropriation Committee, to instill more power to the Azimio team. Now, we are moving from rallies to the real dynamics of politics which are being played on a red carpet called the Nairobi City County Assembly. Hon. Speaker, I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, thank you very much. Without much ado, we adjourn the sitting until tomorrow, Thursday June 22, 2023 at 2.30 p.m. Thank you very much.

The House rose at 4.12 p.m.