



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 2nd November 2023

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Temporary Speaker: Hon. Members, according to Standing Order No. 37:

“(1) A quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its members.

(2) If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes.”

Serjeant-at-Arms, ring the Bell for 10 minutes.

(Quorum Bell was rung)

Clerk, proceed.

COMMUNICATION FROM THE CHAIR

WELCOMING VISITORS TO THE ASSEMBLY

Hon. Temporary Speaker: Hon. Members, may I have your attention?

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

Hon. Members, today's sitting is graced by the following eminent women in the society and guests to the Assembly, who are here on the invitation of the Board Member, Hon. Catherine Okoth, MCA, and are seated in the Gallery.

Hon. Members, the first among the guests is Ms. Rose Atieno alias Nyako. She is a philanthropist and a TikTok influencer. Ladies and gentlemen, we know TikTok has employed many of our young people, made them busy, and remove them from bad influences. I want you again to welcome Madam Rose Atieno alias Nyako with an applause the way we do it. You are most welcome.

(Applause)

Secondly, we have Madam Beatrice Atieno Ng'ondi, CEO Nyaboke. Ng'ondi is a big name in this Assembly, so, I won't speak much. You are most welcome.

(Applause)

We also have Ms. Roselyn Ochieng, she is a leader in Embakasi. *Karibu.*

(Applause)

We have Madam Millicent Hamisi, who is the personal assistant to the Nairobi Senator. Feel welcome.

(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 visit us and share your experiences and your aspirations. I wish you all the best in your engagement with the Members of the County Assembly. Thank you. *Karibuni.*

STATEMENTS

REQUEST FOR STATEMENT REGARDING PROJECTS UNDERTAKEN BY THE DEFUNCT NMS

Hon. Silas Matara: Thank you, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the projects undertaken by the defunct Nairobi Metropolitan Services (NMS).

Hon. Speaker, from the year 2019 to 2022, the Nairobi City County Government under the defunct NMS awarded various contracts for the construction of various projects in the 85 wards in Nairobi County and even in the outskirts of the Nairobi County. However, in the year 2022, the mandate was transferred back to Nairobi County Government leaving many queries on the process on how the transition was done, to provide a seamless continuation of projects that were done during the said period.

Hon. Speaker, it is on record that Nairobi Governor His Excellency Johnson Sakaja requested the Senate County Public Accounts and Investment Committee to conduct a special audit on the tenure of the NMS, saying it left Nairobi County in a complicated state. During an

appearance before the Committee to respond to audit queries, the Nairobi Governor said despite the dissolution of the arrangement, some of the transferred functions were yet to be fully handed over to the Nairobi County Government, including the school feeding initiative and also that they were unable to access the NMS documents.

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

- i. Status report of all projects awarded by the NMS across the County and whether they were transferred back to the County Government as completed projects or as ongoing projects;
- ii. Inventory status of all projects that were carried out in the outskirts of Nairobi and whether they were completed or are ongoing;
- iii. Status of the payments of contractors, pending or otherwise that were paid by the National Government;
- iv. Plans on how to clear all pending bills; and
- v. Measures the County Executive is taking to ensure that all contracts awarded across the County during the NMS tenure are completed and paid.

Hon. Speaker, I think there was an error by the Clerk because the Statement applies to all the projects that were undertaken by the NMS. You remember the NMS also handled other transferred functions, including Health, Transport and Markets. Thank you.

Hon. Temporary Speaker: Thank you very much, Hon. Matara. The Chairperson of the Sectoral Committee on Transport and Public Works? Is he around? I don't know how you are going to liaise with the Member and ensure the mistakes that he is addressing are corrected. So, can you commit yourself?

Hon. Musango Maithya: Thank you, Mr. Speaker. We had a similar Statement requested by Hon. Samora, which we handled today with the Executive. As a Committee, we proposed to have a joint meeting with the Senate Committee on Transport because of what we have heard from the CECM and Chief Officer. They have told us that their hands are tied concerning the contracts by the NMS. So, I don't know whether I will commit myself because I have a similar Statement.

Hon. Temporary Speaker: I think those concerns that you have, it is only prudent that you get the Member come to your Committee and discuss the same issues. You have to commit yourself.

Hon. Musango Maithya: Mr. Speaker, I request for 21 days.

Hon. Temporary Speaker: Hon. Matara?

Hon. Silas Matara: With your indulgence, Hon. Speaker, I don't know whether I am going to withdraw the Statement. I am seeking your wisdom; my Statement is concerning all the contracts that were issued by the NMS. The Governor gave an undertaking that some of the payments were going to be cleared by the State House. So, the import of my Statement is, all the contracts that were undertaken under the NMS for the respective sectors. For example, if you go to Water, there were some boreholes which were sank outside Nairobi i.e. the Metropolitan Area. It does not only focus on the Transport Sector. Hon. Speaker, with your indulgence, you can guide the House on

how we are going to handle such a serious matter. We have white elephant projects all around Nairobi and pending projects in the respective sectors.

Hon. Temporary Speaker: Hon. Member, it seems like your Statement is touching on various committees. I think it is only prudent that this Statement is withdrawn and redone so that it indicates every committee. As you requested, maybe the Statement can be withdrawn for further corrections. What do you say, Hon. Matara?

Hon. Silas Matara: Hon. Speaker, when an issue touches various committees or an institution like the NMS, the Standing Orders is silent. Hon. Speaker, you can defer the matter for further consultation.

Hon. Temporary Speaker: Mheshimiwa Matara, the Clerk's Table is suggesting that it goes through the Transport Committee on the issue that touches on Transport. Then you can do other Statements that touches on other areas. I think that this is the best way forward the Chair can give.

Hon. Silas Matara: Most obliged, Hon. Speaker.

REQUEST FOR STATEMENT REGARDING OBSTRUCTION OF
PEDESTRIAN WALKWAYS AND ROAD RESERVES BY
CAR DEALERS ALONG NGONG ROAD IN KILIMANI WARD

Hon. Temporary Speaker: Mheshimiwa Peter Maina, you have a Statement?

Hon. Peter Mwangi: Thank you, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson the Sectoral Committee on Transport and Public Works regarding obstruction of pedestrian walkways and road reserves by car dealers in the County, specifically along Ngong Road in Kilimani Ward.

Hon. Speaker, it is of great concern that operations of car dealers in the said route has posed risks to pedestrians and motorists as they operate besides the road flouting the laid down regulations hence inconveniencing other motorists and pedestrians. The congestion by the said car dealers has contributed to insecurity amongst other vices along the said road. These car dealers are alleged not to be registered by the Nairobi County Government and hence do not pay any licences or fees despite the fact that they operate in Nairobi County.

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

- i. Measures the County Executive has put in place to ease congestion created by the car dealers who have caused obstruction along the said road;
- ii. Plans the County Executive has put in place to facilitate smooth movement by pedestrians and commuters in the said area;
- iii. Measures taken by Transport, Mobility and Public Works Department to ensure laid down regulations are adhered to; and
- iv. When and whether the County Executive has plans to ensure that all car dealers operating in Nairobi County adhere to the Nairobi County Transport Act with regard to licensing and payment of requisite fees and charges.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you very much, Mheshimiwa. Chair, Transport?

Hon. Musango Maithya: Hon. Speaker, because we have to do a site visit and other investigations, we request for 21 days to come up with the response.

Hon. Temporary Speaker: Hon. Mwangi?

Hon. Peter Mwangi: Agreed.

Hon. Temporary Speaker: Thank you very much. Next Order!

MOTION

MULTI-AGENCY APPROACH TOWARDS MITIGATION OF RISING SUICIDE CASES AMONG THE YOUTH

Hon. Peter Mwangi: Thank you, Hon. Speaker.

AWARE that Section 226 of the Penal Code Cap. 63 of the Kenya Law provides that any person who attempts to kill himself/herself is guilty of a misdemeanor;

NOTING that according to the Kenya Ministry of Health Suicide Prevention Strategy 2021-2026, suicide has multifaceted causes as is often a result of a convergence of genetic, bio-physiological, psychological, socioeconomic, cultural and other risk factors;

ACKNOWLEDGING that with established links of suicide behaviors and mental health, many suicides happen impulsively in moments of crisis with a breakdown in the ability to deal with life stresses such as financial problems, relationship break-up or chronic pain and illness;

SYMPATHIZING that the World Health Organization (WHO) estimates that in Kenya, 1,408 people commit suicide yearly, translating to four deaths daily;

FURTHER SYMPATHIZING that in every four deaths, three are male, constituting a male/female gender ratio of 3:1, with average age being 35 years, ranging from the ages of 17 to 73 years;

COGNIZANT that an intergovernmental and multiagency approach needs to be deployed with an aim of reducing deaths by suicide and suicidal behavior by mitigating factors that increase suicide risk and increasing factors that promote resilience;

THIS ASSEMBLY THEREFORE urges the County Executive to:

- a. Engage the Ministry of Health and other relevant agencies towards implementing the National Policies and Guidelines on suicide prevention in the County; and
- b. Introduce programs and interventions for suicide prevention and management in the County for consideration in the subsequent Annual Development Plan for implementation.

Hon. Speaker, as a parent and as a concerned citizen of this great country, we are losing a lot of youth because of mental health issues. We have to do something because we represent these people. The youth are faced with a lot of issues and if we are not careful, we might lose the future generation.

I am urging this Assembly to be counted that we did something for the future generation. I humbly request my colleague, Hon. Ami to second this Motion. Thank you, Hon. Speaker.

Hon. Ami Ambala: Hon. Speaker, I rise to second this Motion, not only because it touches on mine that is coming up next week, but the issues of mental health are very close to my heart.

Even if this Motion is saying that suicide is a criminal offence, last week, the Office of the Director of Public Prosecutions (DPP) returned a case that had been forwarded to them of someone who had attempted suicide and said that they rather be sent to Mathare for evaluation. This is very common whereby many young people are committing suicide. Maybe it is a generational thing or a societal thing, I am not sure what the case is. I feel that something needs to be done especially because this affects mostly males more than females. The boy child is under siege.

Mr. Speaker, we need to do something as an Assembly. With those few words, I second the Motion.

Hon. Temporary Speaker: Thank you very much.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you are welcome for debate and analyzing of the Motion. Hon. Jairus.

Hon. Samson Ooko: Hon. Speaker did you mention Jairus or Jera?

Hon. Temporary Speaker: Hon. Jera, *karibu*.

Hon. Samson Ooko: Thank you, Hon. Speaker. Before I support this Motion, I wish to bring to your attention that in the Gallery, there is also an important person who was a Member of this Assembly. It will be wise to acknowledge that he is here. He was once here and still remains ours. Thank you, Mr. Speaker.

Hon. Temporary Speaker: Your Statement is taken. He is recognized and is most welcome. Thank you.

Hon. Samson Ooko: Thank you. On the Motion by my brother, Hon. Peter, it touches on matters of suicide amongst youths. It is true that many people commit suicide, and not only youths but also adults. I think it is a serious matter in our society today and we all know the reasons why they come up, just as mentioned by Hon. Peter. When you are dealing with this matter, we need to dig deeper and understand the reasons why many people commit suicide across the country. People have different reasons why they commit suicide. When it comes to youths, many will commit suicide because they lack jobs, lack money and many reasons that they think are a problem for their survival.

Mr. Speaker, there are also adults who commit suicide. We need to understand the reasons why they commit suicide. Maybe it is because of family matters, lack of employment, and so many other things. Some are losing their lives as a result of family disputes. I even read two days ago a person committed suicide because somebody 'ate his fare.' So, people have different reasons why they commit suicide.

I would only suggest that moving forward, we should get the data and understand the reasons why these people commit suicide and how they can be helped so that this menace can be reduced. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you, *Mheshimiwa*, but I would suggest we talk about what he is asking for the Assembly...

Hon. Samson Ooko: Yeah. I have seen what he is asking here and actually he has explained that one third of the people who commit suicide are men, which is true.

Hon. Temporary Speaker: Thank you. What is your Point of Order?

QUORUM

Hon. Stephen Kimani: (*Off the record*) ...because of the importance of this Motion, there is no quorum to discuss.

Hon. Temporary Speaker: Which Standing Order?

Hon. Stephen Kimani: 38 (1).

“If at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is no quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee as the case may be.”

Hon. Temporary Speaker: Clerk, do we have the quorum as suggested by the Member?

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

Serjeant-at-Arms, please ring the bell for 10 minutes so that we see whether we can get the requisite quorum.

(Quorum Bell was rung)

(A Member walked out of the Chamber)

(Hon. Samson Ooko spoke off the record)

Serjeant-at-Arms, no Member should walk out while the Bell is ringing.

(Loud consultations)

Order! Order! Decorum!

(Loud consultations)

Members, discuss in low tones, we are still in the Assembly. Serjeant-at-Arms, please bring order.

Hon. Members, going by the Standing Order 38 (2) (a):

“(2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the ten minutes:

(a) If the Speaker is in the Chair, the Speaker shall adjourn the County Assembly until the next sitting without question put”

(Motion deferred)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, the House stands adjourned until the next sitting, Tuesday 7th November 2023 at :30p.m. Thank you.

The House rose at 3.41 p.m.