



**NAIROBI CITY COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Third County Assembly – Third Session**

**Tuesday 10<sup>th</sup> September 2024**

The House met at 2.30 p.m.

*[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]*

**PRAYER**

**Hon. Speaker:** Hon. Members, you may be seated.

**QUORUM**

**Hon. Speaker:** Hon. Members, the attention of the Chair has been raised for lack of quorum. I direct the Serjeant-at-Arms, under Standing Order No. 37 (2), to ring the Bell for a record of 10 minutes, as he leaves the door open.

*(Quorum Bell was rung)*

**Hon. Speaker:** Clerk, kindly confirm whether we have attained quorum. The Whips of both sides please mobilize the Members to come to the plenary.

*(The Clerk confirmed there was quorum)*

We have attained the quorum required to transact the business of the House, we can proceed.

**COMMUNICATION FROM THE CHAIR**

**WELCOMING MEMBERS FROM LONG RECESS**

**Hon. Speaker:** Good afternoon, Hon. Members. I have the following Communication to convey:



Hon Members, may I take this opportunity to warmly welcome you back to the Assembly from the Long Recess. I believe that the last few weeks have provided you with the much needed break during which you had time to engage your constituents and bonding time with your families.

Hon Members, during the recess period, there is no doubt that you have your tray full of matters related to legislation, representation and oversight that need to be brought to the attention of the Assembly for consideration. May I remind all of us that, that is the reason we are here and that through the various tools and human resource at our disposal, let us have these issues, ideas and proposals packaged and presented to the Assembly for consideration. Let me re-assure you that my Office and the Office of the Clerk are open for any consultations related to your mandate and welfare. I commit to provide the necessary support required to ensure that everybody plays his/her part in our endeavor to serve the people of Nairobi. Similarly, may I encourage all Chairpersons to take stock of and dispense with all pending business before their respective Committees. I understand there are reports on Bills, Petitions and quite a number of Statements which are pending before Committees, hence the need to expedite their processing.

#### CHANGES IN THE COUNTY EXECUTIVE

Hon Members, the County Assembly is in receipt of a letter from the County Executive Ref. NCC/CS/GA/778 dated 6<sup>th</sup> August 2024. In the letter, the Ag. County Secretary conveyed the changes effected in the County Executive by H.E the Governor in the County Executive Committee and among the Chief Officers as follows: -

#### **Changes in the County Executive Committee**

- i) Stephen Gathuitha re-assigned from Built Environment and Urban Planning Sector to Boroughs Administration and Personnel Sector;
- ii) Patrick Mbogo re-assigned from Boroughs Administration and Personnel to Build Environment and Urban Planning Sector;
- iii) Brian Mulama re-assigned from Mobility and Works Sector to Talent, Skills Development and Care Sector;
- iv) Maureen Njeri re-assigned from Business and Hustler Opportunities Sector to Green Nairobi Sector;
- v) Ibrahim Auma Nyangoya re-assigned from Inclusivity, Public Participation and Customer Service Sector to Mobility and Works Sector; and
- vi) Dr. Anastasia Nyalita re-assigned from Talent, Skills Development and Care Sector to Inclusivity, Public Participation and Customer Service Sector.

#### **Changes among Chief Officers**

- i) Geoffrey Mosiria re-assigned from Health Facilities Sub-Sector to Environment Sub-Sector;
- ii) Tiras Njoroge re-assigned from Smart Nairobi Sub-Sector to Revenue Administration and Ag. Chief Officer for ICT Infrastructure Sub-Sector;

- iii) Boniface Nyamu re-assigned from Mobility Sub-Sector to Business and Hustler Opportunities Sub-Sector;
- iv) Godfrey Akumali re-assigned from Cooperatives Sub-Sector to Social Services Sub-Sector;
- v) Zipporah Mwangi re-assigned from Business and Hustler Opportunities Sub-Sector to Public Participation, Citizen Engagement and Customer Service Sub-Sector;
- vi) Dr. Machel Waikenda re-assigned from Economic Planning Sub-Sector to Mobility Sub-Sector;
- vii) George Mutiso re-assigned from Social Services Sub-Sector to Cooperatives Sub-Sector;
- viii) Hibrahim Otieno re-assigned from Environment Sub-Sector to Health Facilities Sub-Sector;
- ix) John Lintari re-assigned from ICT Infrastructure Sub-Sector to Economic Planning Sub-Sector;
- x) Lydia Mathia re-assigned from Public Participation, Citizen Engagement and Customer Service Sub-Sector to Housing and Urban Renewal Sub-Sector; and
- xi) Wilson Gakuya re-assigned from Revenue Administration Sub-Sector to Smart Nairobi Sub-Sector.

In addition, H.E the Governor designated Mr. Godfrey Akumali as the Acting County Secretary to succeed Mr. Patrick Analo, who maintains his position as Chief Officer for Urban Planning and Development.

Hon Members, this is therefore to convey the foregoing changes in the County Executive for your noting. In addition, may I take this opportunity to wish well the County Executive Committee Members, Chief Officers and the Acting County Secretary in their new roles. I have no doubt that they will work closely and harmoniously with the County Assembly and its Committees in order to fulfil the Constitutional mandates and desires of the people of Nairobi. I thank you Hon Members.

Hon. Members, you may proceed.

*(Several Members entered the Chamber)*

#### COUNTY ASSEMBLY MACE

I have a further communication in regards to the County Assembly Mace.

Hon Members, allow me to bring to your attention that the County Assembly concluded the process of procuring a new Mace for the Assembly. Hon Members, may I officially introduce to you the said Mace, which is at its designated position for your appreciation. The new Mace is a state of the art and delicate instrument representing the authority of the County Assembly as it conducts its Sittings, thus, it is required of its custodians and handlers to manage it dutifully with care.

Hon Members, the conduct of Members around the Mace is guided by Standing Order No. 3 (1) – kindly underline this Standing Order – which requires that; the Mace be placed in its

position whenever the County Assembly is sitting and it shall be part of the procession whenever the Speaker in entering of leaving the Assembly. The Mace should also be kept in safe custody by the Sergeant-at- Arms whenever the Assembly is on session.

Hon Members, permit me to refresh your mind on the provisions of the Standing Order No. 3 (3) that provides that; it shall be grave misconduct for a Member to: -

- i) Dispossess or attempt to dispossess the Mace from the Sergeant-at-Arms during Speaker's Procession or at any other time; and
- ii) Remove or attempt to remove the Mace of the Assembly from its place in the Chamber

Hon Members, the consequences of violating the foregoing provisions are set out by Standing Order No. 117 (2), which are not limited to ordering a Member who violates the same to withdraw from the Precincts of the Assembly for specified number of days and or referral of such a Member to the Select Committee on Powers and Privileges. May I therefore ask Members to conduct themselves with decorum as I will not be hesitant to apply the foregoing provisions should any violations arise.

#### MOTOR VEHICLE REIMBURSEMENT TAX REFUND

Hon Members, you may recall that in my Communication dated 4<sup>th</sup> June 2024, I informed the Assembly about the agreement the Assembly Service Board had reached with the Kenya Revenue Authority. In this arrangement, the Assembly was allowed to refund all Members tax that was levied on motor vehicle reimbursement benefit. In the said Communication, it was required of all Members to submit copies of log books in their names, valuation reports from recognized valuation firms and sale agreements for them to access the refund. Consequently, it was resolved that the refund be deducted from the 'Pay As You Earn' (PAYE) and be paid on a first come first come basis.

Hon Members, I am glad to report that as at this sitting, 111 Members who fully complied with the foregoing requirements have already been refunded the said money. However, 10 Members are yet to comply and 3 Members have since complied and the process of payment is underway. May I urge the 10 Members who are yet to submit the requisite document to do so as soon as possible to enable the processing of your refund.

#### SURRENDER OF PENDING IMPRESTS

Hon Members, Regulation 95 (5) of Public Finance Management Act, 2012 Regulations (2015) require that a holder of a temporary imprest to account for or surrender the imprest within 7 working days after returning to duty station. Should the imprest holder fail to surrender imprest within the specified timeline, the accounting officer is required by Section 6 of the Regulations recover in full amount from the holder's salary.

Hon Members, my office is in receipt of a report that has analyzed in detail, the pending imprests for Members and staff alike. I have perused the said report and I have established that a

great number of Members are yet to surrender imprests advanced to you as facilitation to attend Committee workshops, international travel and other official activities.

Hon Members, take note that surrender of imprest is an individual responsibility, and as such, I call upon all Members to make individual effort to surrender all your pending imprests. In this regard, the Clerk is hereby directed to communicate to each Member on their pending imprests with a timeline within which all Members shall be required to comply.

Hon Members, going into the future and in order to avert audit queries related to delayed surrender of imprests, the Clerk shall not process any new request for advancement of imprest to any Member who shall not have surrendered any previous imprests advanced to him/her. Further, Honorable Members, kindly note that the Ethics and Anti-Corruption Commission (EACC) has written to my office on their scheduled visit to the Assembly to conduct an audit on our systems including compliance with statutory requirements as the case of timely surrender of imprests. To avoid embarrassment to Hon. Members that may arise out of the EACC process, you are requested to urgently comply with the provisions of the Regulations on surrender of imprests. I thank you Honorable Members.

Hon. Moses Ogeto, the Majority Whip, I take this opportunity to welcome you back after a long period of your absence. You are all aware of what happened to the Majority Whip, and he is here to confirm that he is back on his feet and running. Kindly in under five minutes, address the Assembly on the same. Thank you.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. First, I want to thank you most sincerely for giving me this opportunity and for welcoming me back to the Assembly. Hon. Speaker, we are not allowed to read a speech in Parliament, but through your indulgence as a pioneer Member of this House, I request you to allow me to read my short speech.

**Hon. Speaker:** By the leave of the Chair, you may proceed.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. You know we are in a digital world, so I will read it from here.

I wish to extend my gratitude to everyone who stood by me during my period of recovery following the accident in Kisumu. It has been a challenging journey, and I am deeply thankful for the overwhelming support I have received from various quarters.

Hon. Speaker, first, I would like to express my sincere appreciation to the Right Hon. Raila Odinga and the entire ODM leadership for their steadfast support and encouragement. They believed in me and gave me strength during very difficult time of my life.

I also want to specially thank you, Hon. Speaker, my friend, Chair of Budget, the Leader of Majority, and most Members who overwhelmingly came to the hospital in Kisumu, from Hon. Isalambo, Hon. Lily Kidenda, and others, including Obong'lobong'lo who had travelled all the way from Nyando to Kisii to bring me a goat to make soup. Not forgetting my counterparts from the UDA side led by Hon. Chege Mwaura who had to travel all the way from Nyeri to come to Kisii to bring for me a goat; about 400 km from the city of Nairobi.

Hon. Speaker, I cannot forget my family whose patience, love and care helped me through the toughest days of my recovery. Their presence gave me the motivation to keep on going, and I am very thankful for their dedication.

A special mention goes to my Surgeon Dr. Surya and his entire team at the Agha Khan Kisumu. Your professionalism and care were extra ordinary and you gave me a second chance of life. I also extend my gratitude to the team of the Agha Khan Hospital Kisii for their continued care and support during my recovery period.

I also wish to acknowledge men of God, my friend Hon. Odalo sent Pope of Fort Jesus who came all the way to Kisii to pray for me. Mr. Speaker, you know I am not a Legion but the Pope came all the way from Busia to pray from me.

Hon. Speaker, your prayers gave me peace and encouragement to face each day. I am pleased to announce that I have officially resumed my duties. Today I have attended the Assembly proceedings physically as I continue with my journey to recovery. I am thankful for the journey we have gone through together and for standing with me. I appreciate all Members. I remember the Minority Whip used to ask me how I was fairing on. I cannot forget Hon. Cecilia who sent me some fruits and told me that they will help me in my recovery.

I cannot forget H.E the Governor of Nairobi Arthur Johnson Sakaja and the Kisumu Governor Prof. Anyang Nyong'o, who during my stay in Kisumu ensured that everything went well. I cannot also forget the office of the Clerk led by the Clerk of this Assembly, he personally ensured that my bill was cleared in due time.

Hon. Speaker, with those few remarks, I am back with a lot of strength to continue with my work. Today I was speaking to Hon. Kaende, and I was telling him that we have joined a broad-based government. Let him join the other side so that he can feel how one feels when you are not part of the government. With those few remarks, I thank you and God bless you.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Whip and feel welcomed back.

## MESSAGE

### MEMORANDUM ON NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024

**Hon. Speaker:** Under Order No.3 on Messages, Hon. Members, I have a message from H.E the Governor of Nairobi on the Nairobi City County Early Childhood Development and Education Bill, 2024.

Hon. Members, under Standing Order No. 45 (1) relating to the Messages from the Governor, provides that: -

*“The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly”*



Hon. Members, in this regard, I wish to report that my office is in receipt of the Message from the Governor of the Nairobi City County, H.E Arthur Johnson Sakaja, EGH. The message regards the memorandum on Nairobi City County Early Childhood Development and Education Bill, 2024 which this Assembly passed on 6<sup>th</sup> August 2024.

Hon. Members, Standing Order No. 150 (1) provides that: -

*“Whenever the Governor refers a Bill back to the County Assembly under Section 24(3) of the County Governments Act, 2012 and Standing Order 149(3), the Speaker shall convey to the Assembly a Message on the Memorandum pursuant to Standing Order 45 on ‘Messages from the Governor’ and where applicable, give any special guidelines”*

Hon. Members, in the Message, H.E the Governor acknowledges that the County Assembly passed the said Bill in accordance with Article 185 of the Constitution of Kenya, 2010 and subsequently the same presented to this office for assent. Further, the Governor averred that he sought the advice of the County Attorney and received concerns from the user department regarding the provisions of the Bill

Hon. Members, on the account of the foregoing advice and the concerns in the exercise of powers bestowed onto him by Section 24 2 (b) of the County Government Act, 2024, H.E the Governor declined to assent to the said Bill and referred it back to this Assembly for reconsideration in accordance with the accompanying memorandum.

Hon. Members, Standing Order No. 150 (2) (a) provides that; -

*‘The Message together with the memorandum shall stand committed to the relevant assembly committee for consideration and the Clerk shall circulate copies of the said memorandum to the committee and all Members’*

Accordingly, Hon. Members, I hereby refer the foregoing Message, together with the accompanying memorandum, to the Sectoral Committee on Children, Early Childhood Education and Vocational Training for consideration, processing and reporting in accordance with the Standing Order. Similarly, the Clerk is hereby directed to make the memorandum available to all Members at the next available opportunity.

Hon. Members, for your information, Standing Order No. 150 (2) (c) provides that: -

*“A Member who wishes to move an amendment on the reservations raised by the Governor on a Bill shall within 24 hours before the day the memorandum is to be considered in committee of the whole, hand to the Speaker a written notification of the proposed amendment, but the Speaker shall refuse to allow such request unless satisfied that the amendment is not frivolous”*

Hon. Members, you are so guided. Thank you.

## PAPERS

**Hon. Speaker:** Hon. Majority Leader, the Leader of the Government Business in the House!

**Hon. Peter Imwatok:** Hon. Speaker, protect me from the ‘newest’ Member of the House, Hon. Moses Nyangaresi. He is calling me ‘the Tabler of the Government Business.’ Let Hon Ogeto give me some respect as the Leader of the Government Business.

#### COUNTY GOVERNMENT BUDGET IMPLEMENTATION REVIEW

Pursuant to Article 22 of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 10<sup>th</sup> September 2024:

The report of the Office of the Controller of Budget on County Government Budget Implementation Review for the first nine months of the financial year 2023-2024

*(The Paper was laid on the Table)*

#### NAIROBI CITY COUNTY ADP FOR FY 2025-2026

On the same, Hon. Speaker, allow me to lay the following Paper, pursuant to Section 126 (3) of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 10<sup>th</sup> September 2024:

The Nairobi City County Annual Development Plan for the financial year 2025-2026.

Hon. Speaker, yesterday the Chair of Budget shared this for all elected Members. Kindly be keen when such documents are Tabled before the Budget Committee. This is because it informs the next budget for any project that you would want to be implemented between the years 2025/2026. Hon. Speaker, I beg to lay.

*(The Paper was laid on the Table)*

**Hon. Speaker:** Thank you, Hon. Majority Leader.

#### NOTICE OF MOTION

##### RENOVATION OF THE BUS STATION TERMINUS

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. Allow me to give notice of Motion on the subject; renovation of the bus station terminus

THAT, aware that public transportation is a critical component of the country’s economy and by extension the country’s micro and macroeconomics since it facilitates movement of people, goods and services;

NOTING THAT the Fourth Schedule of the Constitution of Kenya, 2010 apportions public transport, parking and traffic management to the county government;

APPRECIATING THAT in order to endeavor to bring order in public transport, parking and traffic management, the Assembly passed the Nairobi City County Transport Act, 2017 which is a progressive and transformative piece of legislation if implemented;

FURTHER APPRECIATING THAT in the said Act, the County Government is required to designate termini for use by public transport vehicles operating within the County and long

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distance vehicles. In the gazette notice No. 4479 dated 4<sup>th</sup> May 2017 by the County Government, bus station terminus was designated as a public transport facility terminus to be used by public service vehicles as specified within the County;

REGRETTING THAT over time bus station terminus has been in a state of neglect and the facility has illegally been occupied by traders who have contributed to the deterioration of its condition by erecting illegal and invasive structures;

ACKNOWLEDGING THAT together with other transport facilities, bus station termini can immensely contribute to reduction of public transport disorder in the County if rehabilitated and properly ordered, and that the County can benefit through optimized revenue collection that can be deployed to priority development areas;

DISTURBED THAT the County leaves the bus station in the current state of disrepair without remedy, it will lose its significance of facilitating ease of movement of the people, goods and services within the County;

NOW THEREFORE, this Assembly resolves that: -

1. The County Executive closes down the bus station terminus for purposes of carrying out comprehensive renovations and thereafter implement measures for orderly operations of public transportation;
2. The County Executive to issue an adequate public notice notifying the planned closure for renovations and put in place temporary picking and dropping points or measures for public transport vehicles that are currently using the facility; and
3. Upon the completion of the rehabilitation exercise, the County Executive to ban all trading activities within the station so that it is exclusively for activities related to public transportation.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Minority Whip. Clerk!

## STATEMENTS

**Hon. Speaker:** Hon. Members, before I allow Members to rise under Order No 7, I take the pleasure to notify Members of the presence in the midst of us in the Speaker's Gallery, the Hon. Member for the Council, Hon. Christopher Kanja, who represents a ward in Rotterdam, Netherlands.

*(Applause)*

Councilor Kanja, feel at most welcome. *Karibu nyumbani*. Thank you very much.  
Under Statements, we have Hon. Oscar Lore.

## *Point of Order*

Hon. Majority Leader, do you have an issue?

**Hon. Peter Imwatok:** Hon. Speaker, it is important to observe traditions, that this is a unique day in the Assembly. It is important that we salute authority. Hon. Speaker, for those who know history, we started with a jembe in 2013 at Charter Hall and graduated to a wooden Mace. This afternoon, Hon. Speaker, you touched 11kg golden mace to symbolize the authority of this House. It is important to note that so that it is on HANSARD that this House received this particular important symbol of authority with a lot of acknowledgement. On behalf of the House, allow me to acknowledge that today is a rebirth of our Assembly with its substantive symbol of authority. If it cannot translate into the Mayor's chain, where Hon. Kados knows very well it went where during their time. It is important to note that the Mace is under security and custody...

*(Hon. Paul Kados raised a Point of Order)*

**Hon. Speaker:** The Member is on a Statement and he should therefore be heard in silence

**Hon. Peter Imwatok:** Hon. Speaker, I was trying to say that the councilors then ran away with the Mayor's chain that was about 1.5kgs. This is 11kgs Mace; Serjeant-at-Arms, make sure the councilors do not go near the mace because we want it for posterity and for it to be noted that our Speaker, Hon. Ken Ng'ondi received it this day. It is not only a symbol of authority but also a symbol of a panga and anyone who will not subject themselves to the authority of the House will be subjected to its sharpness. This is a call to all and especially those employed by the County as this symbol of authority may change into a big sword for you. Hon. Speaker, I will wait for your guidance so that we correct what is not right and applaud what is right. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Majority Leader for that.

#### *Point of Order*

**Hon. Speaker:** Yes, former Mayor

**Hon. Geophrey Majiwa:** Hon. Speaker, it is unfortunate that the Majority Leader is saying that we should not go near the Mace. Does it mean that they should not come to the Assembly, and you are thanking him for that?

**Hon. Speaker:** Hon. Majiwa, in the House we only have 125 Members of the County Assembly, there is no councilor, except the visiting dignitary from Netherlands.

**Hon. Geophrey Majiwa:** But why would he refer to them when they are not there or then what was he talking about?

**Hon. Speaker:** We have councilors out there who happened to have stolen the Mayor's chain.

**Hon. Geophrey Majiwa:** Hon. Speaker, the Mace is well guarded and does not leave the precincts of the Assembly, therefore he should stop those stories.

**Hon. Speaker:** Hon. Majiwa, are you a councilor?

**Hon. Geophrey Majiwa:** I am not, but it is not right.

*(Laughter)*

**Hon. Speaker:** Thank you. Hon. Oscar Lore, please proceed.

***Point of Order***

**Hon. Moses Ogeto:** Hon. Speaker, under Standing Order No. 98, can the former Mayor clarify if he was a councilor so that we can close this chapter.

**Hon. Speaker:** He has confirmed that he is not a councilor

**Hon. Moses Ogeto:** Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Oscar Lore.

REQUEST FOR STATEMENT REGARDING COMPLIANCE  
WITH LANDS AND URBAN PLANNING GUIDELINES

**Hon. Oscar Lore:** 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 Lands, Planning and Housing regarding compliance with lands and urban planning guidelines in the County.

Hon. Speaker, it is required upon a person or an entity who engages in subdivision of land to reserve 10% of the total land mass on development of common facilities such as school, health facility and road. In line with Section 7 (h) of the Third Schedule of the Physical and Land Use Planning Act, 2019 and Regulation 8 of the Physical and Land Use Planning (Development Control Enforcement) Regulations, 2021, Hon. Speaker, this requirement is largely complied on paper, however, in the actual conduct of subdivision, a majority of players violate this important requirement.

Hon. Speaker, in Ruai Ward, for instance, Embakasi Ranching Company, Mundu Farmers' Cooperative Society, Drumvale Farmers' Cooperative Society and part of Gathieko Farm Limited conducted subdivision on parcel of land in the ward, but their respective management allegedly did not fully comply with the procedure for conducting subdivision, including making requisition, reservation and declaration of the same to the County Government.

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

- i. Whether the Embakasi Ranching Company, Mundu Farmers' Cooperative Society, Drumvale Farmers' Cooperative Society and part of Gathieko Farm Limited obtained relevant approval for subdivision prior to the subdivision exercise;
- ii. Whether the said entity made the requisition reservation and surrender of 10% of their parcel of land for development of common public facility, and if so, list of the surrendered parcels and their respective lands registration numbers; and
- iii. Policy measures that the County Government has put in place to enforce planning guidelines.

**Hon. Speaker:** Thank you, Hon. Oscar. I request the Chair of Planning and Urban Development to give an undertaking within a period of time...

*(Hon. Samuel Kago spoke off the record)*

**Hon. Speaker:** I am on the floor, Hon. Member. Do you want to bring the Speaker to Order? Can the Chair of Planning Committee give an undertaking on what period of time he will need to respond to the concerns of the Member?

*(Hon. Samuel Kago spoke off the record)*

Hon. Alvin is on the floor, please.

**Hon. Member:** Mr. Speaker...

**Hon. Speaker:** A Member has just made a request for Statement, so, what could the Point of Order be?

**Hon. Samuel Kago:** Mr. Speaker, he has mentioned an area in my ward and raised a statement without my knowledge

**Hon. Speaker:** Order, Hon. Member! Please be seated. Be guided that 125 Members are Members of the County Assembly of Nairobi, and your ward is one amongst the 85 wards in Nairobi. Any Member has got all the rights and authority to question anything within Nairobi County Government. Chair, kindly proceed.

**Hon. Alvin Palapala:** Thank you, Hon. Speaker. Since land issues are very sensitive, I beg that the Hon. Member give the Committee three weeks.

**Hon. Speaker:** Three weeks, Hon. Oscar?

**Hon. Oscar Lore:** No objection, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Minority Whip?

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. I believe Hon. Kago from Mwiki was in order...

**Hon. Speaker:** Kindly make reference to the Standing Order you are on. Meanwhile, allow the Members to proceed as you peruse your standing orders

**Hon. Moses Ogeto:** Point of Order, Mr. Speaker

**Hon. Speaker:** Declined, Hon. Ogeto! Hon. Lore, proceed.

#### REQUEST FOR STATEMENT UTILIZATION OF EMERGENCY FUND BUDGET AND DISTRIBUTION OF SUPPLIES

**Hon. Oscar Lore:** 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 Culture and Community Services regarding the utilization of emergency fund budget and distribution of supplies in the County.

Hon. Speaker, Disaster Management Sector is mandated, amongst others, to put in place measures that enhance resilience against unpredictable, adverse current disasters response and

mitigation against their effects and organize for post disaster intervention in the County. In addition, the sector operates on the basis on disaster preparedness, which goes a long way in timely intervention in case of an occurrence.

In the recent past, a majority of the unpredictable situations occurred in the informal settlement, and they include floods and fires.

Hon. Speaker, whenever any of the foregoing disasters strikes, it is expected that the County will mobilize resources, equipment and staff in time to intervene. However, there are allegations that the County is slow in response to emergencies and disasters, and this leads to unnecessary loss of lives and property.

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

- i. Utilization of the emergency fund budget from July 2022 to date;
- ii. Whether the County Executive has developed guidelines for equitable distribution of disaster recovery aid to the effect person whenever disaster happens; and
- iii. Steps that the County Executive is taking to reduce response time to disaster and emergency going forward.

**Hon. Speaker:** Hon. Clarence Munga, please give an undertaking.

**Hon. Clarence Munga:** Two weeks from now.

**Hon. Speaker:** Hon. Oscar, are you in concurrence?

**Hon. Oscar Lore:** Yes, Mr. Speaker. I beg for your direction on a Statement that I requested five months ago directed to the Committee

**Hon. Speaker:** Follow up with the Chair of Implementation Committee. Thank you. Clerk, proceed.

### *Point of Order*

**Hon. Speaker:** Hon. Perpetua?

**Hon. Moses Ogeto:** Point of Order under Standing Order No. 98, Mr. Speaker.

**Hon. Speaker:** What about the Order No. 98? Can you read it out?

**Hon. Moses Ogeto:** Hon. Speaker, it is on declaration of interest. I want to declare interest on the subject matter that has been brought to this House by Hon. Oscar Lore. I represent the people of Kilimani. Precedence has been set in this House when Hon. Waithera Chege requested for a Statement on behalf of another Member of a ward which was not within her jurisdiction.

Hon. Speaker, I also would like to refer to a case of a former Member of this Assembly, Hon. Njihia, who stood before the House requesting for a Statement on behalf of the people of Kilimani without consultation.

The Speaker then made a ruling, and I wish that the Office of the Clerk shares the ruling with you. We are here to represent the various wards where we come from, except for the Special-Elect who represent the party interests in the House.

Hon. Speaker, if it could be taken away from Hon. Kago, then it can be taken from me. It is therefore in order for the Members of Mwiki and Ruai wards to be consulted on the Statements that come before the floor of the House. If that is not attended to, then one time someone will

claim your position as Speaker. How would you feel? You are there to protect the interests of the people who we represent.

I wish that under the declaration of personal interest, it be declared by the Member who has requested for the Statement, and the Member representing the ward should be in a position to say if the Statement is affecting his or her people. Hon. Speaker, those are my submissions.

**Hon. Speaker:** You may proceed, Hon. Matara

**Hon. Silas Matara:** Thank you, Hon. Speaker for this opportunity. I would like to welcome back Members to this session and thank the Almighty God for the opportunity.

First, Hon. Speaker, I am deeply concerned by the sentiments by our able Majority Whip, and also the concerns raised by our Minority Whip concerning the subject matter. I depart from that line of thought for this reason; the import of a Statement that comes to this House becomes the property of this House. It is in line because if we are to go that direction, then it affects all other Statements and it will be wrong as a House. The power bestowed to me as a Member of this House is for the whole Nairobi. So, it is important that Members understand that when any Member comes with a Statement to the House, it should not be specific to a particular Member. It is wrong for an Assembly to pass a resolution that I must consult the respective Member of that ward. The Statement will land before a particular committee, and if the Member affected for that specific ward, has a right to go to that committee, give his view in the presence of the Executive and relevant stakeholders, and a report will be done and tabled before this House. Therefore, it is important as a House that we do not go that direction that a MCA of a particular ward should be consulted when it comes to Statements

Secondly, Hon. Speaker, because it affects the whole House...

*(Hon. Mark Mugambi raised a Point of Order)*

**Hon. Speaker:** He is still on the floor; I will give you time.

**Hon. Silas Matara:** Hon. Speaker, when we started this session, you directed that the respective chairs dispense with the remaining businesses before their committees. I have seen that we have bought a Mace, which is a good thing, a progressive engagement. But there is a problem, and this affects the Board. We as respective Chairs are unable to dispense with the business before the committee for reasons such as getting vehicles to ferry members to conduct site visits, not having photocopying papers and lack of Wi-Fi. Enabling committees to work will go a long way in making us productive. It is important that the Board ensures that committees are able to work effectively.

Also, we have made proposals for Bills here, Hon. Speaker, but it is now almost two years yet the Bills have not landed into this House. It will be good that at the end of this term, there is something good to write about this Assembly and that will be measured by the businesses we will pass here. So, prioritize matters of the Board in terms of what you spend your monies on. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you.



*Point of Order*

**Hon. Mark Mugambi:** Thank you, Hon. Speaker. I beg to concur with my counterpart and disagree with Hon. Matara on Standing Order No 98 on declaration of interest. Hon. Speaker, there is a reason we have boundaries and we are all elected individually across the wards. That is why the people of Mwiki elected Hon. Kago to represent them and I am certain that he has not been unable to deliver on that. Therefore, what Hon. Oscar Lore would have done is declared interest on the said parcel of land.

The Standing Order No 98, I read to Hon. Matara and Hon. Lore, states: -

*98. (1) A Member who wishes to speak on any matter in which the Member has a personal interest shall first declare that interest.*

*(2) Personal interests include pecuniary interest, proprietary interest, personal relationships and business relationships.*

Hon. Speaker, I believe before you commit the said Statement to the Committee on Planning, it will be just and fair if the Members of these wards could be furnished with the story behind the statements, if indeed it is in good faith rather than us sitting here and usurping the powers bestowed to them by their constituents. It will be in bad taste, and especially these are new Members who are barely two years in this House. We should be the ones giving them proper directions. Hon. Speaker, thank you.

**Hon. Speaker:** The last one, Hon. Nicholas Juma. On the same issue?

**Hon. Nicholas Okwacho:** Thank you, Hon. Speaker. I want to add on what Members have said concerning the Statement of Hon. Oscar. I do not have interest, but I was there when Hon. Oscar was discussing the issue with the Member for Ruai Ward, Hon. Karis. I think Ruai and Mwiki wards are neighbours and there are boundaries. The issue at hand is about Gathiako farmers who have encroached up to Ruai. Hon. Oscar is not speaking about the Hon. Member's ward, maybe he has interest about Gathiako farmers. So, the Member should be comfortable.

Hon. Speaker, you should make a ruling because Hon. Odalo brought a Statement on a land in my ward without consulting me, but I did not complain because I knew that it is his right to oversight. I don't think Members can be gagged from speaking about other wards. Even Hon. Oscar spoke about disaster which can happen anywhere in Nairobi. Was he supposed to go to every Member and ask about disaster so that he can read the Statement? Therefore, I do not agree with the Majority and Minority Whip that we should consult Hon. Members when making statements because some of the statements concern the whole of Nairobi. You should make a ruling, Hon. Speaker, concerning the same because we were elected to represent not only our wards but also the whole of Nairobi. Thank you, Hon. Speaker.

*(Hon. Wilfred Odalo spoke off the record)*

**Hon. Speaker:** Order, Hon. Member! Please be seated, the Member is on the floor.

**Hon. Wilfred Odalo:** He has finished and I...

**Hon. Speaker:** Please be seated first. Don't engage the Member

### *Point of Order*

Point of Order under which Standing Order, Hon. Chair?

**Hon. Wilfred Odalo:** Under Standing Order 32. Thank you, Hon. Speaker. At times we prolong things which do not need a debate. As Members of the Nairobi City County Assembly, we can debate, oversight and legislate in any part of Nairobi. In my area, Mathare, it is mostly slums, and Hon. Thiga can confirm. This does not stop me from overlooking where my friend, Hon. Ogeto comes from. We are the representatives of Nairobi County. The issue of boundaries will make other people to be small gods. Hon. Speaker, I beg the we should not prolong this debate.

*(Hon. Moses Ogeto spoke off the record)*

**Hon. Speaker:** No, declined! We have come to the close of that debate. I will not allow you to mislead the House further.

Hon. Members, we have committees running this Assembly. Just a brief overview of our Standing Order No 47 (2) (c):

*“A Member may request for a Statement from the Committee Chairperson relating to matters under the mandate of the Committee.”*

The said Member posted a request under Statements, and if you were keen, he mentioned a public utility for a public use. Public utility is not limited to specific confines of a ward or boundaries, our schools accommodate children from diverse areas in Nairobi and even far from Nairobi.


Hon. Members, we will be in a way shortsighted to own and have an entitlement to a specific area of jurisdiction. You were sworn in here as a Member of the County Assembly of Nairobi, not a ward. You cannot limit the Members of the County Assembly of Nairobi, not even the National Parliament. They have all the reasons to question activities happening in our wards. The Senate has all the reasons to question activities in our wards and constituencies. Therefore, Hon. Members, it is only unfair for a Member to crisscross into another Member's ward for personal interest. What do we normally call them? *Kipindi*. Hon. Ogeto, you have said it. I know what is eating you, because of one Member from Eastleigh having an interest in Kilimani. But now, when Hon. Oscar raises a concern about a public utility for a public use and the question is also directed to an entity, which is an organization performing duties on behalf of the public – Embakasi ranching is a registered establishment under the Companies Act. You cannot limit Embakasi Ranching to a specific ward; it cuts across almost five wards. So, Hon. Oscar has asked about the public surrender for public use.

Therefore, let us bring closure to that debate, Hon Members, and do not, at any given time, have a notion that you have a right to restrict other Members from asking questions. Thank you, and we may proceed.

### **MOTION**

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## REGULATION OF AIRBNB SERVICES WITHIN THE COUNTY

**Hon. Perpetua Mponjiwa:** Thank you, Hon Speaker. I beg to move the following Motion:

THAT, aware that Paragraph 8 of Part II of the Fourth Schedule to the Constitution of Kenya 2010 provides for county planning and development including housing as a function of the county government;

FURTHER AWARE THAT Paragraph 7 of Part II of the Fourth Schedule to the Constitution of Kenya 2010 provides for trade development and regulation including local tourism as a function of the county government;

ACKNOWLEDGING THAT recent years have witnessed increase of housing services as Airbnb which hosts rent on a short term basis to travelers such as tourists within the County;

CONCERNED THAT recent months have witnessed cases of surging femicide in Airbnbs across the Country especially in Nairobi City County, with scanty information on the perpetrators made available to the relevant authorities;

FURTHER CONCERNED THAT Airbnb properties, which were originally designed for family vacations and accommodations similar to hotels, are being exploited for criminal activities and parties amongst other vices, this has put the lives of young women especially college and university students at risk;

NOTING THAT the increasing cases of femicide in Airbnbs has vast negative impacts in the society and hinders promotion of local tourism within the County;

FURTHER NOTING THAT the National Government through the Ministry of Tourism is in the process of regulating the operations of Airbnbs across the Country;

THIS ASSEMBLY URGES the County Executive in liaison with the Ministry of Tourism to develop rules and guidelines on establishment, licensing, operations and management of Airbnb properties within the County.

Hon. Speaker, since its inception in 2008, Airbnb has taken the global market by storm. In 2018, a report by the Airbnb platform ranked Nairobi third among the top cities in Africa with the highest number of listed Airbnb facilities. Currently, Kenya ranks in the top 10 most visited and trending tourism destinations in Africa despite the COVID-19 pandemic that disrupted many businesses in the country.

Hon. Speaker, with the increasing number of Airbnb in the County has witnessed increased cases of femicide in these short stays, which has a vast negative impact on society and hinders promotion of local tourism within the County.

Hon. Speaker, it is for this reason that I came up this Motion for the County Government, in liaison with the Ministry of Tourism, to develop rules and guidelines on establishment, licensing operations, and management of Airbnb properties within the County. The implementation of the rules and regulations will go a long way in curbing the criminal activities in the Airbnb across the County.

Hon. Speaker, I therefore call upon Hon. Lily Kidenda to second this Motion. Thank you.

**Hon. Lily Kidenda:** I rise to second this Motion, and as I do so, I would like to highlight a few critical things that need to be kept in mind even as we look at this Motion.

One, the issue of femicide in this nation in the last year or so, it has almost come to a place that we as women wanted to call a state of emergency. It has been put out there in the public domain that our young women, not only those at the university and the colleges but even those who are in employment, have been found to be cheap and easy prey for criminals using the Airbnb accommodations.

The accommodations were a blessing for this nation to supplement the hotel space and to provide places where tourists, both local and international, could come as families and find comfortable places to stay. However, in the recent past, unless regulations are put in place, Airbnb are going to be affected. But not only that, even the tourism industry is going to be affected. Kenya has been a popular destination for tourists in over so many years, and unless this is acted upon with urgency, we are going to be relegated to a very bad place. It is important for us to note that tourism earns a lot of foreign exchange for this nation, and it is for that reason, Hon. Speaker, that I second this Motion. I know that if done, it will bring amazing results even in our space.

The other problem is that some of these people who commit these crimes, the information even to arrest them has been so limited that a way has to be found to be able to have all Airbnb equipped with CCTVs and in ways that no one can be able to run away with a crime such as femicide. I beg to second. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Lily.

*(Question proposed)*

**Hon. Speaker:** Hon. Members, you may proceed and debate. Hon. Member, do not kill the debate and the Motion of a Member. Hon. Kaende, you can proceed and contribute to the Motion. Your microphone is on.

**Hon. John Musila:** Thank you, Hon. Speaker. I beg for support.

**Hon. Speaker:** Thank you. Hon. Ogeto.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. First, I congratulate Hon. Perpetua for bringing such a wonderful Motion. Remember, the hubs of Airbnb are Kilimani, Kileleshwa, and some parts of the city.

Hon. Speaker, less than a year ago, women were being butchered in various parts of this country. Kisumu County brought such a regulation that whoever wants to visit Kisumu City and book Airbnb, they be registered so that such incidences can be avoided.

Hon. Speaker, 13% of violence in the Republic of Kenya is on women; it is disheartening. If this House is going to adopt this Motion, we hope that the Executive will move with speed to ensure its implementation. Hon. Speaker, the challenge will be now...

*(Loud consultations)*

**Hon. Speaker:** Hon. Member, let me protect you from Members who are consulting loudly. Hon Majiwa, please! Now I see the reason why we were not supposed to allow this Statement. Kindly consult in low tones. Hon. Majority Whip, proceed.

**Hon. Moses Ogeto:** Thank you. Hon. Speaker, I don't know why Hon. Kago is moving, maybe he is not secure. You need to protect him under Article 74 and Article 177 of the Constitution. You can see the way he is uncomfortable.

Hon. Speaker, let me proceed to debate on the Motion. Because of technology, I don't know how it will be possible for this Motion to be implemented. For example, Booking.com is an international platform you can use to book these hotels. The Nairobi City County should take serious measures to regulate these booking sites.

Hon. Speaker, in my ward Kilimani, the upper floors of buildings are used as Airbnb while ground floors are for other businesses. So, I don't know how it will be implemented. I would wish the mover explains how the technology is challenged to ensure that the same can be implemented.

Hon. Speaker, for those few reasons, we cannot allow our young women and to be killed or exploited. I don't know our women fall prey of these people who come from West Africa; maybe it is because they have money. With those few remarks. Hon. Speaker, I beg to support this Motion.

**Hon. Speaker:** Thank you. I can see, Hon. Odalo, your light is on.

**Hon. Wilfred Odalo:** No, Sir.

**Hon. Speaker:** Hon. Wakili Diana,

**Hon. Diana Mwangangi:** Thank you, Hon. Speaker. First, let me start by congratulating the mover of this Motion, my good friend and my Chair of Education Committee, Hon. Perpetua. Indeed, this Motion is long overdue because the laxity by the authorities to come up with the necessary regulations has led to the conversion of what is meant to be safe accommodation sites to prospective criminal sites. The target of these criminals has just started with women, but very soon it will proceed to other categories of individuals, and we might not be able to control it if we do not regulate the same in good time.

In light of that, Mr. Speaker, and to avoid much repetition, I beg to support. Thank you.

**Hon. Speaker:** Hon. Alvin Olando Palapala.

**Hon. Alvin Palapala:** Before I support the Motion, I have a concern. I heard Mheshimiwa Kidenda say that they should put CCTVs everywhere in the Airbnb. So, my concern was putting the CCTVs up to the bedroom. Before I support the Motion, I would like to know the regulations that we are going to come up with so that CCTVs are not put until the bedroom.

*(Laughter)*

**Hon. Speaker:** Kindly proceed and support the Motion.

**Hon. Alvin Palapala:** If Mheshimiwa Lily Kidenda can answer me that, then I will support the Motion.

*(Laughter)*

**Hon. Speaker:** Hon. Lily Kidenda, kindly give the Member an assurance he is safe.

**Hon. Lily Kidenda:** Thank you, Hon. Speaker, and thank you, my Chair, Planning; I hear you. However, even the hotels in this country have regulations that afford serious protection to people who come into our hotels. However, let me say what was on my mind when I said that; if the CCTVs are put in the public areas so that when you enter a house you are captured specifically as having gone in and having left. It will help our law enforcement team to be able to know those who have gone inside and those who have come out. I am present to the fact that CCTV in bedrooms is a no-go. Thank you, Hon. Speaker.

**Hon. Speaker:** You have been assured that within the bedroom setup, it is indeed illegal. So, kindly proceed with your business.

*(Laughter)*

**Hon. Speaker:** The mover of the Motion to reply.

**Hon. Perpetua Mponjiwa:** Thank you, Hon. Speaker, and thank you, Hon. Members. I do not want to repeat myself on what has been said. What is there is clear, we are protecting the lives of our young girls and sisters. I, therefore, would only want to call upon the Select Committee on Implementation in conjunction with the relevant Sectoral Committee to pursue this good idea, and to ensure if this Motion passes, then it is implemented fully. Hon. Speaker, with those few remarks, I beg to reply. Thank you.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, I am receiving some communication from the Table in regards to the Papers laid. The report of the Sectoral Committee on Health Services on consideration of Nairobi City County Food Safety and Fortification Bill, 2023 was supposed to be transacted before the Assembly today but did not find a slot. For that reason, I direct the same to be transacted tomorrow at the plenary hours.

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, the Assembly stands adjourned to tomorrow, Wednesday 11<sup>th</sup> September 2024 at 2.30 p.m. I request the Assembly Business Committee to have a sitting tomorrow at 10.30 a.m. at the Speaker's Office. Thank you.

*The House rose at 4.53 p.m.*