



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 12th November 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. Clerk, proceed

COMMUNICATION FROM THE CHAIR

ACKNOWLEDGMENT OF MEMBERS OF JACARANDA BUNGE LA MWANANCHI

Hon. Speaker: Hon. Members, good afternoon once again. At the public gallery, you may notice there is a group of the great citizens of this Country. By way of extension and honour, we are blessed with attendance of members of the Jacaranda Bunge la Mwananchi, led by their speaker. You may rise on your feet and wave.

(The visitors stood in their places and waved)

(Applause)

Where is Omosh One Hour? They are already seated at public gallery. Serjeant-at-Arms, you did not forward the names. We have how many members? *Bwana spika* kindly wave. Who else do we have at the Gallery? The president, Bunge la Mwanachi, Jacaranda, feel utmost welcome. Kindly proceed, *Bwana spika*, and introduce them. Hon. Members, you may proceed and sit.

Where is Nuru Okanga? Okay Proceed.

(Bunge la Mwananchi members were introduced)

Hon. Speaker: Ahsanteni sana na karibuni.

(Loud consultations)

Order, Hon. Members! Kindly be orderly. I will donate one minute each for area representatives at a later time during the session.

PAPERS

Hon. Speaker: Hon. Majority Leader, the Report of Auditor General on County Government, County Assembly Volume 2 for financial year 2022/2023.

Hon. Peter Imwatok: Hon. Speaker, thank you for this afternoon. Unfortunately, my Papers are not arranged, unless I go one by one if you allow me, Hon. Speaker. They are three in number.

Hon. Speaker: Which do you have and ready to lay?

Hon Peter Imwatok: I have Report on Auditor General Volume 1,

Hon. Speaker: You can proceed.

REPORT OF AUDITOR GENERAL ON COUNTY GOVERNMENTS- COUNTY EXECUTIVES (VOLUME 1) FOR FY 2022/2023

Hon. Peter Imwatok: Bunge la Mwananchi, welcome to the County Assembly of Nairobi. We celebrate and appreciate your job in terms of putting government in check, and especially those days when I was the Chairman of *Maandamano* in Nairobi.

Pursuant to Article 229 (7) of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly today, Tuesday 12th November 2024:

The Report of Auditor General on County Governments-County Executives (Volume 1) for the financial year 2022/2023.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Majority Leader. The same is committed to the Public Accounts Committee for consideration. Kindly proceed.

REPORT OF AUDITOR GENERAL ON COUNTY GOVERNMENTS- COUNTY ASSEMBLIES (VOLUME 2) FOR FY 2022/2023

Hon. Peter Imwatok: Hon. Speaker, allow me to lay the following Papers in the House.

Pursuant to Article 227 of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 12th November 2024:

The Report of Auditor General on County Governments-County Assemblies (Volume 2) for the financial year 2022/2023.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. The Report of the Auditor General on County Governments-County Assemblies (Volume 2) for financial year 2022/2023 is now committed to the Public Accounts Committee for consideration.

REPORT OF AUDITOR GENERAL ON COUNTY
GOVERNMENTS REVENUE FUNDS FOR FY 2022/2023

Hon. Peter Imwatok: Lastly, Hon. Speaker, pursuant to Article 227 of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 12th November 2024:

The Report of Auditor General on County Governments Revenue Funds for the financial year 2022/2023.

Basically, Hon. Speaker, this is a report on revenue collection for Nairobi County.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon Majority Leader. The Report of the Auditor General on the County Governments Revenue Funds for the year 2022/2023 is committed to the Public Accounts Committee for consideration.

REQUEST FOR EXTENSION ON CONSIDERATION
OF THE NAIROBI CITY COUNTY CIVIC EDUCATION BILL, 2023
(ASSEMBLY BILL NO. 9 OF 2023)

Hon. Clarence Munga: Thank you, Mr. Speaker. On behalf of the Sectoral Committee on Culture and Social Services, I would like to request for extension on consideration of the Nairobi City County Civic Education Bill, 2023 (Assembly Bill No. 9 of 2023).

Mr. Speaker, the Nairobi City County Civic Education Bill, 2023 (Assembly Bill No. 9 of 2023), sponsored by Hon. Silas Matara, MCA, Member for Dandora Area II Ward, was read for the First Time on Tuesday 5th December 2023. Subsequently, the Bill was committed to the Sectoral Committee on Culture & Community Services for scrutiny, public participation, and reporting to the Assembly.

Mr. Speaker, upon committal, the Committee placed a notice in the local newspaper, particularly the Star Newspaper, on 16th February 2024, calling for a public participation forum, held on Tuesday 27th February 2024, to receive representations and proposals for amendments from the public as required by the Constitution and Nairobi City County Standing Orders.

Mr. Speaker, the Committee, during its day-to-day engagement with its key stakeholders, discovered significant emerging issues that needed to be factored in the report of the said Bill. Moreover, the Committee noted that there was a need to align the existing Nairobi City County Public Participation Act, 2017 and the Nairobi City County Civic Education Bill, 2023.

Further, the Committee observed that such issues are so crucial that they are cornerstones in the implementation if the Bill would be enacted into a law.

Mr. Speaker, in this regard, the Committee seeks your indulgence in seeking for extension on Consideration of the Nairobi City County Civic Education Bill, 2023, which was read for the First Time on Tuesday 5th December 2023. This would provide an opportunity for the Committee to include key recommendations in the report that would enable smooth operationalization once the Bill is enacted into law.

Mr. Speaker, the Committee gives you assurance that the final report of the Sectoral Committee on Culture and Community Services on the consideration of the Nairobi City County Civic Education Bill, 2023 will be laid on the Table of the Assembly, first week after long recess, having captured in the said report all necessary recommendations for easier implementation.

In this regard, Mr. Speaker, on behalf of the Committee, I kindly request that you grant the extension on the consideration of the Nairobi City County Civic Education Bill, 2023. I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Chair. Hon Members, the request for the extension on the period on the Bill under consideration stand granted. But, Hon. Chair please get in touch with the owner of the Bill, Hon. Matara, for some concurrence.

Hon. Clarence Munga: Thank you, Mr. Chair, well guided.

NOTICE OF MOTION

STATUS OF COUNTY GOVERNMENT STAFF

ESTABLISHMENT WHO HAVE ATTAINED MANDATORY RETIREMENT AGE

Hon. Speaker: Hon. Majority Leader, please. Hon. Member, please be seated.

Hon. Peter Imwatok: Hon. Speaker, I was consulting with Hon Chair for Water Committee on a particular statement. I beg to give the notice of the following Motion, today, 12th November 2024.

THAT, aware that Article 176 of the Constitution of Kenya, 2010 establishes county governments comprising of the county assembly and the county executive;

FURTHER AWARE THAT, Article 235 of the Constitution of Kenya, 2010 provides for the county government to establish a County Public Service and appoint persons to serve in the said service;

APPRECIATING THAT the service referred to herein include the service within the County Executive, County Assembly and County Corporations established pursuant to the provisions of the Nairobi City County Corporations Act, 2019 and any other written law;

NOTING THAT, the Nairobi City County Government has been grappling with a huge wage bill occasioned by overstaffing in certain cadres within its staff establishment;

RECOGNISING THAT, the Controller of Budget, the Auditor General and this Assembly have on numerous occasions recommended for the reduction of the wage bill in order for the County Government and its entities to comply with the provisions of Section 15 (2) (a) of the Public Finance Management Act, 2012 and to be able to meet its development goals;

CONCERNED THAT, despite these recommendations, the County Government and its entities has continued to recruit and/or extend the term of service of officers in the service beyond the mandatory retirement age of 60 years contrary to the provisions of Section 80 (1) (a) and (b) of the Public Service Commission Act, 2012 and Circulars Ref. No. PSC/ADM/13 (7) dated 19th November 2020 by the Public Service Commission and Ref. No. MPSG& AA.1/5/1/1 dated 16th February 2023 by the Ministry of Public Service;

NOW THEREFORE, this Assembly resolves: -

- (i) That all staff in the County Executive, the County Assembly and the Nairobi City Water and Sewerage Company Service who have attained the mandatory retirement age proceed to retire with immediate effect;
- (ii) That all staff who are due for mandatory retirement within the County Executive, the County Assembly and the Nairobi City Water and Sewerage Company Service proceed for terminal leave, as prescribed under the Public Service Commission Human Resource Manual and applicable legislations with immediate effect; and
- (iii) That the County Secretary and the Nairobi City Water and Sewerage Company Service Board provide a written response to the County Assembly within seven days of adoption of this Motion on the implementation of the resolutions herein.

STATEMENTS

REQUEST FOR STATEMENT ON STATUS OF STAFF ESTABLISHMENT FOR NAIROBI CITY WATER AND SEWERAGE COMPANY

Hon Speaker: Hon. Peter Imwatak.

Hon. Peter Imwatak: Sorry for standing numerous times, but it is a call to duty.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the status of the staff establishment for Nairobi City Water and Sewerage Company.

Hon. Speaker, Nairobi City Water and Sewerage Company is a wholly-owned subsidiary of Nairobi City County Government with the main responsibility of providing and managing water and sewerage services in Nairobi.

The said company falls under the category of County Corporations within the meaning of Section 2 of the Nairobi City County Corporations Act, 2019, and it therefore ought to be managed within the tenets of the public service.

However, the company has not been operating optimally due to management challenges, some of which are related to mismanagement of the company's staff establishment.

Hon. Speaker, reports indicate that a recent audit on staff establishment commissioned by the Company's Board led to dismissal and/or suspension of a number of staff allegedly for having been employed using fake certificates.

Further, Hon. Speaker, it has been revealed that at its sitting of 6th November 2024, the Company's Board of Management resolved to extend the term of service of the current Company's Managing Director (MD) in an acting capacity beyond the officer's mandatory retirement age of 60 years contrary to the provisions of Section 80 (1) (a) and (b) of the Public Service Commission Act, 2012 and a circular Ref. No. PSC/ADM/13 (7) dated 19th November 2020 by the Public Service Commission and circular Ref. No. MPSG& AA.1/5/1/1 dated 16th February, 2023 by the Ministry of Public Service.

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

- i. When was the staff establishment audit for Nairobi City Water and Sewerage Company conducted and by which entity? Provide a certified copy of the said audit report;
- ii. Details of all staff dismissed and/or suspended based on the aforementioned audit report;
- iii. Minutes of 6th November 2024 of the Nairobi City Water and Sewerage Company Board of Management which resolved the extension of the term of service of the current MD. Provide attendance register of Board Members who attended the said meeting, both physically and virtually;
- iv. The advisory of the Company Secretary on the pending retirement of the current MD. Provide certified copies of both the current contract and that extending the term of service for the MD; and
- v. Details of both management and senior staff currently in service and how they have utilized their leave days in the current and previous financial years. Provide details of staff due for terminal leave.

Hon. Speaker: Chairperson for Water Committee kindly give an undertaking of what period of time you would want to respond to the request by the Honourable Member.

Hon. Kennedy Oyugi: I would have really loved the Leader to give us the two weeks that is normal to the Assembly however, due to the gravity of the matter I would request one week to be sufficient.

Hon. Speaker: One week?

Hon. Kennedy Oyugi: Yes, one week, that is one week working days.

(Members spoke off record)

Hon. Speaker: I understand what you say, so the same will fall within the period of 14 days, that is two weeks. I should not decide for the leader.

Hon. Peter Imwatok: Due to the gravity of this matter we are looking at a situation where by if we are not careful as an Assembly, Nairobi City Water and Sewerage Company with time will be a perpetual sessional organization which has no obedience to the law. What I am asking for are documents which are domiciled at the company secretary's office, I am also aware all the Board Members have just jetted in the country this afternoon from Singapore so they are available.

They have been out of the country for almost three weeks as they make these decisions. I think the Chair should be magnanimous enough with this Assembly even to bring this report by Thursday, but I agree with seven days.

REQUEST FOR STATEMENT
REGARDING THE STATUS OF THE COMPUTED
TOMOGRAPHY CT SCAN AT MAMA LUCY HOSPITAL

Hon. Joy Muthoni: Pursuant to standing Order 47(2) (7), I wish to request for a statement from the chairperson of the sectoral committee on Health Services regarding the status of the computed tomography CT scan at Mama Lucy Hospital.

Mama Lucy Kibaki hospital operates under the Nairobi City County health services and serves as key health care provider. It offers a wide range in inpatient and outpatient services including diagnostic services such as CT scan. It is alleged that uninsured patients face a cost of Ksh 8000 to Kshs 10500 which is too costly for most uninsured low income patients who are required to make payments before the service is offered even in emergency cases.

It is also alleged that a payment of Kshs10 million is paid monthly in order to service the loan that was taken for a purchase of a CT scan yet the machine was acquired through funding support. In the statement the Chairperson should enquire into and report on;

1. Whether the uninsured patients in critical condition pay beforehand a total amount of Ksh 8000 to Kshs 10500 for a CT Scan
2. Whether the payment of CT scan can be subsidized to accommodate low income patients.
3. Status of the repayment of the financial funding of the CT scan.
4. The status of CT Scan at Mama Lucy Kibaki Hospital

Hon. Speaker: Is the Chairperson of Health Committee at the Assembly? Order Honourable members, have some decorum for the fellow honourable Member.

Hon. Maurice Ochieng: Thank you Hon. Speaker, we are request for two weeks.

Hon. Speaker: Hon. Joyce is that okay with you?

Hon. Joy Muthoni: Yes

Hon Speaker: Hon. Joyce, you got further request or it is repeated?

(The Clerk consulted the Speaker)

Okay the clerk has confirmed it was a typical error. Hon. Robert Alai? Member for Kileleshwa? Yes Hon. Nick Juma?

Hon. Nick Juma: Mr. Speaker I request to read the statement on behalf of Hon. Robert Alai, the MCA for Kileleshwa Ward, he had requested with your permission.

Hon. Speaker: Honourable Member the Standing Order requires that you get written permission from...

Hon. Nick Juma: He has just informed me that he texted you just a few minutes ago.

(Laughter)

Hon. Speaker: Hon. Nick, we might set a very bad president if we allow this to proceed and with much respect, honourable Member, let's respect our statutes by not allowing this to happen. Kindly get a written note two hours before the proceedings then I will allow you to proceed. The request can be rescheduled to tomorrow same time same hour.

Hon. Anthony Kiragu: I think we are in 2024 and we need to embrace technology.

Hon. Speaker: You think or we are in 2024?

Hon. Anthony Kiragu: We are in 2024 and we need to embrace technology. An SMS is also a way of acknowledging receipt of money.

Hon. Speaker: Unfortunately, I have not received any notification on the same

Hon. Anthony Kiragu: He has said that you have a text message unless you confirm that you don't have; I believe it suffices.

Hon. Speaker: I have just confirmed and given direction. Minority Leader please?

Hon. Anthony Kiragu: But going forward we need to be using technology and text messages.

Hon. Speaker: It is okay as long as at least you notify the Speaker two hours before. It's okay.

Hon. Members please, the Chair of the Planning Committee is supposed to respond to the following statements: The statement requested by Hon. Sospeter Mumbi regarding encroachment of public land in Lumumba, Rosyambu Ward and statement requested by Hon Anthony Maragu regarding construction of Centre for Parliamentary Training and Studies at Karen ward. Kindly proceed.

RESPONSE TO STATEMENT
REGARDING CONSTRUCTION OF THE CENTER OF
PARLIAMENTARY STUDIES AND TRAINING IN KAREN WRD ON LR NO. 28172

Hon. Alvin Palapala: I have a response to a statement requested by Hon. Anthony Maragu MCA regarding the construction of the Centre of Parliamentary Studies and Training in Karen Ward on LR No. 28172.

The Committee on Lands Planning and Housing is established by the Standing Order 209 and it is mandated by the 3rd Schedule of the Standing Order to investigate, enquire into and report on all matters related to county planning and development including statistics, land surveys, mapping, boundaries, fencing, and house outdoor advertisement.

On 12th April 2023 the Member for Karen Ward Hon Anthony Maragu MCA requested for a statement from the Chairperson of the Sectoral Committee on Lands Planning and Housing regarding the construction of Centre of Parliamentary Studies on training in Karen Ward.

In the statement the member requested for a report on the following;

1. Whether the County Executive is the aware of the agreement of the proposed construction.

2. The approval of the construction of the 13/14 storey building for the Centre of Parliamentary Studies and Training
3. Who authorized the approval for the construction of the aforementioned building?
4. Whether County Executive is aware of the Court Order and its response to the same
5. Measures the County Executive is taking to protect residential areas from encroachment by the commercial development that are against the regulations of zoning within the County.

Pursuant to provision to Standing Order 42, 47(2) (d) the Committee invited the County Executive Committee member for Built Environment and Urban Planning to a meeting which was to be held on Wednesday 30th Oct 2024.

In addition, pursuant to Standing Order 47(2)(e), the Committee invited the Hon. Member to the said meeting. On the day of the said meeting the Committee received a response and a letter dated 11th Oct 2024 from the acting County Secretary with a response on issues raised by the Member.

On 30th Wednesday Oct 2024 the Committee held a meeting with the Chief Officer for Lands and Urban Planning who represented the CEC member for Built Environment and Urban Planning.

The meeting was attended by the Member who requested for the statement and other interested Members of the County Assembly.

In this regard, I wish to report to the Assembly as follows:

1. The Executive are aware of the agreement with the Karen and Lang'ata District Association and its content.
2. The approval developments comprise of up to seven floor and not 13/14 storey as stated.
3. In the Agreement the development was exempt because of the following reasons;

The parliamentary services Commission is a public entity and was obtaining approval for the development of the Centre for Parliamentary Studies and Training on the plot.

The facility will be used for training services to the staff. At the County Government it will train Members of County Assembly, Governors, Senators, Members of Parliament and staff of parliament on legislative matters.

The neighbourhood has existing colleges and universities e.g. Tangaza University, Catholic University of Eastern Africa etc.

There is a request letter from the Parliamentary Service Commission explaining the purpose of the development. It's on this basis that the project was considered for approval via plan number CPF 654; that the approval was granted on 3rd Feb 2023 by the defunct Nairobi Metropolitan Services (NMS).

The County Executive is aware with the court Order in respect to the Case number E027 /2022 suing on behalf of KLD/NCCG and others.

The Executive clarified that they have responded accordingly and that the County will fully enforce the Physical and Land Use Planning act 13 of 2019 that all proposed commercial developments within residential areas must be subjected to public participation in order to safeguard.

Hon Speaker I beg to lay this response. I think the Member is around and he can confirm

Hon. Speaker: Hon. Member Anthony Maragu, are you in the house? Hon. Member you may proceed.

Hon. Anthony Maragu: I want to thank the Chair for the sectoral committee on Planning together with his Members for acting in such a record time responding to the statement exactly 12 months. Thank you I am satisfied.

Hon. Speaker; Thank you, what is it, Hon FiuniFiu?

Hon. Kamau Fiunifiu: Mr. Speaker, allow me to ask a subsequent question concerning the same matter.

Hon. Speaker: No, that is a response so how do you ask a question?

Hon. Kamau Fiunifiu: Clarification from the Chair

Hon. Speaker: Actually the Member who had placed the request is satisfied.

Hon. Kamau Fiunifiu: But it's a business of the House.

Hon. Speaker: You can't give a rider over the same.

Hon. Kamau Fiunifiu: Hon Speaker...

Hon. Speaker: Order, you are out of order Hon. Member please be seated

(Laughter)

Hon. Alvin Palapala: Before I speak, as Member of Karen Ward has said my Committee has really tried and I am requesting him to withdraw his statement that after 12 months this is when we are giving back the report. We tried all we can kindly let him withdraw that statement. It is insulting in away.

Hon. Speaker: Hon. Maragu please member is raising a concern at your remarks

Hon. Anthony Maragu: I think I was very kind with my words and I thanked the Chair and his committee and I mean I just stated record of fact that indeed it has taken more than a year I don't think that is ...

(Applause)

Nonetheless, I thank the Chair and the Committee

Hon. Speaker: I think it is a bitter truth you will have to swallow. Thank you.

Hon. Alvin Palapala: I have just responded, even if it's a year...Response to a statement requested by a Member, Hon. Sospeter Mumbi MCA.

Hon. Speaker: The Hon. Member Sospeter? Kindly proceed.

RESPONSE TO STATEMENT REGARDING

ENCROACHMENT ON PUBLIC PIECE OF LAND IN LUMUMBA ROYSAMBU WARD

Hon. Alvin Palapala: On 12th Oct 2023 the Member for Raysambu ward Hon. Sospeter Mumbi, MCA, requested for statement from the Chairperson of the sectoral committee of Planning and Housing regarding encroachment on public piece of land in Lumumba, Roysambu Ward.

On the statement the Member requested for a report of the following aspects;

1. Whether the National Land Commission has authority to allocate land belonging to the County Government land;
2. Whether the National Land Commission sought the approval of the County Executive before permitting the organization to use the said piece of land;
3. Whether any public participation was conducted by the National Land Commission before granting the request to use the said piece of land;
4. Whether any public participation was conducted by the National Land Commission before granting the request to use the said piece of land;
5. Whether the annual rent and stand premium for the use of the said piece of land are paid to the County;
6. The long term implications of unconditional access of the said county land to the religious organizations and
7. Whether the county is taking any steps to enter agreement that states conditions on land use including length of occupation.

Hon. Speaker, pursuant to the provisions of Standing Order No. 47 (2) (d), the Committee invited the County Executive Committee Member for Environment and Urban Planning to a meeting which was to be held on Wednesday 30th October 2024.

In addition, and pursuant to the provision of Standing Order No. 47 (2) (e), the Committee invited the Hon. Member for the said meeting.

Hon. Speaker, on the day of the said meeting, the Committee received a response and letter dated 17th October 2024 from the acting County Secretary with a response on the issues raised by the Member.

Hon. Speaker, on Wednesday 30th October 2024, the Committee held a meeting with the Chief Officer for Lands and Urban Planning who represented the CEC Member for Built Environment and Urban Planning. The meeting was attended by the Member who requested for the Statement and other interested Members of the County Assembly.

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

That, land BLOCK 138/60 measuring 0.20 hectares was surrendered for development to a nursery school;

That, the County Government, vide a letter dated 1st March 2018, requested the National Lands Commission to issue an allotment letter to the County Government for the purpose of development of the said nursery school;

That, the County Government vide letter dated 7th September 2023, alleged allocation letter to the National Lands Commission for verification of its authenticity, and the response was yet to be received; and

That, the National Lands Commission cannot in its own decision allocate a surrendered land without reference on concurrence on the Nairobi County Government.

Hon. Speaker, the Sector, through the Chief Officer for Lands, clarified that the issue is being handled with urgency and by mid November 2024, the said piece of land will be fully reverted to the public for use.

Hon. Sospeter Mumbi, MCA, was satisfied with the response given by the Sector, and the Committee gave an undertaking to follow up on the issue to its finality. Hon. Speaker, I beg to lay the response.

Hon. Speaker: Hon. Sospeter, please.

[Hon. Speaker left the Chair]

[Hon. Deputy Speaker (Mr. Paul Kados) took the Chair]

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. May I begin by acknowledging the commendable work done by the Committee through the Chair. I also wish to note that it has been a record time of 12 months but as we say, better late than never. Chair, I still want to appreciate that you were able to record the undertaking that was given by the Chief Officer of her settling the matter by mid of this month. Today is the 12th and I believe that in three days from now, the matter will be handled, through the assistance of the Committee. Thank you very much, Hon. Speaker.

(Hon. Member spoke off the record)

Hon. Deputy Speaker: He has already agreed, so there is no point of you making a rider. Members, we have an upcoming Motion and I do not want us to raise the issue of quorum. Serjeant-at-Arms, please make sure that no Member steps out.

MOTION

RELOCATION OF TEMPORARY STREET BUSINESSES TO BACKSTREETS

Hon. Deputy Speaker: Hon. Mark Mugambi.

Hon. Mark Mugambi: Thank you, Hon. Speaker. Kindly protect me from Hon. Jera because he wants to attack me

Hon. Deputy Speaker: You are protected.

Hon. Mark Mugambi: Thank you, Hon. Speaker.

THAT, aware that Nairobi City County being the Capital City is the major entry point to the country and a major regional hub for business and tourism and that it presents the first image to guests visiting the country;

APPRECIATING THAT globally, conduct of business recognized avenue for improvement of quality of life and a major contributor to revenue governments so long as such business is compliant to the governing laws of the country and County;

ACKNOWLEDGING THAT Nairobi City County is a home to very industrious citizens a majority of who earn a living through provision of services and sale of goods to others and that in

doing so, the County benefits through collection of fees and levies that are used in provision of services and development in priority areas;

CONCERNED THAT the continued permission and licensing of business owners operating on temporary basis, such as shoeshines, confectionary, eggs and smoky vendors, to operate at unauthorized areas such as pavements, walk ways and roundabouts cause inconvenience to movement of pedestrians and encourages disorder in the Central Business District;

NOW THEREFORE, this Assembly resolves that the County Executive designates vending zones in the backstreets, pursuant to the Nairobi City County Pop up Markets and Street Vendors Act, 2021 for operation of the said temporary businesses and gives a vacation order requiring them to operate only in the designated spaces within the Central Business District.

Hon. Speaker, the Motion is self-explanatory. Most of us have seen how chaotic some streets are because of the disorganization caused by the vendors. Those of us who have been privileged to visit foreign cities, you find that they have organized modes of how vendors transact their businesses. We have backstreets that are not occupied but are full of street families and even some have been turned into garbage areas. Hence by allocating these backstreets, we will have organized the streets and ensured that they are clean and well managed.

Hon. Speaker, with those few remarks, let me allow my sister Hon. Dina Katile and a Member of the Speaker's panel, to second the Motion. Thank you.

Hon. Diana Mwangangi: Thank you, Mr. Speaker. Indeed, this is a straightforward Motion that aims to restore the dignity of Nairobi City. This is a win-win situation because pedestrians will be able to walk in peace without interrupting the temporary businesses. It will also be a win for the business people because they will have a designated area for operation such that their target market will know where to get them. I like the idea of specializing the street according to the specific business that is being conducted so that we have a street for selling shoes, vegetable and clothes and that will essentially mean that we have order in the city. It is a common occurrence when you walk in the streets, you witness an altercation between a pedestrian and a business owner because maybe you step on their items.

Therefore, Hon. Speaker, with those few remarks, I beg to second the Motion.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. Jera.

Hon. Samson Ooko: Hon. Speaker, I rise to support the Motion by Hon. Mark Mugambi regarding designating places for our vendors. It is true that our city is congested, that is why I agree that it would be proper if we have designated areas for business people to operate. I also know that the County is in need of funds, so, I urge the County to make sure that they collect monies from the designated points. Most of us travel a lot and we feel shameful on the state of our own country. We need to emulate that and I am sure that we will succeed. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Mark Thiga

Hon. Mark Thiga: Thank you, Mr. Speaker for giving me this chance to give my remarks on the Motion that has been brought by our Whip. This will do good to our city, and I fully support it for the following reasons: One, is for safety Recently, we witnessed a lorry ram into people selling goods by the roadside and they lost their lives.

Secondly, this will also go a long way to minimizing the conflicts that have existed between street vendors and the shop owners selling the same commodities. With that, I beg to support. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Emmy.

Hon. Emmy Isalambo: Thank you, Hon. Speaker, I stand in support of this Motion. Nairobi used to be called ‘the city in the sun’ because there were designated areas for different wares to be sold. For example, when I was schooling, if you wanted to buy a success card, you would know where to go and buy it. Nowadays you find that everything is being sold everywhere. If the streets are designated, it will make things easier for buyers. Hon. Speaker, this Motion is timely keeping in mind that we want to make our city clean and orderly. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. I rise to support this Motion. I have gotten an opportunity to visit various cities in the country, like Kisumu, Eldoret, Kakamega, Bungoma, but unfortunately, I am yet to get a foreign trip from the Assembly for me to have a picture of how other cities look like. When I see the Auditor General in the newspapers saying how MCAs have misused money, I think I am yet to be briefed on that.

I support this Motion because, first, I look at the body charged with the mandate of regulating these businesses is the County Government. Licensing is a mandate of the County Government and the approval of operating business comes from them. Enforcement of the business people operating in illegal areas is a failure by the County Government. For the city to be orderly and dignified, as highlighted in the speech of the Governor, there is need for the Executive to put its house in order.

When I look at the word regulation at the licensing level, they need first to look at the available space and then they can be able to establish how many businesses can fit in that space, taking into consideration the interests of other Nairobians. The County Government needs to take into consideration the foot paths, for example, when allocating these spaces. Secondly, the type of businesses that are being operated in that area. If it is a bus stop, you find a person at one end selling smokies, another person selling clothes and another person selling boiled maize on another end. This is a disorganized environment for business. Buses even are driven on the footpaths. There is need for coordination from the County Government.

Lastly, Hon. Speaker, there is the aspect of monitoring. After the issuance of these licenses, the County needs to monitor the operations within a particular area. This is very critical so that they can continue to filter those people who are operating businesses illegally, and more importantly, they continue monitoring whether the businesses meet the threshold as per the law. Hon. Speaker, with that much, I rise to support the Motion.

Hon. Deputy Speaker: Thank you. Hon. Hellen.

Hon. Hellen Okello: Asante sana, Bwana Spika kwa kunipa fursa hii ili niweze kuchangia Hoja hii. Naunga mkono kanuni za biashara ya muda mitaani. Nikiongea kama mwanakamati wa Kamati ya Afya, hivi majuzi tumemwona afisa wa mazingara akifichua maskani ambayo wanabiashara wanafanya biashara zao. Ni jambo la kuhusunisha sana kuwa watu wa Nairobi ambao walitupigia kura, maisha yao iko hatarini.

Ninaunga mkono Hoja hii ili tuweze kuweka maagizo ili wachuuzi wasiwe wanauza mahali popote ili tusingatie usalama wetu na wao pia. Tuanaelewa kuwa wanatafuta mapato lakini pia hawafai kuweka maisha yao hatarini. Inafaa tutafute njia au utaratibu ya kuwaongelesha ili wapate kuelewa. Kwa mfano, kuna soko iliyofunguliwa hapa juu na nadhani hawakuongelehwa na kuelezwa uzuri wa soko hilo, ndio maana walikataa kuenda. Sasa hivi tunapongea tuko na soko la Kangundo Road na ingine iko karibu na Railways Golf Club. Pesa nyingi ilitumika kuyajenga masoko haya lakini wachuuzi wamekataa kwenda huko kwa sababu wanafikiria wakienda pale wanunuzi hawatafika kuwanunulia.

Bwana Spika, tumeona kwa vyombo vya habari kuwa watu wanauza sambusa ya nyama ambayo haijulikani mahali imetoka. Unaweza pata kuwa nyama ya mbwa ama ya ngamia imetumika kwa kutengeneza hizo sambusa na watu wananunua bila kujua imetoka wapi. Hii inatia maisha ya watu wetu wa Nairobi waliotupigia kura hatarini na wanaweza pata magonjwa ambayo tunaweza zuia. Bwana Spika, kwa hayo machache, naomba kuunga mkono.

Hon. Deputy Speaker: Asante sana. Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Hon. Speaker, I stand to support this Motion. Thank you, Hon. Whip for this very important Motion. First, I think we are living in a time bomb in Nairobi. You walk in the streets and find that there is a garage and someone is selling smokies, another roasting maize and we eat those foods. You can imagine all the fumes getting into that food and finally end up in our stomachs.

Mr. Speaker, I think it is a high time that our County Executive gets a wakeup call because I don't think this is a difficult thing for them to implement. But to them, it is a source of income because they wait till evening to go and collect money from these people yet they are putting the lives of Nairobians in danger.

Secondly, Mr. Speaker, I heard Hon. Jera say that if you go to other countries you will feel ashamed. I feel ashamed when I come from Kisumu and land in Nairobi. There are hawkers in Kisumu but it is so organized that when you come to Nairobi, you cannot differentiate between the capital city and the third city, Kisumu. It is a matter of implementation; why can't our Executive go for benchmarking in Kisumu and find out how they have been able to control hawkers and selling food in the streets. Kisumu also make income but their Governor has made it in such a way that is so easy to make it clean, and there are no people selling their wares on the pavements. By the end of the day, these people sweep where they were hawking and you will not find even maize cobs there. Hawkers are there making a living but also keeping the city clean.

I think this starts with our Governor and the Executive, let them go for a benchmarking in Kisumu and come back and organize Nairobi. We are paying so much in terms of taxes but at the

end of it we are not getting services because Nairobi is dirty, everyone is selling, spiting and all sorts of things. With those few remarks, Hon. Speaker, I support. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Eutyclus.

Hon. Eutyclus Mukiri: Thank you, Hon. Speaker, I rise to support this Motion which has the best interests at heart of our small business owners. I congratulate the mover because it will go towards organizing Nairobi, just like the Governor said; a city of dignity. We cannot have dignity when remnants of whatever we are selling is thrown in the streets. Once the street businesses are organized, it will help organize our city.

Echoing what Mheshimiwa Jera has said, when we go for benchmarking, there are nice cities across the world which are very organized. For example, the street vendors in Turkey are doing a very good job.

The mover of this Motion, when you are arranging for benchmarking, Hon. Sospeter has said that he has never travelled abroad, I think it will be in order to take him around. I beg to support this Motion. Thank you,

Hon. Deputy Speaker: Thank you. Mover!

Hon. Mark Mugambi: Thank you, Hon. Speaker. First, allow me to thank all the Members that have contributed and supported this Motion. Much accolades goes to Hon. member for Roysambu who has traversed many cities in this country that I have never been privileged to go, thanks to this Assembly. Were it not for this Assembly, the Hon. Member could not have gone to Bungoma, Eldoret, Nakuru and Kisumu among others.

Hon. Speaker, I also wish to remind him that in 2023 we met at the United Arab Emirates Airport, we were both hiding so that no one could see each other; it remains that I did not travel, and he also did not. I am sure that when he visited Deira City, he saw how organized the back streets are. Most of the Members here who have been privileged to travel to Dubai, have seen the back streets of Deira. It is like the River Road or Eastleigh of Dubai but it is so organized thanks to the government of that city.

Without much ado, Hon. Speaker, allow me to reply. My parting shot is, this Motion will end the brutality we see in the mainstream media where hawkers were being harassed by the County askaris, although the Governor has tried to improve on how they associate. This will come to an end because we will designate them streets without time limitations for them to sell their wares. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Mugambi, and thank you, Hon. Members.

(Question put and agreed to)

QUORUM

Hon. Deputy Speaker: Hon. Malyun, what is the Point of Order for?

Hon. Malyun Abdi: Hon. Speaker, I rise on Standing Order No. 37 (1), the House has no quorum. I request that you give direction on the same. Thank you.

Hon. Deputy Speaker: Clerk, can you confirm? The Clerk has confirmed that Hon. Malyun is in order. Serjeant-at-Arms, ring the Bell for 10 minutes. Please make sure that when you are ringing the Bell, Members don't leave the Chamber. Only the Whips can leave. Hon. Jera, kindly get back to your seat.

(Quorum Bell was rung)

Hon. Deputy Speaker: Clerk, do we have quorum?

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

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, Standing Order No. 38 (2) reads:

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, the Speaker shall adjourn the County Assembly until the next sitting...

The House stands adjourned to tomorrow, Wednesday 13th November 2024 at 2:30 p.m. The Assembly Business Committee will meet at the rise of the House. Thank you.

The House rose at 4.23 p.m.