



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 5th March 2024

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

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

QUORUM

Hon. Temporary Speaker: Clerk, please confirm if we have quorum.

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

Under Standing Order No. 37 (2) (b), I direct the Serjeant-at-Arms to ring the Bell for ten minutes.

(Quorum Bell was rung)

Serjeant-at-Arms, kindly ring the Bell for another five minutes.

(Quorum Bell was rung)

Order, Hon. Members! The House is fully constituted. Clerk, proceed.

STATEMENTS

REQUEST FOR STATEMENT REGARDING STATUS
OF OWNERSHIP OF LANDS BELONGING TO
NAIROBI WATER AND SEWERAGE COMPANY LTD

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Hon. Temporary Speaker: Hon. Oscar Lore?

Hon. Member: Thank you, Madam Speaker, I am reading the Statement on behalf of Hon. Oscar Lore who is not feeling well.

(Laughter)

Hon. Speaker, pursuant to Standing Order No.47 (2) (c)...

Hon. Temporary Speaker: Hon. Member, there is no formal communication that has come to my desk. I request the Hon. Member who is present, to read the statement.

(Applause)

Hon. Member: Okay, let him try to read.

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 Select Committee on Public Investments regarding the status of ownership of public lands belonging to the Nairobi Water and Sewerage Company Limited, specifically in the areas of Loresho, Kariobangi, Karen, Ruai, Eastleigh, among others.

Hon. Speaker, the said parcels of land were meant for facilitate sewerage treatment plants and water storage facilities before they were allegedly grabbed by private developers under unclear circumstances.

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

1. Who authorized the approval and transfer of the said pieces of land to private developers, and the minutes of the meeting that approved the same;
2. Details including the designation of the officers involved in the illegal transfer and allocation of the public lands to private developers;
3. Reason why the County Executive has not taken any action against the private developers for encroaching on the said pieces of land;
4. Details of the developers occupying public lands belonging to Nairobi City Water and Sewerage Company; and
5. Measures the County Executive is putting in place to protect public land from encroachment.

Hon. Temporary Speaker: Chairperson, Committee on Public Investments, Hon. Hashim Kamau.

Hon. Hashim Kamau: Madam. Speaker, two weeks.

Hon. Oscar Lore: I am good to go.

REQUEST FOR STATEMENT REGARDING
SUBSTANDARD OPERATIONS OF SECTION
OF RESTAURANTS IN THE COUNTY

Hon. Temporary Speaker: Hon. Ochieng Jera?

Hon. Samson Ooko: Thank you, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committees on Health Services regarding the substandard operations of a section of restaurants in the County.

Hon. Speaker, Article 42 of the Constitution of Kenya, 2010 gives the right of access to clean and healthy environment to every citizen. Further, CAP 242 of the Public Health Act provides for the operations of restaurants in the County. Additionally, Article 46 of the Constitution of Kenya, 2010 provides that the public (consumers), have the rights to goods and services of a reasonable quality, right to protection of health, safety and economic interests, and rights to compensation for loss or injury from defect of goods or services amongst others. These rights are for the benefit of customers in restaurants.

Hon. Speaker it is alleged that Trattoria Restaurant has contravened its duty of care with regard to safety in its day to day operations. Specifically, the restaurant has set up water tanks in an inappropriate manner, poorly mounted a smoke extractor, and installed a liquid petroleum gas cylinder at the fire exit.

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

- i. Whether the restaurant has complied with Article 46 of the Constitution of Kenya that provides for consumer rights and specifically safety of customers as well as other statutes on health safety and security; and
- ii. Measures the County Executive is putting in place to ensure compliance by all ii restaurants and hotels in the County.

Thank you, Hon, Speaker.

Hon. Temporary Speaker: Thank you, Hon. Jera. Chairperson Health Services? The Vice Chair? Any Member of Health Committee? The Leadership?

Hon. Peter Imwatok: Hon. Speaker, on behalf of the Chair, I request for two weeks to respond to the Member. I know my Chairman is busy doing some reports which are supposed to be tabled before this House. He is a very dedicated Chair.

Hon. Temporary Speaker: Hon. Jera?

Hon. Samson Ooko: Hon. Speaker, this matter is too weighty. I wish the Chair was around, I would have demanded for a week. But since the boss has spoken, let me respect that.

Hon. Temporary Speaker: Thank you.

RESPONSE TO STATEMENT REGARDING LATE NIGHT GARBAGE COLLECTION USING DONKEY HANDCARTS

Hon. Temporary Speaker: Hon. Khatemeshi, the Vice Chair of Agriculture Committee?

Hon. Emmy Isalambo: Thank you, Madam Speaker. On behalf of the Chairman of Agriculture, Livestock and Fisheries Committee, I wish to respond to the Statement requested by Hon. Redson Otieno, MCA.

On Tuesday 31st October 2023, Hon. Redson Otieno, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested the Chairperson of the Sectoral

Committee on Agriculture, Livestock and Fisheries Committee for a Statement regarding the night garbage collection using donkey handcart in the Central Business District and its environs.

According to the Member, donkeys work until very late in the night whereby they aid to create illegal dumping sites.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. Whether the County Executive has licensed the collection of garbage through donkey pushed handcarts; and
- ii. Measures the County Government has put in place to ensure that there is enforcement of laws to protect working animals and prevent cruelty to animals.

Hon Speaker, the Committee therefore resolved to request for information from the County Executive Committee Member responsible for Green Nairobi who responded to the issues raised by the Hon. Member, vide letter ref CO(ENV.)1/33/167 dated 10th November, 2023.

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

Whether the County Executive has licensed the collection of garbage through donkey pushed handcarts; Hon Speaker, the County has not licensed any waste collection-using donkey pushed handcarts ...

Point of Order

Hon. Temporary Speaker: Leader of Majority, what is your Point of Order?

Hon. Peter Imwatok: I am on a Point of Order under Standing Order 56 (h), on my privilege as a Member of the County Assembly and particularly as the Leader of this House.

Madam Speaker, I was delayed by my counterpart, the Leader of Minority. We were sorting an important issue of the County; the issue of matatus. I am meant to understand the Notice of Motion time had passed. With your indulgence, this is a very important motion I wanted to table on behalf of the Nairobians, if you allow me.

Hon. Temporary Speaker: Permission granted.

NOTICE OF MOTION

BAN OF LOCAL STREET PARTIES AND REGGAE MUSIC SESSIONS IN RESIDENTIAL AREAS

Hon. Peter Imwatok: Hon. Madam, Speaker, and the entire House, I would wish to table a notice of Motion on banning of all local street parties, reggae music stations in residential area. I said I will stop reggae in the streets and in residential areas.

THAT, aware that Paragraph 4 of the Second Part of the Fourth Schedule to the Constitution of Kenya, 2010 grants County Governments the mandate of controlling public entertainment;

FURTHER AWARE that Nairobi City County Government working with other State agencies has licensed various entertainment places where residents can meet and get entertained in various forms;

NOTING that in the recent past there is a growing trend in the City where individuals have organized street parties in form of reggae music sessions in residential areas which attract both the youth and school going children;

CONCERNED that these street parties and reggae sessions are characterized by all manner of criminal acts and immoral activities such as drug abuse, mugging of residents, loud music within residential areas and general lawlessness;

FURTHER CONCERNED that these reggae sessions have largely contributed to underperformance in schools and moral decay among the youth;

NOW THEREFORE, this Assembly resolves that the County Executive bans all street parties and reggae sessions in residential areas and develops and submits to this Assembly, regulations to govern such parties.

Hon. Madam Speaker, I beg to lay this important notice before this House. My Chairlady, Agriculture, my apologies. Thank you, Madam Speaker. I beg to lay.

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

STATEMENT

RESPONSE TO STATEMENT REGARDING LATE NIGHT GARBAGE COLLECTION USING DONKEY HANDCARTS

(Continuation of the response to Statement interrupted earlier)

Hon. Temporary Speaker: Madam Vice Chair of Agriculture Committee, you may continue.

Hon. Emmy Isalambo: Thank you, Hon. Speaker, Hon. Majority, there is nothing to apologize about, you are my leader and you can take all the time. Let me continue.

The Committee met with Director responsible for Environment, Natural Resources and Climate Change, and the Hon. Member was present and was content with all the responses. With that, Madam Chair, I beg to lay the response.

Hon. Temporary Speaker: Thank you, Madam Chair of Agriculture. Hon. Redson, are you satisfied with the response?

Hon. Redson Onyango: Yes, Madam Speaker. Indeed, I was called to the Committee meeting and I was hundred percent satisfied. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Member.

(Loud consultations)

Hon. Temporary Speaker: Order, Hon. Members! Clerk, proceed

MOTIONAMENDMENT OF URBAN HOUSING RENEWAL
AND REGENERATION POLICY

Hon. Temporary Speaker: Hon. Waithera Chege is not around. The House Business Committee to reallocate her Motion to any other time that she will be available.

(Motion dropped)

ADJOURMENT

Hon. Temporary Speaker: Hon. Members, there being no other Business, the House stands adjourned until tomorrow, Wednesday 6th March 2023 at 2.30 p.m. The Assembly Business Committee to meet at the rise of the Assembly. Thank you so much.

The House rose at 3.22 p.m.