



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Tuesday 4th March 2025

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Speaker: The attention of Chair has been raised for lack of quorum. I direct the Serjeant-at-Arms to ring the Bell for ten minutes.

(Quorum Bell was rung)

Hon. Chair, as a senior Member of this Assembly, please adhere to the rules of the Assembly.

Serjeant-at-Arms, address the issue of water; kindly distribute water to Members. Clerk, the Bell is silent, kindly confirm if we have the quorum to transact the business of the day. Can it be confirmed whether we have Members online so that we get to know if we have the quorum?

(Clerk confirmed there was no quorum)

We are less by five Members. As the Bell is being rung for a further five minutes, I expect the Whips to whip Members to come in. The UDA Party Whip? Let me delegate this to the Member of the Speaker's panel. Oh, we have a Hon. Member who will take up the role. But don't stick to that position please, it is just temporary.

(Quorum Bell was rung)

Hon. Speaker: Hon. Members, I can now state categorically that we have the quorum to allow the House to proceed. Clerk, kindly proceed.

PAPERS

Hon. Speaker: Under Order No. 5, we have Report of committee on Culture and Community Services on consideration on the Nairobi City County Civic Education Bill, 2025. We also have report of Sectoral Committee on Culture and Community Services on consideration on Petition by the residents of the Ghorofani Estate. The Chairperson, kindly proceed. Hon Clarence Munga? Do we have the Vice Chair of Culture Committee? The Chairperson of Liaison Committee on behalf of the Committee? Any Member who would like to assume the role on behalf of the Committee? Hon. Maragu.

REPORT ON CONSIDERATION OF PETITION BY RESIDENTS OF GHOROFANI ESTATE

Hon. Anthony Maragu: Pursuant to Standing Order No. 221, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 4th March 2025:

The report of the Sectoral Committee on Culture and Community Services on consideration of Petition by the residents of Ghorofani Estate.

(The Paper was laid on the Table)

REPORT ON CONSIDERATION OF NAIROBI COUNTY CIVIC EDUCATION BILL, 2025

Hon. Speaker: Thank you. Proceed to the next item. The Report on consideration of Nairobi County Civic Education Bill, 2025. This is also under Culture and Community Services. Do you have it ready? Clerk, kindly facilitate the Member.

Hon. Anthony Maragu: Thank you, Hon. Speaker. Pursuant to Standing Order No 135, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 4th March 2025:

The report of the Sectoral Committee on Culture and Community Services on consideration of the Nairobi City County Civic Education Bill, 2023.

(The Paper was laid on the Table)

REPORT ON CONSIDERATION ON BETTING AND LOTTERY BILL, 2023

Hon. Speaker: The report of Sectoral Committee on Trade, Tourism and Cooperatives on consideration on Nairobi City County Betting, Lotteries and Gaming Bill, 2023. Chairperson Trade Tourism and Cooperatives?

Hon. Paul Ndung'u: Pursuant to Standing Order No 135, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 4th March 2025:

The Report of the Sectoral Committee on Trade Tourism and Cooperatives on consideration of the Nairobi City County Betting, Lotteries and Gaming Bill, 2023.

(The Paper was laid on the Table)

REPORT ON PUBLIC PARTICIPATION
OF NAIROBI CITY COUNTY ADP, 2025/2026

Hon. Speaker: The report of the Sectoral Committee on County Finance, Budget and Appropriations on Public Participation of the Nairobi City County Annual Development Plan, 2025/2026. Who is stepping in for the Budget Chair? We have the Vice Chair.

Hon. Emily Oduor: Thank you, Hon. Speaker. Pursuant to Article 196 (1) of the Constitution of Kenya, 2010 and Standing Order No 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 4th March 2025:

The Report of the Select Committee on County Finance, Budget and Appropriations on Public Participation of the Nairobi City County Annual Development Plan (ADP), 2025/2026.

(The Paper was laid on the table)

NAIROBI CITY COUNTY FISCAL STRATEGY PAPER FOR FY 2025/2026

Hon. Emily Oduor: Hon. Speaker, pursuant to Section 117(1) of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 4th March 2025:

The Nairobi City County Fiscal Strategy Paper for the financial year 2025/2026.

(The Paper was laid on the Table)

Hon. Speaker: This Fiscal Strategy Paper is very important to the Members. So, you need to take note and keen interest on this because it is going to help you to plan the development agenda in your wards.

No. 6, the Nairobi Medium Term Debt Management Strategy Paper. Hon. Majority Leader?

NAIROBI MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER

Hon. Peter Imwatok: Hon. Speaker, pursuant to Section 123 of the Public Finance Management, Act 2012, I beg to lay the following Paper on the Table of this Assembly today 4th March 2025:

Nairobi City County Medium Term Debt Management Strategy Paper 2025.

(The Paper was laid on the Table)

Hon. Speaker: The Paper laid is committed to the Committee on County Finance, Budget and Appropriation for consideration.

Hon. Peter Imwatak: Hon. Speaker, pursuant to Section 117 (1) of the Public Finance Management Act 2012, I beg to lay the following Paper on the Table of this assembly today Tuesday 4th March 2025:

The Nairobi City County Fiscal Strategy Paper for the financial year 2025/2026.

Hon. Speaker: The Paper laid is committed to the Committee on County Finance, Budget and Appropriations for consideration.

There is a correction under number four of the report of the Sectoral Committee on County Finance, Budget and Appropriation on the Nairobi City County Annual Development Plan that has been laid before this House. It is indicated 27th instead of Tuesday 4th March, you need to correct that. It is the role of the Vice Chair of the Budget Committee.

Hon. Emily Oduor: Thank you, Hon. Speaker. The report of the Select Committee on County Finance, Budget and Appropriation on Nairobi City County Annual Development Plan, laid on the table, today, Tuesday 4th March 2025. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member for that correction, and thank you Hon. Members for understanding.

REPORT ON CONSIDERATION OF PETITION BY
ELIZABETH WANJIRU REGARDING UNLAWFUL DISMISSAL

Hon. Speaker: The report of the Select Committee on Labour and Social Welfare on the consideration of the petition by Ms. Elizabeth Wanjiru regarding unlawful dismissal by Nairobi Water and Sewerage Company. Chair, is the report ready? Clerk, kindly facilitate. I expect you to facilitate the chairpersons in a record time so that they are able to go through the report.

Hon. Allan Gathuku: Hon. Speaker, pursuant to Standing Order No. 221, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 4th March 2025:

The report of the Sectoral Committee on Labour and Social Welfare on the consideration of the Petition by Ms. Elizabeth Wanjiru regarding unlawful dismissal by the Nairobi City Water and Sewerage Company, Limited. Thank you, Mr. Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Member. Kindly let us proceed, Clerk.

NOTICES OF MOTION

ADOPTION OF REPORT ON NAIROBI CITY COUNTY ADP FOR FY 2025/2026

Hon. Speaker: Under Order No. 6 on Notices of Motion, the report of the Select Committee on County Finance, Budget and Appropriation on Nairobi City County Annual Development Plan, to be laid by the Vice Chair.

Hon. Emily Oduor: Thank you, Hon. Speaker. I beg to give Notice of the following Motion:

THAT, pursuant to Standing Order No. 196, this Assembly adopts the report of the Select Committee on County Finance, Budget and Appropriations on the Nairobi City County Annual Development Plan for the financial year 2025/2026, laid on the Table of the Assembly, today, Tuesday 4th March 2025. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Waithera Chege, on Notice of Motion on the Development of Public Street Lights Management Policy. The Motion stands dropped.

(Notice of Motion dropped)

RESTORATION OF PUBLIC INFRASTRUCTURE
DAMAGED BY PUBLIC CONSTRUCTION WORKERS

Hon. Speaker: Hon. Anthony Maragu, on restoration of public infrastructure damaged by public construction workers. Are you ready to proceed?

Hon Anthony Maragu: Not today, Mr. Speaker.

Hon. Speaker: We defer the motion?

Hon Anthony Maragu: Today is a busy day, Mr. Speaker; we defer it to another day.

Hon. Speaker: The Notice of Motion stands deferred.

(Notice of Motion deferred)

REGISTRATION AND ISSUANCE OF NUMBER PLATES
FOR ALL WHEELBARROWS, RICK SAWS, HANDCARTS,
ANIMAL DRAWN CARTS, LUGGAGE TROLLIES AND TRICYCLES IN THE COUNTY

Hon. Speaker: Hon. Robert Alai, on guidance for registering and issuance of effective number plates for all wheelbarrows, rick saws, handcrafts, animal drawn cars, luggage trollies and tricycles in the County.

Hon. Robert Alai, are you ready to proceed?

Hon Robert Alai: Hon. Speaker, I can proceed.

Hon. Speaker: Kindly proceed. Sergeant-at-Arms, please facilitate the Hon. Member. You have two Notices of Motions; there is the one for digital platform for registration, vetting and linking artisans to clientele within the County.

Hon Robert Alai: Thank you, Hon. Speaker. I wish to give Notice of the following Motion:

THAT, aware that Article 39 (1) of the Constitution of Kenya, 2010 grants every person the right to freedom of movement;

FURTHER AWARE that Paragraph 5 (c) of Part II of the Fourth Schedule of the same Constitution provides for county transport including but not limited to traffic, parking and public road transport as a devolved county function;

ACKNOWLEDGING the existence of National Transport and Safety Authority Act, 2012 which establishes the authority, with one of its function being to advice and make recommendations to the Cabinet Secretary on matters relating to the road transport and safety;

FURTHER ACKNOWLEDGING that Section 67 of the Nairobi City County Transport Act, 2020 compels the County Executive Member in charge of Transport to make guidance for non-motorized transport, which shall provide for design and provision of among others safe movement of rickshaws and hand carts;

NOTING that non-motorized means of transport such as walking, use of wheel barrows, hand carts, animal drawn carts, luggage trollies, bicycles, tricycles, wheel chairs, skate boards and rollers which according to UNEP is used by 45% of the population in the County;

DEEPLY CONCERNED that the rise in the use of non-motorized means of transport has led to the congestion in the city, with hand carts and trollies being the lead cause of accidents resulting from the high disregard for lane discipline by users and by not using the reflector jackets;

DISTURBED that most non-motorized operators being road users lack suitable road safety knowledge and insurance cover in the event of an accident;

NOW THEREFORE, this Assembly resolve that the County Executive engage the NTSA towards: -

1. Developing guidelines for registering and issuance of reflective number plates for all wheelbarrows, rickshaws, handcarts, animal drawn carts, luggage trollies, and tricycles in the County.
2. Ensuring all operators possess operating badge with registered numbers and equipped with reflective jackets
3. Grant a six-month notice upon the operationalization of non-motorized registration guidelines for compliance and enforcement.

Hon. Speaker, I wish to give the Notice.

Hon. Speaker: Hon. Member, you may proceed with the other business.

Hon Robert Alai: Hon. Speaker, I wish to give Notice of the following Motion; [*Record deleted as per Speaker's directive*]

Hon. Speaker: IT, please assist the Hon. Member. Proceed.

Hon. Robert Alai: Thank you, Hon. Speaker.

Point of Order

Hon. Speaker: You cannot interrupt the Hon. Member when he is giving a Notice of Motion.

(The Member spoke off the record)

Clerk, kindly confirm if the said Hon. Member is properly dressed. Mheshimiwa, you may be seated as we consult.

Hon. Robert Alai: Hon. Speaker, can I give Hon. Oyugi to read the Notice of Motion on my behalf?

Hon. Speaker: You want to confirm that you are not properly dressed?

Hon. Robert Alai: I just want to oblige to...

Hon. Speaker: No! We are still confirming on the dress code.

Hon. Members, the Hon. Member rose on a Point of Order to bring to the attention of the Chair whether the said Member is properly dressed before the House. On interpretation, under the Speaker's rules and guide, you will allow me to read item 3 (i) on the appropriate dress code. This applies to a Member of the County Assembly, staff of the County Assembly and by extension the public, dressed in contemporary business or office attire for both genders being as follows;

Male; long trousers, long sleeved shirts, a tie, a jacket, closed polished leather shoe; and

Female; skirts of reasonable length, by the knee length or below the knees, blouse, jacket, trouser suits, decent shoes. Muslim ladies may wear a Punjab (buibui or hijab)

So, Hon. Oyugi be on your feet. I hope that the Hon Member is properly dressed.

Hon. Anthony Karanja: He was putting on a tie while seated. So, now he is properly dressed and I do not know if we can apply this law in retrospect

Hon. Speaker: Hon. Member, for your own self-outlook, you need to be decent. I wonder why you would put your tie in the pocket, if that is not disrespecting this House. It is wrong.

Hon. Kennedy Oyugi: Based on rumours...

Hon. Speaker: Kindly, I noticed you dressing up. Please, do not argue with the Chair. Hon. Alai, I have outlined that the male Member of the County Assembly must be in a tie, either bow tie or long tie. Now that you had business, you can delegate it to one of your friends to transact the business on your behalf as you leave the Chamber.

(Hon. Robert Alai left the Chamber)

Thank you.

Point of Order

Hon. Speaker: Yes, Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, the issue of assigning a Member to read on their behalf must be done in writing to the Speaker's Office. It cannot be verbal because someone has violated the code of the House. Therefore, Hon. Alai has to wait until he is properly dressed or officially write to the Speaker that he is assigning his duties to Hon. Oyugi.

Hon. Speaker: The Majority Leader has just quoted the terms of reference in line with the Constitution, and for that reason, it is good to set precedence by way of respecting the rules of debate and our Standing Orders. For that reason, the Notice of Motion read out by the Hon Member stands deleted from the records. He will have to start the whole process again. So, Hon. Oyugi, you stand guided.

Hon. Kennedy Oyugi: Thank you, Hon Speaker. I wonder that you are...

Hon. Speaker: Kindly, Hon. Oyugi, this is a House of debate.

(Notice of Motion dropped)

FORMULATION OF POLICY FOR MANAGEMENT OF PUBLIC STREETLIGHTS

Hon. Speaker: Hon. Waithera Chege?

Hon. Waithera Chege: Thank you, Mr. Speaker. I beg to give Notice of the following Motion:

THAT, aware that Article 29 of the Constitution of Kenya ,2010 grants every citizen a right to freedom and security;

FURTHER AWARE THAT Paragraph 5 of Part II of the Fourth Schedule to the Constitution provides for street lighting as a function of the county government;

NOTING THAT in recent months, we have witnessed a marked increase in incidences of insecurity across the country and more so in Nairobi;

CONCERNED THAT most of the streets, public social areas, public parks and markets in the County are in darkness due to lack of lighting, which has contributed to an increase in criminal activities within the County, as evidenced by muggings and other violent crimes;

FURTHER CONCERNED THAT most of the installed high mast lights and public streetlights in most of the County have been broken or vandalized, leaving the County in darkness for a long period of time due to the poor or slow repair and maintenance of the public street lights;

NOTING THAT for the County to realize a 24-hour economy, security for business people and residents is dispensable;

THIS ASSEMBLY urges the County Executive to formulate a policy to provide for a legal framework for the management of public streetlights in the streets, public social areas, public parks, County public roads and markets in the County.

Mr. Speaker, I beg to move the notice.

Hon. Speaker: Thank you.

RENAMING OF JUJA ROAD TO LEONARD MAMBO MBOTELA ROAD

Hon. Speaker: Hon. Joseph Ndungu, are you in the House?

Hon. Joseph Ndung'u: Mr. Speaker, I wish to give Notice of the following Motion:

THAT, aware that Article 186 (1) of the Constitution of Kenya, 2010 and Paragraph 5 of the Fourth Schedule of the same Constitution provides for county public transport;

FURTHER AWARE THAT the County has since independence named and renamed roads and other public facilities in honor of heroes and heroins who have contributed immensely in the society as a way of honoring them;

APPRECIATING the late Leonard Mambo Mbotela, who was a distinguished Kenyan journalist, broadcaster and patriot and who made invaluable contributions to the nation through his dedicated service and unwavering commitment to public communication;

RECOGNIZING his iconic radio and television programmes, particularly 'Je, huu ni ungwana,' and his coverage of national events, played a pivotal role in shaping Kenyan culture, promoting civic responsibility and fostering national unity;

ACKNOWLEDGING THAT his courage and selfish efforts during the 1982 attempted coup where he risked his life to broadcast message of peace and stability demonstrated his unwavering dedication to the nations wellbeing earning respect and admiration;

APPRECIATING THAT by renaming of a prominent road in Nairobi would serve as a fitting tribute to his enduring legacy and ensure that his contributions are remembered and celebrated by future generations;

COGNIZANT THAT Juja Road, being a major artery in Nairobi, offers a significant opportunity to publicly recognize and honor Leonard Mambo Mbotela's contributions to the nation;

THIS ASSEMBLY therefore urges the County Executive to initiate the process of renaming Juja Road to Leonard Mambo Mbotela Road in honor of the late Leonard Mambo Mbotela, EGH, in recognition of his exceptional service to the republic of Kenya. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Clerk!

STATEMENTS

Hon. Speaker: Hon. Sospeter?

(Hon. Antony Maragu spoke off the record)

Which Standing Order, Hon. Member?

QUORUM

Hon. Speaker: Clerk, can you read out Standing Order No 38 (1). Quorum during Proceedings of the County Assembly?

Hon. Antony Maragu: Yes, Hon. Speaker. I invite you to find that the Assembly, as currently constituted, lacks the requisite quorum to continue with business.

Hon. Speaker: Hon. Member, kindly approach the Chair. Kindly, Clerk, under Standing Order 38, confirm whether we have the quorum in the Assembly.

(Clerk confirmed there was quorum)

Hon. Speaker: Hon. Members, the Clerk, through the Sergeant-at-Arms, has just confirmed we have the quorum to proceed. So, let us proceed. Hon. Sospeter Mumbi.

STATEMENT

REQUEST FOR STATEMENT

REGARDING NOISE POLLUTION IN THE COUNTY,
AND SPECIFICALLY PARTS OF RIDGEWAYS, MIREMA, AND
GARDEN ESTATE ALONG THE NORTHERN BYPASS, WITHIN ROYSAMBU WARD

Hon. Sospeter Mumbi: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the noise pollution in the County, and specifically parts of Ridgeways, Mirema, and Garden Estate along the Northern Bypass, within Roysambu Ward.

Hon. Speaker, Part II of the Fourth Schedule to the Constitution of Kenya, 2010 gives the county government the responsibility of regulating noise pollution. This mandate is further reinforced by the Nairobi City County Public Nuisance Act, 2021, which explicitly prohibits excessive and continuous noise that distracts the well-being of residents.

Hon. Speaker, despite these legal frameworks, the alarming increase in noise pollution emanating from bars and nightclubs, particularly the Habanos Club in Roysambu Ward, which is situated in close proximity to residential areas, has become a grave concern. The incessant noise has not only caused immense discomfort but also poses serious health risks to residents, including sleep disruption, elevated stress levels, and the potential cognitive impairment.

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

1. The standard procedure for issuing licenses for entertainment venues, specifically clubs in residential areas by the County Liquor Board;
2. List of all licensed liquor stores and clubs within the Roysambu Ward, with the accompanying documents as required under Section 17 of the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014, from January 2023 to January 2025;
3. Whether the Sub County Liquor Committee holds regular meetings, the frequency of the meetings, and whether meeting minutes are publicly accessible;
4. Minutes of the Sub County Liquor Committee held to approve the operationalization of Habanos Club;
5. A detailed report on revenue collection by the County Liquor Board in Roysambu ward from January 2023 to January 2025;
6. Whether there are other mandates and functions of the Sub County Liquor Committees besides what is provided for in the law;
7. Measures the County Liquor Board is taking to ensure compliance with the law over the issuance of licenses; and
8. Measures the County Government of Nairobi has taken to address the noise pollution by Habanos Club and curb similar incidents from occurring in the future.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Sospeter, thank you. Do we have the Chair of the Sectoral Committee On Culture to give an undertaking on the concern as raised? The Vice Chair? Member of the Culture Committee? Hon. Sospeter has made a request for a statement, I do not know whether you were keen.

Hon. Anthony Maragu: Two weeks to respond.

Hon. Speaker: Hon. Sospeter, is that okay?

Hon. Sospeter Mumbi: That is fine, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Mwaniki, is he in the House? Deferred. Hon. Jeckoniah? Deferred. Hon. Joy Muthoni? Deferred. Clerk, let us proceed.

MOTION

Hon. Speaker: Hon. Waithera Chege, that should be your permanent position in the Assembly so that I am able to see you closely.

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: She is very safe. Chairperson, kindly proceed.

Hon. Alvin Palapala: Thank you, Hon. Speaker. First, I just wanted to make a comment before I proceed. I don't know if the Clerk of Nairobi City County is blind because when I look around, I do not enough quorum. Nevertheless, I am not prepared, I think...

Hon. Speaker: Hon. Member that is not the role of the Clerk. It is only the Members who can point out whether there is a lack of quorum.

Hon. Alvin Palapala: But the Clerk...

Hon. Speaker: Yes. Hon. Majority Leader

Hon. Peter Imwatok: The Chair of Planning has to retract the word 'blind.' You can only discuss the conduct of the Clerk if you have a substantive Motion. So on record, you should withdraw those terms before proceeding.

Hon. Speaker: Yes, that is the issue I am addressing...

Hon. Alvin Palapala: Thank you, Hon. Speaker, I withdraw my remarks. But then, we do not have a quorum in the House.

Hon. Speaker: Under which Standing Order?

Hon. Alvin Palapala: Under Standing Order 38. If you want me to read it for you, I can do it because I have it here.

QUORUM

Hon. Speaker: Clerk, please confirm whether we have a quorum to transact the business.

(Clerk confirmed there was no quorum)

Hon. Speaker: Hon. Members, under Standing Order No. 38 on Quorum during proceedings of the County Assembly (1) reads;

38. (1) If at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is no quorum present, the Speaker or

the Chairperson shall count the County Assembly or the Committee as the case may be.

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

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

The Clerk has just confirmed we have 27 Members. Hon. Members for that guidance, I direct the Sergeant-at-Arms to leave the door open as he rings the Bell for a record of ten minutes.

(Quorum Bell was rung)

The Deputy Majority Whip is allowed to leave the Assembly as the Bell is rung.

ADJOURNMENT

Hon. Speaker: Hon. Members, under Standing Order 38 (2), after the Bell has been rung for a record of ten minutes, there seems to be still lack of quorum. What is required of the Chair is to adjourn the Assembly to the next sitting, which is tomorrow, Thursday 6th March 2025 at 2.30 p.m.

I direct the sitting of the House Business Committee at the rise of the Assembly. You stand guided.

The House rose at 4.08 p.m.