



**REPUBLIC OF KENYA**

**NAIROBI CITY COUNTY ASSEMBLY**

**THIRD ASSEMBLY – (SECOND SESSION)**

**ORDERS OF THE DAY**

**WEDNESDAY, JUNE 21, 2023 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement

**8. \*MOTION – HON. PETER JATESO IMWATOK, MCA – MAJORITY LEADER**

**Subject: Construction of market and a perimeter wall in Toi Market, Kibera Ward**

**THAT**, aware that Paragraph 2 of Part Two of the Fourth Schedule to the Constitution of Kenya 2010 provides for the functions of the County Government which include trade development and regulation of markets; **FURTHER AWARE** that Toi Market is one of the largest open-air markets in Nairobi with over 5000 traders on the outskirts of Kibera slums in Nairobi. **DEEPLY CONCERNED** that the rise of arson attacks on informal markets in the County including Toi Market often suspected to be through human malicious act has led to significant economic losses, social unrest, and endangering the lives of traders and residents in Toi Market; **CONCERNED THAT** for the livelihoods of traders who have suffered significant losses due to repeated arson attacks and emphasizing the necessity of creating a safe and sustainable trading environment for their economic well-being. **NOW THEREFORE** this Assembly urges the County Executive to allocate sufficient funds from the County budget in the coming FY 2023/2024 or seek alternative funding sources, including public-private partnerships, grants, or development loans, to finance

the construction of the market, ensuring its timely completion and sustainability to undertake the construction of a well-planned, purpose-built market in the affected area, with the following objectives:

- i. Enhancing safety and security measures to prevent arson attacks, such as installing advanced fire suppression systems, robust security cameras, and employing adequate security personnel.
- ii. Providing proper infrastructure and facilities, including sheltered stalls, storage areas, sanitation facilities, and utilities, to ensure a conducive trading environment.
- iii. Collaborating with administrative authorities, community leaders, and stakeholders to ensure the design and construction of the market are inclusive, meeting the specific needs of the traders and the community.

**9. \*MOTION – CHAIRPERSON, SELECT COMMITTEE ON SELECTION**

**Subject: *Appointment of Members to Committees***

**THAT**, pursuant to the provisions of Standing Order 171 (1), this Assembly approves the appointment of the following Members to various Select and Sectoral Committees: -

1. Hon. Jane Wanjiru, MCA be appointed to the Select Committee on County Finance, Budget and Appropriations;
2. Hon. Patrick Karani, MCA be appointed to the Sectoral Committee on Labour and Social Welfare;
3. Hon. Patrick Karani, MCA be appointed to the Sectoral Committee on Water and Sanitation; and
4. Hon. Cyrus Mugo, MCA be appointed to the Sectoral Committee on Environment and Natural Resources.

# NOTICES

I. The Assembly resolved on Tuesday, 21<sup>st</sup> February, 2023 as follows: -

- a) **THAT**, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

---

\* Denotes Orders of the Day\*

---

# **NOTICE PAPER I**

## **Tentative business for Thursday, 22<sup>nd</sup> June, 2023 at 2.30p.m.**

*(Published pursuant to Standing Order 41(1))*

IT IS NOTIFIED that the Select Committee on Assembly Business, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday, 22<sup>nd</sup> June, 2023 at 2.30 p.m.: -

### **A. MOTION – HON. DR. CLEMENT NG'ANG'A KAMARU, MCA.**

**Subject: *Introduction of a community service for all the drink and drive convictions in the County Mortuary facilities for deterrence.***

**AWARE** that Article 183 (3) (c) of the Constitution of Kenya, 2010 provides that County Executive Committee shall *inter-alia* implement, within the county, national legislation to the extent that the legislation so requires; **NOTING** that Section 44 of the Traffic Act (Cap 403) provides that any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both; **FURTHER NOTING** that Section 4 (2) (d) of the National Transport and Safety Authority, 2012 dictates that the Authority while performing its functions under the Act, shall develop and implement road safety strategies; **DEEPLY CONCERNED** that despite the existing statutory provisions, regulations and mitigations on road safety towards deterrence of drunk driving, road carnage as a result of same remains on the rise in the County and Country at large, covering 32% of all the reported road accidents, with such cases recorded on late nights in the weekends; **ACKNOWLEDGING** the need for a multi-agency approach towards deterrence of drunk driving by introduction of community service for the offenders as a way of changing of attitude and bring awareness of the eminent risk of loss of life associated with such unlawful and unethical act; **FURTHER ACKNOWLEDGING** the need for collaborative approach by the National Government, the Judiciary and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the drunk driving behavior in the County; this **ASSEMBLY URGES** that the County Executive moves with speed and:-

1. Partner with the National Transport and Safety Authority and the Judiciary through the City Courts towards introduction of a mandatory post-conviction Community service for all the Drink and Drive case in the County;
2. Provide for Community service to be conducted in the existing Nairobi City County Mortuary facilities focusing on administrative and compound cleaning duties under the supervision and clearance by the facility's chief administrator;
3. Undertake a sensitization talk from the facility's chief administrator on the risk associated with drink and drive and information on death cases as result of drunk driving; and,
4. Develop a policy that would see the introduction of the Community Services for the convicted drunk and drive cases in the County.