

GOVERNMENT OF NAIROBI CITY COUNTY



Paper laid by
Hon. Hamisi
3/10/2023

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)



NCCA/TJ/PL/2023(75)

3RD OCTOBER 2023

SUBJECT: REPORT OF COMMITTEE

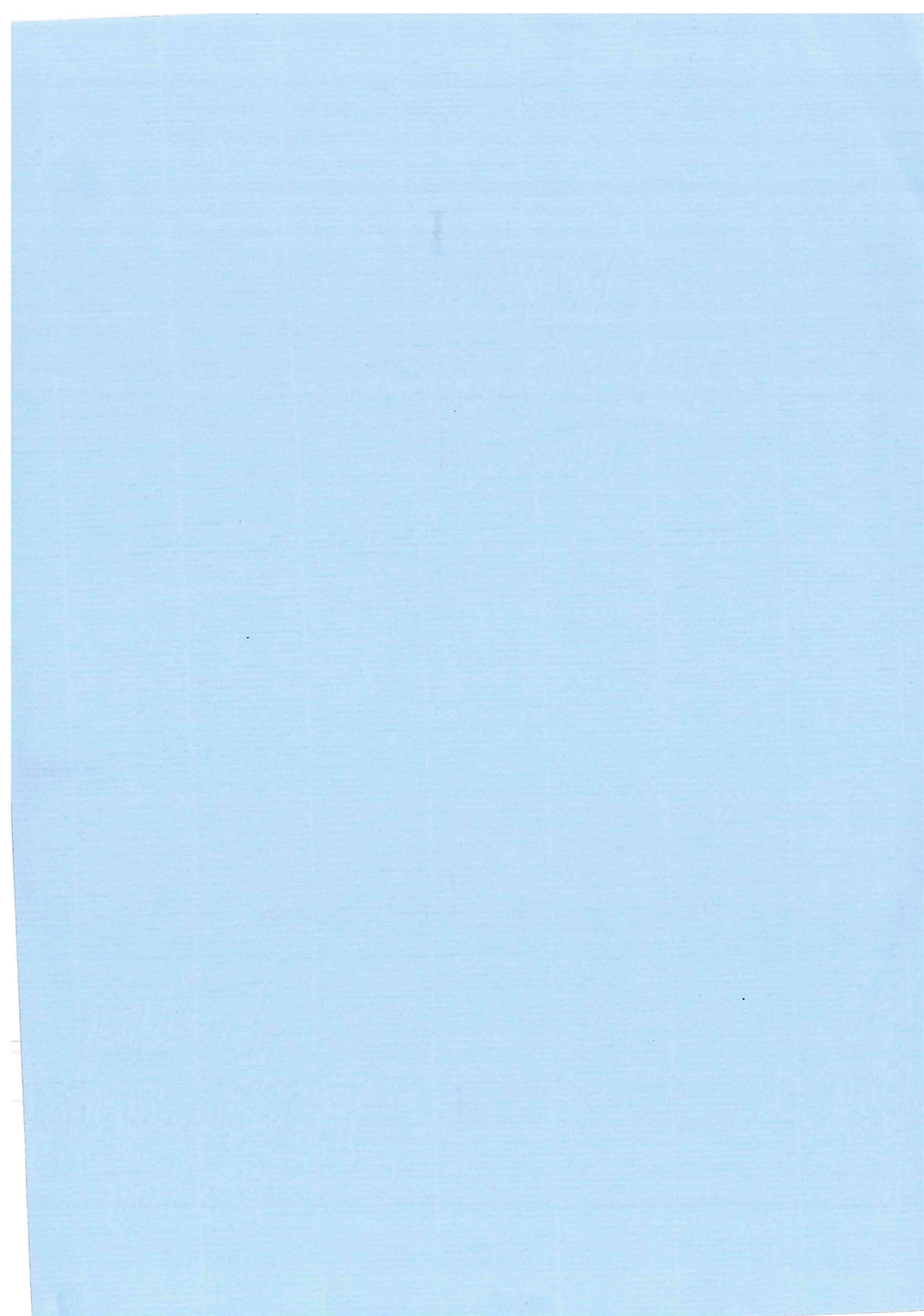
PAPER LAID

Pursuant to Section 15 of County Assemblies Powers and Privileges Act, 2017 and Standing Order 196 I beg to lay the following Paper on the Table of this Assembly, today Tuesday 3rd October 2023:

- THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. ROBERT ALAI, MCA, MEMBER FOR KILELESHWA WARD.

(Chairperson, Select Committee on Powers and Privileges)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY

(SECOND SESSION)

3rd October 2023

NOTICE OF MOTION

Subject: Adoption of report of a Committee

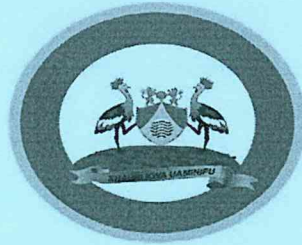
Hon. Speaker, I beg to give notice of the following motion:-

- **THAT**, pursuant to Section 15 (7) of County Assemblies Powers and Privileges Act, 2017, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. ROBERT ALAI, MCA, MEMBER FOR KILELESHWA WARD**, laid on the table of the Assembly today, Tuesday, 3rd October 2023.

(Chairperson, Select Committee on Powers and Privileges)

*Notice of Motion given
by Hon. Hamisi Suleiman
3/10/2023*

NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – SECOND SESSION

THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON THE
INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. ROBERT ALAI,
MCA, MEMBER FOR KILELESHWA WARD

THE SELECT COMMITTEE OF POWERS AND PRIVILEGES

Clerk's Chambers,
CITY HALL,
NAIROBI.

JULY, 2023

Table of Contents

APPENDICES.....	2
1.0 PREFACE.....	3
1.1 Establishment and Mandate	3
1.2 Committee Membership	3
1.3 Secretariat.....	4
1.4 Acknowledgement	4
2.0 BACKGROUND TO THE INQUIRIES	6
a) Legal Framework.....	6
b) Events Occasioning Breaches and the Inquiry.....	7
3.0 INVESTIGATION INTO THE BREACH OF PRIVILEGE BY HON. ROBERT ALAI, MCA.....	8
4.0 COMMITTEE OBSERVATIONS	10
5.0 COMMITTEE RECOMMENDATIONS	11

APPENDICES

- 1) Official Hansard Report for 4th May 2023.
- 2) Minutes

1.0 PREFACE

1.1 Establishment and Mandate

Hon. Members,

The Committee on Powers and Privileges is established pursuant to Section 15 of the County Assemblies Powers and Privileges Act, 2017 (hereafter referred to as the Act) as read together with Standing Order 187. The Committee arises out of the provisions of Article 196 (3). The Committee's mandate amongst others, as outlined under Section 15 of the Act is to:

- a. Inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege; and
- b. Either of its own motion or a result of a complaint made by any person, inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege
- c. Investigate, table reports and make recommendations to the floor of the house
- d. Issue summons to witnesses to appear before the committee,
- e. Receive evidence and to request for and receive papers and documents from the Government and the public.

Further, as envisaged under Section 18 of the Act as read with Article 195 of the Constitution of Kenya 2010, the Committee as constituted has the same powers as the High Court in terms of summoning of any person to appear before it for the purposes of giving evidence or providing information.

1.2 Committee Membership

The Committee Membership comprises of:

- | | |
|---|----------------------|
| 1. The Hon. Kennedy O. Ng'ondi, MCA | – Speaker & Chairman |
| 2. The Hon. David Magoba Odhiambo, MCA | – Vice-Chairman |
| 3. The Hon. Asli Muhamud Muhamed, MCA | |
| 4. The Hon. Maurice Ochieng Onyango, MCA | |
| 5. The Hon. Hamisi Suleiman Maleya, MCA | |
| 6. The Hon. Absalom Odhiambo Onyango, MCA | |
| 7. The Hon. Lily Akoth Kidenda, MCA | |
| 8. The Hon. Benter Juma Obiero, MCA | |
| 9. The Hon. Eutychus Mukiri Muriuki, MCA | |
| 10. The Hon. Clement Nganga Kamaru, MCA | |
| 11. The Hon. Kame Omuro Adano, MCA | |
| 12. The Hon. Susan Makungu Kavaya, MCA | |
| 13. The Hon. John Mwaniki Kwenya, MCA | |
| 14. The Hon. Hashim Athaman Kamau, MCA | |

1.3 Secretariat

- | | |
|---------------------|-----------------------------|
| 1. Monicah Muthami | – Principal Clerk Assistant |
| 2. Austin Inyundele | – Snr. Clerk Assistant |
| 3. Kevin Wasike | – Snr. Clerk Assistant |

Hon. Members,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Select Committee on Powers and Privileges exercises its mandate by investigating any matter pertaining conduct of Members of the County Assembly and staff of the Assembly within the precincts of the Assembly.

At the Assembly Sitting held on 4th May 2023, the Assembly passed a Motion to suspend Hon. Robert Alai, MCA for four (4) Sitting days for alleged breach of privilege pursuant to Standing Order 118 and 120. The matter was subsequently referred to the Select Committee on Powers and Privileges.

Following the referral, the Committee held a meeting on Wednesday 7th June 2023 to be properly informed about the allegations. The Committee noted that the case was occasioned by alleged insult to Hon. Peter Imwatok, MCA by Hon. Robert Alai, MCA while proceeding to attend Plenary Sitting on 4th May 2023. Subsequently, the Committee developed a work plan in which the Assembly's Director for Security Services, Hon. Peter Imwatok, MCA and Hon. Robert Alai, MCA were identified as the key witnesses. The Committee pursuant to the provisions of Standing Order 187 as read together with Section 15 (5) of the County Assemblies Powers and Privileges Act 2017 deliberated on matter and resolved that the witnesses be invited to appear as per the work plan.

The Committee held meetings during which evidence was received from witnesses. During the sittings, witnesses were invited to appear and adduce evidence on oath.

The Committee having called witnesses and received documentary evidence of the raised allegations made observations, findings and recommendations in accordance with Chapter four (4) and five (5) of this report.

1.4 Acknowledgement

Hon. Members, I wish to acknowledge with gratitude the Members of the Select Committee on Powers and Privileges for the dedication that they have portrayed in ensuring that the Committee implements its mandate and that the County Assembly upholds its dignity and integrity, while investigating the alleged breach of privilege by Hon. Robert Alai, MCA.

Hon. Members, my sincere appreciation also goes to the office of the Clerk of the County Assembly and the Secretariat of the Select Committee on Powers and Privileges for offering sound legal advice on the mentioned case.

Hon. Members, it is therefore my pleasant duty and privilege to table this report before the Assembly and recommend it for adoption.

Thank You

Signed  Dated..... 11.7.2023
Hon. David Magoba Odhiambo, MCA
Vice-Chairperson

2.0 BACKGROUND TO THE INQUIRIES

2.1 Inquiry into the alleged breach of privilege by Hon. Member of the County Assembly

On Wednesday 7th June, 2023, the Select Committee on Powers and Privileges, on referral by the Speaker at the Assembly Sitting held on 4th May 2023, noted that there was alleged breach of privilege by a Member of the County Assembly, Hon. Robert Alai, MCA, Member for Kileleshwa Ward. It was noted that the said Member had allegedly insulted Hon. Peter Imwatok, MCA while proceeding to the afternoon Plenary Sitting on 4th May 2023. The Committee, pursuant to the provisions of Standing Order 187 as read together with Section 15 (5) of the County Assemblies Powers and Privileges Act 2017, deliberated on the matter and adopted a work plan for investigating the allegations.

During the said meeting, the Committee resolved to invite the Director for Security Services, the Director for Information Services, Hon. Peter Imwatok, MCA and Hon. Robert Alai, MCA to shed more light on the alleged breach of the privilege.

Consequently, the Committee invited the Director for Security Services, the Director for Information Services, Hon. Peter Imwatok, and the accused Member to its meetings on different dates to shed more light on the alleged breach of the privilege.

2.2 Committee Inquiry into the Breach of Privilege

a) Legal Framework

- i) The Select Committee on Powers and Privileges (the Committee) draws its mandates and powers from various Constitutional and statutory provisions, as well as parliamentary dictates derived from long standing practice and procedure. Primarily the enabling law to the mandate of the Committee is Section 15 of the County Assemblies Powers and Privileges Act, 2017, the Nairobi County Assembly Standing Orders, which draws its legality and powers from County Governments Act, 2012 and the Constitution of Kenya, 2010, provides for the Powers and privileges of Committees, under Standing Order 187, thus, *Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to: Summon any person to appear before it for the purposes of giving evidence or providing information; and request for and receive papers and documents from the Government and the public.*
- ii) Section 15 (1) of the County Assemblies Powers and Privileges Act, 2017 (the Act) establishes the Committee. The Act is enacted pursuant to provisions of Article 196(3) of the Constitution of Kenya, 2010.
- iii) The Committee's powers to summon witnesses for purposes of giving evidence is provided for under Article 196 of the Constitution of Kenya 2010, thus, *a county assembly or any of its committees has power to summon any person to appear*

before it for the purpose of giving evidence or providing information. For the purposes of clause (1), an assembly has the same powers as the High Court to:

- a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;*
 - b) compel the production of documents; and*
 - c) Issue a commission or request to examine witnesses abroad.*
- iv) Section 15 of the Act mandates the Committee, on receipt of a complaint, to inquire into conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of Section 16.
 - v) Section 16 of the Act outlines what constitutes to be a breach of privilege and in particular, “*Section 16 (c) provides that a Member can be considered to be in breach of privilege if he/he willfully fails or refuses to obey any rule, order or resolution of a county assembly and in (d), conducts himself or herself in a manner which, in the opinion of the Committee on Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of a county assembly, or of the Members or to be contrary to the best interests of a county assembly or its Members.*”
 - vi) In addition, Section 10 of the Act, prohibits questioning of the proceedings or decisions of this Committee in any court.
 - vii) Section 26 of the Act provides for the Prohibited Acts in respect of a County Assembly and its Members.
 - viii) In Section 17 (3) of the Act provides for the attendant penalties should the Committee establish culpability for breach of privilege by a Member.
 - ix) Article 75 (1) of the Constitution of Kenya, 2010 provides for the expected behavior for State Officers
 - x) Sections 7, 8, 11 and 13 of Leadership and Integrity Act, 2017 on conduct of State Officers

b) Events Occasioning Breaches and the Inquiry

The matter for which the Committee on undertook inquiry arose from allegations of breach of privilege by Member of the County Assembly (Hon. Robert Alai, MCA) allegedly insulting another Member (Hon. Peter Imwatok). The alleged insult allegedly took place on 4th May 2023 when the said Members were proceeding to the afternoon Assembly Sitting. The Committee observed that should culpability be established, action would be taken in accordance with the Act.

2.3 Witnesses

With regard to the investigations of issue placed before the Committee, the Select Committee on Powers and Privileges invited various witnesses for purposes of preparing a comprehensive report on the allegations. On behalf of the Committee, and pursuant to Section 18 of the Act, the Clerk, under the direction of the Committee resolutions from its meeting held on 15th June, 2023 wrote and issued invitation letter to the Assembly's Director for Security Services, the Director for Information Services, Hon. Peter Imwatok,

MCA and Hon. Robert Alai, MCA to appear before the Select Committee on Powers and Privileges to answer to the allegations.

3.0 INVESTIGATION INTO THE BREACH OF PRIVILEGE BY HON. ROBERT ALAI, MCA

3.1 Witnesses from the County Assembly

Statements and oral testimony from witnesses from the County Assembly were reviewed and noted as follows: -

a) The Director for Security Services

On Tuesday, 13th June, 2023, the Director for Security Services appeared before the Committee. The Vice-Chairperson informed the Director of the reasons for the invitation as per the Committee's invitation. However, while on oath, the Director requested for more time to adequately prepare a response on the issues raised by the Committee. The Director appeared before the Committee again on 14th June 2023 and informed the Committee as follows on oath:

- i) That on the material day, none of the officers in the Directorate witnessed the alleged altercation between Hon. Robert Alai, MCA and Hon. Peter Imwatok, MCA;
- ii) That the CCTV footage on the Assembly Sitting day in question had already been over-ridden to create more space, therefore, he did not have any clip to present to the Committee as requested
- iii) That should the Committee need him to clarify any issue, he would be available to co-operate; and
- iv) That should he come across any information with respect to case under investigation, he would present it to the Committee to assist the investigation.

b) The Director for Information Services

On Tuesday 13th July 2023, a representative of the Director for Information Services appeared before the Committee and while on oath, presented the official Hansard Report of 4th May 2023 and informed the Committee that he was not in possession of any other information to aid the investigation.

c) Hon. Peter Imwatok, MCA

On Thursday, 15th June, 2023, Hon. Peter Imwatok appeared before the Committee for purposes of shedding light on the allegations alleged breach of privilege by Hon. Robert Alai, MCA. While on oath, Hon. Peter Imwatok, MCA informed the Committee as follows:

- i) That on 4th May 2023, while proceeding to the County Assembly Chamber, he met with Hon. Robert Alai at the card issuance desk who hurled unprintable abuses at him. Particularly, the witness stated that the Member was aggrieved that the Leader of Majority had not considered him for a foreign trip. Specifically, Hon. Robert

Alai, MCA allegedly told the Hon. Peter Imwatok that “*do you want me to do an act of sex with your mother so that you consider me for a foreign trip?*”

- ii) That the exchange extended to the Chamber Bar where Hon. Moses Ogeto, MCA, the Majority Whip, witnessed. Thereafter, the matter was reported to the Assembly and the witness requested that the Member be named pursuant to Standing Order 118. A Motion was moved and agreed to. He informed the Committee that upon the passage of the Motion, the Speaker issued directions suspending Member for four (4) Sittings. The Hon. Members was required to resume on 13th June 2023 and subsequently the matter stood committed to the Select Committee on Powers and Privileges.
- iii) That at the burial ceremony of his uncle, Hon. Robert Alai, MCA sent Hon. Wilfred Odalo, MCA to tender apology to the witness. He however was not aware the reason for the apology

Accordingly, the Committee resolved that Hon. Moses Ogeto, MCA, Hon. Wilfred Odalo, MCA and the Director for Security Services be invited separately to a meeting of the Committee on Tuesday 27th June 2023. The Director for Security Services was to give a report because of the new report on the site where the alleged breach took place.

d) Hon. Moses Ogeto and Hon. Wilfred Odalo

Following the resolution of the Committee passed on 15th June 2023, Hon. Moses Ogeto, MCA and Hon. Wilfred Odalo, MCA were invited to meetings of the Committee held on 20th, 21st and 27th June 2023 but failed to appear despite official communications whenever they requested for rescheduling of meetings.

d) The Director for Security Services

On 27th June 2023, representatives of the Director for Security Services appeared before the Committee and while on oath, informed the Committee as follows regarding the new developments with respect to the matter under investigation:

The team leader stated that he was off duty on the day in question (4th May 2023). However, on resumption, he inquired from the officer who was on duty on the matter. The officer was invited and informed the Committee as follows:

- i) That on Thursday, 4th May, 2023, she was in the Chambers when the Majority Leader entered and sat at his position. Thereafter, the Majority Leader stood and informed the Assembly that Hon. Robert Alai, MCA had insulted him. However, she did not witness the Hon. Robert Alai, MCA actually insulting Hon. Peter Imwatok, MCA; and
- ii) That Hon. Peter Imwatok, MCA and Hon. Robert Alai, MCA entered the Chambers at different times.

e) Hon. Robert Alai

On 27th June 2023, Hon. Robert Alai, MCA appeared before the Committee and on oath, he made the following submissions regarding the matter of alleged insult to Hon. Peter Imwatok, MCA:

- i) That the matter under investigations was not clear to him. The alleged altercation between him and the Hon. Peter Imwatok, MCA on the said day was not true.
- ii) That on 4th May 2023, he was surprised when he entered the Chambers for the Speaker to issue directions for his suspension from the Assembly without fair hearing;
- iii) On whether the Member had any altercation with Hon. Peter Imwatok prior to the day in question, stated that there had been no altercation between him and the Majority Leader.
- iv) That on the day in question, he only enquired from the Majority Leader whether foreign trips were meant for all Members of the County Assembly. However, the Majority Leader informed him that he (Hon. Robert Alai) must respect him as the Leader of Majority Party.
- v) That in response, Hon. Robert Alai inquired from Hon. Peter Imwatok whether he was to kneel down for the Majority Leader to know that he (Hon. Alai) respects him (Hon. Peter Imwatok, MCA).
- vi) On whether the Member used abusive language on the Majority Leader, the Member stated that he did not use abusive language on the Majority Leader as alleged. That he respected family relationships and that he cannot use abuse language on a family member or any person. That Hon. Peter Imwatok, MCA could have listened to the accused Member before the action taken against him.
- vii) On whether there were any differences between the Member and Hon. Peter Imwatok, Hon. Alai stated that he had a good working relationship with the Leader of Majority Party. That he had just inquired on whether there were foreign trips for all Members of the County Assembly, in which the Majority Leader responded that there was no budget.
- viii) On whether the Member sent a message of apology to Hon. Member Imwatok, MCA, he stated that he did not send a message of apology. However, the message on WhatsApp (referred to) was a response to seeking an apology from the Majority Leader. That the Majority Leader was hallucinating about his parents and then imagined that he (Hon. Alai) said them to be used against him.

In his final remarks, the Member stated that he was unfairly suspended from the Assembly without being accorded a hearing. That the Assembly owed him an apology.

4.0 COMMITTEE FINDINGS

Following the analysis of various submissions from the witnesses, the Committee made the following observations:

- i) That on 4th May 2023, Hon. Peter Imwatok, MCA reported to the County Assembly that Hon. Robert Alai, MCA had insulted him while entering the Assembly Chambers for afternoon Plenary Sitting;
- ii) That a Motion to suspend Hon. Robert Alai, MCA for four Sitting days pursuant to Standing Order 118 and 120 was approved by the County Assembly;
- iii) That the Speaker issued a Communication to clarify the suspension of Hon. Robert Alai, MCA in which Hon. Robert Alai, was suspended for four (4) Sitting days commencing on 4th May 2023 and the Members would be allowed in the County Assembly on 13th June 2023;
- iv) That the Select Committee on Powers and Privileges to take up the matter;
- v) That the Committee was not able to obtain incriminating and concrete evidence from the witnesses who appeared before the Committee on the alleged insult;
- vi) That the Assembly and the Speaker were within their procedural remit to suspend Hon. Robert Alai, MCA for Four (4) Sitting days; and
- vii) That, being the custodian of integrity and proper conduct of Members within the County Assembly, the Select Committee on Powers and Privileges can however investigate any matter pursuant to Section 15 (4) (b) of the Act.

5.0 COMMITTEE RECOMMENDATIONS

Having received evidence from invited witnesses and having deliberated and made observations and findings, the Select Committee on Powers and Privileges makes the following recommendations to the Assembly for approval:

- 1) That pursuant to Standing Orders 118, 119 and 120, the County Assembly was within its procedural remit to issue the penalty to suspend to Hon. Robert Alai, MCA on 4th May 2023 which sufficed; and
- 2) That, pursuant to the provisions of the Article 75 of Constitution, the code of conduct in the Leadership and Integrity Act, 2017, the requirements of the County Assemblies Powers and Privileges Act, 2017 and the Standing Orders, Members of the County Assembly to:
 - i. conduct themselves in a manner that brings respect and honor to the office they hold and the County Assembly at all times in private and public life;
 - ii. accord respect to other Members and their duties without exception including those performing special duties of leadership in the County Assembly;
 - iii. accord respect to the duties of the Select Committee on Powers and Privileges and its Membership in the course of discharging their mandate notwithstanding the positions they hold in the Assembly

MINUTES OF THE 10TH SITTING OF THE NARC COUNTY ASSEMBLY
COMMITTEE ON POWERS AND PRIVILEGES HELD VIRTUALLY ON TUESDAY, 11TH JULY,
2023 AT 10.00 A.M.

MEMBERS PRESENT:

1. The Hon. David Magoba, MCA – Vice-Chairperson
2. The Hon. Benter Obiero, MCA
3. The Hon. Lily Akoth Kidenda, MCA
4. The Hon. Kame Adano, MCA
5. The Hon. Eutyclus Mukiri, MCA
6. The Hon. Asli Muhamed, MCA
7. The Hon. Maurice Ochieng, MCA
8. The Hon. Hamisi Maleya, MCA

MEMBERS ABSENT WITH APOLOGY

1. The Hon. Kennedy Okeyo Ng'ondi, MCA – Speaker (Chairperson)
2. The Hon. Susan Makungu, MCA
3. The Hon. Hashim Kamau, MCA
4. The Hon. Clement Nganga, MCA
5. The Hon. Mwaniki Kwenya, MCA
6. The Hon. Absalom Odhiambo, MCA

SECRETARIAT

1. Mr. Austin Inyundele – Senior Clerk Assistant

AGENDA

1. Preliminaries (prayers & adoption of the Agenda)
2. Consideration and adoption of the Committee's report on investigation into alleged misconduct by Hon. Robert Alai, MCA
3. Any other business

MIN.05/NCCA/P&PC/JULY/2023– PRELIMINARIES

The Vice-Chairperson called the meeting to order at 10.00 a.m. and said the opening prayers. He then welcomed the Members present and read the agenda which was adopted as proposed by Hon. Kame Adano, MCA and seconded by Hon. Benter Obiero, MCA.

MIN.06/NCCA/P&PC/JULY/2023 – CONSIDERATION AND ADOPTION OF THE COMMITTEE'S REPORT ON INVESTIGATION INTO ALLEGED MISCONDUCT BY HON. ROBERT ALAI, MCA

The Committee was informed that following the conclusion of investigations on the case where Hon. Robert Alai, MCA was alleged to have insulted Hon. Peter Imwatok, the Committee was required to compile a report on the same for Tabling in the Assembly. In the said report, the following were the findings of the Committee: -

- 1) That on 4th May 2023, Hon. Peter Imwatok, MCA reported to the County Assembly that Hon. Robert Alai, MCA had insulted him while entering the Assembly Chambers for afternoon Plenary Sitting;

- 2) That a Motion to suspend Hon. Robert Alai, MCA for four Sitting days pursuant to Standing Order 118 and 120 was approved by the County Assembly;
- 3) That the Speaker issued a Communication to clarify the suspension of Hon. Robert Alai, MCA in which Hon. Robert Alai, was suspended for four (4) Sitting days commencing on 4th May 2023 and the Members would be allowed in the County Assembly on 13th June 2023;
- 4) That the Select Committee on Powers and Privileges to take up the matter;
- 5) That the Committee was not able to obtain incriminating and concrete evidence from the witnesses who appeared before the Committee on the alleged insult;
- 6) That the Assembly and the Speaker were within their procedural remit to suspend Hon. Robert Alai, MCA for Four (4) Sitting days;
- 7) That a comprehensive reading of Standings Orders 118, 119, 120 and 121 does not occasion referral of a matter to the Select Committee on Powers and Privileges; and
- 8) That, being the custodian of integrity and proper conduct of Members within the County Assembly, the Select Committee on Powers and Privileges can however investigate any matter pursuant to Section 15 (4) (b) of the Act.

Accordingly, it was proposed that the Committee recommends as follows:

- 1) **THAT**, pursuant to the provisions of the Article 75 of Constitution, the code of conduct in the Leadership and Integrity Act, 2017, the requirements of the County Assemblies Powers and Privileges Act, 2017 and the Standing Orders, Members of the County Assembly to:
 - i. conduct themselves in a manner that brings respect and honor to the office they hold and the County Assembly at all times in private and public life;
 - ii. accord respect to other Members and their duties without exception including those performing special duties of leadership in the County Assembly; and
 - iii. accord respect to the duties of the Select Committee on Powers and Privileges and its Membership in the course of discharging their mandate notwithstanding the positions they hold in the Assembly.

The Committee deliberated on the findings and recommendations and adopted the report having been proposed by Hon. Eutyclus Mukiri, MCA and seconded by Hon. Asli Mohamed, MCA. The report would subsequently be Tabled in the Assembly.

MIN.07/NCCA/P&PC/JULY/2023 – A.o.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being thirty minutes past ten O' Clock, the Vice-Chairperson adjourned the meeting. The next meeting was to be communicated later.

CONFIRMED AS A TRUE RECORD OF THE PROCEEDINGS

SIGN: CHAIRPERSON SECRETARY.....

DATE: 9/8/2023



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 4th May 2023

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.

(Loud consultations)

Order, Hon. Members! Hon. Majiwa, please take your seat.

PETITION

Hon. Speaker: Hon. Members, we have a Petition which should be tabled before the Assembly but it seems the Table Office has not brought copies for circulation. In line with the requirements of the Standing Order No. 43 (2) on the sequence of the business as it appears on the Order Paper, I defer the Petition to a later time in the course of the business today.

(Petition deferred)

Clerk, we may proceed.

PAPERS

REPORT ON THE PETITION BY PUMWANI RESIDENTS ON ALLOCATION
OF PUBLIC LAND ALONG GENERAL WARUINGE ROAD

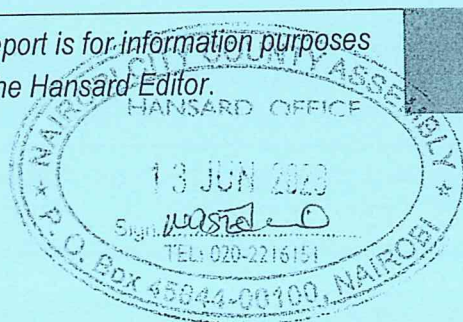
Hon. Speaker: Hon. Chairperson of Planning and Housing!

Hon. Alvin Palapala: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196 and 221 (2), I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The report of the Sectoral Committee on Lands, Planning and Housing on the Petition by Pumwani Residents on allocation of public land along General Waruinge Road.

Thank you, Mr. Speaker.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



(The Paper was laid on the Table)

REPORT OF JUSTICE AND LEGAL AFFAIRS COMMITTEE ON WORKSHOP
HELD AT MAXLAND HOTEL

Hon. Speaker: Chairperson, Justice and Legal Affairs

Hon. Jared Ondieki: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The report of the Sectoral Committee on Justice and Legal Affairs on the workshop held from 9th to 12th March 2023 at Maxland Hotel in Kiambu County.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. Chairperson of the Sectoral Committee on Environment and Natural Resources? The Vice Chair, please.

Hon. Kamau Fiunifui: Thank you, Hon. Speaker. I beg to give notice of the following Motion---

Hon. Speaker: We are on Papers laid. I thought you are undertaking on behalf of the Committee.

Hon. Kamau Fiunifui: Sorry, it is a mix-up because this belongs to Hon. Sospeter.

REPORT OF CULTURE AND COMMUNITY SERVICES COMMITTEE
ON INDUCTION WORKSHOP HELD AT MAXLAND HOTEL

Hon. Speaker: Chairperson, Culture and Community Services.

Hon. Samson Ooko: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The report of the Sectoral Committee on Culture and Community Services on the induction workshop held from 23rd to 26th March 2023 at Maxland Hotel in Kiambu County.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Jera. The Vice Chair of the Environment Committee, what is the position on Papers laid?

Hon. Kamau Fiunifui: Hon. Speaker, there is a disconnect, I seek your indulgence on the matter. The Papers will be laid when we come back from recess.

SUPPLEMENTARY II BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2022/2023

Hon. Speaker: Budget and Appropriation Committee!

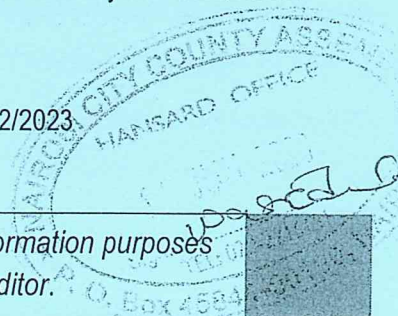
Hon. Peter Imwatok: Hon. Speaker, pursuant to Section 135 of the Public Finance Management Act 2012, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The Nairobi City County Supplementary II Budget Estimates for the financial year 2022/2023.

(The Paper was laid on the Table)

REVISED BUDGET ESTIMATES FOR THE YEAR 2022/2023

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Hon. Peter Imwatok: Hon. Speaker, pursuant to Standing Order No. 135 of the Public Finance Management (PFM) Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The Revised Budget Estimates for the year 2022/2023.

(The Paper was laid on the Table)

Point of Order

Hon. Speaker: You may proceed, Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I rise under Standing Order No. 118 (1); the naming of a Member.

"Any Member may at any time, on a point of Order, invite the Speaker or the Deputy Speaker to name another Member for gross disorderly conduct, but the decision on whether or not to do so shall remain with the Speaker or the Chairperson."

Attached to Standing Order No.117 (e);

"Threatens or uses violence against a Member or an officer of the Assembly."

Hon. Speaker, I stand on the premise of these Standing Orders to name one, Hon. Robert Alai for abusing the private parts of my mother, as I was walking to this Assembly. I stand to name Hon. Robert Alai.

Hon. Speaker, give guidance.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Let us be orderly. By the privileges conferred upon the Members of the Assembly under the Standing Orders by way of naming a Member for gross misconduct, Hon. Members, we are limited within the law that the House under the Chairmanship can only conduct investigations on the said allegations, and the sole responsibility lies with the Powers and Privileges Committee.

For that reason, we direct that the Member be suspended for the sittings--- Order, Hon. Perpetua! ---until such a time we shall receive a detailed report from the Powers and Privileges Committee. So, Hon. Robert Alai, you stand suspended, and before then, I would like to put a question before the Assembly in agreement that the Member stands suspended.

(Question put and agreed to)

The Member stands suspended. Serjeant-at-Arms, please accord the Member the necessary security he may need.

(Hon. Robert Alai was escorted out of the Chamber by the Serjeant-at-Arms)

(Loud consultations)

Hon. Speaker: Order, Hon. Members! In further reference, the Member shall not be in any position access committee sittings and the Assembly precincts for any official transaction of business. Thank you.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



We may proceed. Chair, Transport Committee.

REPORT OF TRANSPORT AND PUBLIC WORKS COMMITTEE
ON INDUCTION WORKSHOP HELD AT FLAMINGO HOTEL

Hon. Musango Maithya: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The report of the Sectoral Committee on Transport and Public Works on the induction workshop held from 28th to 29th March 2023 at Flamingo Hotel in Mombasa County.

(The Paper was laid on the Table)

REPORT OF TRANSPORT AND PUBLIC WORKS COMMITTEE
ON INDUCTION WORKSHOP HELD AT MAXLAND HOTEL

Hon. Speaker: Chair of Health Services.

Hon. Maurice Onyango: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The report of the Sectoral Committee on Health Services on the workshop held from 9th to 12th March 2023 at Maxland Hotel in Kiambu County.

(The Paper was laid on the Table)

Hon. Speaker: Serjeant-at-Arms, please escort the Majority Leader out of the House. Let him find solace at the Speaker's Gallery, please.

(Hon. Peter Imwatok was escorted out of the Chamber by the Serjeant-at-Arms)

(Hon. Samson Ooko spoke off the record)

Order, Hon. Member!

REPORT OF WOMEN CAUCUS ON INDUCTION WORKSHOP HELD AT CONTINENTAL HOTEL

Hon. Speaker: Chairperson, Women Caucus.

Hon. Scolastica Mande: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

The report of the Women Caucus on the induction workshop held from 8th to 12th December 2022 at Continental Hotel in Mombasa County.

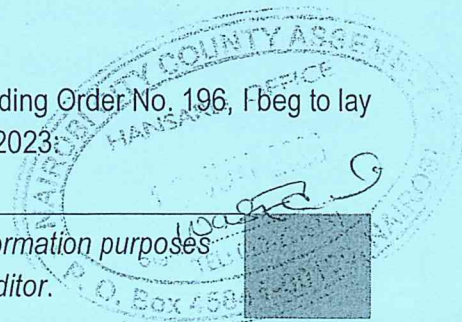
(The Paper was laid on the Table)

REPORT OF AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE
ON WORKSHOP HELD AT MAXLAND HOTEL

Hon. Speaker: Chairperson, Agriculture and Livestock.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 4th May 2023:

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



The report of the Sectoral Committee on Agriculture, Livestock and Fisheries on the workshop held from 23rd to 26th March 2023 at Maxland Hotel in Kiambu County.

(The Paper was laid on the Table)

Hon. Speaker: Hon. Chair, Health Committee, are you through?

Hon. Maurice Onyango: Thank you, Mr. Speaker. I have a response to a Statement which I think is under Order No. 7.

Hon. Speaker: Order No. 7? On Papers Laid?

Hon. Maurice Onyango: No. On statement response.

Hon. Speaker: We are on Papers laid.

Hon. Maurice Onyango: I have already laid the report.

Hon. Speaker: Thank you. We had bypassed Environment Committee. Is the Chair in the House?

NOTICE OF MOTION

Hon. Speaker: Hon. Brian Itenya.

Hon. Diana Mwangangi: Hon. Speaker---

Hon. Speaker: Order, Hon. Katile! Do you have any written approval from the Speaker?

Hon. Diana Mwangangi: From what I understand, he made the necessary communication.

Hon. Speaker: I have not received any communication. It stands deferred. Hon. Clement Kamaru.

CONVICTION OF DRUNK DRIVERS TO MANDATORY COMMUNITY SERVICE

Hon. Clement Kamaru: Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 183 (3) (c), of the Constitution of Kenya, 2010 provides that the County Executive Committee shall inter alia implement with 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 a drink or a drug to a certain 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 Kshs.100,000 or imprisonment for a term not exceeding two years or both; further noting that Section 4 (2) (d) of the National Safety Authority Act, 2012 indicates 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 deterrent of drunk driving, road carnage and as a result of the same remains on the rise in the County and the country at large, this covers 32% of all the reported road accidents, with such cases reported on late nights and on 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 bringing awareness of the imminent risks of loss of life associated with such unlawful and unethical acts; 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

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



mitigating drunk driving behavior in the County; this Assembly urges the that County Executive moves with speed and:-

1. Partner with National Transport and Safety Authority (NTSA) and the Judiciary through the City Courts towards introducing of a mandatory conviction to community service for all the drunk driving cases 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 of the facility's Chief Administrator;
3. Undertake a sensitization talk from the facilities Chief Administrator on the risks associated with drink and drive and information on death cases as a result of drunk driving; and
4. Develop a policy that will see the introduction of community services for the convicted drunk driving cases in the County.

Thank you.

Hon. Speaker: Thank you, Hon. Member.

STATEMENTS

RESPONSE TO STATEMENT REGARDING STALLED CONSTRUCTION OF UPENDO HOSPITAL IN HOSPITAL WARD

Hon. Speaker: The Chairperson, Committee on Health.

Hon. Maurice Onyango: Thank you, Hon. Speaker. I have a response to a Statement requested by Hon. Mark Thiga, MCA.

Hon. Speaker: Is the Member in the House?

Hon. Maurice Onyango: The Member is around, I can see him.

Hon. Speaker: Can you confirm?

Hon. Mark Thiga: Thank you, Mr. Speaker. I am around.

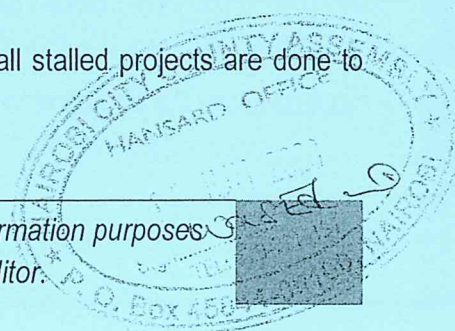
Hon. Speaker: Thank you. You may proceed.

Hon. Maurice Onyango: Hon. Speaker, on Tuesday 22nd November 2022, the Hon. Mark Thiga, MCA, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee On Health Services regarding stalled projects in the County, particularly the construction of Upendo Hospital in Hospital Ward.

He further asked the Chairperson to inquire into and report on:

- i. A detailed report on why the construction of this said Hospital has stalled;
- ii. The company that was awarded the tender and how much was paid to the contracting firm vis-à-vis the approved certificate of payment;
- iii. Whether the County Executive has allocated any budget towards ensuring the full completion of the project; and
- iv. Steps that the County Executive has taken to ensure that all stalled projects are done to completion.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Mr. Speaker, the Committee invited the County Executive Committee Member, the Chief Officers of Medical Services, the Chief Officer for Public Health, and the Chief Officer for Facilities for a meeting on April 6, 2023.

Mr. Speaker, the County sector responded to the above issue that Hon. Mark Thiga, MCA, sought vide a letter dated 9th March 2023. In this regard, Mr. Speaker, I wish to report as follows to the Assembly:
A detailed report on why the construction of the said hospital has stalled;

The construction of a new medical block for Upendo Health Centre was initiated in the financial year 2014/2015, and the work commenced on 20th August 2015. The construction work proceeded on well and the contractor is the first certificate of Kshs.6.6 million, which has yet to be paid to date. The contractor was finally constrained to continue with the work and the project is still approximately 55% to its completion.
The company that was awarded the tender and how much was paid to the contracting firm vis-à-vis the approved certificate of payment;

Ms. Cheaali construction was awarded the contract in 2015 at a cost of Ksh. 17,214,388. Though the contractor raised a certificate of Ksh. 6,679,419.20, the payment is yet to be effected.

Whether County Executive has allocated any budget towards ensuring full completion of the projects;

The County Executive was not able to allocate funds for these projects in FY 2022/2023 due to budget constraint. However, in the FY 2023/24, the Sector will prioritize the completion of this project.

Steps that the County Executive has taken to ensure that all stalled projects are done to completion;

The County Executive in the FY 2023-2024 has prioritized the completion of six stalled projects in Hospital Ward, Ruai Ward, Mathare North Ward, Embakasi Ward, Karen Ward and Dandora III Ward, as listed in the County Fiscal Strategy Paper (CFSP), and other wards which we have not included here.

Committee Observation

Hon. Mark Thiga, MCA was in attendance and confirmed that he was satisfied with the responses given.

Hon. Speaker, I beg to lay this response. Thank you

Hon. Speaker: Thank you, Chairman. Hon. Mark Thiga, kindly respond.

Hon. Mark Thiga: Thank you, Hon. Speaker. indeed, I confirm that I was in attendance when the Chief Officer of Health Facilities was invited. I would like to appreciate the good job that the Chairman and his Committee are doing in ensuring that all the facilities that stalled across the Nairobi County are completed. I am very much satisfied. Thank you.

Hon. Speaker: Thank you very much, Hon. Member.

RESPONSE TO STATEMENT REGARDING LACK OF MEDICAL SUPPLIES AT MWIKI HEALTH CENTRE

Hon. Speaker: The Chairperson, Sectoral Committee on Health again. Is it on a different subject?

Hon. Maurice Onyango: Yes. This is from Hon. Sam Kago, Mwiki MCA.

Hon. Speaker: Mheshimiwa Kago, can you confirm your presence in the Assembly?

Hon. Samuel Kago: Thank you, Mr. Speaker. I am very much present.

Hon. Speaker: Thank you. Hon. Chair, you may proceed.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Hon. Maurice Onyango: Thank you, Mr. Speaker. The response to Statement requested by Hon. Sam Kago, MCA Mwiki Ward, from the Chairperson of the Sectoral Committee on Health Services.

Hon. Speaker on Tuesday 1st December 2022, Hon. Sam Kago, MCA, rose on the floor of the Assembly pursuant to Standing Order 45 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the lack of medical supply in the county health facilities, particularly at Mwiki Health Centre located in Mwiki Ward in Kasarani Constituency.

He further asked the Chairperson to inquire into and report on:

- i. Measures that the County Executive has put in place to operationalize the maternity wing at Mwiki Health Centre;
- ii. Steps that the County Executive is taking to provide adequate medical supplies to Mwiki Health Centre and other facilities in the County; and
- iii. Measures the County Executive is putting in place to ensure continuous medical supplies to the County health facilities.

Mr. Speaker, the Committee invited the County Executive Committee Member, the Chief Officers of Medical Services, the Chief Officer for Public Health, and the Chief Officer for Facilities for a meeting on Thursday April 6, 2023.

Mr. Speaker, the sector responded to the above issue that Hon. Sam Kago, MCA, sought via a letter dated March 9, 2023. In this regard, Mr. Speaker, I wish to respond as follows to the Assembly:

Measures that the County Executive has put in place to operationalize the maternity wing at Mwiki Health Centre;

The Government of Kenya, under the Executive Office of the President, the NMS, under the presidential directive, constructed Mwiki Health Centre, which is a level two hospital, and commissioned it in July 2022. The health facility continues to offer outpatient and internal services until February 16, 2023 when maternity services were operationalized.

Steps that the County Executive is taking to provide adequate medical supplies to Mwiki Health Centre and other facilities in the County;

Hon. Members can confirm most of the health facilities have the commodities. Two months ago, we outsourced the drugs from the KEMSA and almost all the facilities have been supplied with essential drugs

Measures the County Executive is putting in place to ensure continuous medical supplies to the County health facilities;

In order to ensure continuous supply of health products and technologies, the County Executive has put in place the following measures;

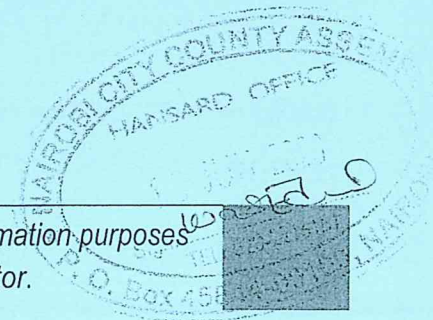
- a) a memorandum of understanding with KEMSA, which is the main supplying entity, they have put measures in place to seal any pilferage of health products; and
- b) They have tasked the health facilities to submit a weekly report on the use of commodities in the facilities to strengthen timely reordering of the products.

Committee Observation

Hon. Sam Kago, MCA, was satisfied with the response given.

I beg to lay this response. Thank you.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Hon. Speaker: Hon. Member for Mwiki, please.

Hon. Samuel Kago: Thank you, Chairman of Health. I was satisfied with that part of the medicine at the hospital. However, Chairman, with all due respect, I am here to be satisfied with No. 2 about the operationalization of the maternity wing. It is not functioning. It is dependent on the well-wishers. We have no food there, maybe, you need to look into that. Mr. Speaker, we still have some problems on the maternity.

Hon. Speaker: You are not satisfied with the response?

Hon. Samuel Kago: Yeah, about the maternity, I am not fully satisfied because it is not operational.

Hon. Speaker: So, what would you request from the Chair?

Hon. Samuel Kago: I would request the Chair to dig deep and make that maternity wing to start operating so that we can even release pressure from Mama Lucy. Everyone has been going to Mama Lucy yet we have hospitals around there that can be empowered. Therefore, I request my able Chairman to visit the hospital. I think if you could order him---

Hon. Speaker: Chairman, you may be seated as the Member is on the floor.

Hon. Samuel Kago: My request to you, Mr. Speaker and to the House is for the Chair and his Committee to come and visit that hospital so that he can be brought up to speed on what is happening on the ground. Thank you.

Hon. Speaker: I hope the report is based on the site visit as well.

Hon. Samuel Kago: If the Committee came, they never notified me. It is not based on that. They never visited the hospital.

Hon. Speaker: Chair, could you take and give an undertaking over the same, and maybe if you are in a position to adjust on the concern as raised by the Member.

Hon. Maurice Onyango: Thank you, Mr. Speaker. It is the concern of even the committee, not only the Hon. Member, we will make sure that all the started projects, more so the NMS projects have to be completed before we start new projects. Hon. Member, in our work plan, we have Mwiki as our third site visit. Will do so. Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

Hon. Samuel Kago: The hospital was completed by the NMS and handed over to the County. It has all facilities. The only thing that is needed is to operationalize that maternity wing. Everything is there, Mr. Chairman, so things are just lying there with no use.

Hon. Speaker: I find it a bit strange and quite unfortunate that the Chair gave out the report without regard to visiting the facility to ascertain the true picture and position of the Member's concern.

Hon. Maurice Onyango: Hon. Speaker, the Mwiki Health Centre is a facility that before the Hon. Member---

Hon. Speaker: Did you make a visit?

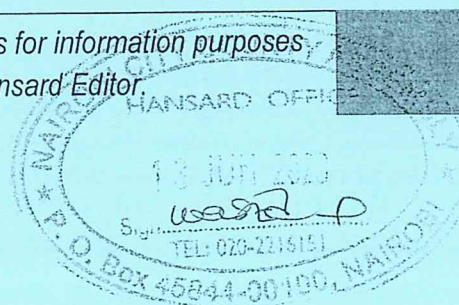
Hon. Maurice Onyango: We did not make the visit.

Hon. Speaker: He is confirming that the committee did not visit.

Hon. Maurice Onyango: We did not visit the site. But we know the status of the hospital.

Hon. Speaker: Can you make at least a commitment on amendments of your report, as the Chair, please?

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Hon. Maurice Onyango: When the Hon. Member appeared before the Committee, he rose and brought some new statements. We ask him as a Committee that he can do another Statement so that we do thorough investigation. Thank you.

Hon. Speaker: Thank you. The Member stands advised.

PETITION

ILLEGAL REMOVAL OF ORIGINALLY RECOGNIZED COMMITTEE MEMBERS FROM KANGUNDO ROAD WAKULIMA MARKET

Hon. Speaker: Hon. Members, as earlier communicated on the sequence of the business as it appears in the Order Paper, I made a communication on deferment of the Petition which I was to read later.

Hon. Members, you will allow me to read the Petition as the undersigned. This petition is by Bishop Johana King'ori Nguyo on behalf of originally recognized committee members of Kangundo Road Wakulima Market on their illegal removal by Ms Joyce Syengo, Director Markets- Nairobi City County, on 28th February 2023 within Nairobi City County.

I, the undersigned citizen of Kenya who is a resident of Nairobi City County, draw the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the county governments in the county assembly;

THAT WHEREAS, this Petition is presented in line with Article 37 of the Constitution of Kenya, 2010 and Section 15 (1) of the County Governments Act, 2012;

FURTHER AWARE THAT, the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Governments Act, 2012 provide the right for citizens to petition the authorities or the county governments on any matter;

THAT WHEREAS, Article 28 of the Constitution states that every person has inherent dignity and the right to have that dignity respected and protected;

THAT WHEREAS, the originally recognized stakeholders, traders and business community of Kangundo Market were illegally displaced under the instigation of the Director Markets, Ms.Syengo, who has since replaced the market Committee;

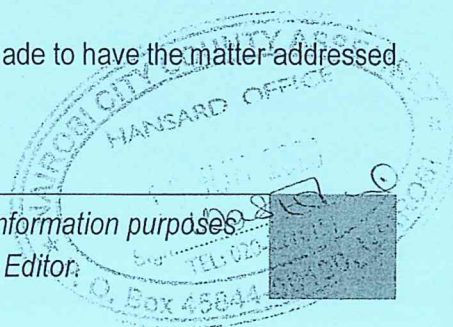
THAT WHEREAS, efforts to bring sanity, peace and harmony to enable the market function have been hampered by the above action which is a recipe for disaster and endemic violence as various vested groups fights for control;

THAT WHEREAS, the Director, Ms Joyce Syengo since has replaced the market committee with cartels who are the perpetrators of this mayhem, individuals who have several ongoing court cases against them in order to protect her personal interest and systematically threatened the original committee members;

AND WHEREAS, the cartels are alleged to be members of Gaza Criminals group responsible for three violent attacks in the market;

THAT WHEREAS, the petitioner confirms that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



AND THAT, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body.

NOW HEREOF, your humble petitioner prays that the County Assembly of Nairobi County intervenes and ensures that: -

1. The handpicked committee members by Ms. Joyce Syengo, Director Markets, should be removed as a matter of priority for the market to function smoothly;
2. The originally recognized market committee is reinstated accordingly;
3. The originally recognized chairperson, Bishop King'ori Nguyo, the undersigned, his committee and their families whose lives have been threatened, are assured of their security;
4. The Akorinho Community Trust Land, part of L.R.No. 209/14311 who were displaced by this government project, be compensated pursuant to the agreement made between Mr. Yang Kai of ID No.7838028 and Mr. BI of P.O Box Nairobi NCC, NMS and Akorinho Community Trust dated 16th August 2017 and 29th June 2020 respectively; and
5. Make any other recommendations deem fit to help salvage the current situation in the circumstances of this petition are made.

And your petitioner will forever pray.

Presented by Hon. Speaker on behalf of the originally recognized committee members of the Kangundo Road Wakulima Market, and by extension all residents of Nairobi County. Thank you Hon. Members.

MOTION

PREVENTIVE AND MITIGATION MEASURES AGAINST LIFESTYLE CHRONIC DISEASES

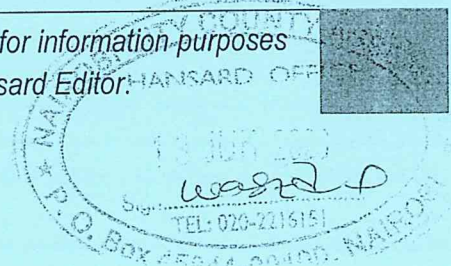
Hon. Speaker: Hon. Katile.

Hon. Diana Mwangangi: Thank you Mr. Speaker, I wish to move the following Motion:

THAT, aware that Article 43 of the Constitution of Kenya, 2010 provides for among other matters, the right to the highest attainable standard of health which includes the right to affordable health care services; further aware that Paragraph 2 of Part Two of the Fourth Schedule to the Constitution provide for the functions of the County Government which include County health services including promotion of primary health care; cognizant that lifestyle diseases such as cancer, diabetes, hypertension among other diseases have been on the rise within the County due to lack of proper and adequate preventive programs and strategies; noting that primary prevention and screening for chronic diseases are considered as the best strategies to curtail the rise of these malignant diseases; concerned that a significant percentage of the residents of Nairobi City County are economically disadvantaged thus may not afford the cost of screening services; further concerned that continuous absence of preventive programs and strategies is likely to transfer economic burden of the chronic diseases to an already financially constrained population or exacerbate the prevalence of the diseases; this Assembly urges the County Executive to:-

- i. Initiate an annual program for screening of lifestyle chronic diseases such as cancer, diabetes, hypertension in all wards at affordable fees or at no cost; and
- ii. Establish a prevention and mitigation program against lifestyle chronic diseases including awareness campaigns, sensitization forums and other sustainable measures in all wards.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor:



Mr. Speaker, this motion is self-explanatory, but nevertheless, it will not go without me adding a voice to it as the mover. These diseases have been among the major causes of the deaths that are reported worldwide. It is a concern that the same diseases have been on the rise, therefore disadvantaging a lot of families. I want to state that treating these diseases has had a social-economic impact in families in this county because the majority of the families are unable to cater for the costs, and those that can try have ended up disposing all their assets and holding harambees each and every day to be able to cater for these diseases and eventually the patient succumbs to the same.

Mr. Speaker, a lot of voices have been put on this concern, including the World Health Organization which also developed a draft policy of ensuring that they guide the member states on developing the preventive measures and also other programs that will enable them to mitigate these diseases.

Mr. Speaker, prevention cannot be underscored as far as the chronic are concerned. It is indeed true that if these cases are screened early enough, then these peoples will not end up suffering the social-economic impact that I had talked about here. We will also be able to prevent deaths if this is looked into. But Mr. Speaker, there has been a concern because even the screening services are not accessible to a majority of the population in this County. These screening services are services that the County, if well-organized, can be able to offer at the ward level. This will ensure that these patients are able to identify the disease at an early stage and they will be able to treat it.

Further, the County should be able to advocate for preventive programs because it has been also established by the world health organization that these diseases are preventable. So, if we can prevent, then we will not go to the burden or the cost of treating these diseases.

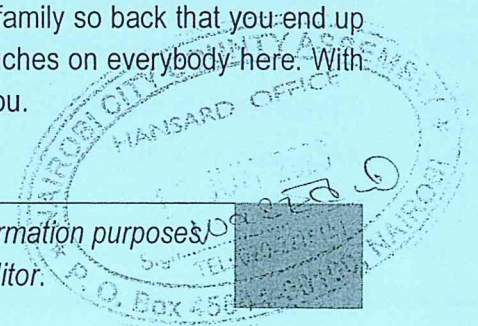
With that brief statement, Mr. Speaker, because of time, I would like to call upon Hon. Eutyclus Mukiri to second this Motion and also ask the Hon. Members of this Assembly to support at the appropriate time. Thank you.

Hon. Eutyclus Muriuki: Thank you, Mr. Speaker for this wonderful opportunity. I rise to second this Motion. I first begin by congratulating the mover of this Motion because this clearly shows that she has the interests of Nairobians at heart. We are striving towards getting Nairobi to be a city of dignity. We know that dignity comes with living a healthy life, and as we say health is wealth and prevention is better than cure. So, with this Motion, we know that we are going to have a healthy nation and a healthy Nairobi. Subsequently, we are going to have better productivity, and with productivity comes revenue that we need it for our city to grow.

Mr. Speaker, we know that health boosts confidence. As they say, we live a life of lifestyle diseases and unfortunately if you are not infected you are affected. We all have people in our families living or we know people living with lifestyle diseases and we know the impact that it brings to the society. So, Mr. Speaker this is a very good Motion and I know with the support of these Members, we will pass it. We know that disease doesn't know whether you are poor or rich; when it strikes, we are told that you are one illness away from poverty. You can be doing so well now but one chronic illness can set your family so back that you end up selling everything that you hold dear. So, this is a very good Motion that touches on everybody here. With this Motion, Nairobi is going to be a healthy society. I beg to second, thank you.

(Question proposed)

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Hon. Antony Karanja: Thank you, Hon. Speaker, I rise to support this Motion. It is true that majority of our people are only one sickness away to poverty. Chronic diseases leave us not just financially broke but also spiritually and emotionally broken. I would also want to urge the author, Hon. Diana that once we as this Assembly facilitate that this thing is done annually, that we should focus on making the program for screening be continuous because this County can afford and has a budget for that. One of the biggest problem with chronic diseases is that a lot of people only discover when the situation has reached a point of no return. So, it is right and it is fair that we should focus on screening and awareness. Hon. Speaker, I support this Motion and I believe we will all support. Thank you very much.

Hon. Speaker: Hon. Lily Kidenda.

Hon. Lily Kidenda: Thank you, Hon. Speaker for this opportunity. I support this Motion. I would like to start by congratulating my Hon. colleague and daughter, Hon. Katile; a learned friend who has gone ahead and crossed borders into the Health Sector in which I sit in the Committee as Vice Chair.

I further stand to tell this Assembly that I am a cancer survivor, I was diagnosed after six months of grueling investigations that actually took six months before we had a proper diagnosis.

(Applause)

Hon. Speaker, allow me to add, by the time I had this diagnosis, it was stage four. At the time, I could not walk without support and even bath myself. The sad reality is that cancer is terribly expensive disease to handle. If this Assembly can urge Nairobi County to focus on the primary health care by starting in all health sensitization programs, not just yearly but monthly; screening and testing to be continuous that everyone can know their status. I will include diabetes, high blood pressure and diseases that can be noticed at an early age and negated. It took thousands of dollars for me to go for treatment, and it took three years to be back on my feet and actually be able to function again. I do agree that if some of these things can be diagnosed early, lives can be saved because as the Motion states, most people are diagnosed at the time when it is too late. I remember a number of people actually telling my family – and I hold no grudge – that they are sending a corpse to India and they will come back to raise funds to bring a coffin. I looked at myself in the mirror and I was not sure that there was any health.

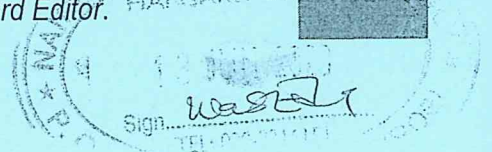
I would further like to say in this House and keep in record that it took the hand of God for me to be standing here today, accounted a privilege that God gave me a second chance to life.

(Applause)

Therefore, I rise to support this, and as a member of the cancer survivors' support group, I would request that the screening and the education should be made free because by the time you get the diagnosis and you need to go for treatment, I know families that have gone bankrupt and have been unable to get support. I would like to thank Hon. Katile for coming up with this Motion and I would like to put my weight behind it. If there is anything that we can do to be part of this campaign, I would be more than glad to be part. Hon. Speaker, I support.

Hon. Speaker: Thank you. Hon. John Rex Omolleh.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



Hon. Rex Omolleh: Thank you, Mr. Speaker, I rise to support this Motion. Currently, I am taking care of my mother who is suffering from cancer. I keep saying that if I would have known earlier enough before it got into stage four, I would have helped her. Right now, I am just waiting for that day when I will be called that it is over. So, I rise to support this Motion having been a victim of the same. Thank you very much.

Hon. Speaker: Hon. Samuel Kanyi Kago.

Hon. Samuel Kago: Thank you, Mr. Speaker, I rise to support the Motion of my neighbor here. This Motion is long overdue. Last week, we buried a young beautiful lady from my ward and she has left her family behind in poverty. We started contributing for her even before the elections. Almost ten million shillings was used in her treatment. We need even to go further and have these screening machines in our hospitals like Mwiki and Mama Lucy hospitals. As much as the Governor is constructing this ICU wards, we need to have these screening machines especially for cancer because it is leaving so many homesteads in poverty.

Mr. Speaker I wish to support this Motion and urge the mover to amend and instruct that we should have these machines in all our hospitals. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Joyce Muthoni.

Hon. Joyce Kamau: Thank you, Mr. Speaker. Hon. Katile, this is a very good Motion. We have all been affected if not infected. Most people don't die because they are very sick, they die because they are poor and they can't afford the medication. Screening in our public hospitals is still very expensive, when you have a patient who has to go for screening may be in Kenyatta Hospital, you have to wait like for three months because there is a very long queue waiting. If you can't afford to go to the private hospitals whose prices are very exaggerated then, you die very early even without having a privilege of being treated at any level. So, Mr. Speaker this is a well thought Motion, let us support and implement it.

Recently, I also buried a relative who died of cancer. We found out that the cancer was at stage four and we decided to take the patient to the best hospitals but unfortunately succumbed because of the nature of the disease. Since this is something that is affecting every family in the world at this time, we need to improve our health sector and also encourage the Executive to have these machines brought in the country in large numbers. I support the Motion.

Hon. Speaker: Hon. Hellen and lastly Hon. Kwenya.

Mheshimiwa Hellen Okello: Asante sana, Bwana Spika kwa muda huu ambao umenipatia ili niweze kuchangia mswada huu. Janga la saratani limekuwa janga kubwa sana, si nchini kwetu pekee bali dunia nzima. Tumeona janga la saratani likiongezeka; saratani ya matiti, saratani ya kizazi na saratani ya mapafu. Sote tunaelewa kama haijafanyika kwa mtu binafsi labda imefanyika kwa rafiki au familia. Tumeaona watu wengi walio na pesa wametumia hadi bima ya matibabu hadi ikaisha; hadi wakaendelea kuziuzia zile mali walizokuwa nazo ili kumtibu mgonjwa lakini kwa bahati mbaya unapata mgonjwa ambaye wanatumia pesa nyingi ili kumwezesha apone, anafariki na kuwacha familia kwa hali ambayo haiwezi kujimudu kimaisha.

Uchunguzi wa saratani isiwe tu inafanywa mara moja kwa mwaka kwa maana kila siku watu wanapata saratani. Kwa mfano, kama unaweza kukumbuka wakati ugonjwa wa ukimwi ulipokuja, watu wengi waligonjeka sana na walipoleta dawa ya bure, watu wengi hawafariki kwa sababu ya ukimwi bali wanakufa juu ya magonjwa mengine. Ningependa huu ugonjwa wa saratani uwekwe watu wakienda bila malipo ili tuweze kusaidia familia nyingi. Saratani haichagui tajiri wala maskini.

Ninaunga mkono mswada huu na nawasihi wanawadi wenzangu kuunga mkono mswada huu ili watu wanapoenda hospitalini watibiwe bila malipo, tutazuia maafa ya mapema. Ni hayo tu, Bwana Spika.

Mheshimiwa Spika: Asante sana, Mheshimiwa Hellen. Hon. Kwenya, tafadhali.

Hon. John Kwenya: Thank you, Hon. Speaker for this opportunity. I also want to thank Hon. Katile, our learned friend, for this kind of a Motion. Indeed, these diseases have taken away our loved ones. I am also a victim, I lost a Mother, an aunt and an uncle. I buried my aunt may be around two months ago because of the same.

When we talk about mitigation and prevention, that is the part I want Madam Katile to think about. What are the possible causes of this disease and how can we do the prevention and the mitigation? When you look at the lifestyle our people are living and where we are getting our food from, is very important to take care of those things. Look at a market like Marikiti and Muthurwa where we get our food, you get that the food is contaminated and maybe we do not have even clean water. Those are the things we need to think about. Also, some of these matatus are very old and pollute the environment. So, we need to also look at the mitigation part of it very seriously---

(A Hon. raised a point of Order)

Hon. Speaker: Order, Hon. Member! Which Standing Order are you raising your argument? Kindly take your seat. Do your homework properly. Hon. Member, you are protected and you may proceed.

Hon. John Kwenya: Hon. Speaker, thank for protecting me.

If you go to Tom Mboya Street, you get people doing their businesses and vehicles emit smoke throughout affecting those people. These are some of the causes of cancer. So, we need to be very careful and alert because the County will be spending a lot of money taking care of these people when we don't take care of the mitigation part of it. I would urge the Hon. Member to be specific on the steps that are going to be taken to take care of our people, which is very important.

Hon. Speaker, we are spending much of much of our money in Harambee's. So, this Motion will also secure our money and also make these members active and productive on other issues. So, I stand to support this Motion and I say that, whenever we are needed to support, we will continue supporting. Thank very much.

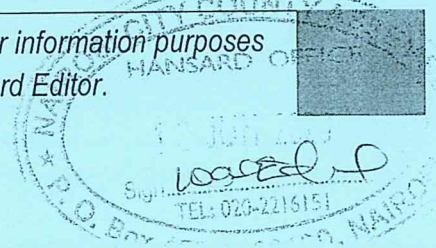
Hon. Speaker: Thank you. The mover of the Motion may reply.

Hon. Diana Mwangangi: Thank you, Mr. Speaker. I want to stand with gratitude for all the Members that have contributed to this Motion. I would specifically want to appreciate the courage that has been demonstrated by Hon. Lily Kidenda, who has stood with courage in this House and used herself as an example when supporting this Motion. Indeed, we do not take your courage for granted. I would also like specially mention Hon. Rex, who has given the story of his mother, Hon. Joyce, Hon. Kwenya who has also lost relatives on the same.

Specifically, I also want to appreciate the contribution by the minority leader, Hon. Anthony Karanja, who has pointed out that the program needs to be continuous. Indeed, we can start annually then it becomes continuous because we don't know at which point the disease will be manifested in someone's body.

Mr. Speaker, I would like to state that, for the courage that has been demonstrated in this House and the support that has been made to this Motion, it will be all in vain if it will not be implemented. I therefore call

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



upon you, Mr. Speaker and the Implementation Committee – I hope the Chair was here – to be able to follow up to ensure that all the Motions that are passed in this House are acted upon by the Executive and they do not just go there to lay in shelves. Otherwise, we would not have reason to be transacting. The best gift that you will give the Members of this Assembly and the Nairobians as far as their health concerns in relation to chronic diseases is concerned, is to ensure that this Motion is acted upon and implemented by the Executive. And with that, Mr. Speaker, I beg to reply.

(Applause)

(Question put and agreed to)

MOTION

ADJOURNMENT IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

Hon. Speaker: Hon. Minority Leader.

Hon. Anthony Karanja: THAT, pursuant to the provisions of Standing Orders 31 (3), this Assembly adjourns until Tuesday, 6th June, 2023, in accordance with the Calendar of the County Assembly (Regular Sessions).

Hon. Speaker, this Assembly adopted a calendar that we are supposed to follow. Time has come for us to go for the long recess. We will be back in this House, unless with direction of the Majority Leader or the Minority Leader in collaboration with the Speaker, to come back and deal with any emergency or any urgent matters. It is an opportunity for Members to go for one month and assess their performance in this Assembly, their performance in their respective wards and their performance in this country.

Hon. Speaker, it is also an opportunity to rejuvenate and make sure that when we come back, the Assembly is going to be vibrant. We are going to have very serious Motions like the one we have seen today. It is also an opportunity for you individually to ensure that the Executive has implemented the Motions that we have done. It is time to walk around, talk to people and do the work that the Constitution gives you, which is representing and being close to the people.

Hon. Speaker I would like to request Hon. Fiunifiu to second this Motion.

Hon. Speaker: Thank you. Hon. Fiunifiu.

Hon. Kamau Fiunifiu: Thank you Hon. Speaker. I thought it was a motivational speaker giving a speech. I didn't know the Minority Leader has that capacity to encourage Members. The capacity I am talking about is the capacity of encouraging Members.

Hon. Speaker: Hon. Member, first you second the Motion then now you are able---

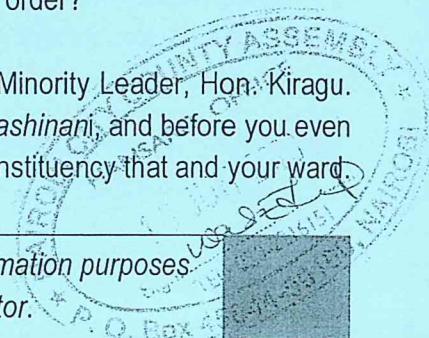
Hon. Kamau Fiunifiu: I support.

Hon. Speaker: You support or you second?

Hon. Kamau Fiunifiu: Hon. Speaker, I support and second. Is that in order?

Hon. Speaker: Thank you, you may proceed.

Hon. Kamau Fiunifiu: So, Hon. Speaker, I am very happy with the Minority Leader, Hon. Kiragu. This is to all Members of this County Assembly, you need time to also go to *mashinani*, and before you even interact with people in *mashinani*, first interact with your family. That is your constituency that and your ward.



So, if you are strong, Mheshimiwa go back to the family and especially my MCAs from Westlands led by Hon. Suleiman Maleya, go back to the family, it is important. Also go back to Mwananchi.

Lastly Speaker, I would want to thank you for the leadership that you have demonstrated in the course of this County Assembly, may the good God bless you. *Tupatane mashinani*. Thank you.

(Question Proposed)

Hon. Speaker: Can I call the mover to reply out of the silence in the Assembly? Hon. Lily Kidenda, please.

Hon. Lily Kidenda: Thank you, Hon. Speaker. I stand to speak to this and thank the mover and the seconder. I would also like to be grateful for time to go and regroup. However, I would like to seek clarification on issues committee during this time of recess.

Hon. Speaker: Hon. Diana? Your microphone is on, unless. Thank you. Hon. Emmy?

Hon. Emmy Isalambo: Thank you, Hon. Speaker. I think it's very prudent for all of us to go back home. Since Nairobi is a cosmopolitan, most of us also have rural homes, so, I think it is important for each one of us to go back home a bit even if it means one or two days. Just go back say hi to your parents and see some of you have shambas and know even your neighbor. Thank you so much.

Hon. Speaker: Hon. Ochieng Jera, please?

Hon. Samsom Ooko: Hon. Speaker, I am wondering because most Members only think about themselves, they don't think about you yet you have served us so well every day. I am sure you are tired, you equally need time to go and have a rest and even do many things that you are supposed to do out there.

Hon. Speaker: Hon. Jera, I am up to the task. I applied for the job and am equal to the task.

(Laughter)

Hon. Samsom Ooko: Hon. Speaker, you are a human being and at some point you need a rest.

Hon. Speaker: Thank you.

Hon. Samson Ooko: In that regard, I want to wish you a wonderful time as we go out for some rest. Thank you so much.

COMMUNICATION FROM THE CHAIR

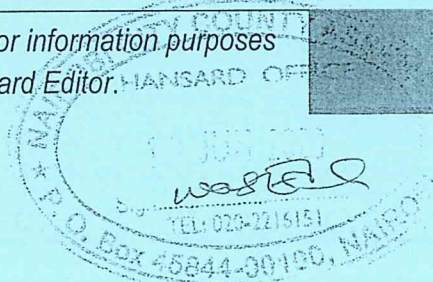
Hon. Speaker: Thank you. Hon. Members, as earlier communicated on the concern as raised by one of the Members seeking direction from the Chair, I have got two communications to make;

NAMING OF HON. ROBERT ALAI

Hon. Members, earlier, the Chair presented a Motion on the naming of Hon. Robert Alai pursuant to Standing Order No. 118 (2), which was agreed by the House. Subsequently, Standing Order No. 120 provides for the duration of suspension of a Member pursuant to Standing Order 118 as the suspension on the first occasion being four days including the day of suspension.

Noting that today is the last day before we commence one-month recess, the four sitting days, according to Standing Order No. 2 as read on the sittings on terms of reference, which I will read the meaning of a sitting day; *"Any day on which the County Assembly sits."* The above therefore means the four sitting

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.



days shall be today, 4th May 2023, the day of 6th June, 7th and 8th June 2023. The suspended Member shall be allowed to the Assembly on 13th June 2023, and it is so guided.

Meanwhile on the same, I instruct the committee on Powers and Privileges to take up the matter on or thereabout when the Assembly committees shall be sitting.

RESUMPTION OF ASSEMBLY COMMITTEE SITTINGS

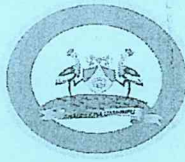
On the concern as raised by Hon. Member Lily Kidenda, I direct the committee to resume its sittings on 13th May 2023. This is informed out of the fact that we have pending businesses especially now that we are in budget making process, we show desire to conclude the budget in good time and especially the supplementary budget. So, I direct that the committee meetings to resume immediately after two weeks from the date of today.

ADJOURNMENT

Hon. Speaker: Hon. Members, the Assembly Stands adjourned to 6th June 2023 at 2: 30p.m. I wish you best of luck as you are out there to attend to your residents. Thank you and be blessed.

The House rose at 4: 22 p.m.





THIRD ASSEMBLY
THE NAIROBI CITY COUNTY ASSEMBLY
(SECOND SESSION)

DIRECTIONS FROM THE CHAIR

No. 01 of 2023

Hon. Members, I have the following Directions to convey:-

Hon. Members, earlier on the Chair presented a Motion on the naming of the Hon. Robert Alai, MCA pursuant to Standing Orders No. 118 (2) and agreed by the House.

Subsequently, Standing Order No. 120 provides for the duration of suspension of a member pursuant to Standing Order 118 as the suspension on the first occasion being 4 days including the day of suspension.

Noting that today is the last day before we commence a One (1) month recess. Four (4) sitting days according to Standing Order No.2 meaning " *sitting day meaning, a day on which the County Assembly sits.*"

The above therefore means the 4 sitting days shall be today 4th May 2023, 6th , 7th and 8th June, 2023.

The suspended Member shall be allowed to the Assembly on 13th June, 2023 and his subsequent referral to the Select Committee on Powers and Privileges for further investigation.

It is so directed.

[Signature]
4/05/2023.

The Hon. Kennedy Ng'ondi.
SPEAKER OF THE NAIROBI CITY COUNTY

III - SCA - Austin

Thursday, 4th May 2023.

*Please deal as per
II above*

Mhe.

*PCA chg P)
11/5/23*

*① DLS / DSS
Kundu will
be the speaker
to the House
and future
Clark
H/S/2*

*① PCA 6/5/23
Kundu Comm
to the member
DLS
11/5/2023*

