



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (SECOND SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, MAY 4, 2023 AT 2.30 P.M.**

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

**QUORUM OF THE ASSEMBLY**

The Speaker having confirmed that there was Quorum called the Assembly to order.

**3. COMMUNICATION FROM THE CHAIR:**

The Speaker issued the following Communications: -

**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 days shall be today, 4<sup>th</sup> May 2023, the day of 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> June 2023. The suspended Member shall be allowed to the Assembly on 13<sup>th</sup> 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**

Hon. Members, on the concern as raised by Hon. Member Lily Kidenda, MCA. I direct the committees to resume its sittings on 15<sup>th</sup> 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.

**4. PETITIONS:**

Pursuant to Standing Order 214(1) (b), the following petition was tabled: –

- i. Hon. Speaker tabled a petition on behalf of the originally recognized committee members of the Kangundo Road Wakulima Market, and by extension all residents of Nairobi County – *Petition was committed to the Sectoral Committee on Trade and Tourism.*

**5. PAPERS LAID**

The following Papers were laid on the Table of the Assembly: -

- I. THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON THE PETITION BY PUMWANI RESIDENTS ON ALLOCATION OF PUBLIC LAND ALONG GENERAL WARUNGE ROAD.**  
*(Chairperson, Sectoral Committee on Lands, Planning and Housing)*
- II. THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE WORKSHOP HELD FROM 9<sup>TH</sup> TO 12<sup>TH</sup> MARCH, 2023 AT MAXLAND HOTEL IN KIAMBU COUNTY.**  
*(Chairperson, Sectoral Committee on Justice and Legal Affairs)*
- III. THE REPORT OF THE SECTORAL COMMITTEE ON CULTURE AND COMMUNITY SERVICES ON THE INDUCTION WORKSHOP HELD FROM 23<sup>RD</sup> TO 26<sup>TH</sup> MARCH, 2023 AT MAXLAND HOTEL IN KIAMBU COUNTY.**  
*(Hon. Samson Jera Ooko, MCA)*
- IV. THE NAIROBI CITY COUNTY SUPPLEMENTARY II BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2022/2023.**  
*(The Leader of the Majority Party)*
- V. THE REVISED BUDGET ESTIMATES FOR THE YEAR 2022/2023.**  
*(The Leader of the Majority Party)*
- VI. THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON THE INDUCTION WORKSHOP HELD FROM 28<sup>TH</sup> TO 29<sup>TH</sup> MARCH, 2023 AT FLAMINGO HOTEL IN MOMBASA COUNTY.**  
*(Chairperson, Sectoral Committee on Transport and Public Works)*
- VII. THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON THE WORKSHOP HELD FROM 9<sup>TH</sup> TO 12<sup>TH</sup> MARCH 2023 AT MAXLAND HOTEL IN KIAMBU COUNTY.**  
*(Chairperson, Sectoral Committee on Health Services)*
- VIII. THE REPORT OF THE WOMEN CAUCUS ON THE INDUCTION WORKSHOP HELD FROM 8<sup>TH</sup> TO 12<sup>TH</sup> DECEMBER 2022 AT CONTINENTAL HOTEL IN MOMBASA COUNTY.**  
*(Chairperson, Select Committee on Women Caucus)*
- IX. THE REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON THE WORKSHOP HELD FROM 23<sup>RD</sup> TO 26<sup>TH</sup> MARCH 2023 AT MAXLAND HOTEL IN KIAMBU COUNTY.**  
*(Chairperson, Sectoral Committee on Agriculture, Livestock and Fisheries)*

**6. NOTICES OF MOTION – HON. CLEMENT KAMARU, MCA**

The following Notice of Motion was issued: -

- I. **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 mitigating drunk driving behavior in the County; this Assembly urges the that County Executive moves with speed and:-
  - i. 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;
  - ii. 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;
  - iii. 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
  - iv. Develop a policy that will see the introduction of community services for the convicted drunk driving cases in the County.

**7. RESPONSE TO STATEMENT PURSUANT TO STANDING ORDER 47(2)(f)**

Pursuant to Standing Order 47 (2) (f) the following responses to statement were issued:-:

- i. Response to statement by Hon. Mark Thiga, MCA from the Chairperson Sectoral Committee on Health Services regarding stalled projects in the County, particularly the construction of Upendo Hospital in Hospital Ward. **(Response satisfactory)**
- ii. Response to statement by Hon. Sam Kago, MCA 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. **(Response satisfactory)**

**8. MOTION -PREVENTIVE AND MITIGATION MEASURES AGAINST CANCER LIFESTYLE AND OTHER MALIGNANT DISEASES.**

Motion made and question proposed;

**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 programmes 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 programmes and strategies is likely to transfer economic burden of the (112) 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 programme 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 programme against lifestyle chronic diseases including awareness campaigns, sensitization forums and other sustainable measures in all Wards.

*(Hon. Diana Katile, MCA)*

Debate ensued;

Mover replied;

Question put and **agreed to;**

**9. MOTION –ADJOURNMENT IN ACCORDANCE WITH THE ASSEMBLY CALENDAR.**

Motion made and question proposed: -

**THAT**, pursuant to the provisions of Standing Orders 31 (3), this Assembly adjourns until Tuesday, 6<sup>th</sup> June, 2023, in accordance with the Calendar of the County Assembly (Regular Sessions).

*(The Leader of the Minority Party)*

Debate ensued;

Mover replied;

Question put and **agreed to;**

There being no other business and the time being twenty-two minutes past Four O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

**9. ASSEMBLY ROSE** - at ~~twenty-two~~ minutes past four O'clock.

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**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, June 6<sup>th</sup>, 2023 at 2.30 p.m