



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, 15, 2023 AT 2.30PM

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

QUORUM OF THE ASSEMBLY

The Deputy Speaker having confirmed that there was no Quorum cause the bell to be rung for 10 minutes.

After the expiry of 10 minutes the Deputy Speaker having confirmed that there was a Quorum, the Speaker called the Assembly to order.

3. COMMUNICATION FROM THE CHAIR: -

The Speaker conveyed the following Communications: -

I. ALLEGED PHYSICAL FIGHT BETWEEN HON. MEMBERS

“**Hon. Members**, my Office is in receipt of a report alleging that Hon. Joseph Karanja Ndung’u, MCA, Member for Kiamaiko Ward and Hon. Christopher Wanjohi Mutumishi, MCA, Member for Kormarock Ward engaged in altercation that resulted in a physical fight. The incident is alleged to have happened at the corridor between Committee Room No. 5 and 6 within the precincts of the Assembly.

Hon. Members, during the induction workshop of the Assembly and committees, Members were sensitized on the need to always conduct themselves in manner that brings honor and dignity to the County Assembly and the office they hold in accordance with provisions of Chapter Six of the Constitution of Kenya, 2010, Leadership and Integrity Act 2017, the Country Assemblies Powers and Privileges Act 2017, and the County Assembly’s Standing Orders. Hon. Members, I am aware that The Select Committee on Powers and Privileges, on its own motion, is seized on this matter. Accordingly, I direct the Committee to expeditiously deal with this case and report back to the Assembly.

Thank you, Hon. Members.”

II. STATUS REPORT ON PENDING STATEMENTS

“Hon. Members, you may recall in the communication which was given by the Speaker on 6th June, 2023 on the resumption from recess, all chairmen were directed that they would be called upon to give status report on pending statements before their respective committees on 8th June 2023. However, this did not happen on the said appointed date.

Hon. Members, in this regard, I have liaised with Office of the Clerk, and I am aware that the chairpersons have been made ready to give the said reports on this sitting of the Assembly. Accordingly, at this juncture, I want to call upon the chairpersons of sectoral committees to present their status reports in the following order;

1. The Sectoral committee on Health Services
2. The Sectoral Committee on Children, Early Childhood Education and Vocational Training
3. The Sectoral Committee on Transport and Public Works
4. The Sectoral Committee on Justice and Legal Affairs
5. The Sectoral Committee on Finance, Budget and Appropriations
6. The Sectoral Committee on Trade, Tourism and Cooperatives
7. The Sectoral Committee on Agriculture, Livestock and Fisheries
8. The Sectoral Committee on Environment and Natural Resources
9. The Sectoral Committee on Water and Sanitation
10. The Sectoral Committee on Energy and ICT
11. The Sectoral Committee on Lands, Planning and Housing
12. The Sectoral Committee on Culture and Community Services
13. The Sectoral Committee on Ward Development Fund
14. The Sectoral Committee on Labour and Social Welfare

I thank you Hon. Members.”

2. 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 INQUIRY ARISING FROM A STATEMENT REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR NO.1870/111/46 AND IRREGULAR ACQUISITION OF THE SAME BY LARIAK PROPERTIES IN SCHOOL LANE, PARKLANDS/HIGHRIDGE WARD.**

(Hon. Nasra Nanda, MCA)

- II. **THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON THE INVESTIGATION ONTO ALLEGED ROAD CLOSURE OF THIGIRI LANE IN KARURA WARD.**

(Chairperson, Transport and Public Works)

4. NOTICES OF MOTION: -

The following Notices of Motion were issued: -

- I. **HON. PETER IMWATOK, MCA - CONSTRUCTION OF A WELL-PLANNED PURPOSE-BUILT TOI MARKET**

THAT, aware that Paragraph Two of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the functions of the county government, which includes trade development and regulation of markets; **FURTHER AWARE** that

the Toi Market in Kibra Constituency is one of the largest open air markets in Nairobi with over 5000 traders on outskirts of slums in Nairobi; **DEEPLY CONCERNED** that the rise of arson attacks on the informal markets in the county including Toi Market, often suspected with through human malicious act, has led to significant economic losses, social unrest and endangering the lives of traders and residents in Toi Markets; concerned that for the livelihood of traders in Toi, who have suffered significant losses due to repeatedly arson attacks and emphasizing the necessity of creating a safe and a sustainable trade environment for their economic well-being; **NOW THEREFORE**, this Assembly urges the County Executive to allocate sufficient funding sources, including public private partnership grants or development loans to finance the construction of Toi Market, ensuring its timely completion and sustainability to undertake the construction of a well-planned purpose built market in affected Toi area with the following objectives:

- i. Enhance safety and security measures to prevent arson attacks through an electrified perimeter fence, installing advance fire suppression systems, robust security cameras and employing adequate security personnel, including deployment of inspectorate officers;
- ii. Providing proper infrastructure and facilities including sheltered stalls, storage areas, sanitation facilities and utilities to ensure conducive trading environment for the Toi Market traders;
- iii. Collaborating with administrative authorities, community leaders and stakeholders to ensure the design and construction of Toi Market are inclusive, meeting the specific needs of traders and the community at large of the Kibra area.

II. HON. NASRA NANDA, MCA – ADOPTION OF REPORT

THAT, this Assembly adopts the **REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON THE INQUIRY ARISING FROM A STATEMENT REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR NO.1870/111/46 AND IRREGULAR ACQUISITION OF THE SAME BY LARIAK PROPERTIES IN SCHOOL LANE, PARKLANDS/HIGHRIDGE WARD**, laid on the table of the Assembly, today, Thursday 15th June 2023.

III. CHAIRPERSON, SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS - ADOPTION OF REPORT

THAT, this Assembly adopts the **REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON THE INVESTIGATION ONTO ALLEGED ROAD CLOSURE OF THIGIRI LANE IN KARURA WARD, LAID ON THE TABLE OF THE ASSEMBLY, TODAY, THURSDAY 15TH JUNE 2023**, laid on the table of the Assembly, today, Thursday 15th June 2023.

5. STATEMENTS: -

The following statements were requested to pursuant to Standing Order 47(2)(c): -

- i. The Hon. Kennedy Oyugi, MCA requested for a Statement from the Chairperson of the Select Committee on Ward Development Fund regarding the status of the completed projects across the city, particularly Nyayo Highrise Ward. **(Response due on 22nd June, 2023)**

6. MOTION - PROVISION OF MEDICAL SERVICES FOR COUNTY CONTRACT SERVICE/CASUAL WORKERS

Motion made and question proposed;

AWARE THAT, the County Public Service Board often approves Sectors such as Mobility and Works to engage contract services/casual employees to provide support to the County; their services cuts across Sectors and include clearing of drainage systems, gardening, landscaping and doing road works oftenly for a period of more than one month; **CONCERNED THAT** the workers are usually hired to provide such services over a period of time and as a result of the nature of the work they do, they are likely to pose risks to their wellbeing and health; **ACKNOWLEDGING THAT** for the period that the County engages the workers, the County and workers are deemed to have entered in an employer-employee engagement in the definitions contained in Section 2 of the Employment Act, 2007; **APPRECIATING THAT** Article 43 (1) (a) of the Constitution of Kenya, 2010 entitles every person to the highest attainable standard of health, which includes the right to health care services; **NOTING THAT**, Section 34 of the Employment Act, 2007 requires of employers to provide sufficient and proper medicine during illness except when the employee is covered by a medical scheme provided by Government; **CONCERNED THAT** in the definition of Article 260 of the Constitution of Kenya, 2010 and Public Service Human Resource Policies, such employees are not in the categories of public or civil servants and leaves them vulnerable in terms of benefits related to wellbeing. This Assembly urges the County Executive to put in place structures, measures and guidelines on attendance to the medical needs of staff on short-term contracts/casual workers.

(Hon. Emmy Khatemeshi Isalambo, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to;**

7. MOTION - BUILDING PLANS TO HAVE ADEQUATE PARKINGS FOR TENANTS

THAT, aware that Article 186 (1) of the Constitution of Kenya 2010, and paragraph 5 of the Fourth Schedule to the Constitution provide for the functions and powers of County Government on County transport including regulation of county roads, street lighting, public road transport traffic and parking; **FURTHER AWARE** that Paragraph 8 of part two of the Forth Schedule of the Constitution, 2010 provides for county planning and development including housing as a County function; **ACKNOWLEDGING THAT** recent years have witnessed increased development of residential apartments

within the County and more so in informal areas; concerned that most residential buildings were built with inadequate parking spaces for the tenants; **FURTHER CONCERNED** that most tenants have opted to parking their vehicles on the road reserves and pavements thus blocking other motorists, this has contributed to increased traffic snarl up in some residential areas in the County especially during rush hours, this Assembly urges the County Executive to develop regulations to provide for all building plans for residential buildings to have adequate parking spaces for tenants.

(Hon. Brian Itenya, MCA)

(Motion Differed)

And the time being seven minutes to Five O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

8. ASSEMBLY ROSE - at Seven minutes to Five O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, June 20th, 2023 at 2:30 p.m.