



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Wednesday 28th February, 2018

The House met at 2.30 p.m.

[Hon. Speaker (Ms. Beatrice Elachi) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MANDERA COUNTY ASSEMBLY

Hon. Speaker: Hon. Members, our sitting this afternoon is graced by Mandera County Assembly Service Board and Welfare Committee [members].

(Applause)

Hon. Members, I wish to recognize the presence of;

1. The Hon. Saad Sheikh
2. The Hon. Abdinoor Teno
3. The Hon. Dakane Rafat
4. The Hon. Fatuma Omar Kasai
5. The Hon. Adan Maalim Abdullahi
6. The Hon. Noor Mohamud
7. The Hon. Mohamed Tobow
8. Mr. Ali Mohamed Ibrahim, Board Member
9. Ms. Fatuma Ibrahim, Board Member
10. Mr. Ahmed Surow, Clerk

(Applause)

I warmly welcome you to the Nairobi City County Assembly. I hope you have enjoyed your stay in the City during your auspicious visit.

Hon. Members, on behalf of the Nairobi City County Assembly family, I wish to extend a warm welcome to the Hon. Members of the Mandera County Assembly Service Board and Welfare Committee. Feel welcome and enjoy your experience in Nairobi. Thank you.

Yes, Hon. Robert Mbatia

Hon. Robert Mbatia: Thank you, Madam Speaker. I just noticed there is another Hon. Member from Mandera in the gallery who has not been recognized. He was a member of defunct Nairobi City Council, Hon. Robo Hassan. He relocated to Mandera. Thank you.

Hon. Speaker: Thank you, Chair of Budget. I don't know why he was not put on the list. I recognize Hon. Robo, you are welcome.

NOTICES OF MOTION

POLICY FRAMEWORK FOR COMMUNITY HEALTH WORKERS

Hon. Pius Mbono

Hon. Pius Mbono: Thank you, Madam Speaker, I wish to give notice of the following Motion: THAT, aware that Article 43 (i) (a) of the Constitution of Kenya, 2010 provides that every person has a right to the highest attainable standards of health which includes the rights to healthcare services, including reproductive healthcare; appreciating that health services including but not limited to County facilities, pharmacies, ambulance services are promotion of primary healthcare that were devolved to County Government; further appreciating that in provision of health services, counties deploy Community Health Workers (CHWs) who voluntarily interlink the communities and health service providers in preventive, promotional and rehabilitation healthcare to communities; concerned that the CHWs in the County lack basic protective gears and tools to enable them effectively provide voluntary health services to the communities; further concerned that the Community Health Workers in the County are technically incapacitated due to lack of training, seminars and other forms of exposures facilitated by the County Government; disturbed that communicable diseases are on the rise with no effective, preventive, and mitigated measures; this Assembly urges the County to move with speed and come up with a policy framework that will provide for community health workers roles, operations and general welfare---

Hon. Speaker: Hon. Mark, kindly bow to the mace in the right way. Proceed

Hon. Pius Mbono: --- general welfare with an aim of improving their overall working conditions. Thank you.

MISHANDLING OF HAWKERS BY THE COUNTY BY EXECUTIVE

Hon. Peter Imwatok: Madam Speaker, allow me to put a notice of adjournment on a matter of definite County importance. I wish to move the following Motion: pursuant to Standing Order No. 34. THAT, aware that Article 28 of the Constitution of Kenya, 2010 provides that every person has inherent dignity and right to have dignity respected and protected; further aware that part 2 paragraph 7 of the Fourth Schedule of the Constitution provides for trade development and regulations, including but not limited to, markets, trade licensing, fare trading practices, as a functions of the County Government; disturbed that the Nairobi City County Inspectorate officers have recently been deployed together with armed police officers to flush out hawkers in the CBD; deeply concerned that the matter in which the Inspectorate and police officers are executing directive is inhumane, primitive and ruthless, leading to loss of properties, loss of lives and loss of livelihood by the traders/hawkers; further concerned that the operation has continued with total disregard to human rights in particular towards breastfeeding mothers and persons with disabilities; discouraged that no proper measures have been set by the County Executive to ensure smooth transition to alternative trading areas; further discouraged that no policy on management of small scale traders/hawkers has been considered six months down the line by the new administration; this Assembly adjourns pursuant to Standing Order No.34 to discuss the mishandling of hawkers in the County by Executive and their future plans. I beg to move.

Hon. Speaker: I feel their grievances, you will wait until we finalize the Orders we have in the Paper.

STATEMENTS

Hon. Samora.

REQUEST FOR A STATEMENT REGARDING DUMPING OF RAW HUMAN WASTE IN A RESIDENTIAL AREA

Hon. Samora Mwaura: Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the dumping of raw human waste in a residential area in Njiru Ward.

Hon. Speaker, cartels in waste management are working in cohorts with unscrupulous officers from the County Executive and this has led to massive dumping of raw human waste in an open hole dug right outside a secondary school. This uncouth behavior by the cartels is exposing school going children and residents to a myriad of diseases and further making it extremely difficult for the students to concentrate in their studies.

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

1. Why the raw human waste has been dumped on the said place and not taken to Ruai sewer treatment plant;

2. What deterrent action has been taken against the people engaged in the uncivilized trade of dumping waste in this particular hole in the said Ward; and
3. Measures put in place by the relevant department to address the said precarious health situation faced by the students and residents.

Thank you.

Hon. Speaker: Hon. Majority Leader, I would want you to take that statement because I think the Chair is not there. Oh Chair, you are there? Good.

Hon. John Muthiga: Thank you, Madam Speaker, two weeks will be enough.

Hon. Speaker: Two weeks is okay, Hon. Samora?

Hon. Samora Mwaura: I am okay.

Hon. Speaker: Hon. Peter Wanyoike had sought a statement. Do we have the Chair?

Order, Hon. Mberia! Go back and bow at the right place! Thank you, you can now come. You are so used in doing it in the middle. Bowing is not for the Speaker but for the mace.

Do we have the Chair of Liquor? Vice Chair? Majority Leader.

Hon. Abdi Hassan: Thank you, Madam Speaker. With your indulgence, two weeks is okay.

Hon. Speaker: Okay. Hon. Mberia had asked for a statement before we went for the long recess. I know the Chairs have not come back to us on many statements that the Members requested. Therefore, I wish you try your best next week to ensure you bring in those statements.

Hon. Mberia had requested a statement from the Chair of Planning. He also requested, two weeks ago, for a statement to the Chair of Budget [committee]. Budget, are you ready?

Hon. Robert Mbatia: Madam Speaker, there was an answer from the Executive but it was not satisfactory. So, we resend it back. Give us a little more time, we will not commit but we promise to let it be soon. I hope that is agreeable. Considering the changes that are there, though the offices still remain, I know it might take some time because we are very strict on some issues. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mberia.

Hon. David Mberia: Madam Speaker, I want the Chairman to elaborate how much more time does he need because two weeks have already lapsed.

Hon. Speaker: Chair, give a specific time frame.

Hon. Robert Mbatia: Madam Speaker, when he requested for a statement, there was also another statement we answered after four days. We don't want to commit ourselves but I want to promise it will be very soon.

Hon. David Mberia: Is it parliamentary for the Chair to promise to respond to a statement 'very soon?' What is very soon? We operate on timelines.

Hon. Speaker: I agree. Hon. Chair, when we are done with the CIDP, can you kindly table the response?

Hon. Robert Mbatia: Most obliged, Madam Speaker.

Hon. Speaker: Is that okay, Hon. Mberia?

Hon. David Mberia: When are we completing the CIDP?

Hon. Speaker: Just a in a week.

Hon. David Mberia: Much obliged, Madam Speaker. Thank you.

Hon. Speaker: Hon. Oluoch, are you on a Point of Order?

Hon. Wilfred Odalo: Madam Speaker, I have seen a paper circulating among Members. I need your directions on the County Executive Members' reshuffle. The letter is not is not signed, so, kindly direct the House.

Hon. Speaker: Hon. Wilfred, since I have not seen the paper, I will not give directions. Let the Minority Whip affirm me on that one. I will ask the Serjeant-at-Arms to request those who are doing the photocopy to attach the full document so that it is an authentic document. I agree with Hon. Wilfred.

Minority Whip.

Hon. Peter Imwatok: Madam Speaker, it seems you are aware of the document but it is just attachment which is not there. As our boss in this Assembly, before the attachment is brought, can we get an affirmative that this House is authoritatively in possession of such a document? From my understanding, executive orders are mostly given by the President of Republic of Kenya. If we are not careful, the word will be misused by anyone. The document is not signed.

Hon. Speaker: Hon. Members, I am aware and I have also received the same letter that is not attached to the document that presents the names. Hon. Members, you remember the Committee on Appointments where the Minority Whip is also a Member sat down and vetted these Members. Therefore, whenever there is a reshuffle I don't think it should be a big issue. It is in the kindness of the Governor that he brought the reshuffle letter. This is to inform the Chairs to understand how to deal with different sectors. It is within the powers of the Governor to reshuffle at any time as he would wish. I believe it is within the

law. It would have been wrong if he had brought in a name that we have not vetted in this House. Hon. Minority Whip, I agree with you that the letter will come and you will read exactly what I read. It is with the discretion of Article 1 of our Standing Orders that I feel it is important to bring it in the House.

Is Hon. Njihia in the House? If he is not, I believe the Planning Committee is still in Mombasa and therefore any statement that is before Planning will wait until next week.

Next order.

MOTION

APPOINTMENT OF MEMBERS TO THE CHAIRPERSON'S PANEL

Hon. Speaker: Majority Leader.

Hon. Abdi Hassan: Thank you, Madam Speaker. THAT pursuant to the provision Standing Order 17(2), this Assembly approves the appointment of the following Members to the Chairperson's Panel: -

1. The Hon. Evans Otiso, MCA.
2. The Hon. Kennedy Obuya, MCA.

I would wish to ask the Minority Whip to second the Motion.

Hon. Peter Imwatok: I rise to second the Motion read by the Majority Leader of this able House on the appointment of Hon. Evans Otiso and Kennedy Obuya. These are very great Hon. Members though from the opposition side which is really working. Also, the appointees of the Government side should go with the speed so that we can have those who can assist you in this very hard job as the Speaker of this Second Assembly in this County so that the County can move forward.

Sometimes, Madam Speaker, I feel for you because at any given time you must be here with us, but with this panel together, you may delegate them some duties and they can execute it after induction Madam Speaker, I beg to second.

(Question Proposed)

Hon. Speaker: Mover!

Hon. Abdi Hassan: Thank you, Madam Speaker, I want to assure the House that the side of Jubilee will bring the names tomorrow so that they can assist you on performing the duties.

Madam Speaker, I want to state that in [past] two weeks, I have seen my name circulating on social media alleging that I am the founder of Al-Shabaab and all the Nominated MCA's are my lovers. I appreciate that.

(Applause)

Madam Speaker, that aside, the Nominated MCA's who are here are Hon. Members nominated by respective parties to represent the interest of Nairobians and their parties.

Hon. Speaker: Yes Hon. Mberia!

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Hon. David Mberia: Madam Speaker, is the Leader of Majority on a Personal statement? He is bringing his personal issues on the floor of this House without a substantive personal statement to discuss his personal issues. Thank you, Madam Speaker.

Hon. Speaker: I agree absolutely. Majority Leader, I didn't want to interfere because I am the Speaker but thank you, Hon. Mberia. Yes, finalize on the Motion.

Hon. Abdi Hassan: Madam Speaker, it is a very serious matter as a leader of this House. I am entitled to speak what ails me and no Standing Order denies me to do that.

Madam Speaker, saying that I am Al-Shabaab goes beyond defaming me. That is putting me on international radar. I abhor the behavior of Al-Shabaab, I condemn their actions and I have never supported or associated myself with any element of Al-Shabaab.

Madam Speaker, all those issues came up because I stood firm and I want to state here that I will continue standing very firm and nobody is going to intimidate me. I will stand my ground because I am just performing my duties as the leader of this House and I will continue standing in this House for the next five years. As for the women, I love them and didn't see my wife complaining about it---

Hon. Speaker: Order, Majority Leader! They are Hon. Members, they are not women.

Hon. Abdi Hassan: I am not talking about Members, Madam Speaker. I am saying as an individual, I love women as a man. I have not heard my beautiful wife, whom I love a lot, complaining about me. I even don't see why someone should go to gutter press to discuss about my personal conduct. I am a Muslim and I am entitled to marry four women

(Laughter)

I am a young man who is very vibrant and energetic, Madam Speaker---

Hon. Speaker: Order!

Hon. Abdi Hassan: Very energetic and it can be attested by my wife. I have three children, two boys and one beautiful daughter. What I want to tell---

Hon. Speaker: Hon. Millicent.

Hon. Millicent Mugadi: Point of Order, Madam Speaker, I want to tell the Majority Leader that the way he is speaking, he is kind of leading us on. I prefer him to stick on his professional level because some of us are single and when you start blowing your trumpet you are really attracting us and it is not nice, we are human.

(Laughter)

Hon. Abdi Hassan: Thank you, Madam Speaker---

Hon. Speaker: Finalize.

Hon. Abdi Hassan: Let me go back to the Motion Madam Speaker. I want to assure this House as the Majority Leader, I am not going to be intimidated by anyone. With those remarks, Madam Speaker, I beg to reply. Thank you.

Hon. Speaker: Majority Leader, indeed I respected you because of the limitation and the powers you have been given.

(Question put and agreed to)

Hon. Speaker: Hon. Minority Whip!

MISHANDLING OF HAWKERS BY EXECUTIVE AND THEIR FUTURE PLANS

Hon. Peter Imwatok: Madam Speaker, thank you for the good job and the Majority Leader of this House. Before I move this Motion Madam Speaker, listening to the Majority Leader of this House, I think he deserves respect. Likewise, the Minority Leader of this House and every Member of this House, whether man or woman. In this County, we have a County Commander who is based at City Hall. There are some things that are happening that are related to security and there is rampant character assassinations in social media and mainstream media. I think I am also a victim especially in my constituency where there is a lot of character assassination based on what we debate in this House. As the Majority Leader says, we should not at any given time surrender to it.

Madam Speaker, thank you for allowing me to move this Motion. I wish to move the following Motion pursuant to Standing Order No. 34. THAT, aware that Article 28 of the Constitution of Kenya, 2010 provides that every person has inherent dignity and right to have dignity respected and protected; further aware that part 2 paragraph 7 of the Fourth Schedule of the Constitution provides for trade development and regulations, including but not limited to, markets, trade licensing, fare trading practices, as a functions of the County Government; disturbed that the Nairobi City County Inspectorate officers have recently been deployed together with armed police officers to flush out hawkers in the CBD; deeply concerned that the matter in which the Inspectorate and police officers are executing directive is inhumane, primitive and ruthless, leading to loss of properties, loss of live and loss of livelihood by the traders/hawkers; further concerned that the operation has continued with total disregard to human rights in particular towards breastfeeding mothers and persons with disabilities; discouraged that no proper measures have been set by the County Executive to ensure smooth transition to alternative trading areas; further discouraged that no policy on management of small scale traders/hawkers has been considered six months down the line by the new administration; this Assembly adjourns pursuant to Standing Order No.34 to discuss the mishandling of hawkers in the County by Executive and their future plans. I beg to move Madam Speaker.

Hon. Speaker: May you call someone to second your Motion.

Hon. Peter Imwatok: I call *Mheshimiwa* Okeyo to second.

Hon. Fredrick Okeyo: Madam Speaker, I beg to second the Motion. In line with what is happening currently, hawkers are human beings and they do their day to day activities. There are better ways of handling them. With that, I beg to second the Motion. Thank you.

Hon. Speaker: Hon. Members, this is an adjournment Motion and therefore it is very open. Hon. June Ngegwa.

Hon. Juliet Ndegwa: Thank you, Madam Speaker. In response to the Motion that has been moved by the Minority Whip, we need to realize that this operation is going on all over the County and I am informed it is a National Government operation. So, as we discuss it in this House, we need to know and get more information about why it is going. It is not happening in Nairobi only, it is happening across the

Country. We need to get more information on it before we discuss it in the floor of this House, Madam Speaker. Thank you.

Hon. Speaker: Hon. Njuguna Mary. Who is using her card? Hon. Wilfred.

Hon. Peter Imwatok: Madam Speaker, as you are aware, I am borrowing a card as the Clerk is preparing my card because I lost it when I was going to---

Hon. Speaker: Okay.

Hon. Peter Imwatok: Madam Speaker, I should expound this Motion first before we get into it. County of Nairobi has a population of seven million during the day and about five million Kenyans at night. The population index that operates within the day is bigger than during the night time. I remember in the previous County Government, they tried what they could to remove hawkers from the CBD.

Madam Speaker, some of the hawkers are people living with disabilities, breast feeding mothers and this is their livelihood. We agree with the County and Government that the issues of hawkers is a big challenge to every County Government.

Madam Speaker, you are aware in the history of this County, the former administration tried to push out hawkers in Eastleigh, our able Governor moved to court asking the Court then to give a directive proper way of moving hawkers, until a court order was issued to then County Government.

Madam Speaker, it is disturbing that the same current administration was at the forefront trying to fight off hawkers and those in the streets, you remember the Council Kingdom. All of us watched the Council Kingdom whereby hawkers were stabbed, some of them were killed. We are very certain that the same administration which was fighting for justice is the same one I saw in Mombasa yesterday through the social media whereby, a mother was manhandled by policemen until you could see her inner cloth and she was a disabled. This prompted me to come up with this Motion today that as leaders of Nairobi, irrespective of which side of the divide, we held a Bible in this House to defend the Constitution and more so to oversight and to represent the people of Nairobi irrespective of their tribes and business status.

Therefore, six months down the line, for the current County to come up and manhandle hawkers, I feel it is out of context. They should have come up with a policy and Bills saying this is the way hawkers should operate. In the previous regime, I remember there are markets which were starting in Ruai, Mwariri Market was there, and other markets were decentralized from CBD. When you go to Dubai, you will find a City where everybody is going there to shop for items they want. This is the avenue the current administration should have taken. Nairobi must have a region whereby these hard working Nairobians will operate their businesses.

Madam Speaker, mishandling and mistreating them in an inhuman manner is very much uncalled for. Therefore, this Assembly must take a lead by directing the Executive to have a proper way on how they can exhibit humanity in this. Thank you, Madam Speaker.

Hon. Speaker: You realize that I gave you that because of the question that Hon. June had asked that you clarify properly, which I believe it is clarified. But at the same time, what I want us to do now since Hon. June has explained that it is the National Government, your debate will focus on the National Government because they are the ones who are now doing the inspections and removing the hawkers. I

want us when we are debating, let us debate objectively where the problem is coming from and what resolutions we want.

Hon. Peter Imwatok: Hon. June spoke of the National Government because when you read the City and Urban's Act, it stipulates the level and at what time the National Government can come in coherent and understand the County Government. So far Madam Speaker, I am not aware of any working relationship between the National and the County Government on this issue, unless you give us direction on this or otherwise Hon. June is the spokesman of the National Government and the County Government.

Hon. Speaker: Hon. June Ndegwa, you need to inform the House where it was announced that the National Government is doing a countrywide----

Hon. June Ndegwa: Madam Speaker I read it in the papers and a Tweet from Hon. P.S of Interior Karanja Kibicho. That is how I know it is a national operation. Also the photos that are there on social media and particularly on Tweeter, if the Minority Whip saw it happening in Mombasa, then he needs to understand being a leader for many years that it is not only happening in Nairobi. What we need to clarify Madam Speaker, I would like you to give me direction on this; do we need to write to the national government and ask them what kind of operation they are doing countrywide, do we need them to clarify for us? I know that we are leaders in Nairobi and we need to protect the citizens of Nairobi and that is why we are here, but we cannot also look like we are going against , not understanding or not having clarity of what the national government is doing.

Madam Speaker I would also like to clarify that I am not the spokesman of the government, there is the Government Spokesman who has been appointed by the president and if the Minority Whip would like me to take him to his office, I know where it is and he can see him in person. Thank you Madam Speaker.

Hon. Speaker: Hon. June we do not use Tweets in this House, never in parliamentary practice. Therefore, as we continue, I would request you to get us the orders the national government gave so that we also do not bring issues of national government in this House and put them into a situation that is not right. As ordered, I will proceed with Hon. Majiwa.

Hon. Geophrey Majiwa: Thank you Madam Speaker. The matter is a little bit weighty and I would just like to briefly contribute on it, having had a slight history of hawkers trading within the City centre. I would sometimes try to equate it with the parent who has so many children but you realize that as a parent you have so many of them, some have become a nuisance to others. How do you handle them now that they are both your children? You have to find a way of sitting them down and agreeing on the rules of the game.

As leaders in Nairobi, we have a responsibility not only on hawkers but to all other residents in the city. The Minority Whip has just mentioned that we have a big population in this town during the day and during the night. They are all our subjects and are all looking up to us to make sure that their lives are moving smoothly without any interference. But you realize, Madam Speaker, that sometimes even yourself

if one day I don't know you have tried, but you need to try. Just take a walk from your office one evening and try to cross the two main avenues; Moi Avenue and Tom Mboya going down those sides. You will realize that we are in another town altogether, it is not where you work. This is because of the poor management of business between City Askaris and the traders who have shops and the hawkers. These three groups have not been harmonized properly.

But we have a problem that the third group which is the hawkers sometimes we may want to defend them and we may also want to wish them well in their business just like any other person doing business in the City. But they have a problem that we need to face head on and accept that they must also come to understand that it is not them that live in this City or do business alone.

Madam Speaker, why do I say this? It is because in 2008, I was the Mayor of Nairobi and we had put up a market for hawkers; actually it was put up with a request from the defunct City Council to the national government to put up a market at the cost of 700 million for the hawkers to be relocated from the CBD to Muthurwa and that market was put up. The then Minister for Local Government came and officially opened the market.

I can assure you Madam Speaker that during that time when we were moving hawkers from City Centre, we made sure that everybody got a stall down there and they all moved out. How long did they stay there? Only two weeks, and they started trickling back into the City. Only for us to realize that they were calling other friends and relatives from upcountry to come and take those spaces at Muthurwa market, and then they went back to the CBD again to start running battles with the City Council Askaris. Because the Council Askaris, just as we said that the traffic police officers and the *makangas* of the *matatus* work in the same company, they will be friends now and then enemies in the evening depending on how they share the cake. This is what happens again with the hawkers and the City Council askaris.

So when you see the national government coming in, it is like the problem has become too big for the City County Askaris to handle and so they have called for the national government. And you know the Kenya Police in this country, sometimes they lack proper training, I can call it that because when they are told to come in and help in a situation like this they come with full force. So probably what we need to look at is if they are coming to help, how are they helping? Are they helping in a manner that they consider these hawkers as human beings? But I must tell you that to address the hawkers' problem actually you do not need police to come in, if there are people who were doing business and understand that others also live in the City. They need to be told that 'we don't need you to be on this road at this time' and then they should move, they should not engage the County in running battles to push the County to a level where it calls for support from the national government or the police.

I think as much as we want to support the hawkers, they must also be told that they have actually been a thorn in the flesh to this County for many years. Even as we talk about putting up markets - like the Minority Whip has given us an example of Dellah City in Dubai - we will do that but I can assure that it will always be for one month and then they will come back because to them, they are looking for people who

are going to take *matatus* from offices, they will follow them even to the doorsteps of their offices. So that is why hawkers have running battles in town all the time. It is something that we need to look at both sides of the coin.

So Madam Speaker I think it is only fair that if we have to handle this thing properly and we must actually have a way of handling both the hawkers and the Executive to make sure that even the hawkers understand that it is not only CBD where they can do business. You will give them a market and tomorrow you will see them in the City Centre the following day. Thank you Madam Speaker.

Hon. Speaker: Thank you. Hon. Millicent.

Hon. Millicent Mugadi: Madam Speaker, the issue of hawkers is a very weighty issue and I think as *Mheshimiwa Majiwa* said, there is lack of coordination between the County Askaris and the hawkers themselves. I would kindly like to say as a member of Trade Committee we are really working on this issue and we are planning to come up with a policy on how we are going to be able to manage the hawkers and when they can be able to trade in Nairobi City.

Secondly, we are also trying to come up with a policy of how the Inspectorate would be taken back for a refresher course so that they can be able to understand how to handle people from outside because at the rate at which they are handling women and persons with disabilities, it is heartbreaking and it is not really nice. So we are trying to see how they can go for a refresher course and a serious training so that they can at least adjust to the 21st century because it is like they are still in the analogue time and we are in the 21st Century whereby the customer is always right and need to be given a priority in how we handle them. The hawkers are also our customers, they pay cess and they contribute to the economy of this County. Thank you.

Hon. Mbugua Kabiro: Thank you very much Madam Speaker. I would like to also weigh in on the hawkers issue. Hawkers are our brothers and sisters and our mothers and people who belong to our families. We have to protect them for the simple reason that they cannot get their daily income from other gainful employment, they have to come up to the streets and display their goods and their business. Two or so weeks ago I actually thought to present a Bill to this assembly which I am calling the Nairobi City County Pop-up Market Bill which I target would help in eliminating the issue of hawkers and other small traders in the sense that they will then be able to come together and get licenses and specific places within the County can be set aside so that they can be able to just come and display their goods as long as they are vetted and they have the relevant licenses. They can then display and sell their goods.

I propose that there could be several pop-up markets like the farmers market where guys leaving their offices can pass through specific streets which have been demarcated and blocked within the period of about 5 p.m. to about 11 or 9 p.m. in the night. This will also promote trade and will also allow them to do just trade within the structures that are allowable in the County. It is the same model that Masai Market has taken but then we need to also have a law so that the Masai pop-up and Culture Market can then be a part

of the pop-up market which can be sponsored and it happens in specific times within a specific period of time.

So I believe the Bill has been approved by the Clerk and it came to you Madam Speaker and you have approved it and it has gone for drafting. So I hope that I will present this Bill at the earliest especially during this period when hawkers problem is still a big thorn in the flesh. Thank you Madam Speaker.

Hon. Speaker: Thank you *Mheshimiwa*. *Mheshimiwa* Pius.

Hon. Pius Mbono: Madam Speaker I rise to support this Motion. Hawking in Nairobi did not start yesterday. It is something that has been there in several governments. I was a member of the Trade Committee under the Chairmanship of Hon. Odalo in the last assembly and we tried to engage the *Waziri* then, and we tried to tell her that the kind of hawking that was taking place at that time needed to be controlled. I tried to engage her personally to come up with some kind of regulation because these are our brothers and sisters and we cannot wish them away, what they do is to try to find something that they can get for super or lunch.

Madam Speaker, because this has been disturbing me for some time, I have also drafted a Motion which I thought that probably today; I would give a Notice on the same but I think it is not approved. It is just suggesting the same, that we have some kind of measures to be put by the County assembly or by the County government to control these people because we cannot flash them completely in Nairobi. Hon. Majiwa has said that they came up with a market; that is Muthurwa market and took all the hawkers there.

But I think there were no proper measures and after taking all the hawkers there, then what are the measures to control them from coming back to the CBD? I think they were not taken. So we are suggesting that we have those measures and that Motion is suggesting several measures and when I took that Motion, I found that there is a Bill that is being drafted regarding the same. I believe in other countries they have handled this menace by providing some back streets or lanes where these hawkers go there and sell their wares guided by regulations and there would be no fights in those countries.

Madam Speaker I am also praying that once that Bill reaches your desk, just approve it so that we can discuss it and find solutions on the same. Thank you Madam Speaker.

Hon. Speaker: You are on a point of what? Clarification, point of order or what?

Hon. Peter Imwatok: Just clarification on a few issues. Number one, the leader asked why such motions are brought in the Assembly, *Mweshimiwa* Majiwa has given his historical experience of the hawkers problem and my Hon. Member who is our last born of the Assembly has spoken his mind on what he thinks should be done in this County and the senior Member Hon. Mbono has spoken eloquently about what should be done and also the Chair of Trade is here. Madam Speaker, I think the essence is not to victimize...

Hon. Speaker: Are you replying, Hon?

Hon. Peter Imwatok: I am not replying, Madam Speaker.

Hon. Speaker: What are you doing?

Hon. Peter Imwatok: I am just putting forth a point of information, Madam Speaker, that in essence someone may construe this Motion to be a fighting Motion but it is a Motion to defend the rights of all who are residents and at the same time to defend the aspirations of this House; that we need to be part and parcel of every Nairobi. Madam Speaker, I am saying that if the Motion has to come, if it is a Bill, if it is a policy it has to come.

I wonder how committees make policies. I understand policies are made by the Executive so we are waiting for their side, the Government, on what they can do to make sure that we also do not go to court the same way they went to court last time to make sure these hawkers have a humane way of operation in this city. Thank you, Madam Speaker.

Hon. Speaker: Millicent, you want to...

Hon. Millicent Mugadi: Thank you, Madam Speaker. I rise to support the Motion because the manner in which the hawkers are being handled is inhuman and to confirm this, in the papers today and on social media there was a lady carrying a baby and breastfeeding and was being manhandled. It is really shameful. Thank you.

Hon. Speaker: Hon. James Kariuki.

Hon. James Kariuki: Thank you, Madam Speaker. I also rise to support this Motion although I want to comment on a few items. This is not only in Nairobi in the CBD, it is also happening within the outskirts of Nairobi like in Kawangware and Mathare where the hawkers have closed the passageway; a vehicle cannot access Kariokor Market because the hawkers are all over. So, it should be managed in a very wise way not to affect other businesses. The other businesses are dying, they are closing their doors because the hawkers are selling the same wares that they are selling and they are the cess payers of this County. So, I rise to support but also question the handling of this issue so that it does not kill the economy of other areas of business. Thank you.

Hon. Speaker: Hon. Michael Ogada.

Hon. Michael Ogada: Thank you, Madam Speaker. The Members have really dealt with the issue at hand and one thing we need to realize is that in Kenya there is a lot of joblessness. For example, where we come from you'll realize that the people who are currently working are very few. If you take an example of our national Government, I do not think they employ more than a million people. If you go to the private sector I think the people they employ are about 2 or 3 million. So basically, we are talking about employment in our country is at the tune of around 4 million people and our population is around 45 million, so where do you think the rest get their daily bread from? They get it from what we are talking about here - the hawkers.

So, what we need to do as a Government is that we need to realize that these people must eat, they must live, they must take their children to school. How do they take them? We need to provide for them and we need to give some space to them. All of us are against whatever is taking place along the streets of Nairobi, there is too much mugging, and the streets are congested. We need these people to be removed but before you shout and start chasing people around along the streets like rats we need to first of

all realize where we are going to take these people. Are they going to be able to survive in this particular areas?

Hon. James Kariuki: Point of Order.

Hon. Speaker: Are you on a point of order James?

Hon. James Kariuki: Yes. Thank you, Madam Speaker. I want to inform this House that it is not only in Nairobi that business can be conducted. When go to Murang'a in the villages there are no young people who can do any sort of business...

Hon. Speaker: *Mweshimiwa* James, what was your point of order?

Hon. James Kariuki: Therefore, my point of order is that let us not call Nairobi the dumping point for each and every person who comes from the village and come and do business here. The County can remove them from Nairobi to go back to their home villages and do business there, the same business that they are doing here. Nairobi cannot accommodate every problem, they can also be accommodated in their home counties. Some of these hawkers are not people of Nairobi County. Thank you, Madam Speaker.

Hon. Speaker: Hon. Ogada, proceed.

Hon. Michael Ogada: Madam Speaker, I think what my senior said is right but there is one thing: how are we to know who is coming from Murang'a or who is coming from Suba? It is going to be a very difficult task. The only thing we need to talk about here is that as a government, these are our people and we must accept and accommodate them. What is important for this Government and this House is to come up with plans of how we are going to make sure that these people are removed from the city center and allocated somewhere else where they are going to continue doing their businesses. We must also come up with a way of how to relocate them. It is not right when a mother is mishandled and people are running all over and some of them have babies on their backs. I saw one mother passing somewhere around here with a 4 year old kid so when you start chasing this woman where do you think the 4 year old kid will go, and she is carrying another one on her back. What do you think is going to happen? The kid is going to disappear on the street or people will step all over the kid. So, it is very dangerous and I think...

Hon. Speaker: Is this your point of order?

Hon. Michael Ogada: I think I am in order, I didn't know that we were debating on this.

Hon. James Kariuki: Madam Speaker, to be honest we agree that...

Hon. Speaker: What is out of order?

Hon. James Kariuki: What is out of order is...

Hon. Speaker: You speak on what Ogada has said.

Hon. James Kariuki: We are not even very sure that those babies they are carry on their backs are their babies. Let us agree that expulsion is one of the ways to solve this problem. We have seen them importing hawkers from Tanzania, are they surely beneficiaries of Nairobi? Let us address the hawkers menace with the mindset of benefiting Nairobians, not addressing the problems of Suba, Murang'a or any other place. Thank you, Madam Speaker.

Hon. Speaker: Okay, conclude, *Mweshimiwa* Ogada.

Hon. Michael Ogada: Madam Speaker, he is right, we are agreeing on everything. One, he recognizes there are children involved, only that we don't know who the parents are. You see we are

agreeing on everything. The issue here is how we handle the whole scenario so that we can stop public pronouncements. I remember one day there was the problem in Mathare when the former Governor Kidero tried to say that they were going to evict these people. This was a pronouncement. So we should not scare the investors and the shop owners.

I urge this House, as I support that Motion, that we need to come up with a comprehensive plan that is also going to suit the sitting Governor so that these unnecessary public pronouncements that are likely going to interrupt peoples livelihood are put to an end. We are in support that the hawkers are supposed to be relocated but they must be given somewhere else where they are going to be settled and it should be done in a humane way. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kimemia.

Hon. Antony Gathumbi: Thank you, Madam Speaker. I rise to also support but I want to be the devil's advocate. While *Mweshimiwa* [former] His Worship was speaking I remember I was his Minister for the 5 years I was the Minister of Inspectorate. During that time what we did - and I will agree with Milly- is that we trained the askaris but they were not getting these certificates, they were working without uniform and sometimes they did not get even their allowances. So, you see when a human being is working in such conditions, forced to go and deal with the hawkers and of course when you confront the hawker you find they are holding a gun.

At Ngara, at a place where they sell spare parts, the city askaris cannot even reach there because the hawkers there have guns and all sorts of weapons. So, as *Mweshimiwa* said, training and motivation of the city inspectorate askaris is wanting in this County. So I pray as we embark on evicting hawkers we should also train *askaris*, employ more *askaris* because they are also strained, they are few. I hope the idea to bring more boys to be employed as city askaris is going to work because that is also going to help very much. So, I just thought I should offer some advice and I support the Motion. I support that the hawkers should be evicted but humanely. Thank you very much.

Hon. Speaker: Hon. Cecilia.

Hon. Cecilia Achieng: Thank you, Madam Speaker. I rise to support the Motion but clearly we see that there are many intrigues playing around the hawker issue. Most of the speakers are very aware that hawkers play a crucial economic empowerment part that is helping them raise income for their families. However, on the other hand you can clearly see politics playing in this whole issue of hawkers. What I am trying to say is that the problems cannot be solved by the same mind that created them. We have had the hawkers and askaris who are friends in the morning and enemies in the evening depending on what they get.

So, clearly we need to have a clear group set of mind that will clearly solve the issues in focus. We have seen quite a number of issues playing around the hawker situation. During political times they are allowed to invade the streets and once we get our political outfits then we do not really define a way or procedure of removing them off the streets. So, I rise to support the Motion and say that we need clear structures and policies to deal with this problem once and for all because every 5 years after an election we have a big problem with hawkers. Thank you.

Hon. Speaker: Hon. Nyambura, I want you to go back and bow to your mace as you enter. Hon. Patrick Karani.

Hon. Patrick Karani: Thank you, Madam Speaker. I also rise in support of the Motion but I would like to shed light or to explore the matter further by looking deeper into the problems of the hawking business. Madam Speaker, the hawking business has got very many faces. First it represents a social issue, two, it has a political dimension, number three, the hawking business has a political domination. As we discuss the issue of the hawking business we need to understand that those people are not just existing, they could be political functionaries on the street. Madam Speaker, you have heard from *Mweshimiwa* Majiwa when he was Mayor the council did a very good job and they went ahead to establish a market for the hawkers but slowly they trickled back to the streets. That tells you that this city has got city fathers who oversee the business. You find them trading with convenient goods and you find that most of the items are more or less the same, as if they came from a single source.

So, Madam Speaker, when we are trying to address the issue of hawking business this is the tip of the iceberg, the problem is bigger than it looks so it is the responsibility of this Hon. House to explore more appropriate ways on how to address this hawking business. First we need to come up with a serious program that is subject to a reality check and of course taking into consideration wider consultation from all the stakeholders for us to realize the dream of settling this issue of the hawking business. Madam Speaker, I beg to support this Motion that hawkers need to be removed from the streets because the nature of the business inconveniences other traders in this town who pay rent, utility bills and who have also paid trade permits. So, Madam Speaker, the hawking business needs to be addressed but from a different angle but not by unleashing terror and massacre gangs to manhandle hawkers because Madam Speaker, that will not address the situation. I support, Madam Speaker, thank you.

Hon. Speaker: Hon. James Mwangi Wambui.

Hon. James Mwangi: *Asante sana, Madam Speaker. Ningetaka kuchangia hoja hili kwasababu hawa wachuzi kila wakati wanatolewa. Sasa tungefaa tuenampangilio ambayo watatolewa ili hali hawataweza kurudi tena kwenye hizi barabara za Nairobi manake kunama-landlord ambao pia wenye mabiashara zao pia zinafungua na wengine pia wakifungiwa nyumba wale wachuzi wakipewa ile nafasi imebaki wanachukua hiyo muda tena kujenga vibanda pale. So, Madam Speaker naomba Bunge hili tuenamusada ambao itakawasadia hawa chuzi watolewa kabisa ama wajengewe mahali ambapo watengea kwa muda wa mwisho kabisa. Maanake wametengeo mara nyingi, kila wakati wantengeo na wakitengeo kasha bado wakienda pale wanarudi. Madam Speaker, naomba asante.*

ADJOURNMENT

Hon. Speaker: Hon. Members as this is an adjournment Motion where you do not put questions at the end and there being no other contributor, we shall adjourn. The house stands adjourned.

The House rose at 4.30 p.m.