



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – First Session

Thursday 24th November 2022

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr. Paul Kados) in the Chair]

PRAYER

QUORUM

Hon. Deputy Speaker: Clerk, can you confirm whether we have quorum.

(The Clerk-at-the-Table confirmed there was no quorum)

Serjeant-at-Arms, ring the bell for ten minutes.

(Quorum bell was rung)

(The Clerk-at-the-Table confirmed there was quorum)

Hon. Deputy Speaker: Clerk, proceed.

PAPER

Hon. Deputy Speaker: Chairman, Budget and Appropriations Committee.

REPORT OF COUNTY FINANCE, BUDGET AND APPROPRIATION
ON THE COMMITTEE'S INDUCTION WORKSHOP

Hon. Wilfred Odalo: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 191 (6), I beg to lay the following Paper on the Table of this Assembly today, 24th November 2022:

The Second report of the Select Committee on County Finance, Budget and Appropriation on the Committee's induction workshop held from 10th to 13th November 2022 in Kisumu County.

Thank you.

NOTICE OF MOTION

Hon. Deputy Speaker: Hon. Perpetua.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I wish to give Notice of the following Motion:

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THAT, aware that Article 26 (1) of the Constitution of Kenya, 2010 provides that every person has the right to life; further aware that Article 53 (2) of the Constitution of Kenya states that a child's best interest are of paramount importance in every matter concerning the child; concerned that there is increased rate of road accidents involving school going children in Nairobi City County, especially in public schools; further concerned that many school children travel longer distances to access the few available education facilities that are affordable; cognizant of the vulnerability of unaccompanied school children crisscrossing Nairobi highways and busy roads to access the few affordable education institutions, endangers their lives; acknowledging that the National Transport and Safety Authority (NTSA) has put in place measures to ensure-

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(Power outage)

(Power restored)

Hon. Deputy Speaker: Is it working now? Hon. Perpetua, you can continue.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker and sorry for the interruption.

---the National Transport and Safety Authority (NTSA) has put in place measures to ensure road safety performance in line with international best practices; this Assembly urges the County Executive to:

- i. Erect or put bumps and signals along County roads that are near schools and other social amenities to safe vulnerable school children from accidents on roads; and
- ii. Deploy traffic marshals at all the zebra crossing lanes on all major roads in Nairobi City to help school children to safely close the roads to and from school on or before the beginning of the new 2023 school calendar.

Thank you, Hon. Speaker.

STATEMENT

Hon. Deputy Speaker: Is Hon. Mukiri in? Continue.

REQUEST FOR STATEMENT REGARDING PERENNIAL LACK OF WATER IN KAHAWA WARD

Hon. Eutycus Mukiri: Thank you, Mr. Speaker. I rise to request for a Statement pursuant to Standing Order No. 47 (2) (c) from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the perennial lack of water in the County, particularly in Kahawa Ward.

Hon. Speaker, Article 43 (d) of the Constitution of Kenya, 2010 provides that every person has the right to clean and safe water in adequate quantities. Nairobi City Water and Sewerage Company is wholly owned by the Nairobi City County with the main responsibility of providing and managing water and sewerage services in Nairobi.

Hon. Speaker, the Nairobi City Water and Sewerage Company has on several occasions been rationing water in the County to ensure equity in access to water as a commodity. On the other hand, there are some areas like in Kahawa Ward where constant water rationing is very rampant.

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

- i. Steps the County Executive has taking to restore water supply in Kahawa Ward;
- ii. A report of the status of the water pipes installation projects and when the County Executive intends to implement the project fully; and

- iii. Measures the County has put in place to ensure that proper rationing schedule does not prioritize some areas.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Chair, Water Committee? Vice Chair?

Hon. Member: We will respond in two weeks.

Hon. Deputy Speaker: I think that in two weeks' time, the House will be on recess. Will you do that within a week?

Hon. Member: Okay, after a week.

Hon. Deputy Speaker: Hon. Mukiri, are you comfortable with one week?

Hon. Eutycus Mukiri: Most obliged, Mr. Speaker.

Hon. Deputy Speaker: There was a Statement from Hon. Abel Atito? Has he delegated to anyone to request that Statement on his behalf?

(Point of Order)

Hon. Deputy Speaker: What is the point of order for?

Hon. Perpetua Mponjiwa: Mr. Speaker, I am seeking your direction, in the last session, I had raised a question to the Select Committee on Implementation and they never gave an undertaking on my Statement on 10th November 2022. The Statement was on Nairobi City County pop-up markets and street vendors Act 2021, the status of the Act and if it has been implemented.

Hon. Deputy Speaker: Who gave the undertaking?

Hon. Perpetua Mponjiwa: I gave a Statement and I did not get an undertaking from the Chairperson of the Implementation Committee. I am seeking for your directions.

Hon. Deputy Speaker: Hon. Perpetua, let me consult the Chairman and then I will give you a report Tuesday next week.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker.

MOTION

CLOSURE AND RELOCATION OF LIQUOR OUTLETS WITHIN 300 METERS FROM LEARNING INSTITUTIONS

Hon. Nasra Nanda: AWARE that Section 4 of the Nairobi City County Alcohol, Drinks Control and Licensing Act, 2014 establishes the Nairobi City County Alcohol Drinks Control and Licensing Board, with its main role being; control, licensing, regularization and general administration of manufacture, advertisement, sale and consumption of alcohol drinks in the County and for connected purpose; acknowledging that Section 11 of the same Act dictates inter-alia that the Sub-County Committee, through the Board, shall not grant a new license for sale of alcoholic drinks to be consumed on the premises unless the Sub-County Committee is satisfied that the premises in respect of which the application is made is located at least three hundred meters from any nursery, primary, secondary or other learning institutions for persons under the age of 18 years, and not grant a license for the sale of alcohol drinks in a supermarket or such other related retail chain store unless it is satisfied that the applicant has taken measures to ensure that the area in which the sale is to take place is not accessible to persons under the age of eighteen years; deeply concerned that exposure to young learners to such uncontrolled environment leads to early alcohol and other substance dependence,

school drop outs, poor academic performance in school and risky sexual behaviors in the County; further concerned by the findings from the 2018 and 2016 National Survey on the Status on Alcohol and Drug Abuse among Primary and Secondary schools pupils and Students by NACADA and KIPPRA which established Alcohol as the highest abused substance with the average user age being 11 years by the primary school pupils, with the lowest age being 4 years old, hence the need to mitigate; now therefore, this Assembly resolves that the County Executive issues a one month closure and subsequent relocation notice to all liquor outlets and pubs operating within the three hundred meters radius from any nursery, primary, secondary or other learning institutions for persons under the age of 18 years in the County; a similar one month notice to all supermarkets and other outlets stores to ensure restricted access to liquor section from persons under the age of 18, and revocation of liquor license for non-compliance business outfits at the end of the one month notice forthwith.

Hon. Speaker, I stand before this honorable Assembly and yourself with the intention of moving this House to support the Motion before us. Alcohol abuse amongst children who are under the age of 18 years is rampant and it is a pandemic that will essentially lead to our young people being wiped out and from being important, efficient and dedicated members of this society and of this County, who could then add value to the Kenya and Nairobi that we want tomorrow. By ensuring that the provisions of the Act, which is Section 11 under the Act, if implemented, we are also safeguarding our tomorrow, today. I therefore, urge this honorable House to support this Motion and beg your indulgence to ensure that we act swiftly and make sure that compliance is one of the key things that is associated with a better Nairobi. This can only be done with the support of the honorable Members of this House.

Hon. Speaker, I wish to highlight that, the statistics show that children as young as four years old are gaining access, which means these granted licenses do not take on the social, moral and legal obligation to ensure that the youth do not have access to the things that they are legally not allowed to have access to. It is our obligation as the representatives of our people to take up this mantle and ensure that our youth are protected, our morals are implemented and the law is always followed.

With those few remarks, I urge this House to support this Motion and I invite Hon. Eutycus Mukiri to second this Motion. Thank you Hon. Speaker.

Hon. Eutycus Mukiri: Thank you, Hon. Speaker. I rise to second this Motion and also add few points. This is a very noble Motion, congratulations Hon. Nasra for bringing this wonderful Motion. It touches on the morality of this country and also aims to protect our future generations that we are looking forward to move this nation forward. I urge all Members to support because control of sale of alcoholic drinks especially in supermarkets, previously we have seen students, especially secondary students in our local media intoxicated with alcohol. This is a very dangerous practice and if we allow it to go on, then we will have no future because we are going to lose our children to alcohol. So, this Motion is important as it brings the much needed control. There is so much laxity that it brings us to the question; if somebody is comfortable selling to students, then it means that we start asking ourselves, do we have the right people in these boards?

Honorable Members, consider supporting this very noble Motion. I beg to second, thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Lily Akoth.

Hon. Lily Kidenda: Thank you, Hon. Speaker. Allow me to seek your indulgence and request that I be addressed as Lily Akoth Kidenda or just Lily Kidenda. Let me add an angle that this man called Kidenda walked cows to my parents' home, so I honour that.

(Laughter)

Hon. Deputy Speaker: Go on, Hon. Member.

Hon. Lily Kidenda: Thank you, Hon. Speaker.

(Point of Order)

Hon. Deputy Speaker: There is a point of order from the Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, am I hearing well that the honour can only be gotten from Mheshimiwa Kidenda after the cow has walked down to their home? Is it in order to say Hon. Kidenda can only be equated with cows that have walked into their father's home?

Hon. Deputy Speaker: Honorable Majority Leader, I think you are out of order. Can you go on, Hon. Kidenda? She is proud of him.

Hon. Lily Kidenda: Thank you for protecting me, Hon Speaker, I appreciate that. I rise to support this Motion. My sadness as I listen to this being presented and even from my observation, we are losing a generation because of carelessness, negligence and looking at the other side.

I would like to add that besides the learning institutions, primary schools, nurseries and secondary schools, alcohol joints are being opened everywhere. You may wake up every morning and find that your neighbour has moved out and rented his house to a liquor dealer and there is very little you can do about it. I pray that we will find it in ourselves as Assembly to deal with this quickly and include other institutions that are endangered. If your child is not exposed at school, they are exposed at home as they walk back from school. I want to congratulate Hon. Nasra for articulating this so well. Hon. Speaker, I support.

Hon. Deputy Speaker: Hon. Palapala.

Hon. Alvin Palapala: Thank you, Mr. Speaker. To my good friend, Hon. Nasra, today I will not support this Motion because of the following reasons; one, we were elected not to come and frustrate businesspeople. If we close these bars within radius of 300 meters, it means most of the bars in Nairobi will be closed and we will also lose a lot of revenue. At the same time---

(Point of Order)

Hon. Deputy Speaker: There is a point of order from the Majority Leader.

Hon. Peter Imwatok: Can the Member first declare whether he is supporting this Motion or not?

Hon. Alvin Palapala: I think I said it, Majority Leader. Are you sleeping and it is lunchtime?

Hon. Deputy Speaker: Honorable Member, can you withdraw that statement!

Hon. Alvin Palapala: Hon. Speaker, why should I withdraw whatever I am saying yet it is the right thing. Maybe Majority Leader was sleeping when I was contributing.

Hon. Deputy Speaker: Hon. Alvin, can you withdraw that the Majority Leader was sleeping because no one saw him sleeping. Can you withdraw or sit down, honorable Member?

Hon. Alvin Palapala: On a lighter note, I withdraw.

(Laughter)

Hon. Deputy Speaker: Thank you, now you can go on.

Hon. Alvin Palapala: Thank you, as I was saying I am not supporting this Motion because we were not elected to frustrate the businesspeople. If we start frustrating them, we will lack revenue at the County. Also, our people have been employed through these bars. This Motion is not even supposed to be read, let them go and do some amendments and then bring it here then we can debate on it.

Hon. Deputy Speaker: Honorable Member, you are out of order because it is either you support or do not support.

Hon. Alvin Palapala: I am not supporting it, Hon. Speaker.

Hon. Deputy Speaker: Okay. Can we now have Hon. Kiogora

Hon. Eric Murigu: Thank you, Hon. Speaker. I rise before this Assembly not to support this Motion because I want to correct my sister Hon. Nasra that if you want to close an alcoholic outlet, Section 35 (5) of the Act states that you give a three months' notice and not a one-month notice. Again, just as my brother, Hon. Palapala has said, you cannot just wake up one day and decide to close someone's premise because of a mistake that was done by few employees of the County because they are the ones who issue the licenses to those premises knowing that the outlets are near learning institutions.

Hon. Nasra, I want you to note that--- Hon. Members, look at me.

(Laughter)

Hon. Deputy Speaker: Honorable Member, can you address the chair. I don't know why you want Hon. Nasra to look at you.

Hon. Eric Murigu: Thank you, Hon. Speaker. I was just giving a direction of if someone has opened an alcoholic outlet, for example, like today the 24th and then next month Hon. Nasra comes and establishes a school next, do you mean I am going to close my outlet? Honorable Members, we must be fair enough because these schools are established every day. So, if I have an alcoholic outlet that has been operating for the last five years and then Hon. Kidenda comes and starts a school the next day and then she comes to this Assembly to close my alcohol outlet.

I think this Motion is dead on arrival. I request my honorable Members not to support it. Please, honorable Members, ignore this. I request you support Hon. Nasra on where says that, 'the alcoholic outlets are operating in supermarkets' because the Liquor Act says so. At least to have a--- *wacha niseme kwa Kiswahili, Kizungu---*

(Laughter)

Hon. Deputy Speaker: Honorable Member, you either you use English or Kiswahili, you can't mix.

Hon. Eric Murigu: Okay, Hon. Speaker, I will use English. When she says that in the supermarket we must have a booth that is well closed and cannot be accessed by under-aged children, I will support. I am sure that if you go round, 80% of the supermarkets and franchises that sell alcohol have complied. What

I understand in law, because Nasra has been teaching me a little law, *de minimis non curat lex*, of minimum things, the laws know no cure. Honorable Members, ignore this Motion. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Honorable Member. Minority Leader, Hon. Kiragu.

Hon. Antony Karanja: Thank you, Hon. Speaker. I am torn between supporting and not supporting this Motion, but I think I will support it. Maybe is to urge Members of this Assembly that we need to move from statements to amendments of the law. Maybe we need to amend the law. Based on what I have I have heard from Hon. Kiogora and what has been presented by Nasra, I would want the bars to be closed as soon as yesterday, but there is a law. She proposes one month but the law says three months. So, I would recommend that as we bring Statement and Motions that we consider amending the law, it is a long process but it is weightier because sometimes some of these Motions that we are making only end up in the shelves at the Executive.

When the bars owners go to court, they will refer to the law, not the Motion. So, I want to urge Members to focus on amending the law. I will challenge Hon. Nasra to take the bull by the horns and amend the Alcoholic Act and shorten it from one month that Kiogora is proposing to 10 days if they are flouting the law.

However, his argument is also correct when he said that the radius from any nursery, primary and secondary and other learning institutions, I believe we also need to control some of these learning institutions as they are everywhere and too many. The law is not clear whether they are registered or not, so long as they are learning institutions. We need to be more thorough and more articulate when drafting these laws because we draft them not for tomorrow but for a very long time to come. I am from Waitthaka and we are the most affected areas when it comes to alcohol, where we have a funeral of an alcohol-related case every week.

I support this Motion and I suggest that I will team up with Nasra and take the bull by the horns and urge the Executive because they do not even implement the law as it is laid down today. I don't know whether some of you are aware that even the form for applying for license that is prescribed in that Act was changed by the administrator. He charged and tilted it so that he will remain the only signatory who will issue licenses for bars. And he has been doing it for close to two years.

Hon. Speaker, as we implement this Motion and support it, we also want to urge the Executive to adhere to the laid down and respect the work that has been put into having these Bills and laws in this House. If they would have followed the law, we would not be having a bar anywhere within 300 meters of any learning institution. Therefore, I beg to support but I will urge my sister that we sit down and push it further and make sure that we tighten noose further on alcohol.

I would like to apologize to the Chairperson of Planning and MCA for Riruta, they fear walking for distances when they want to buy. I would want to encourage them that they can always have a bar in their houses, just in case they want to drink. Thank you.

(Applause)

Hon. Kamau Fiunifu: Thank you, Hon. Speaker, I rise to support this though selectively. We have an issue on how the licensing is done. There are officers charged with this responsibility of licensing in these

outlets, even irregular certificates of operation. So, before we even punish the operators, I think we can do a good job by auditing the county licensing officer who is in charge of bar licensing

The other thing is that, we cannot assemble here to condemn everyone who is a bar operator. There are people who are operating a bars and restaurants and they are doing a good job. They have employed many people. Also, we must audit the office of the Liquor Board and go to the sub-county and audit the same.

I would also wish to congratulate Hon. Nasra and urge her not to condemn everyone because some are doing genuine business and we must support them. As a County, we must support those people who are doing genuine business and also deal with those people who are within this County and are making an irregular decision every other day. Thank you, Hon. Speaker.

Hon. Peter Imwatok: Hon. Speaker, I stand to support the Motion. The gist of this Motion is a child protection Motion and it is not about who drinks what, it is not about Hon. Kiogora being a Member of the Liquor Board or about Palapala enjoying his drink in a specific liquor store, it is about protecting the lives of our children. The honorable Member has gone further to do a research through NACADA, which is the only institution in this country that is allowed to regulate and come up with a policy that can help us fight alcohol and drug abuse.

Hon. Speaker, looking at the statistics of this County, how many schools do we have? The gist of this Motion is to protect access or availability of liquor and other substances to children. My friend Hon. Kiogora has said that out of many supermarkets and stores, only 20% that the law cannot cure. You can imagine 20% of 10,000 supermarkets in Nairobi, that is about 2,000 where children can easily access.

Hon. Speaker, we have been in this County – and I respect my brother the Minority Leader, he knew this Act came to this House – the person who has unadulterated this Act is a man called Agwena, who people fear mentioning him. Hon. Kiogora can help us because he was part of this Board. Agwena gave his son and daughter to be the signatories of sub-counties. It is not enough for the County Executive to tell us that he has been transferred, he ought to be prisoned because he is failing the entire generation.

Hon. Speaker, in approval of any institution of learning, it is very categorical, it should be allowed next to a bar. But in this sense, the County Government through Agwena's oligarch operation kind of mind, decided that in case you have wealth and put up a container, you can open a liquor store, whether it is next to a clinic or school.

Reading the Motion, it says 300 meters. Aware that you violated the law, before you put a liquor store there, you knew there is a primary school nearby. The Bible says let us be our brother's keeper, today it is about that child who is staying in Kayole next to that school and he is getting spoilt. You never know it might be your uncles' child. Because I live in Kitisuru, it does not mean all your uncles are living there, some of them are living in Githogoro, where my brother Fiunifiu is coming from.

Therefore, Hon. Speaker, the essence of this Motion is to protect any further.

(Loud consultations)

Hon. Kamau Fiunifiu: Why am I being profiled in this Motion, Mr. Speaker?

(Laughter)

Hon. Deputy Speaker: Honorable Member, I think you are out of order because he was just mentioning and I do not think you come from Githongoro. You are the Member of Karura.

Hon. Kamau Fiunifiu: Allow me to inform you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Member, you are out of order because you are Kamau Fiunifiu, Member representing Karura. Go on, Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I respect my senior, Hon. Fiunifiu, but there is a small slum called Githogoro, if I am not wrong, in Karura Ward. Wherever you see a suburb worldwide, there must be a semi-suburb.

Hon. Speaker, this is research work and Nasra is one of the Members who has come out well. If you read today how many Motions and Statements have been read before this House, you will find Nasra----

(A honorable Member walked to the Chamber without bowing)

Hon. Deputy Speaker: Honorable Member, you just walked even without recognizing that we have a Mace, as if this is a marketplace.

(Laughter)

Go back and respect the Mace

(The honorable Member walked to the bar and bowed)

Thank you, honorable Member.

Hon. Peter Imwatok: Hon. Speaker, as I conclude, it is true that the Act stipulates a period of about two months. If you read the premise of this Motion, it says, "this Assembly resolves that the County Executive issues a one-month closure and subsequent relocation notices". A notice tells you that you have put up a liquor store 300 meters close to a learning institution, therefore, within a month prepare yourself to relocate. It does not state affirmatively that within this one month you should relocate the store. In fact, it has given amnesty outside of the Act that recognizes that if you are a businessperson being notified that you have a liquor store close to a school and subsequently you do not act, then a relocation notice will come to conform with the Act.

Hon. Speaker, this Motion is properly before us to protect our generation, as Hon. Nasra has said. We cannot allow as a House Agwena to hire his kid, who has just finished university, to be a chair of liquor of a sub county, and sacrifice others who are fit to be in the position.

I beg the entire House to support the honorable Member so that our children's future can be protected. It is also okay for those who take this substance, however, assist us to protect our children and those to come. As NACADA puts it, it is disheartening when we see in the news kids being arrested while reporting to school because they have liquor in their bags.

Hon. Speaker, we also need extent to these small industries making cheap liquor. I am told there is even liquor costing about 25 shillings, and when you take it, you shut for two hours. We need to close them. *Ama aje*, Hon. Palapala. Therefore, I support and ask Members to support it. Thank you.

Hon. Deputy Speaker: Hon. Clarence Munga.

Hon. Clarence Munga: Thank you, Mr. Speaker for giving me the opportunity to air my views on this Motion. I am doubtful on supporting this Motion because of various reasons.

Hon. Deputy Speaker: I do not get you clearly, are you supporting or---

Hon. Clarence Munga: I am saying that I do not support it. It is prudent to be honest here. The owners and employees who have invested in this ventures and have been employed respectively will suffer. I want us to think and be objective while discussing this matter. I understand that both the Majority and Minority are supporting this Motion. I come from Kawangware where there is a club called Borabora. It has existed for very many years, even my grandparents used to dance and enjoy their drinks there. 200 meters from there is Kawangware Primary School.

Hon. Deputy Speaker: Which primary school?

Hon. Clarence Munga: Kawangware Primary School.

Hon. Deputy Speaker: Okay.

Hon. Clarence Munga: Kawangware Primary School, Muslim Primary School and Gatina Primary School are on a radius of about 300 meters. Where my brother the Minority Leader comes from, there is Ndururu Primary School, which is also less than the 300 meters from liquor outlets. So when you tell me that you want to go and close down businesses which have been operational for years. There are single mothers who are working in these clubs and whatever they get from there, they use it to take care of their children. Are we being just to them? We are being unfair to them. The Member has talked about giving a one-month notice. You have invested in a business and you are given a one-month notice to vacate. Let us be fair.

This Act was enacted in the National Parliament. There was this argument about Maasai Mara Lodge who gave back to the society by building a school within its premises. When this Act came up, the management of the lodge got confused as to whether to close down or operate the business. Serengeti, Lake Nakuru Lodge, Serena, Jacaranda Hotels in Westlands are facing the same issues. Are we going to close down all these businesses? Let us be realistic. I urge the Member to amend her motion, but in case it is passed the way it is, then other people will use this to extort our people. It is totally unacceptable. I strongly oppose this motion

Hon. Deputy Speaker: Hon. Themendu.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker for giving me this chance. I also oppose the Motion because I do not see where those businessmen and women can go. They are expected to pay school fees and feed their children. Giving them one-month notice, it is like sending them to the gallows. I don't see any Member elected by those businessmen and women supporting this Motion. I feel for them as the police and the Liquor Board are harassing them. As at now there is an issue where they are allowed to open hotels in their premises but when the police get there they are arrested and demand 10,000 shillings yet they have sold nothing. I cannot support this motion. Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Maragu.

Hon. Anthony Maragu: Thank you so much, Mr. Speaker for the opportunity. I stand to oppose this Motion because what I see being done here today through this Motion, I equate it to trying to cure cancer by taking a cough syrup.

Mr. Speaker, I hear from other Members of this House who are well versed with issues bedeviling our liquor licensing. Our Majority and Minority leaders know the problems and the individual who has singlehandedly or with his associates, seen us get to this level. This House must be seen to promote enterprise. We cry every day that our people lack sources of livelihoods, but through this Motion, we are trying to whip the liquor business owners and rendering so many young people jobless.

When I look at the Motion itself, Mr. Speaker, the honorable Member proceeds to say that, "further concerned by the findings from the 2018 and 2016 National Survey on the Status on Alcohol and Drug Abuse." It is a report of 2016-2018 that we want to rely on to make a decision as an august House of Nairobi County to render so many people jobless. When the Majority Leader says that we are going to give them notice, the same way that person has established a liquor store is the same way and the same vote as he could have put his capital in owning a taxi, like Hon. Kiogora. Now, you want to give them a notice as though there are no cost implications to that decision. We are sinking them to further debt.

I rise and urge the Members of this House to allow us to oppose the Motion, hoping that the Hon. Member can go back and make favorable recommendations. Thank you so much, Mr. Speaker.

(Applause)

(Point of Order)

Hon. Deputy Speaker: Honorable Member, you are allowed.

Hon. Peter Imwatok: Hon. Speaker, if there is a war that we can fight, then it is against cigarettes and alcohol.

(Laughter)

I aver with my colleagues who are saying the Minority and I know where the problem is. We should take this as a challenge because all those opposing this Motion are Members of the Culture Committee. It therefore begs the question whether out of the Whip's communication yesterday to this House, the players in this field – because the Chair of Culture walked beside me and told me we have to kill it. The Members of the Committee are all in the House. I would like to urge Hon. Nasra to withdraw the Motion so that it can be redrafted and be returned to the House.

(Applause)

Hon. Deputy Speaker: Honorable Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, I want to appreciate the wisdom and experience of the Majority Leader. A beautiful Motion like this should not be subjected to the slaughter by Members of the Culture Committee.

(Applause)

I appreciate the advice that the Majority Leader has given the honorable Member to withdraw, look at it and go for the bull. Let us change the law, go for the Bill and go for implementation. With respect to Hon. Alai and other Members who do not want bars where there are no schools, maybe we need to put them together and ask ourselves where will the drinkers drink, because I am not one of them. If we chase them from Kawangware, then they will run to Kileleshwa where they are not wanted. Let us look at the law and suggest an area. Majority Leader and the people who accompanied me to Uhuru Park yesterday, we have an idea that just as it is done in South Africa or Uganda, we can actually convert Uhuru Park or Central Park to temporary clubs at night, where all these people can converge away from the children and residence.

I wish to appreciate and second the Majority Leader to urge our sister to withdraw, and talk deeper and more about this beautiful Motion.

Hon. Deputy Speaker: Thank you Minority Leader. Hon. Kago Samuel.

Hon. Samuel Kago: Mr. Speaker---

Hon. Deputy Speaker: Hon. Nasra, would you wish to say anything? Before she says, let me let Hon. Kago finish.

Hon. Samuel Kago: Mr. Speaker, I was rising to oppose the Motion and maybe she is rising to withdraw. So, there is no need of me standing to oppose and maybe she withdraws.

Hon. Deputy Speaker: You can proceed, maybe she will withdraw after she gets the advice. I see that the Minority Leader has already been convinced. Hon. Kago.

Hon. Samuel Kago: Thank you, Mr. Speaker. I wish to oppose the Motion simply because we already have a law in place dealing with the same issue, what we need to do is to implement. We have a law which says bars should be opened from 5 p.m. so that our school going children cannot access them. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Nasra, do you have something to say?

Hon. Nasra Nanda: Thank you, Hon. Speaker. I would like to start by thanking the Members of the Assembly for the level of debate and engagement I have seen. I am very happy to see the amount of passion that this Motion has brought out Members who are often quiet. For this reason alone, I am happy.

Secondly, I would like to thank you the Speaker from protecting me earlier when Hon. Kiogora had his eyes focused on me as well as the Members of the Culture committee.

(Laughter)

I am grateful for the experience showed by the Majority and Minority leaders in coming in to save me and for the wisdom shared in ensuring that we succeed in balancing the interests of the businesses and protecting our children. I therefore submit before this honorable Assembly, I withdraw this notice of Motion and be guided by my seniors. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Who has allowed Hon. Kiogora to speak? I am on the floor.

Honorable Members, considering the sentiments of the Members, I now refer to the Standing Order No. 58 (1) on withdrawal of a notice of motion.

- (a) A notice of a Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member
- (b) Despite paragraph (1), notice of the Special Motion may be withdrawn, except with the leave of the County Assembly.

Honorable Members, I direct that this Motion be referred to the House Business Committee for reallocation and more direction.

(Motion withdrawn)

Hon. Deputy Speaker: Go on, honorable Member.

Hon. Peter Imwatok: I thank you, Mr. Speaker, for the wisdom that you have referred this Motion back to the House Business Committee and to call the Member to the Committee so as to guide her to refine it and return it [Motion] back to the House. Hon. Speaker, we are proud of your wisdom.

Hon. Deputy Speaker: Thank you honorable Member.

ADJOURNMENT

Hon. Deputy Speaker: There being no any other business, the House stands adjourned until Tuesday, 29th November 2022 at 2:30 p.m. Thank you.

The House rose at 4:16 p.m.