



NAIROBI CITY COUNTY ASSEMBLY
OFFICIAL REPORT
First County Assembly – Second Session

Tuesday, 1st July, 2014

The House met at 2.30 p.m.

(Hon. Deputy Speaker in the Chair)

PRAYERS

PAPERS

Hon. Member for Nairobi South Ward(Mr. Manoah Mboku): Thank you, Mr. Speaker. **Pursuant** to Standing Order number 186 I beg to lay the following paper on the table of the Assembly today Tuesday 1st July, 2014 of the Seventh Report of the Sectoral Committee on Health Services on the Vetting of the Nominee for Chief Officer Health Services Nairobi City County.

Hon. Deputy Speaker(Mr. Kennedy Ngondi): Is the Chairperson for Budget in the House? Are there some papers you are supposed to lay? There are indications here about the Statement delivered before the Budget and Appropriation Committee on 26th June, 2014 by the County Executive Member Committee for Finance on pronouncement of the Budget Highlights and Revenue Raising Measures for FY 2014/2015

Hon. Member for Embakasi Ward(Mr. Michael Ogada): Thank you very much, Mr. Speaker sir. We were informed that we were supposed to bring this report today but

unfortunately it didn't come to us on time so my Committee has not looked at it. Therefore, I would beg your indulgence that I bring it tomorrow in the afternoon.

Hon. Deputy Speaker: Thank you. Chairperson Trade.

Hon. Member for Mbatini Ward(Mr. Wilfred Odalo): Yes, Mr. Speaker, we are requesting two more days for us to table our Statement.

Hon. Deputy Speaker: That is not possible.

Hon. Wilfred Odalo: Sorry, Mr. Speaker, I meant tomorrow.

Hon. Deputy Speaker: Just a reminder, the Committee on Trade, Tourism and Cooperative should table their report on the vetting of their Chief Officer nominee and that is the report we expect. The Chairperson of Sectoral Committee on Health. Chairperson of Health?

(No reply from Chairperson of Health)

Hon. Deputy Speaker: Chairperson Trade, Tourism and Cooperative.

Hon. Wilfred Odalo: Yes, Mr. Speaker. The Committee of Trade is requesting more days because vetting takes a long time. We are also requesting a retreat for a week so we are requesting your direction. Thank you.

Hon. Deputy Speaker: Chairperson, please repeat what you have just said.

Hon. Wilfred Odalo: Yes. Mr. Speaker, as you are all aware---

Hon. Deputy Speaker: Can you introduce yourself first.

Hon. Wilfred Odalo: I think the whole House knows Hon. Odalo. Okay, I am Hon. Odalo, the new Chairperson. Mr. Speaker, we are requesting more time as vetting needs a lot of time and a retreat. So Mr. Speaker, by Thursday we shall be ready with a report. Thank you.

Hon. Deputy Speaker: Granted. Hon. Ochola.

Hon. Member for Utali Ward (Mr. Wilson Ochola): Yes. Thank you, Mr. Speaker. I would like to support my Hon. Chairperson for Trade and what he is saying. We were supposed to give you a report after going for retreat.

(Loud consultations)

Hon. Deputy Speaker: Order Members! The Member is on the floor.

Hon. Wilson Ochola: I am a Member of Trade and I have the right to talk on Trade. Mr. Speaker what he is saying is that we are going to give you a report in the next two days after verifying the report we vetted last week. Therefore, you should give the Chairperson two more days to bring the complete report. Hon. Odalo is the new Chairperson of Trade.

Hon. Deputy Speaker: Please, can you take your seat.

(Laughter)

Hon. Deputy Speaker: Hon. Members, I would just like to bring to your attention that the House is supposed to go on recess by 3rd July, 2014. That is the normal business and tradition of the Assembly. So Members of Trade Committee, we expect you to table your report by tomorrow, 2.30p.m. Thank you.

Hon. Member for Kahawa West (Mr. Patrick Ngaruiya): Thank you, Mr. Speaker. It has come to the notice of this House that when Statements are requested it takes over one or two months. Yes, the Chairperson can stand here in front of the Hon. Members and say he is going to bring the report within two days yet I asked for a report in March, and as you have just said, we are going for recess.

Hon. Deputy Speaker: I think you are a bit fast, wait for the time of Statements to come. Proceed, Clerk.

NOTICES OF MOTION

Hon. Manoah Mboku: Thank you, Mr. Speaker sir. I beg to give notice of the following Motion. **That** this Assembly adopts the report of the Sectoral Committee on Health Services regarding the vetting of the nominee for Chief Officer of Health Services laid on the Table of the Assembly today, Tuesday 1st July, 2014. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Obonyo Kwanyoka.

REMOVAL OF HON. MEMBERS FROM THE COMMITTEE OF PLANNING

Hon. Member for Gatina Ward (Mr. Mike Obonyo): Thank you, Mr. Speaker, for your brilliant eyes to catch me. I want to register my disappointment. Today morning I learnt that my colleague, Palapala and I were removed from the Planning Committee. After thorough investigation I found out that the information was from Leader of Majority who I voted for to be elected to that seat.

Hon. Member: *(Inaudible)*

Hon. Deputy Speaker: Order, Member. I will throw you out if you continue talking.

Hon. Mike Obonyo: Mr. Speaker, I want a clarification from the Leader of Majority on the reason and the purpose of why my colleague and I were removed from that Committee.

Hon. Deputy Speaker: Hon. Members, the Speaker has not received any communication in regard to any removal of a Member from a Committee. This is not done singlehandedly, and I hope if there is anything of that kind that procedure will be followed. So I believe there is no cause for alarm and maybe if we receive that communication we will convey the same to the Assembly. Thank you. Hon. Imwatok.

Hon. Member for Makongeni Ward(Mr. Peter Imwatok): Thank you for recognizing Riek Machor in the House. Mr. Speaker, I rise to speak on this issue once and for all. It is high time the directive of the Speaker be taken seriously. I rise to speak about---

Hon. Deputy Speaker: Are you on Notices of Motion?

Hon. Peter Imwatok: Personal Statement.

Hon. Deputy Speaker: No we are still on Motions.

Hon. Peter Imwatok: *Choo iko chafu uko*, please.

Hon. Deputy Speaker: Okay, continue.

CONDITION OF CITY HALL WASHROOMS

Hon. Peter Imwatok: Mr. Speaker, I remember Hon. Nyangala standing on the same platform that I am now standing on lamenting how the senior most Member of this

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County came to this Assembly and had nowhere to stand or go for a short call. Mr. Speaker, from second floor downwards in our building which is designated for us as Hon. Members you cannot get a place to go. If you get one it is in a pathetic state and not only the inside but even the smell that comes out of it---

I think as much as we are waiting for our new Chamber to be done there is something you can do in this House, Mr. Speaker. I have gone to the washrooms until the desire to go, went. I think you should now give directives within timelines, that when we come from recess we find new loos in this building. I can't go to the Majority Leader and beg where to go, it so unfortunate, Mr. Speaker. I am discouraged, I am disappointed--- I don't know with whom; who's in charge?

Hon. Deputy Speaker: The Chairperson Health, can you respond, this is very serious.

(Loud Consultation)

Hon. Manoah Mboku: Thank you, Mr. Speaker. As you know the issue of toilets does not fall under our department, it falls under the director of Environment. So it is the Environment people who should respond to this matter.

(Loud Consultation)

Hon. Deputy Speaker: Thank you, where is the Chairperson for Environment.

Hon. Member for Upper Savannah (Mr. Benson Amutavi): Thank you, Mr. Speaker. I was not asleep; I was talking to the President of the Republic of Kenya.

Hon. Deputy Speaker: Chairperson, can you respond to Hon. Imwatak.

(Laughter)

Hon. Benson Amutavi: Pardon, Mr. Speaker?

Hon. Deputy Speaker: I have just called you to come and respond to the concerns of the Member for Makongeni Ward.

Hon. Benson Amutavi: Mr. Speaker, I will not respond to the Member.

Hon. Deputy Speaker: No, this is something very serious.

Hon. Benson Amutavi: I will not respond because we were in the Committee in the morning and we spoke about the same issue and he was present. So I don't know why he is bringing the issue to the House.

Hon. Deputy Speaker: So you have done something about it.

Hon. Benson Amutavi: I have done something, Mr. Speaker sir.

(Laughter)

Hon. Deputy Speaker: Thank you. Hon. Magdalene.

REQUEST FOR STATEMENT REGARDING THE DISBURSEMENT OF BURSARIES IN NAIROBI COUNTY

Hon. Magdalene Mbogori(Nominated Member): Thank you, Mr. Speaker. **Pursuant** to Standing Order 41(2)(C) and as a Member of the Committee on Education, I wish to request a statement from the Chairperson of the Select Committee on Budget and Appropriation regarding the disbursement of bursaries in Nairobi County.

Hon. Speaker, this Assembly resolves to have a separate account for bursaries and also pass that these bursaries be disbursed to the MCA's. In the Statement the Chairperson should enquire into and report on:

1. Whether the County has a separate bursaries account;
2. The total amount set aside for bursaries as it was passed by the Assembly;
3. Reasons as to why the bursaries have not been disbursed to date and the files are still lying in the Accounts Department;
4. Timelines for disbursement of bursary cheques for the 85 wards.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: The Chairperson for Budget.

Hon. Michael Ogada: Thank you very much, Mr. Speaker sir. I think the bursary disbursement is of great concern to most of the Members. Therefore, I think we are going to give a very detailed report tomorrow afternoon and we will do it in conjunction with the Chairperson of Education, because she has asked at least two questions which need to be

responded to. So we are going to liaise and then we are going to give the report tomorrow afternoon. Thank you.

Hon. Deputy Speaker: Thank you, Chairperson. Hon. Amos Mbutia.

REQUEST FOR STATEMENT REGARDING GRABBING OF LAND IN KAHAWA WARD

Hon. Member for Kahawa(Mr. Amos Mbutia): Thank you, Mr. Speaker. I am rising to request a Statement pursuant to Standing Order 41(2)(c). I wish to request a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the continued grabbing of land in Kahawa Ward.

Hon. Speaker, most of the land set for public utilities has been continuously grabbed by private developers. Plot number 1063 in Kongo Settlement Scheme was meant for construction of a Social Hall while plot number 664 was allocated for construction of a nursery school.

Hon. Speaker, in the Statement the Chairperson should enquire into and report on;

1. The status of all public land in Kahawa Ward;
2. Whether the County Government is aware of the illegal transfer of land number 1063 and 664.
3. Listed owners of the land after the transfer and the title deeds.
4. Measures being put in place by the County Government to recover these particular utilities and others within Kahawa Ward that has been illegally transferred.

Hon. Deputy Speaker: Okay. Chairperson of Planning.

Hon. Member for Imara Daima Ward(Mr. Jairus Atinya): Thank you, Mr. Speaker sir. The Hon. Member who has just left the floor knows very well that we are still doing investigations concerning the same matter. So, Mr. Speaker sir, I hope you can give me two weeks after recess to do that.

Hon. Deputy Speaker: Okay the first week after recess on Wednesday. Hon. Whip *kidogo tu*, we are still on the issue of Manoah Mboku, on the Health Centre at Kahawa Ward. Mr. Mboku, what is it all about?

Hon. Manoah Mboku: I have not understood the question, Mr. Speaker.

Hon. Deputy Speaker: It is regarding the status of Kahawa Health Ward.

Hon Amos Mbuthia: Mr. Speaker, I have not received any communication from the Office of the Speaker concerning the statement. So I beg that I move it tomorrow.

Hon. Deputy Speaker: Okay, thank you. Hon. Rachael Kamweru. 'Inequality is in the leadership of Nairobi City County Assembly'.

PERSONAL STATEMENT REGARDING INEQUALITIES IN THE LEADERSHIP OF NAIROBI CITY COUNTY ASSEMBLY

Hon Rachael Kamweru (Nominated Member): Thank you, Mr. Speaker. Pursuant to Standing Order Number 80, I wish to make a Personal Statement in regarding inequalities in the leadership of the Nairobi City County Assembly in terms of the leadership of the Committees. I am also looking at the gender mainstreaming and the overall leadership of the Assembly.

Mr. Speaker, I just want to expound a little because you may not be aware. If you look at Committees like the Ward Fund, House Business Committee and the Liaison Committee that you Chair it seats only one woman. If you look at the top leadership of this County Assembly from the Majority, Minority and their Whips we do not have any gender representation. Mr. Speaker, the Constitution of Kenya under article 27(6) provides for equality for all before the law and the entitlement without discrimination for equal protection of the law. Mr. Speaker, the majority---

Hon. Member for Nyayo Highrise(Mr. Morris Akuk): Point of Order.

Hon. Deputy Speaker: Granted.

Hon. Member for Nyayo Highrise (Maurice Akuk): Thank you, Mr. Speaker, for giving me this opportunity for giving me this opportunity to kindly help my colleague with some information. She is trying to quote from the Constitution and I would gladly tell her to read it again that gender equality does not apply in any elective positions. So let us not be cheated here, the leader of Majority, the Leader of Minority, the Whips, the deputies, all these Chairmen are elected. If there are any women or if there is any Hon. Lady Member

who is interested in these seats, they are welcome. Let them campaign, let them get the seats because these are elective positions; they are not selective positions where there is any Member like the Speaker probably selecting the Chairpersons of these Committees and these positions. So let us stand guided, let us not be cheated here, Mr. Speaker.

(Hon. Rachel Kamweru rises to her feet)

Hon. Deputy Speaker: Hon. Rachel, please just take your seat.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members please take your seats, I am communicating. Allow me to recognize the presence of our Hon. Former Minister Hon. Ole Sunkuli in the House. *Mheshimiwa karibu*. Rachel, proceed.

Hon. Rachael Kamweru: Mr. Speaker, I am entitled to my own opinion under Standing Order No. 80 on this particular House. Mr. Speaker, I will continue with my Personal Statement.

Hon. Speaker, a majority of our legislation though gender neutral in language, has discriminative effects on its application. Mr. Speaker, we know this does not always follow but we are also aware that our Standing Orders and our enabling Statutes have tried to remain calm in gender neutrality as possible. However, the application of this law and regulation in reality has resulted in varying degrees of discrimination. It must be noted that the law cannot be used to reinforce or give prominence in certain social injustices leading to the marginalization of certain groups of people and more so for this House, the women in the realm of gender discrimination, discriminatory legal provision that has caused injustice.

Mr. Speaker, the spirit of Article 27(6), and I am repeating this for the Members to hear, we seek to give full effect to realization of the rights guaranteed under this article "The State shall take legislative and other measures including affirmative action programmes and policies designed to redress any disadvantaged suffering individual or group because of past discrimination". That was what I was getting at. Mr. Speaker, therefore I want to urge the leadership of the House to find ways to include the Hon. Women in the management of the affairs of this Assembly.

(Applause)

It is unfortunate, Mr. Speaker, that only one woman is in the realm in the Committees and none deputizes these Committees. It's unfortunate, Mr. Speaker, that this Assembly has no effect to put up to ensuring women their rights. Mr. Speaker, I want to urge this House to have a change of heart and encourage the Nairobi City County to take a bold step to lead this County like they have done in other issues. Mr. Speaker, Nairobi is tops when it comes to legislature and when it comes to passing Bills but when it comes to gender neutrality, when it comes to gender sensitivity, when it comes to gender mainstreaming, Nairobi is last. We have been defeated by Uasin Gishu, Meru, Isiolo and the rest. Mr. Speaker I wish for your direction on how the County Assembly plans to address this issue,

Mr. Speaker, why I am bringing it up here and I know this is going to come into question, is because as we are talking the Gender Commission, the CIC and all other bodies are doing their audit on gender mainstreaming. Please give us direction on this matter.

(Applause)

Hon. Deputy Speaker: Than you, Hon. Kamweru. The Chair will respond to that on Thursday. Thank you. Hon. Akuk.

Hon. Maurice Akuk: Mr. Speaker you have already ruled.

Hon. Deputy Speaker It is not meant for a debate, it is a statement?

Hon. Maurice Akuk: Yes that what I am saying. You have already ruled. It is not debatable.

(Loud consultations)

Hon. Deputy Speaker: Yes. Can we proceed?

Hon. Chege Ngaruiya: Point of Order.

Hon. Deputy Speaker: What is it?

REQUEST FOR RESPONSE TO STATEMENT

Hon. Member for Kahawa West Ward (Chege Ngaruiya): Mr. Speaker, I rise on a Personal Statement. Mr. Speaker, I was talking about taking the work of this particular Assembly seriously. I requested a statement from the Chairperson of Transport on 21st

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March 2014 and up to today it is not forthcoming. Mr. Speaker, as you said earlier that we are breaking for recess, now it is about four months since I asked for that particular statement. The reason why I asked for that particular statement is because the areas that we represent, the roads are in deplorable condition and the issue here at hand requires a lot of attention. Mr. Speaker, if that is not addressed and we are going on recess I fail to understand what we would be doing at that particular time. I think it is high time that the Chairpersons of these particular Committees took their work seriously and respond to the questions and the statements they are asked for on time. Thank you.

Hon. Deputy Speaker: Thank you. Can we get response from the Transport Committee?

Benson Amutavi: Mr. Speaker, before you proceed, I want to comment on the issue of---

Hon. Deputy Speaker: No, I have not authorized you to speak. The Chairperson or Deputy for the Transport Committee.

Hon. Member for Kasarani Ward(Mr. Martin Waweru): Thank you, Mr. Speaker. Ngaruiya's statement is coming on Thursday.

Hon. Deputy Speaker: Let it be. Hon. Jackie.

Hon. Jackline Nyang'ala (Nominated Member for Kileleshwa): Thank you, Mr. Speaker. I think that the Chairperson of Transport said last week - it must have been last week - she said that she had five reports ready to be presented here. However the Clerk said that he wanted to expunge some information on them. We were told here, I think last week, that they are five and they could contain one of the answers that he is looking for. Thank you.

Hon. Deputy Speaker: Thank you. I think we have the order of the day and procedure, Members, we still have the official communication here.

Hon. Chief Whip of Minority: Mr. Speaker?

Hon. Deputy Speaker: Yes Chief Whip---

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you Mr. Speaker. I am a very disappointed man by the department of Planning and Housing. This particular

department has become very notorious. I think these Members are very hungry. You know when you seek for statements and it stays for one, two, three months without an answer, what do you tell your people? I rose here to ask for a statement on a piece of land in Karen which has been grabbed by a church. The church has already put up a toilet, they are now in the process of constructing, and this statement I asked for it two months ago. These Members want answers, whatever they ask in this House comes from the Wards they represent and if seeking for statements from relevant departments is not forthcoming let us be told that there is no business asking for statements from this House, Mr. Speaker sir. Thank you.

Hon. Deputy Speaker: Chairperson Planning, Housing and Survey, is it true that you are incompetent?

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya): Mr. Speaker sir, the Chief Whip knows very well that the department of Planning is there to investigate and enquire; that is the land that is in Karen, I am still investigating and enquiring. He wants me to give an answer within one week, or two weeks it cannot happen like that.

Hon. Deputy Speaker: When do we expect the report?

Hon. Jairus Atenya: In two weeks, Mr. Speaker, after recess.

(Loud Consultations)

Hon. Deputy Speaker: Order Members!

The Chief Whip of the Majority: Mr. Speaker, I have been promised two weeks many times, more than ten, two weeks. How long are the people I represent from Karen Ward going to wait, when the President goes there and issues statements in church?

The Leader of Majority (Elias Otieno): Point of order.

Hon. Deputy Speaker: Not granted.

Hon. Deputy Speaker: Order Member! You have asked for a statement---

The Chief Whip of the Majority: Mr. Speaker, give me time. I am here to represent the people of Karen. I respect the President; I respect the Senator of this city----

Hon. Deputy Speaker: Order Member! You have asked for a statement.

The Chief Whip of the Majority: Mr. Speaker can you protect me from your---

Hon. Deputy Speaker: You are protected, can you take your seat? Hon. Chairperson for Planning and Housing, kindly after the recess, the first week on Tuesday, avail the report in time. Thank you very much. I told you before I must at least go through this first; there is a response from the Chair of Agriculture, Environment and Natural Resources in regards to the proposed power plant to be built in Dandora. Are you ready?

RESPONSE TO STATEMENT REGARDING THE PROPOSED POWER PLANT TO BE BUILT IN DANDORA WARD

Hon. Benson Amutavi: Yes Mr. Speaker. Mr. Speaker sir, this is a response to a statement requested by Hon. Rachael Kamweru MCA about the issue of Dandora dump site. Hon. Speaker sir, on Thursday 12th June 2014, Hon. Rachael Kamweru rose on the floor of the Assembly pursuant to Standing Order No. 41(2C) and requested me as the Chair of the Sectoral Committee on Agriculture, Environment and Natural Resources for a statement regarding the proposed power plant to be built in Dandora Ward. She further asked the chairperson to enquire into and report on:-

- i) The technology proposed to be deployed in order to exploit the resource of the landfill gas to generate 70 Mega Watts of electricity;
- ii) Measures being taken to include the people currently conducting business at the site;
- iii) The anticipated monthly profit and how long is the break-even point;
- iv) The criteria to be used to employ the employees;
- v) Are there grants included in the project;
- vi) How many will be used to build the power plant.

Mr. Speaker sir, the Committee wrote to the County Secretary with a copy to the County Executive Committee Member(CEC) responsible for Water, Energy, Forestry, Environment and Natural Resources on 18th June 2014 requesting to be furnished with a written response to the statement by Hon. Rachel Kamweru. The County Secretary responded though a letter ref. CO(EF)1/33/373 dated 23rd June 2014. In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows, that:-

A. THE TECHNOLOGY PROPOSED FOR EXPLOITING THE RESOURCE

The Committee was informed that the establishment of a proper solid waste management system for the city is an urgent issue requiring prompt resolution. To this end, after various consultative initiatives by the defunct City Council and development partners, thermolysis was identified as the preferred technology for solid waste management and exploitation of solid waste resource at Dandora dumpsite.

The technology was opted for because it yields by products which are both useful and inert. The energy generated during the process is likely to be useful in other economic activities within and without the County. Further, the ash produced as a result of the process is solid in nature and it's therefore disposable at the proposed Ruai sanitary landfill since it wouldn't attract any birds. This therefore addresses the concerns of the Kenya Airports & Civil Aviation Authority. In addition, the technology does not entail any incineration and its final products which are Refuse Derived Fuel (RFD) and organic fertilizer can support other regimes including energy and agriculture. Notably, the technology was considered the best among those presented.

B. MEASURES BEING TAKEN TO INCLUDE THE PEOPLE CURRENTLY CONDUCTING BUSINESS AT THE SITE

Mr. Speaker sir, the County Executive Committee (CEC) member responsible for Water, Energy, Forestry, Environment and Natural Resources stated that when the project is implemented, the people who are currently sorting out garbage at the dumpsite will continue to be involved but in a structured way. This will be addressed once the project is initiated. That according to the Social Impact Assessment carried out; there are many direct sorting beneficiaries a Dandora dumpsite who should be involved in any upcoming project.

C. THE ANTICIPATED MONTHLY PROFIT AND HOW LONG IT WOULD TAKE TO BREAK EVEN

Mr. Speaker sir, the Committee was informed that the issue of profits can only be determined when a feasibility study is done, which at the moment has not yet been carried out.

D. THE CRITERIA TO BE USED TO EMPLOY EMPLOYEES FOR THE PROJECT

Mr. Speaker sir, the County Executive Committee (CEC) Member responsible for Water, Energy, Forestry, Environment and Natural Resources informed that the employment issue will be looked into once the project has undergone the entire project development and approval cycle. However, it will be recommended that the people within the vicinity of the dumpsite be given first priority.

E. WHETHER THERE ARE GRANTS INCLUDED IN THE PROJECT

Mr. Speaker sir, the Committee was informed that it is anticipated that the project will be conceived as a Public-Private Partnership in accordance with the Public Private Partnership Act 202, and other applicable laws. The issues of grant will therefore be an option.

F. THE COST OF BUILDING THE POWER PLANT

Mr. Speaker sir, the Committee was informed that the cost will be known once the capacity of the proposed project is determined and approvals realized. A feasibility study will give indication of the cost of the investment. Mr. Speaker sir, can all those Members of Environment get out of there? Please Members, can you listen?

Hon. Deputy Speaker: These are all your Members.

Hon. Benson Amutavi: Yes, I don't want questions tomorrow, I want them to listen. Mr. Speaker sir, thank you for protecting me. The Committee notes that this project is still in the initial stage and several other processes shall have to be undergone. It is in the opinion of the Committee that more consultations should be carried out as progress is undertaken since the project shall have a far-reaching social/economic impact on the County residents particularly those who depend on the Dandora dumpsite. However, the Committee supports any initiatives that will lead to proper management of solid waste in the County. The Committee shall be seeking more updates from responsible authorities and inform this Assembly.

Mr. Speaker sir, I beg to lay this response. Thank you. May God bless you, may God bless Africa.

Hon. Deputy Speaker: Thank you. Hon. Kamweru---

Hon. Rachael Kamweru: Mr. Speaker, I would like to thank the Committee but I am not satisfied. Mr. Speaker, I am shocked that the Chair of Environment can come and read such a response. Either he never did his work or the CEC never did their work. Mr. Speaker, this is an issue of high magnitude.

Hon. Deputy Speaker: Proceed.

Hon. Rachael Kamweru: Mr. Speaker sir, I thank the Committee because they have given me response in two weeks. Mr. Speaker, I am not happy with the response with reason, but first and foremost, I want to say that this is a big project for Nairobi. If it works out it is a plus for Nairobi and we would like it to work out. However, if you look at the answer I was given... The name of Sustainable Energy Management that is to build a power plant at a cost of 34.4 billion. This is equivalent to 400 million dollars if converted to Kenya shillings. Mr. Speaker, the response I have been given by the Committee through their CEC is that they do not know how much it will cost. This is a company that even went to the House on the Hill and told H.E the President that they are building on such a magnitude for the residents of Nairobi. Where did they get such a figure?

I have seen it clearly. The company is not among the 13 companies that were shortlisted. I want to be told if they are calling themselves by a different name or is it this German company has just been sneaked in? Who is fooling who in this House? The CEC or the Chairperson of Environment should stop playing with the intelligence of Members of this Assembly. It is very clear if you go to the Website of Nairobi County or other websites and even read stories by newspapers like Nation and the Star; that this project will employ 1250 youth. According to the response I have been given they are not even sure how many youth should be employed. If the youth are to be employed they will be within the vicinity of Dandora keeping in mind these 2000 tonnes of garbage is being collected among the 85 Wards. How do we distribute these 1000 jobs if they are there?

I am not a newcomer in the vicinity of City Hall. I was in the former City Council, I was in the Environment Committee. The document that they have given me is a cut and paste from the former City Council. They have just cut and pasted and this documentation was by JICA on Solid Waste Management Master Plan. That does not mean what was done by the Council is not relevant to the County Assembly, it is. Why am I being given a report by JICA and not a report by the German company? Lastly, this is wanting and I am not satisfied. I would like to go back and they give a proper report. If this is not passed and

we want this to work in Nairobi it will be a plus for us. This is a shame to whoever gave these kinds of responses. I thank you.

Hon. Deputy Speaker: Hon. Members, let us proceed. It has been brought to the attention of the Chair that some of the Members of the Committee on Environment are raising concerns that they are not conversant with the report which has just been read. So I am directing that the Clerk kindly not to accept the report in its status. Take it back to the Committee, we need a conclusive report. Hon. Imwatok.

Hon. Member for Kakongeni Ward (Mr. Peter Imwatok): Mr. Speaker---

Hon. Deputy Speaker: It is not allowed.

Hon. Peter Imwatok: Mr. Speaker, thank you for giving this a chance. I am also a Member of the Environment Committee and I think what has been raised on this particular point is very momentous and big. I want to request your directive so that this Environment Committee and I am also pegging this on what we shared sometimes back with Majority Leader requesting these Ministers--- Maybe I'll table a Motion next week requesting these Ministers to appear before us here so we also change the Standing Order. What Ms. Kamweru is saying is the paste and copy procedure is becoming the order of the day in this County.

I want to beg as a Member of Environment Committee if you can give this Committee enough time to summon these people, to interrogate these questions because we are talking about 34.5 billion shillings. It is not about three hundred and forty thousand shillings. It means the lives of our people is going to change either in a positive or a negative way and I would like your direction and If you can give this Committee more powers to investigate and summon some of these people to appear before this Committee Mr. Speaker---

Hon. Deputy Speaker: Okay, Hon. Members, this is now an official position. Each and every report from various Committees must be forwarded first to the Liaison Committee as required by law under Standing Order 192(b); *"That the reports should be subjected to the Liaison Committee for interrogation"*. Please do not bring your report before you take it to the Liaison Committee. Thank you. Hon. Minority Leader.

Hon. Leader of Minority (Mr. Abdi I. Hassan): Thank you, Mr. Speaker sir, for giving me this opportunity. I want to take this opportunity to thank the County Government of Nairobi and the Governor of this County for removing the illegal structures which are being built around the State House of Nairobi. That is a very sensitive area and we do not want the security of State House to be jeopardized by some crooked individuals in this City. I also want you to ask Members not to invoke the name of his Excellency the President in this House. If any Member has queries on any issue they have to channel them to the relevant department and not invoke the good name of his Excellency the President in this House.

Hon. Member: Point of Information.

Hon. Deputy Speaker: Not granted.

Hon. Leader of Minority: Mr. Speaker sir, I don't want to be informed by the Member---

Hon. Deputy Speaker: Kindly take your seat.

(Applause)

Hon. Leader of Minority: I also want to ask the Governor to remove all illegal things which are within or outside the precincts of the State House. Thank you, Mr. Speaker sir

Hon. Deputy Speaker: I have a comment and a reservation on what the Hon. Member has just said. Regarding the security issue and the issue of State House, that is a National issue which is a reserve of the National Assembly. It is also good to give a thumbs up to our Governor who has seen the need to revoke the because of irregularity and with that observation, thank you very much, Minority Leader. Hon. K'Otieno.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. While I would not want to indulge too much in the debate that the Minority Leader has just opened, it is also important that the Minority Leader be living in this current era when we enacted a new Constitution. When Kenyans were enacting this Constitution they were giving themselves a law that was going to lead them to prosperity. They were writing a

document that would reflect the kind of society that they want and I do not want to belabor this too much. That is why I am going straight to Article 33 of the Constitution that we enacted on Fourth of August that clearly says “*every person has a right or freedom of speech*”. Immediately the Minority Leader will start gagging Members of this House. You will be taking us back to the dark days of Kanuism where I came from and I am afraid of going back there.

Hon. Deputy Speaker: Order, Hon. Member! We are not in plenary to debate on statements so please can we proceed? We have Hon. G. Maina on the County Ward Development Fund Management Committee. If he is not in the House can we proceed?

PROCEDURAL MOTION

Hon. Mohamed Abdi (Nominated Member): Thank you Mr. Speaker sir. I beg to move the following Motion---

Hon. Michael Ogada: Mr. Speaker---

Hon. Deputy Speaker: Yes, kindly as a matter of urgency, Hon. Chairperson for Budget and Appropriation---

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much, Mr. Speaker sir. As a good student of this House I was just studying the mood of most of the Members and I realize that they don't want responses which are taking long. I don't want my Committee to be the one which is going to be blamed. Tomorrow I promise to give a response about bursaries and therefore, because I will be having a shorter time I have decided that the other promise I gave of laying the paper must be done today. I have done everything possible in consultation with most of my Members and I beg to lay this paper.

The statement on the pronouncement of the budget highlight and revenue raising measures for Nairobi City County for financial year 2014/15 delivered before the Budget and Appropriations Committee on the 26th June 2014 by the County Executive Member for Finance. I think all Members were present when the Minister was reading his statement and they really appreciated it. The paper I am laying here today is just for their information and if at all anybody will be having any issues regarding the statement then you will be at liberty tomorrow to allow them to make comments. My business today is simply to lay the paper, thank you.

(Hon. Michael Ogada lays the paper)

Hon. Deputy Speaker: Hon. Abdi.

MOTION TO ALLOW HAWKERS TO CARRY ON THEIR BUSINESS IN DESIGNATED AREAS

Hon. Mohamed Abdi: Thank you, Mr. Speaker sir. I beg to move the following Motion.

That, aware that recent years have witnessed a marked increase in the number of hawkers in the Nairobi City County Business District (CBD) and its environs; **further** aware that there has been a problem between hawkers and licensed rent-paying business entities who compete for the limited space available within the CBD and its environs; **deeply** concerned that the way hawkers are treated by the City County Inspectorate and enforcement is wanting; noting that these hawkers are Kenyan youth and women who try to earn a living by hawking due to unemployment which is a nightmare for both the National and the County Governments, this Assembly **urges** the County Government to create a framework to ensure a balance between the interests of the licensed rent-paying entities and hawkers who get their daily bread from hawking by allowing hawkers to use designated areas within the CBD to carry out their businesses within a specific time in order to avoid running battles with the City County Inspectorate Department.

Mr. Speaker sir, to start with I came up with a proposal that shows the designated areas I have found that are important to allow the hawkers to use. These are Tom Mboya Street, River Road and Ronald Ngala.

Hon. Deputy Speaker: Proceed.

Hon. Mohamed Abdi: Okay, thank you. You know, as a County we need to come up with a framework to ensure that we safeguard the interests of the licensed rent paying business and hawkers. That is why I came up with this, that we allow the hawkers to use Friday in the evening, Saturday and Sunday in designated areas so that at least they can earn their living. Knowing that these hawkers are youth who are married like us and who have a beautiful wives to care for their interest, and at the end of the day, they are required to pay school fees, rent, electricity bills like any other person. I note with a concern that

there are some Hon. Members who are good in giving handouts and I want to ask these Hon. Members that handouts will not---

(Loud consultations)

Hon. Mohamed Abdi: Protect me, Mr. Speaker sir.

Hon. Deputy Speaker: You are protected.

Hon. Mohamed Abdi: Thank you Mr. Speaker sir.

(Loud consultations)

Hon. Chief Whip(Mr. David Mberia): I am among them, Mr. Speaker sir---

Hon. Deputy Speaker: Okay, go ahead, Chief Whip.

Hon. Chief Whip of the Majority: Mr. Speaker sir, I do not think there is any Member of this House who is living on handouts. Can the Mover of this Motion withdraw the statement Mr. Speaker sir?

Hon. Deputy Speaker: Thank you.

Hon. Mohamed Abdi: Thank you, Mr. Speaker sir. I have not said that we live on handouts. I have said we are giving handouts to those hawkers and I am an example of those who give out handouts and I am very proud of it. If I give out KShs.1000 to a hawker I have saved him for one day. Who will save him tomorrow? That was the point that I am trying to make. Also with concern, I have seen some people have a perception that this County Government only benefits the rich people. It is good that we allow this Motion to pass and the hawkers at least can make a living so that they can get their daily bread. To add to this there is this company called Creative which does cleaning at the City Centre, we also need to give them ample time to do cleaning in the County. I want the hawkers plus the licensed rent paying business entities to do their business up to nine or ten so that this company can get time to do their work. With those comments I call upon Hon. Thuo to second this Motion.

Hon. Member for Karura Ward (Mr. Thuo Kamau): Thank you, Hon. Speaker for the opportunity to second this Motion. I also thank you Member for bringing this particular Motion. The challenge the hawkers face in this City is a positive challenge but the

Government of the day has for many years has not attended to that positive challenge. All of us know in this County that the Government, the private sector and other players in the economy are not able to give every citizen of this Country a job. In every society you expect that those people who are not employed are creative enough, are innovative enough to start trading. A good example is hawkers and I think the Planning Department would do this County a good deed if it goes ahead and plans our City. We have one beautiful City but our City is not well planned. You move all over Nairobi---

Hon. Deputy Speaker: Order, Hon. Member! It was just the other day when this County passed the master plan for the City so it is right on course.

Hon. Thuo Kamau: Thank you, Hon. Speaker. I don't know whether I will be in order to say that we have not passed the master plan.

(Applause)

Hon. Kamau Thuo: On a serious note, we have not yet passed the master plan, it has not been brought to this House. That notwithstanding, I was saying that in our Planning Department most of the officials are sleeping on the job. They are mostly interested in approvals of high rise buildings in Nairobi and also in other estates. What I am trying to say is that with good planning from that Department we can have sections or roads reserved for the hawkers and at the end of the day these are our voters. As a Government we are entitled to make sure there is a nice atmosphere and there is a good environment for doing business. I challenge the Planning Department and to some extent the Planning Department in this Assembly, that they can go out of their way to make what these hawkers do honorable. On the planning of this great City, I also have a concern that you will find that now at every stage there is a section called loading zone. These guys who are looking at the hawkers should also look at that area of zoning. Another important thing is political interests. Political interests hinder--- I thought Manyala---

(Laughter)

Hon. Deputy Speaker: Remember you have some few minutes to second the Motion.

Hon. Thuo Kamau: Thank you, Mr. Speaker. Political interests have hindered the good planning of this City and I am asking the Executive to go beyond their political

interests. We have an organized City where everyone even those guys who have paid licenses can be happy and the hawkers can also be happy. I am urging the Members of this County Assembly to support this particular Motion because most of the Members who do hawking come from your Wards. These are your sisters, these are your brothers, these are your wives these are your husbands. Kindly let us go ahead and support this particular Motion, thank you.

Hon. Deputy Speaker: Thank you Hon. Members. Allow me to propose the question.

(The Question is proposed)

Hon. Leader of the Majority: Thank you, Mr. Speaker. I rise to oppose this Motion and the reason is that we know very well that Muthurwa was meant for hawkers. Also, if we pass this Motion today those who rented the shops outside there I do not think we are doing them any good because they are paying thousands for their shops. Secondly, I think these hawkers are going to interfere with traffic, the movement of vehicles and the movement of people. So, let these people continue selling their second hand clothes in Muthurwa and not in the CBD. So, the Member who brought this Motion, I know you are friends with the people but it is not in good taste. My friend, why don't you the honourable thing and withdraw this Motion and bring another one and we will pass it for you.

Hon. Deputy Speaker: Thank you. Hon. Njoroge.

Hon. Member for Riruta Ward(Hon. Samuel Njoroge): Thank you, Mr. Speaker, sir. Allow me to contribute to what the Member has brought to the House. Mr. Speaker, we need to take some precautions, if you look at our city right now it is totally congested. If you look at the footpaths that we are using they are congested and if we allow the hawkers to operate within the area we are going to mess our city.

(Applause)

Hon. Samuel Njoroge: If you look at counties like Kisumu and Nakuru. Mr. Speaker, right now the Governor of Nakuru is having a very hard time trying to move the hawkers from the CBD and we might think that we are helping these people but we are

going to mess up the city. The reason, Mr. Speaker, is that I once operated as a hawker and once we open the CBD to the hawkers all the people from the rural areas will not agree to be employed by anyone and the reason why is that in the cities they will get easy money. For that reason allow me to oppose the Motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Ochola.

Hon. Wilson Ochola: Thank you, Mr. Speaker. I rise to oppose this Motion. Mr. Speaker, as you know Nairobi city is a very beautiful city and where the international countries are represented so we cannot allow thugs to be inside the city---

Hon. Deputy Speaker: Hon. Member, do not brand hawkers as thugs. Can you withdraw?

Hon. Wilson Ochola: Mr. Speaker, if you have ever travelled in this city---

Hon. Deputy Speaker: Please can you withdraw that statement.

Hon. Wilson Ochola: Thank you, Mr. Speaker. I have withdrawn that thuggery statement. Mr. Speaker, I think the Member who moved this Motion wants hawkers to die in this County because when they come from Kisumu, Nyeri, Muranga into town they do not even know how to cross the street. Mr. Speaker, how many dead are we going to have in the city mortuary? I oppose this Motion, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Karen.

Hon. Karen Githaiga: Thank you, Mr. Speaker, sir. I rise to support this Motion very strongly because if you did not know, I am a professional hawker. I have hawked for more than 10 years and if it was not for that I may be somewhere else like Koingange Street selling myself. However, I did not do that because I had an opportunity to hawk. Mr. Speaker sir---

Consultations between the Speaker and the Clerk)

Hon. Karen Githaiga: Mr. Speaker, I need your attention, can you listen to this hawkker. *(Laughter)*

Hon. Deputy Speaker: Proceed.

Hon. Karen Githaiga: Thank you, Mr. Speaker. Everybody knows that Nairobi County has a big problem with unemployment that cannot be hidden especially among the youth and women. Mr. Speaker, if we remove hawkkers from Nairobi where do we take them? I respect the Majority Leader but can he come up with an answer on where to take the hawkkers. They are our voters and if he comes with an answer that is very well and good, let us oppose this Motion, but if we do not know where we are going to take these hawkkers--- Muthurwa is already full and you have seen the problem there concerning dirt and sewerage, everything is helter skelter. Unless we expand Muthurwa we have no more space for hawkkers. As I continue, Mr. Speaker, when these hawkkers came to town, there is a time they were arranged very well in the corridors and they were given time to sell their wares like my brother Mohammed was saying.

The hawkkers were given an appropriate time and the corridors were very well arranged and they were doing very well. They were not arranging their things in front of shops. The city was very well arranged and that is our work, to arrange our city so that it can be beautiful. When they were arranged we noticed petty crimes reduced in Nairobi. If you say that hawkkers bring dirt in the cities and that is what we are saying, but if you are in the matatus, like me, I travel with Umoina, some people throw things out of the matatus, will you remove those people who are in the matatus because they are bringing dirt to Nairobi? What is the work of Creative Consolidated, the company that cleans this city even at night? Mr. Speaker sir, I want to support this Motion because we want to create work for our women and youth if we want peace in Nairobi. Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: Hon. George Ochola.

Hon. Member for Hospital(Mr. George Ochola): Thank you, Mr. Speaker sir. First I want to say that the Hon. Member is misleading the House because the other day she just took a loan and she has a car so she should not say she commutes with Umoina. *(Laughter)*. Secondly, I am standing to oppose this Motion. This is the center and the

heartbeat of the country, the capital city and if we allow the hawkers to continue to hawk here, Mr. Speaker, even my country will be a stall. Mr. Speaker, we know the wananchi we are talking about and unless we come up with a designated place for them to sell their wares so that they pay revenue but not in the CBD. That one will be misleading the country. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Petronilla.

Hon. Member for Dagoretti North(Ms. Petronilla Achieng): Thank you, Mr. Speaker sir. I rise to oppose this Motion on the following grounds. One, the County is in the process of coming up with three open air markets in Nairobi. Let those ones who are talking for the hawkers inform them that starting from next year we will be having 85 markets in the County of Nairobi. So, the issue of having hawkers in the city should be a done case. Two, I remember the last time they were given Biashara Street and when they were asked to move they shot Wambugu in the leg. We cannot bring these people back when we know very well that they will end up fighting us and four, it is a known fact that they are the ones who litter the road.

The environmental impact on our cities is going to be very bad. I also want to remind the Mover that the CBD also includes Westlands and Upper Hill and some other areas of Nairobi. We do not want to see hawkers in Westlands. I oppose this Motion strongly. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much. Hon. Akuk.

Hon. Member for Nyayo Highrise(Mr. Maurice Akuk): Thank you, Mr. Speaker sir. I am a little bit perplexed by the Mover of this Motion and very worried at the other things he added at the end of reading his Motion. They are very strange and for me, I oppose this Motion although I would actually like him to amend it so that I can oppose it further. Amend it to the idea he came up with of actually giving Tom Mboya Street to hawkers. That is not practical and it can never be practical. If I am to remind Members of this County Assembly who are well aware that the hawkers have always brought menace to this town and at some point Muthurwa market was constructed purposely for them. Mr. Speaker, it beats logic for a Member to come up with a Motion like this which to me it looks like he has not done any

feasibility study to actually understand the impact of these hawkers. Mr. Speaker sir, one of my assignments back in the day was actually how to alleviate this and I remember very well we were discussing the impact of hawkers to the businesses that are paying taxes to this County.

My question is this, if at all we are going to allow these hawkers into the CBD, are they paying us any revenue when they use the streets? No, they are not. Would they be willing to pay taxes? No, they are not willing to. Have they had any meaningful discussion with the Governor of this County? No, they have not. Is our Member being propelled by other forces to bring this Motion to this Assembly? Mr. Speaker, I think it is not right and in order for us to move forward it is best that the Mover of this Motion actually withdraws because it is not going to be possible. The hawkers we are talking about will tomorrow come from Kiambu County, they will come from Muranga County, Kadjiado County and they will not be the youth of this County.

Mr. Speaker, I do not know why we keep evoking the name of the youth and women yet the hawkers we see today--- A Member just stood here and said she is a professional hawker of 10 years. So the question is, if you are a professional hawker of 10 years where have you been doing your business? That means that you have been doing your business, so continue doing your business where you do it best but do not make us pass any law to bring in some menace that will disturb and affect the city in the sun. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Member Ngaruiya.

Hon. Patrick Ngaruiya: Thank you for giving me this opportunity, Mr. Speaker to contribute to this Motion. Mr. Speaker, first of all---

(Loud consultations)

Hon. Patrick Ngaruiya: There are some people who are conversing in high tones. Even if they are consulting they should consult in low tones.

Hon. Deputy Speaker: Can you proceed?

Hon. Patrick Ngaruiya: First of all I want to thank the Mover of this Motion and I also want to take this opportunity to wish the Muslim community Ramadhan Karim. Mr. Speaker, I rise here to support this Motion and what the Mover of the Motion is talking about I think most of the Hon. Members did not understand. The Mover of the Motion is talking about designated areas within the CBD, Mr. Speaker. Mr. Speaker, we should be very careful---

Hon. Member for Viwandani Ward(Mr. Samwel Nyangwara) : Point of Order.

Hon. Deputy Speaker: Order granted.

Hon. Samwel Nyangwara: Mr. Speaker, is the Hon. Member in order to import an improper motive on the Members and say that they do not understand and yet the Hon. Members are contributing to this very important Motion? Can he withdraw those remarks?

Hon. Deputy Speaker: Hon. *Mwalimu*---

Hon. Patrick Ngaruiya: Mr. Speaker, Hon. Nyangwara understood but there are others who will never---

Hon. Deputy Speaker: That is very wrong.

Hon. Patrick Ngaruiya: Okay, I withdraw, Mr. Speaker. I want to continue so I withdraw. Mr. Speaker, we need to be humane in some circumstances and we also need to be lenient when it comes to handling some issues. When people say that they do not want hawkers, we need to know where we have come from. Hon. Members here, it is as if they do not know where we have come from.

Hon. Member: Point of Order.

Hon. Deputy Speaker: Not granted.

Hon. Patrick Ngaruiya: Thank you, Mr. Speaker. We need to understand that these hawkers are with us, they are business people. They are very important people in our

economy. If our economy did not have these particular people we are talking about here, Mr. Speaker---

Hon. Deputy Speaker: Hon. Member, the issue here is not that they are not if they are Kenyans or not, the issue here is whether or not they are supposed to trade in the CBD. They are citizens of the Republic.

Hon. Patrick Ngaruiya: That is just an introduction, Mr. Speaker. As I finish I want to say that we should guide and protect these particular group of people who are very important to our economy. Mr. Speaker, when it comes to the CBD the Mover of the Motion is talking about designated areas and this happens even in the developed world. Go to Italy, Brazil, they have designated areas where these people are conducting their business. Mr. Speaker---

Hon. Leader of Majority: Point of Information.

Hon. Deputy Speaker: Granted.

Hon. Leader of Majority: Mr. Speaker, I do not want Hon. Ngaruiya to mislead this House. I was in Italy about 2 or 3 weeks ago and there is no hawking anywhere in Italy. It is a very clean city so there is no way you are going to cheat us here and I know very well that your passport has only one stamp which is just for somewhere near here, Rwanda or Uganda--- *(Laughter)*

Hon. Deputy Speaker: Order, Hon. Leader of Majority. You are not allowed to belittle a Hon. Member, can you withdraw that.

Hon. Leader of Majority: Mr. Speaker, Okay I will just withdraw the word stamp but I will leave the Uganda or Rwanda. *(Laughter)*

Hon. Deputy Speaker: Thank you. Hon. Ngaruiya, proceed.

Hon. Patrick Ngaruiya: Thank you, Mr. Speaker. As I continue I believe that if these hawkers are allowed in the CBD and I support this, I believe that this County is going

to have an increase in revenue for development and they pay, Mr. Speaker. I believe every hawker pays money every day, 50 shillings and these are the people who sent us here so that we can represent them. Mr. Speaker, when we demean this particular group of people and we say that we do not want them to come into the city---

Hon. Member: Point of Order.

Hon. Deputy Speaker: Not granted.

Hon. Patrick Ngaruiya: Not granted, thank you, Mr. Speaker. Mr. Speaker, as I finish and as an economist, I believe in the principle of opportunity cost. Mr. Speaker, opportunity cost is the best alternative and if we allow these people into the CBD we are going to establish a revenue base. So, this County, because it has dragged in terms of development, will be having money and will ensure that this County moves to the next level. I pray for the hawkers of this country and this County that one day they will see the light of day. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Nyangwara.

Hon. Samwel Nyanwara: Thank you, Mr. Speaker. I oppose this Motion in the strongest terms possible. If there is anybody who is supposed to oppose this Motion it is Hon. Ngaruiya and Hon. Mohammed and I think this Motion should not have seen the light of day. Mr. Speaker, recently the Head of State, His Excellency the President, issued instructions to the Governor of Nairobi to decongest the city and all the roads. Mr. Speaker, if we keep insisting on supporting this Motion and pass it, then it will mean that we will do the Governor a disservice when he is doing his best to decongest the city. It is high time that we rise to the occasion and speak the truth.

The designated areas they are talking about is Muthruwa and that is where they are supposed to operate from unless they have other areas they want to operate from it is high time they come and tell us if they have any other open spaces in the CBD they want to give out we can allow it. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Clarence.

Hon. Member for Kabiro(Mr. Clarence Munga): Thank you, Mr. Speaker, for giving me this opportunity to contribute. I stand to oppose the Motion with four points. One, if you allow hawkers to come into the CBD we are talking about hawkers littering the town. By that I mean that we allow mama mboga to come in, the ones who sell tomatoes, and you step on the tomatoes, they are littering the town. We need to ensure that the town is clean and these hawkers when they are leaving they do not have time to clear where they were selling their products. So for us to ensure the town is clean the hawkers must be out of the CBD. Secondly, we are talking about controlling the movement of people. If we allow the hawkers to move around the CBD bringing commotion whereby people---

We need to enjoy walking around the city and these people are a nuisance so I oppose it on those grounds. Thirdly, we are talking about decentralizing services and businesses and on this, I offer space in my Ward where these people can come over, create employment for our youth in various Wards in our County. So, if you want to have fresh vegetables you come to Kawangware, there is a better market for hawkers there. If you want clothes go to Muthurwa or City Stadium and so forth. My fourth point is ensuring that we have security within our CBD and on that point, if we allow hawkers within the CBD---

Hon. Deputy Speaker: Order, Member---

Hon. Clarence Munga: I still have time.

Hon. Deputy Speaker: The Mover of the Motion is on the floor. Kindly take our seat.

Hon. Mohammed Abdi: Thank you, Mr. Speaker. I am surprised that the Motion has taken a party stand so I have withdrawn the Motion, Mr. Speaker.

(Loud consultations)

Hon. Deputy Speaker: Order Member. Members can you take your seats. Member, that is a very dangerous allegation. Hon. Member, we do not have parties here.

Hon. Mohammed Abdi: I have withdrawn, Mr. Speaker, and I have also withdrawn the Motion.

Hon. Deputy Speaker: Motion withdrawn. Members of the House Business Committee, at the rise of the Assembly you have a meeting. Thank you, we have come to the close of our business for today and the House adjourns to 2.30 p.m. tomorrow.

The House rose at 5.30 p.m.