



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 27th March, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

MOTION

Hon. Speaker (Hon. Alex Sanaika Ole Magelo): Hon. Elizabeth Manyala.

MOTION ON FOOD COURTS AND EATING HUBS WITHIN PETROL STATIONS

Hon Member of Kayole South (Ms. Elizabeth Manyala): Thank you, Mr. Speaker sir, That, **AWARE** that the Nairobi City County is the hub of East and Central Africa with vast potential and resources for wooing foreign investors especially in the hospitality industry; **CONCERNED** that there is poor location of food courts and eating hubs with most of the eating places being housed within or adjacent to major petrol stations within the City or along major highways thereby, exposing consumers to pollution more so to the risk of exposure to the hazardous Benzene Toloen Ethylbenzen and Xylene (BTEX)---

Hon. Speaker: Order Member! Hon. Imwatak, please.

Hon. Elizabeth Manyala: Mr. Speaker there is a Kumukunji going on amongst the men dressed in black, yet this is a very important Motion for the Nairobians---

Hon. Speaker: Hon. Chairman, liaison, Deputy Speaker, can you approach the chair please. Can you approach the chair please? *(Speaker consults with the Deputy Speaker)*

Hon. Elizabeth Manyala: Mr. Speaker, this is a very serious Motion that needs the attention of every Member here because I want to turn around everybody's world view. *(Consultation)* Mr. Speaker, may I proceed?

Hon. Speaker: Hon. Members, Hon. Manyala is on the floor on a very important Motion and Hon. Manyala, you need to jog the Members memory that after the Wednesday that you brought your Motion, there was fire at Kipande House on Saturday and there is a restaurant next to the petrol station. Go on, Hon. Manyala.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker sir. I will start once again because I was interrupted by the men in black; **AWARE** that the Nairobi City County is the hub of East and Central Africa with vast potential and resources for wooing foreign investors especially in the hospitality industry; **CONCERNED** that there is poor location of food courts and eating hubs, with most of the eating places being housed within or adjacent to major petrol stations within the City or along major highways thereby, exposing consumers to pollution, more so to the risk of exposure to the hazardous Benzene Toloen Ethylbenzen and Xylene (BTEX) commonly found in petroleum fumes;---*(Loud consultations)*

Hon. Speaker: Order Members!

Hon. Elizabeth Manyala: ---this Assembly urges the County Executive Committee to take necessary measures to relocate food courts situated within or adjacent to petrol station to safer havens.

Mr. Speaker sir, for those who have traveled to the developed world, they would attest to the fact that when you visit the petrol stations in the developed World, the policy there is 'do it yourself'. You have to fuel your car by yourself and you go ahead to pay. Why am I saying this? Because in the developed world, they have already known that there is danger when petrol stations are crowded.

Benzen Toloen Ethylbenzen Xylene (BTEX), is causing major diseases today in the African Continent and Sub Saharan Africa and more so in Nairobi City County. Having said that, just two weeks ago there was a fire, which Mr. Speaker, you have just reminded me of, along Kipande House. Members, you know very well that in the event of fire, because the petrol stations are not properly equipped in terms of Disaster Management, many people can perish as a result.

In addition to that if you visit petrol stations, there is a likelihood that you will even find bouncing castles for children and many parents have the tendency of taking their children there in the morning and leaving them to jump in those bouncing castles, oblivious of the danger that can befall the children in the event that any Tom, Dick and Harry decided to smoke carelessly at the venue. If a fire broke out it can actually create a major problem to the Nairobians. This is a time bomb and Mr. Speaker sir, if nothing is done we are about to see another Westgate; it is indeed in the waiting.

At the same time, where I live these days, petrol stations have been turned into night-out joints and in the evening people gather there to chew miraa and khat--- let me just call it khat and *bangi*. They even sell alcoholic drinks to the youth in those stations.

So that is why I am saying that if we don't come up with urgent measures to relocate these eating hubs to safer havens then we will have failed in our duty. Mr. Speaker sir, without much ado, I want to call Hon. Warutere to come and second my Motion.

Hon. Speaker: Thank you, Hon Manyala.

Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Mr. Speaker I am perturbed by the character of Hon. Members. I don't see the reason why I shouldn't support this very important Motion. And it's my cardinal right if your problem is Warutere, then you can see to it after the rise of the House. Having said that allow me to come and support this important Motion.

Going by the fact that they are seated here we must all agree that we are here to ensure that Nairobi is safe for all of us and to ensure that we make the world better. Among many other things that we can do as a County I think we need to ensure that all the wrongs that are there are corrected, so that we can leave a good legacy that we were there when Nairobi was put back on track and we will be able as writers of history to say we did something.

I think it is high time we separated the bad and the ugly, to ensure that whatever we pass in terms of policy issues is implemented by the County Executive in-charge of the docket. We need to guide him well so that he can come back with a policy that will enable us avoid the many deaths that have been reported. Accidents are costly, as you all know, in terms of what goes into medical care or to the undertaker of the same. I think, that money can be directed to other avenues and the best that we could do is to ensure that we fix the issues that are at hand before we get a bigger problem.

If allowed, I am glad to second this Motion and ask you, good people, to be part of this statistics as supporters and get this done as this should have been done yesterday. With that, I rise to support the same. Thank you.

Hon. Speaker: Hon. Members, can I propose that, **AWARE** that the Nairobi City County is the hub of East and Central Africa with vast potential and resources for wooing foreign investors especially in the hospitality industry; **CONCERNED** that there is poor location of food courts and eating hubs, within most of the eating places being housed within or adjacent to major petrol stations within the City or along major highways thereby, exposing consumers to pollution more so to the risk of exposure to the hazardous Benzene Toloen Ethylbenzen and Xylene (BTEX) commonly found in petroleum fumes; this Assembly urges the County Executive Committee to take necessary measures to relocate food courts situated within or adjacent to petrol stations to safer havens. Hon. Members, Hon. Ngaruiya.

Hon. Member of Kahawa West Ward (Mr. Patrick Ngaruiya Chege): Thank you, Mr. Speaker I rise to oppose this motion. For one; Mr. Speaker, on issues to do with investments this is an area where we don't need to joke around. Mr. Speaker, one would say that we relocate these food courts, but to where? Mr. Speaker, with regard to economics, you realize that land is one factor of production and land is a very scarce commodity, yet we are here urging that we relocate this food courts; to where? Land is something which is also very expensive and it is not available.

On the same issue on factors of production, Mr. Speaker, we will be killing employment whereby these particular people who have been employed in these particular food courts and the suppliers of those particular food stuffs will not enjoy what they have been enjoying. We would be killing investment in our County.

Mr. Speaker, just to touch on a few issues; we have Genetically Modified Organisms (GMO) all over. We have not found mechanism of dealing with this issue and here we come and we want to finish investment in our County. We have Hydrochlorocarbons which are emitted by some of the electronics that we use, Mr. Speaker, and this have become hazardous even to the extent of affecting the Ozone layer.

Mr. Speaker this particular Motion is not helping the Nariobians. We have other issues that we can attend to to assist our fellow Nairobian and to make them live much safely. When we look at the basic concepts of economics, we have a choice whereby it is the individual's free will to go and purchase from that particular food court that is available. Therefore nobody is pushed, nobody is forced and nobody is coaxed to go there and buy whatever. This is a situation whereby, this is the only food court which is available. Hon. Members, as they travel maybe to Mombasa or by Thika road they stop by the petrol stations and usually buy something that they can eat as they fuel their vehicles. Mr. Speaker, do you want to tell us that we are going to be finding separate areas where we could purchase something to eat and go to a separate place for fuel? Therefore, Mr. Speaker, I oppose this Motion. Thank you.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Omogi Mauti): Thank you, Mr. Speaker, I dare rise to oppose the Motion. One; there is this chemical component which is found in coal and even the human foods. Two; all of us are learned people and we know the human behavior expected of us at a petrol station. It is not now when you can teach the people of the petrol stations and even other human beings. We know that if it is regular, it is dangerous to us. Remember this, we are crying for revenue to the County and then you tell us to destroy our revenue sources, sincerely where we will we be heading? Hon Members where are we heading?

We need revenue and there are rules and regulation guiding the petrol stations. If you don't follow the rules it is your own funeral not ours. Some of us know our people in Nairobi are learned people and that is why they are in the City. They know what happens when you go to the petrol station and eat whatever you are supposed to eat. This means that we require this food courts that are handy.

The mover of the Motion wants us to even ban the benzene that we use in medicine. You want to ban it. *(Laughter)* Remember we are all human beings and for me I cannot stop a business that brings revenue to the County.

We are not going to support this because we want revenue, even if you will come and say this or that or use a botanical name here, we know them. *(Laughter)* We should have focused on how we can collect revenue. Otherwise, we should even tell those people in the petrol stations to build up to even 10th floor for more business but ensure that safety measures are in place. We have a way of controlling the burning by use of carbon which is the best fire extinguisher. Why don't we tell them to buy carbon fire extinguishers and not use the water we have, because the oxygen in water accelerates the burning? This is simple knowledge. So, what we want is revenue, we don't want to go to hell.

(Applause)

Hon. Speaker: Hon. Kambi and then Hon. Jaffer

Hon. Member for Dandora II Ward (Mr. Stephen Murathi Kambi): Thank you, Hon. Speaker sir. I can see you follow the saying that goes, 'ladies first men before'. I beg to support the Motion. The reasons for supporting the Motion are very clear. We need not to be arrogant and ignorant. This House is there to ensure that it protects the interests of Nairobians at large not some few individuals or some few businessmen. It is true, Mr. Speaker sir, the dangerous fumes that are quoted here BTEX are hazardous fumes once inhaled, and it is clear knowledge that a petrol station should not host a food court, that's why it is called a petrol station. We know where we can find food not in petrol stations; we go to petrol stations to fuel our cars and not to fuel ourselves.

It has become a very common trend where the businessmen take advantage of the space; they take advantage of the license issued to them. Once you apply for a license or you apply for authorized documents to construct a petrol station, it is very clear you cannot be given a license that accommodates a food court and at the same time accommodates a petrol station. It is common knowledge that the businessmen are taking advantage and it is something that we should not allow as an Assembly.

Mr. Speaker sir, the member who has just moved the Motion, the Hon. Elizabeth Manyala and you also, have said clearly that two weeks ago there was an incidence whereby fire broke out at one of the petrol stations and the petrol station had a food court in it and it exposed the customers who were there to danger. It is common knowledge to any human being when you walk to a petrol station if you don't find a food court it does not mean that you won't fuel your car, but people take advantage of the situation without clear authority of the law and it is the jurisdiction of this House to guide the Nairobians at large and to ensure that the law is fully followed, Mr. Speaker sir.

We cannot be exposing our people to such hazardous situations and we turn a blind eye on the same. Mr. Speaker sir, yes it is good we must protect investment; we need revenue as a County, but for

God's sake, we must also consider where and how we are getting this revenue. It does not mean that we expose the lives of few people so that we generate revenue as a County. I have seen it myself in some of the petrol stations especially the notorious Lang'ata Road, Westlands and some parts of Hurlingham and Kiambu Road, very notorious businessmen there, even erecting restaurants and night clubs in these petrol stations. Mr. Speaker sir, it is in clear knowledge when somebody is under the influence of alcohol, the person loses common sense or the sense of belonging and such a person may light a cigarette. Everybody knows that you are not supposed to ignite a light when you are around or within a petrol station. But when under the influence of alcohol and such hard drugs that the Hon. Member mentioned here such as khat, bang and other drugs that are used by Nairobians, one might find himself exposing others to such accidents or incidents. We should not allow as a House to happen.

Mr. Speaker sir, there is land, if one feels they need to invest in a restaurant, or in a night club or in a food court, the land is available and not only land; there are also houses where one can open a business and people will go there and eat. Let petrol stations be petrol station; let food courts be food courts and let night clubs be night clubs. It's not like we are fighting food courts or night clubs, it only that we don't want three things mixed at the same time in one space. Mr. Speaker sir, I beg to support the Motion for the greatest interest of Nairobians at large regardless of whether we generate revenue from these businesses or not. We also generate revenue from petrol stations that do not have food courts and food courts that are not within petrol stations. So, Mr. Speaker sir, with your guidance and I beg the members also to support this Motion, it is a very important Motion let us not debate it in a partisan manner, but let our view be a very considerate one, especially for Nairobians. I beg to support the Motion for the benefit of Nairobians. Thank you.

Hon. Speaker: Hon Jaffer and Hon. Zulfa----

Hon. Member for Parklands Ward (Mr. Jaffer Kassim): Thank you, Mr. Speaker sir. I stand here to oppose the Motion. (*Applause*) You see the idea of this chemical being harmful; yes it could be but it is not supported by any scientific study at the moment as we read this Motion. So we would like such a study to be carried out and to be tabled before this August House. Now let us focus on the extent. We use mobile phones which we are told are dangerous too. Certain amounts of radiation could also be dangerous. For example, when you are in Nairobi the radiation is three when you go to Kajjado it is four. Does that mean that people should run away from Kajjado because there are those natural things?

We should consider this; what amount of this BTEX chemical is dangerous? I think we should consider that before we pass this Motion. We have the workers who fuel the vehicles day in day out; what about them? Have we even thought of them? Do we move the food courts and then we leave the petrol attendants to fill the vehicles and say, now that's okay, yet they are more exposed to these fumes? As I stand here I feel we need a more detailed study before we can support such a Motion because it will have a very big impact on the petrol stations which are running petrol business and supporting it with different auxiliary businesses. So, Mr. Speaker sir, I oppose this Motion and I hope the House will support me. Thank you.

Hon. Speaker: Hon. Zulfa---

Hon. Zulfa Mohammed (Nominated Member from California): Thank you, Mr. Speaker sir. I rise to oppose this Motion. Simply because most of what I wanted to say has been said by Hon. Jaffer. However, if we formulate good policies to ensure the safety of the Nairobians and also the workers in these particular stations, I think that is a better way to do it before we impose this law and my other concern is that in the event that this law passes, then how will the Executive implement it? We know the shrewd ways of the Nairobi business people, we don't want to pass laws here and then businessmen come to our corridors and just make us look irrelevant. Thank you.

(Applause)

Hon. Speaker: Hon. Millicent---

Hon. Member for Ziwani/Kariokor Ward (Ms. Millicent Mugadi): Thank you, Mr. Speaker, I rise to support this Motion. But before I say what I want to say, I want to ask if our Hon. Member who brought this Motion, brought the Motion with regard to the fear of fire cases that we have been having? It is evident for the past few weeks there has been a lot of fire incidents have been witnessed for example in Gikomba and Jua Kali. What measures has the County taken?

You know we can be victimizing people by closing down their business because we are not doing our work and we are trying to pile our blame on them by insisting that having specific shops in petrol stations is going to cause damage. It is our duty as a County to educate the public on how to operate safely to avoid fire incidences. It is our duty to buy fire engines that in case a fire arises, the fire engines are available. I think we only have two or three fire trucks and whenever they go on the ground they don't even have water. But I strongly support this Motion in the hope that we are going to be safe guarding the interest of Nairobians; the interest of our electorates. However, I challenge the County to put up proper measures to protect the public from fire incidences. Thank you.

Hon. Speaker: Hon. Nidigirigi—

Hon. Wothaya Nidigirigi (Nominated Member from Nairobi West): Thank you, Mr. Speaker sir, I am here to support this Motion with a reason. I am aware that in South C there are some drugs that are being sold in that petrol station. So, because of our children, I am here to support the Motion.

Hon. Speaker: Hon. Thuo and then Hon. Chief whip—

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Mr. Speaker. Last time when this Motion was brought here, I was the one who seconded the Motion. I want to support this Motion. I am supporting the Motion, Kambi. I want to support this Motion, Mr. Speaker, and also urge the Members

of the Executive and especially the Planning Department to pull up their socks. They are the ones that have made us to be in the mess that we are in today; whereby you find a petrol station with a food court, and actually when you drive along Kiambu Road you will also find a hospital within a petrol station, Mr. Speaker. This is a serious issue. What could happen in case of a fire? We are so much for the food courts, we are so much for hospitals and some other social joints but all these facilities should be away from a petrol station.

I am sure that there are other activities that can be performed or that can be done within a petrol station say like washing cars. We also urge the Member who has brought this Motion to at least link up with the members of the Executive, so that they can come up with a policy document on how to go about this. I am also concerned about how we planning our county and how today you allocate an area to be agricultural land and tomorrow it is turned into a commercial area without putting so many other factors into consideration, Mr. Speaker. So we need policy documents on this and it will help.

As I conclude, I am not sure whether this Motion will be implemented. I am thinking that this will be another Motion that this House will be approving without any implementation, Mr. Speaker. Yesterday you gave out a directive that the Executive should furnish us with the information that we need and I must appreciate the media because that was highlighted somewhere in the media also. When we pass this Motion, because we are going to pass it, give such a directive, Mr. Speaker, for us to be able to track the implementation of all those Motions that this House has passed, so that this House will not become a talk show. Thank you.

Hon. Speaker: Hon. Luchiri—

Hon. Nancy Luchiri (Nominated Member from Kilimani): Thank you, Mr. Speaker sir.

Hon. Speaker: Order, the Hon. Kambi!

Hon. Nancy Luchiri: I rise to support this Motion. Mr. Speaker sir, Kenya is one of the third World countries and indeed we are supposed to be concentrating on building infrastructure, we don't even have health facilities, every other day we are begging for funds from other Western countries. So, I would rather instead of concentrating on coming up with shops in the petrol stations, Mr. Speaker sir, I request that as County Assembly Members, we should be the first people to protect our citizens especially in the Nairobi County.

I was concerned again that every other day we are begging for funds for such things like HIV, school education and others. We are the ones creating more problems. For such things like fire, we don't even have enough fire stations in our County. So, we should be building such infrastructure and promoting our citizens' health, education and other facilities other than concentrating on one area. Let us say that those small businesses in petrol station should be relocated to elsewhere. By relocating those businesses we will be creating more jobs for the people other than even— (*Loud consultations*) Mr. Speaker sir, protect me.

What I was saying, Mr. Speaker sir, is that other than concentrating businesses in one area, that is a petrol station, since Africans have such habits that where there is a petrol station is where they want to do their other businesses--- (*Loud consultations*)

Hon. Speaker: Order Members! There is the Hon. Member who has just come in and the Member is making a lot of noise. Please consult in low tones.

Hon. Nancy Luchiri: Thank you, Mr. Speaker sir. Other than concentrating businesses in one area, that is a petrol station,, we should be expanding our businesses by moving them to other places for example to Ngong. Our kids should not be playing at the petrol station because it is risky. Furthermore we don't have facilities for emergencies when it comes to fire.

Hon. Member for Mutu-ini Ward (Mr. Martin Karanja): Thank you, Mr. Speaker and I would request through the chair, for the Hon. Kambi to be silent. I again appreciate this chance, Mr. Speaker, and as much as I appreciate the chance to speak before this Hon. House, I would love the efforts that have been made by the Hon. Elizabeth Manyala. But, one thing that I don't understand is the complexity of the language that has been used. I even doubt the scientific----

Hon. Speaker: Order Hon. Member! Order! Are you supporting or is the English a problem to you? What don't you understand?

Hon. Martin Karanja: Mr. Speaker sir---

Hon. Speaker: Is it the language or---

Hon. Martin Karanja: Mr. Speaker sir, I am opposing this Motion and I want to give my contribution. I want to invite the Hon. House to understand that the only thing that pushes people to the petrol station is not only food. You have people who are working in coal mines and they are exposed to the said Benzene Toloen Ethylbenzen and Xylene (BTEX). Mr. Speaker sir, I am sure that there is much concentration of the same from where the coal is mined or from where that business of oil is done. When we say that that is coming to put a risk to our consumers, let us understand that nowadays the only business that is pulling people together is the shopping malls.

There are auxiliary businesses coming in to support each other and food courts are one of the co-businesses that come to support. So, Mr. Speaker sir, we have hotels or food joints in our areas that are near dump sites and as much as we would like to convince our people that having food courts or hotels near dumpsites is hazardous, they know that and we know that this chemical might also be harmful to the consumers. But, Mr. Speaker sir, if you look at the least benefit factor, the agenda of having food courts removed from the petrol stations is defeated. I therefore oppose the Motion.

Hon. Speaker: Hon. the Chief Whip, Hon. Mberia---

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker. I rise to support the Motion with a lot of reasons, Mr. Speaker. Majority of the petrol stations in this city, are multinationals. These are rich companies; if we look at Shell, it is an American company, Oil Libya, Mr. Speaker; you know where it came from, Total is an --- (*Loud consultations*)

Hon. Speaker: Order! Allow the Member to contribute.

Hon. Chief Whip of Majority: Total is an American company. So these are rich, very rich investors, Mr. Speaker. If they want to put up food courts, they have money, they must buy land elsewhere and put up these food courts. The reason it is called a petrol station is because they sell fuel. In fact I have never taken food in a petrol station. My business is to fuel my car, and mind my own business. So, Mr. Speaker, these people must either buy land to put up these food courts, or they rent buildings in this city; there are a lot of buildings. They should not endanger our people or Nairobians because of their greed.

Look at the history of fire; the Sinai tragedy, Mr. Speaker, was about fuel and we lost more than a 100 people. Look at what happened here at Nakumatt, where we lost people because of gas; gas is a component of fuel. We need to shield Nairobians from greedy businessmen, who are just very few individuals, Mr. Speaker. How many petrol stations are there in this city? There are some very few stingy rich individuals who want to kill our people and I am not about to support that, Mr. Speaker.

Lastly, I want to urge the County Government of Nairobi, to ban any issuance of licenses to any food court which is operating in a petrol station and I urge all Members to support this Motion. It is about you; it's about your kids. Just imagine your kids are playing in bouncing castles at a petrol station and immediately fire just breaks out; it is a disaster in the waiting. We need to support this Motion and I beg the House, to support this Motion without any malice. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Adow---

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Speaker. I am opposing the Motion--- (*Applause*) ---with one exception and that is that on Eastleigh 1st Avenue, where Mr. Masiga comes from, there is a petrol station in between two building. The canopy of those two petrol stations is touching on the building where hundreds of families live. With that exception---

Hon. Speaker: Hon. Adow are supporting or opposing?

Hon. Osman Adow: I am saying, I am opposing with one exception of one--- (*Consultations*) I am opposing with one exception---

Hon. Speaker: *Mheshimiwa*, Hon. Adow, you know the rules of engagement in the House. In the case of a Motion, it is either you are for it, or you are not for it.

Hon. Osman Adow: I am not for the Motion, Mr. Speaker.

Hon. Speaker: Hon. Adow, but you are worried about your people who have a petrol station inside their court.

Hon. Osman Adow: Inside two buildings that houses two families.

Hon. Speaker: That is inside a court; it's a court.

Hon. Osman Adow: It's not a food court.

Hon. Speaker: I am not talking about a food court; but a building court.

Hon. Osman Adow: Residential buildings.

Hon. Speaker: But, you are not worried about it.

Hon. Osman Adow: No, I am worried about it; I said that one is exceptional. Very many things have been said. Somebody talked about the Western world where people actually go and fuel their own cars. That is done only for one basic reason and that is to cut down on labour force. It is not that easy, because they don't want to employ people, they tell you to fuel by yourself and pay. That is the reason why the people fuel for themselves. That is cutting on the labour force.

Number two, if you go to North America; go to the major highways, you will find all types of fast foods; example McDonald's, Dunking Donuts, Tim Hortons. They are all housed within those petrol stations.

Hon. Speaker: Order Hon. Adow. Motels are neither housed by nor next to petrol stations.

Hon. Osman Adow: I never said Motels; I said first food joints and cafeterias.

Hon. Speaker: Corrections please, don't mix things.

Hon. Osman Adow: Fast food joints and cafeterias are the examples of the names I gave. (*Loud consultations*) We also should be considering job losses, when we talk about relocating and we should also be saying that we are relocating you from this place to this place. We have not identified any points where we are going to be relocating those people and they will be losing their jobs. The other issue that somebody also mentioned, is about *khat* or *miraa*. (*Laughter*) At one point, Mr. Speaker, all petrol stations chased away people who were chewing *miraa* in their places. After several robberies, they invited them all back.

So, the *miraa* chewers actually provide security, since there is also safety in numbers. *(Laughter)* Therefore, with those few remarks, I oppose the Motion. Thank you.

Hon. Speaker: Hon. Members, allow me to ask Hon. Bishop to contribute.

Hon. William Abuka (Nominated Member from Kibra): Thank you, Mr. Speaker for allowing me to give my views on this Motion. Mr. Speaker, just a small example; I was born in Nyanza and I go to Nyanza quite a lot. I am just citing a small comparison; I sometimes pass through Oyugis. One time I was so scared because I found a whole street with manufacturers of coffins lined up. A whole street, I mean it's so scary when you get in and you'll think it's a town of burying the dead and the City Authorities of that County argued that it is a revenue earning business when we demanded to know why. So I said, "*Then why don't you just buy a gun and kill everybody because then we will allow you to bury more and make more coffins.*"

Yes, Mr. Speaker I arise to support this Motion. *(Applause)* As far as I am concerned this is the only opportunity to correct the wrongs that were meted on Nairobians despite the fact that the creation of those businesses has a revenue earning avenue for the County and the then defunct City Council. Two; Mr. Speaker, this does not require rocket science for one to know. People will only respect you to the extent that you respect yourself and if you treat your people so badly, give them anything to eat, provide them with legislation that can only take them to a place of hating themselves then they can only be handled as much.

It is true, like Hon. Mberia, the Chief Whip says, that maybe fifty or sixty percent of the investors in the petroleum industry in this country are multinationals and these people are also looking to us to give them leadership, guidance and policies. As we legislate today in Nairobi City County, we are also providing a framework of engagement; a framework where the outside world will engage with us and we are also telling them that this is the way we respect our people and we are saying deal with them up to this level. If you tell them that your people can be treated anyhow; given anything; eat anywhere and create any business, they will treat them like that.

The Turkana, who are our very honourable citizens of this country are there not because they wanted to be there. They are there because that is the place they found themselves in. God gave them that place and the National Government could only to the extent that it could, give them the opportunity to function in that area. Nairobi is home to many people and Nairobi is the place that some people will only and can only call the only home they have. If we are really ready, by correcting certain wrongs that were meted on the citizenry of this County, we will surely not be treating ourselves no less than Uganda or less than Kampala; and even Tanzania here, where butcheries are really done well.

There is a policy on what you can call a butchery; how should it look? What can you sell? When should you buy? And when should you deliver? For Nairobi, Mr. Speaker, and I am suggesting this; I am saying this with a little bit of a suggestion should there be need for an amendment to this Motion, though I support it, that it be broad enough to include those areas. This is the only time we can say, yes we need investors but please invest within the framework that we give you. Please we need money, but please we

need your money when our people are also safe as we receive it from you. We don't need your money when you are only helping us to hate our people, destroy our people and perpetuate impunity and disrespect to our Constitution.

Mr. Speaker, this is the only opportunity we have to show the world that we are about God. Let me tell you, Mr. Speaker, if you go down to Arusha here, even what we call a car wash only looks better than an Oil Libya in Nairobi. *(Applause)* It's much better than an Oil Libya, a Shell or any other petrol station that you can name. Why? Because the Tanzanian authority believes that they have a reason to teach anybody else and to show the way for the multinationals that this is the way we want to be handled. Food courts are good. They can be put even next to petrol stations if they want, but, Mr. Speaker, we have also a reason to correct that and say yes you can invest near a petrol station but you should not move it so close that the fumes provide us an opportunity to kill our own people.

I want to say, Mr. Speaker, as I close that this is the opportunity for the Hon. Members to contribute very positively on this and show the world that we want to correct wrongs. There is no reason why we should perpetuate the impunity, the wrong things that were done and then we just go on because we need money. We can correct and we can amend this Motion so that the world may know, yes, we want money but we want it in the right way. Not like in Oyugis where they are saying they want money and they raise revenue from a whole street of over a hundred carpenters manufacturing coffins, yet they still say that that is a revenue earning industry. It's not good for us, I beg to support. *(Applause)*

Hon. Speaker: Hon. Muga.

Hon. Member for Kabiro Ward (Mr. Clarence Muga): Thank you, Mr. Speaker, for giving me this opportunity. First I want to be on record for having protected investors in this country or in this County. For one, these investors have used a lot of resources to put up these food courts and these petrol stations and it is not fair to render them jobless. *(Loud consultations)* Speaker, kindly protect me.

Hon. Speaker: Order! Order, Hon. Kambi!

Hon. Clarence Muga: Protect me Speaker. Okay, thank you. I was saying this, I want to be on record for protecting these investors because they've used a lot of resources putting up these food courts along---

Hon. Speaker: What is Hon. Kambi doing behind my back? Order, Hon. Kambi!

Hon. Clarence Muga: So, they've used a lot of resources to actually put up these food courts and let us also be cautious because these people have employed our people and ninety percent of our petrol stations host these food courts and if you want to render these people jobless, it's like denying those people their right to employment. I want to be on record for opposing the Motion bearing in mind that land is scarce in this County and it is also very expensive to either rent a commercial property or rent an entire

house just to accommodate a food court. Therefore, I support the investors. *(Laughter)* I want to protect the investors by ensuring that I oppose this Motion so that our people can still have jobs and put food on the table. Mr. Speaker, lastly can you call the mover of the Motion to reply?

Hon. Speaker: Order, Hon. Muga! I'd like to have Hon. Mike and then you.

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): Thank you, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Order Members! You'll follow. Hon. Mike, go ahead.

Hon. Michael Wainaina: I go ahead?

Hon. Speaker: Yes, go ahead.

Hon. Michael Wainaina: You are senior and I respect you. You should also respect me. Thank you, Mr. Speaker.

Hon. Speaker: Order, Hon. Member!

Hon. Michael Wainaina: Thank you, Mr. Speaker. I rise to oppose this Motion. Mr. Speaker, very simply, I am asking whether the mover of this Motion did her calculations well. Mr. Speaker, bearing in mind how many petrol stations we do have here, how many food cottages or other small shops are in those petrol stations, the people who are employed in those various petrol stations, for real we cannot support this Motion. We are saying we want to create jobs as a County Government or within the Nairobi County, yet we want to close businesses. Sincerely speaking, we should oppose this Motion.

Mr. Speaker, what the mover of the Motion should have done, is first of all to bring a Motion for sensitization of the people of this County of Nairobi. First of all if she could have done that, those people who take their children to play in bouncing castles at petrol stations would have been well informed, because maybe they don't have the knowledge or they are not aware of BTEX and *sijui* whatever. They won't understand, but first of all she could have said that we sensitize our people so that they can pull away from those areas. However if they do that, is there going to be any business, really? The answer is no.

Mr. Speaker, on the same, she told us that we need to borrow a leaf from the developed countries. Mr. Speaker, if we are going to do so; imagine a petrol station left unmanned in this Nairobi County for someone to come and fuel for him or herself. Mr. Speaker, the next morning we cannot be having any business in this Nairobi County. So, the mover of the Motion should have first of all done her research well so as to bring this Motion in this House. We know this Nairobi County does approve and license those buildings.

These people have paid for their licenses, they are paying to the County and the County has approved the petrol stations plus the buildings which are there, Mr. Speaker. So, I am supporting these food cottages to continue because I've heard Hon. Members saying that we are exposing our people to danger, but it is only last month that my area, Kariobangi, burnt from 8.00pm up to 4.00am and you saw me together with the Senator running helter-skelter from Kariobangi to Fire Station, trying to put the fire out. We should not run away from the reality. We should not hide, saying that it is only the petrol station where fire can be propelled so that we deny our people somewhere to work. Finally, I want to say this, employment is something which is--- (*Loud consultations*)

Hon. Speaker: Order! Order!

Hon. Michael Wainaina: No, no, no, no, no, Mr. Speaker. Can you protect me, Mr. Speaker? Yes, Mr. Speaker, this Motion; I beg to oppose it; oppose and oppose it again. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Jack.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Hon. Jack Wetu, Mr. Speaker that is my Githurai name.

Hon. Speaker: Jack who?

Hon. Jack Ngare: Jack Wetu.

Hon. Speaker: Order, Hon. Jack!

Hon. Jack Ngare: I am number 26, if you check on the gazette notice, you will see.

Hon. Speaker: Thank you Hon. but this is---

Hon. Jack Ngare: Mr. Speaker sir, thank you very much for noticing me today. I have the pleasure to contribute to this important Motion. It is very important in that it is both scientific and very, very much technical. I would like to oppose this Motion--- (*Applause*) ---because one; it has come at the wrong time. At the wrong time because if you look at the map of Kenya, you will find that Nairobi County is at the center. Anybody travelling from Kisumu to Mombasa passes through Nairobi and that is actually where the fuel runs out and people have to refuel. That is where they take a snack before they reach Mito Andei to take another snack (*Applause*).

So, Mr. Speaker sir, until we have the Standard Gauge Railway running from Kisumu to Mombasa so that we only take four hours and by that time we shall not have the time, we shall not have the need to take snacks on the way. This Motion is so scientific that, Mr. Speaker sir, the mover of this Motion forgot to tell us how far she keeps her gas cylinder from the kitchen where food is. (*Applause*) Because, Mr. Speaker

sir, we need to consider the distance where we keep our gas cylinders and where the petrol pump is and where the cafeteria is. *(Applause)* That is so scientific. This Motion, unless it is supported by a scientific research, we cannot support it. *(Applause)*

Mr. Speaker sir, finally let us not have Motions that are so selective because this one is actually selective in that you are asking somebody to move his cafeteria from petrol stations which is actually far from the petrol pump because *(Applause)* once I tried to light a fire with petrol and I found that I had to move with my burning matchstick so close that when the fire lit it almost jumped to my face. That was just less than a foot away. So I wonder whether petrol fumes will come from fifty meters from where the petrol pump is to the cafeteria which are actually located at a far distance from the petrol station *(Applause)*.

Again, Mr. Speaker sir, through your chair I would like the mover of this Motion to tell us how far--- and I know her car--- to tell us how far from the petrol tank she sits so that she does not get the fumes because I believe it is not more than a meter. Her petrol tank probably is just below her seat. *(Applause)* Yes, so with a lot of bitterness, Mr. Speaker sir, I beg to oppose.

Hon. Speaker: Hon. Masiga and then Hon. Rose Kula.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): *Shukrani Bwana Spika. Mimi nimesimama kupinga mjadala huu. Na ninaupinga mjadala huu nikiwa---*

(Loud consultations)

Hon. Speaker: Order, Member! Order!

Hon. Nelson Masiga: *---nikiwa na mambo matatu ambayo nataka kusema. Nikiutazama mjadala huu, kwangu, walala hoi ni wengi. Vile vile singelipenda waja wazidi kuwa walala hoi.*

(Applause)

Hon. Nelson Masiga: *Hivyo basi tunapozungumzia juu ya mjadala huu, ya kwamba vibanda hivi viweze kutolewa katika petrol station naamini ya kwamba vituo hivi vinafaa hasa wana Eastleigh kusini ambao ninawawakilisha. Ninaweza kupiga sabati yangu kwa sasa na ni zaidi ya watu hamsini ambao nawajua uso kwa uso, sura kwa sura, ambao wanafanya kazi katika vituo hivi. Na nikiunga mkono mswada huu nitakuwa namaanisha ya kwamba nazidi kuongeza walala hoi katika jamii. Hivyo basi naomba kukataa na kuupinga. Sitaki kuwa mtwana, wacha niwe muungwana. Shukrani, Bwana Spika.*

Hon. Speaker: Hon. Rose Kula and then Hon. Wahinya.

Hon. Rose Ogonda (Nominated Member from Embakasi): *Asante sana, Bwana Spika, kwa kunipa nafasi hii nizumgumze kidogo. Kwanza kabisa nakataa.*

(Applause)

Kwanini ninakataa? Mimi kama mama wa jiji la Nairobi, hizo petrol stations ndizo zimewaajiri watoto wangu. Niko na ndugu yangu ambaye ni watchman hapo. Katika hiyo cafeteria niko na wasichana wangu wanahudumia watu kwa kuwapakulia vyakula wakipata their daily bread. Wawekezaji wamekuja kuweka raslimali yao hapa nchini; wamekuja kutengeneza uchumi na watoto wetu ndio wanaofanya kazi hapo. Saa zile tunasema hizo vituo zitoke ziende ama zitupiliwe kando inamaanisha yule aliYEpanga kabla ya hii Assembly hakufanya ratiba nzuri. Kwa hivyo inamaanisha tunaongeza idadi ya wale wasio na kazi na ilhali sisi kama Waheshimiwa tunalia watu waandikwe kazi. Kwa hivyo mimi ninapinga na nimekataa mchana, siku ya leo. La mwisho, Bwana Spika, katika jumba hili watu hawajasoma kiwango sawa. Kuna lugha iliyotumiwa hapa, hata mimi sijui, mwenye---

(Laughter and applause)

Nimejaribu kutafakari, sielewi; sijui ni kilatini; sijui ni lugha gani. Hii lugha imeandikwa---

(Consultations)

Hon. Speaker: Order Members! Please, order!

Hon. Rose Ogonda: “Asados”, “benzine”, “Toloen”, eti “benazine” and “exene”. *Mwenye mjadala aje atufafanulie kwa lugha ile tunaweza elewa hasa kwa kamusi. Ahsante.*

(Applause)

Hon. Speaker: Hon. Wahinya. Order, Members! Order! Hon. Wahinya, then Karen.

Hon. Member for Ngando Ward (Mr. Peter Wahinya): Thank you very much, Mr. Speaker, for according me this opportunity. Mr. Speaker, let me tell the Leader of the Majority first of all to register my disapproval. I oppose this particular Motion which has been presented here by Manyala. However, it is quite necessary to take notice that we are talking about the business aspect in respect to this particular Motion where we are saying that we need to protect the businessmen and so on and so forth. There is no way the business of any country can precede, or better still come before the safety of Kenyans. So, in a way I do congratulate Madam Manyala for introducing a Motion which is aiming at protecting Kenyans.

There is no problem in that respect. We agree that we need to save them, but the manner in which you have brought this Motion, there is no way we can pass it because already you have been told by the speaker before me, you have spoken in Latin and we are not going to be able to interpret this document and there is no way we can pass a Motion that we do not understand. This business of ‘bitex’ and ‘batex’ and ‘buttocks’, honestly--- *(Applause)* ---we cannot pass Motions that are using terminologies of that type.

Mr. Speaker, when we look around, I can go as far as donkey years since these food courts were introduced in these petrol stations.

For many people who have travelled outside Nairobi or outside Kenya - recently we travelled to a county called Denver - in America food courts are all over in these petrol stations and they have been there for very many years. Are we really trying to say that this new Assembly which has existed for one year, Mr. Speaker, can actually come up and realize that there is an anomaly after we have seen Assemblies over and over for very many years including our National Assembly, including many Assemblies in this world? They have never detected that there is a problem in those food courts within those petrol stations. How can it be that in one year of our Assembly's existence, we have come to realize that there is a problem? If there is a problem then we need to educate the rest of the world that these food courts are a danger to our people.

Therefore, Mr. Speaker, because we do not want to talk a lot, and Hon. Manyala, with her good intentions, I propose that she goes back to her drawing table, invites experts in this discipline or in this particular faculty, get enough information and speak in a clear language and reintroduce the Motion so that we can see it in its true perspective. Mr. Speaker, Hon. Manyala has developed a very bad habit of collecting Motions in the streets of Nairobi and bringing them to this place.

Hon. Speaker: Order! Order! Hon. Wahinya, order! *(Loud consultations)* Can you withdraw the words 'bad habit'?

Hon. Peter Wahinya: Okay, Mr. Speaker, I withdraw. However, I would like to put it probably in a better way. I am certain that even before two or three days are over, Madam Manyala will have another Motion here. I am putting it in another better way so that it is not disrespectful. I am asking Madam Manyala to take it easy; please investigate, unearth all the reasons behind your Motions, because this particular public address I am using is here for five years, you do not have to rush by introducing Motions here so that we can listen to you.

Hon. Speaker: Order! Order!

Mr. Peter Wahinya: Mr. Speaker, I oppose categorically, sir.

Hon. Speaker: Hon. Karen. Hon. Karen will be the last one then I will call the Mover of the Motion.

Hon. Karen Githaiga (Nominated Member from Njiiru): Thank you, Mr. Speaker, sir. I stand here to oppose this Motion. First of all we are always talking about the Wage Bill, every day. The County cannot be able to employ more workers and when people become creative and grant others employment you want to discourage them. Why can't you put policies to collect revenue from those--- in fact they are not even canteens, they are not food courts, they are fast food--- take away, most of them are take-away, people do

not sit there to eat. Now, if you close them how will we get revenue? How will our people get self-employment or do you want our people to be hooligans and *watu wanaopiga wengine 'ngeta'*? Sorry, what do we call that? Thugs? Yes, again, with all due respect, Madam Manyala---

Hon. Speaker: Order, Hon. Karen.

Hon. Karen Githaiga: Yes, we know that cutex has benzene and if you look at her nails, she has cutex. Even lipstick has benzene. Now, are you telling us to run away from all these things? It is not possible, Mr. Speaker, sir. Again, if a petrol station does not have a food court, do you mean that there will be no fire? What causes the fire, is it the food courts or the petrol stations?

Hon. Speaker: Hon. Karen, are you saying we all have benzene?

Hon. Karen Githaiga: Yes.

Hon. Speaker: All of us?

Hon. Karen Githaiga: No, perfumes, cutex, lipsticks, name them, they all have benzene. With all due respect, can we do our research properly please, because some people want to create employment elsewhere and that is why maybe they are bringing these Motions. I also want to say that, with all due respect, I cannot support this Motion, because, we should start seeing the people that elected us not only as voters, the same voters are the tax payers so we should protect them. We get revenue from them, we give them services but you cannot get away with beating them when they are trying to be creative. What do you want them to do? Where do you want them to go? Mr. Speaker, sir, I rest my case. I beg to leave and I beg you to call the Mover to reply.

Hon. Speaker: Hon. Members that was a wonderful debate and I now call the Mover of the Motion to reply.

(Loud consultations)

Hon. Speaker: Order, Members! Order, Hon. Thuo of Karura!

Hon. Elizabeth Manyala: Mr. Speaker, sir, indeed it will go into the annals of history what Bob Marley said, that 'indeed a hungry man is indeed an angry man'. Indeed we have men who are dressed in wolf's skin but inside they are hyenas. Why am I saying this? Jacques Russell says a man is born free but remains in chains and these chains are the values that the society instills in you and that keep you---

(Laughter)

Hon. Speaker: Order, Hon. Thuo of Karura!

Hon. Elizabeth Manyala: The values that you get through the socialization process after you are born are what makes you become a beast in the--- (*Loud Consultations*)

Hon. Speaker: Order, Members!

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): We must protect our Chairlady.

Hon. Speaker: Allow the Hon. Elizabeth Akinyi Manyala to reply.

Hon. Elizabeth Manyala: Mr. Speaker, sir, before I came up with this Motion I had researched because I belong to the Health Committee and I met with the health experts and I was wondering why there are so many cancer cases in Kenya including cases of small children suffering from cancer and the answer I got was our style of living. Mr. Speaker sir, when I jogged their memory a bit, they told me that look; and one of the examples I was given was the food courts which are being housed at the petrol stations, the dangers that it is causing to the population that is in Nairobi and Kenya at large.

As I speak here, Mr. Speaker, sir, neo-colonization has come up once again because we thought we fought colonization but it is back through the multinational companies and they come with bags of sweets to entice you so that you can feel that they are bringing goodies and nice things and then you subscribe to them, but lo and behold, your life expectancy is going lower day by day. Mr. Speaker sir, having said that, in the 1970s the life expectancy for a man was about 85 years or 90 years and for a woman it was about 100 years and people are wondering, what were these people doing differently from what we are doing now and you can see now--- (*Consultations*)

Hon. Speaker: Order, Members!

Hon. Elizabeth Manyala: And you can see now our lifestyle has changed, we are dying young. Members take this seriously; you may think that this Motion is just a ploy or is a Motion just to make me feel big or something else, but woe unto you because what is happening today is affecting your children, it is affecting you. The air that you are breathing, the pollution that you are breathing, will affect you in one way or the other because the benzene which we are being told by the researchers and which I have put here, when you inhale too much of it, it brings tumors in the body, it brings cancers and that is why we are suffering from cancers and every day in your Wards you are calling for *harambees* that so and so has died of cancer. We are asking why and when did the rain start beating us?

So, with these few remarks, Mr. Speaker sir, without blinking an eye, I stand, and one day you will quote this, when I will be attending your funerals that, one day Hon. Manyala said these things and she was not listened to. But, tell them, the Bible says, preach to them even if they do not want to hear one day they will remember that one day at such and such a time Hon. Manyala actually said this. On the other hand, unemployment is a problem in the third world countries and even if you read the Motion quite well, it does

not say that we ban the food courts. What it merely says is that we relocate them to a safer haven which needs your input, Members--- (*Loud consultations*)

Hon. Speaker: Order, Members! Order!

Hon. Elizabeth Manyala: ---as legislatures to come up with--- to be proactive and look for a place where we can put this eating hubs so that they do not come to haunt us and bring problems or diseases in our body system. Mr. Speaker sir, those who are saying they live in Eastleigh, I personally have worked in Mogadishu for several years and in Ergesa, Somaliland and Punt land and Mr. Speaker sir, you will never find a petrol station with an eating hub. With those few words, I urge you, Hon. Members, to think outside the box and rationally because this thing will one day haunt you and when it comes to fire disasters, Mr. Speaker sir, every day you hear about fire disasters. I am just asking you Members to think again and support this Motion. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, I now put the question, that **AWARE** that the Nairobi City County is a hub of the East and Central Africa with vast potential resources for wooing foreign investors especially in the hospitality industry; **CONCERNED** that there is poor location of food--- (*consultations*) Order, Members! ---poor locations of food courts and eating hubs with most of the eating places being housed within or adjacent to major petrol stations within the city or along major highways hereby exposing consumers to pollution, more so to the risk of exposure to the hazardous Benzene Toloen, Ethylbenzen and Xylene (BTEX) commonly found in the petroleum fumes; this Assembly urges the County Executive Committee to take necessary measures to re-locate food courts situated within or adjacent to petrol stations to safer havens. Hon. Members, as many as are of the same opinion say 'aye'. As many of the contrary opinion say 'nay'.

(Loud consultations)

Hon. Speaker: Order, Members! I do not want to show you the door when it is about sunset. The 'nays' have it. Next, Order.

(Question put for the motion on food courts in petrol stations and defeated)

MOTION ON TRANSFER OF THE COUNTY TRANSPORT FUNCTIONS TO THE COUNTY GOVERNMENT

Hon. Member for Makongeni Ward (Mr. Peter Imwato): Thank you, Mr. Speaker. I would want to give Notice of Motion as follows; that **AWARE** that the transition authority under legal notice number 177 provided for the transfer of the County transport functions including County roads, mechanical and transport equipment and public roads to the County Governments; **CONCERNED** that this function is yet to be transferred despite Nairobi County compliance with all the pre-requirements and having 37 certified engineers; noting that the 4th Schedule of the Constitution, 2010 supports the devolvement of these

functions; this Assembly urges the County Government to take all the necessary measures to ensure the transfer of the County transport function is effected as soon as possible. Mr. Speaker.

Hon. Speaker: Yes, Hon. Karen.

Hon. Karen Githaiga: We cannot see what he is reading in our Order Paper.

Hon. Speaker: Yes, she is correct.

Interim Clerk (Mr. Jacob Ngwele): Order number 9.

Hon. Speaker: The Hon. Maurice Akuk. Hon. Maurice, can you approach the Chair, please.

(Consultations between the Speaker and Hon. Akuk)

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Speaker, sir. May I suggest, if you will give me your attention because time is not on our side; I have been looking at my watch, it took us about one hour, forty five minutes to deliberate or debate on Hon. Manyala's Motion and I would kindly request the House through your Chair, Mr. Speaker sir, to please defer this Motion until the next Session of the House. Thank you.

Hon. Speaker: Very well, the Hon. Maurice Akuk. Indeed, as you are aware of our time we will allocate this Motion time on Tuesday, 2.30 p.m. Next, Order. Hon. Members, we adjourn the House to Tuesday, 2.30 p.m.

(The House rose at 4.45 p.m.)