



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

First County Assembly – Third Session

Wednesday 12th August, 2015

The House met at 2.30 p.m.

(Hon. Speaker, Mr. Alex Ole Magelo, in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members there was communication that was to be done yesterday; I will do that for the benefit of the Hon. Members.

1. REQUEST FOR STATEMENT AND RESPONSES

Hon. Members pursuant to Standing Order 41(2) (c) a Member may request for statement from the Committee Chairperson relating to matters under the mandate of the Committee and the Speaker may either approve, appoint a day for the statement or direct that the statement be issued on the same day.

Hon. Members statements are amongst the opportunity through which Members exercise oversight of the Executive functions. The Chair wishes to note and appreciate the zeal with which Members have leveraged statements to obtain information and answers from the Executive on crucial issues affecting residents of the County.

However Hon. Members the Chair wishes to note with concern that some Members have the habit of repeatedly saying that their statement responses are unsatisfactory. Hon. Members it is in this regard that the Chair directs that a Member who finds their response unsatisfactorily should inform the Assembly the part of the response they are not satisfied with rather than terming the whole response as unsatisfactory.

This will assist the Assembly dispense with other businesses on time. It is so directed, thank you

2. NON IMPLEMENTATION OF MOTIONS AND BILLS BY THE COUNTY EXECUTIVE

Hon. Members I have the following communication to make: non implementation of Motions and Bills by the County Executive.

Hon. Members you are aware that in exercising your mandate a good number of you have brought before this Assembly several Motions and statements.

Hon. Members today's Business Daily newspaper reported that the Assembly spent Ksh.1 Billion and passed two Bills in 14 months. As per the Motion tracker and Bill tracker this Assembly has passed a considerably good number of Motions and Bills and little has been done by the Executive to implement the same.

Hon. Members from 2013 up to date this Assembly has passed 41 substantive Motions, 19 have been partially implemented, 5 have been fully implemented and 12 have not been implemented at all, in addition the Assembly has adopted 33 Committee reports and vital recommendations to be implemented by the County Executive.

Hon. Members in the same period the Assembly passed 15 Bills, some of the Acts have not been acted upon by the County Executive despite the Governor's assent.


The key among them being the Nairobi City County Ward Development Fund 2014. The calendar year third session the Assembly has passed three Bills and is currently considering 3 Bills at Committee stage and undergoing requisite stakeholders participation phase while five others are at various stage of being considered. A detailed Bill tracker and Motion tracker are appended here for Members perusal. You will be given the details of the Motion tracker so that you will be able to track and see where we are and what you guys have, what you Hon. Members have done. I thank you. Next Order

PAPERS

THE REPORT OF SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON STUDY VISIT TO TOKYO

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, pursuant to Standing Order 180(6) I beg to lay the following paper on the table of the Assembly today

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Wednesday 12th August 2015: The Report of Sectoral Committee on Transport and Public Works on study visit to Tokyo Metropolitan Assembly and Bureau of Transportation, Tokyo Japan Government. Thank you very much Hon. Speaker

NOTICES OF MOTION

THE REPORT OF SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON STUDY VISIT TO TOKYO

Hon. Speaker: Hon. Oduru.

Hon. Kennedy Oduru: 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 Transport and Public Works on the study visit to Tokyo Metropolitan Assembly and the Bureau of Transport, Tokyo Metropolitan Government, laid on the table of the Assembly, today Wednesday 12th August 2015. I beg to lay.

Hon. Speaker: Thank you very much Hon. Chairperson, Transport and Public Works. Hon. Kamau Thuo.

STATEMENTS

Hon. Speaker: Hon. Members there were Statements yesterday. Hon. Kamau Thuo is not there. Okay we go to Hon. Abdi Hassan, Leader of Minority.

STATEMENT REQUEST TO COMMITTEE ON LABOUR AND SOCIAL WELFARE REGARDING THE ESTABLISHMENT OF PUBLIC OFFICES IN THE COUNTY

Hon. Leader of Minority (Mr. Abdi Hassan): Thank you Mr. Speaker sir, pursuant to Standing Order 41 (2c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the establishment of public offices in the County, Mr. Speaker sir.

Hon. Speaker Section 60, 61 and 62 of the County Government Act 2012 provides for the establishment of public offices in the County by the County Public Service Board and the criteria to be followed. We are aware that the board has established many offices, amongst them the County Attorney, Chief Officers, Directors, and other administrative officers.

Hon. Speaker, Section 62 (2) of the County Government Act 2012 provides that, if the Board intends to establish or abolish an office, it shall submit its proposal for establishment or abolition an office to the County Assembly for approval through the CEC responsible for the Public Service.

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

1. Number of the offices that have been established by the County Public Service Board
2. The criteria that has been used in the establishment of these offices; and
3. Whether the provision of Section 62 (2) which requires the approval of the County Assembly in the establishment or the abolition of public office was followed.

Hon. Speaker: Thank you Hon. Abdi Hassan.

Hon. Leader of Minority: Mr. Speaker sir with your indulgence, I requested for a Statement 8 months ago concerning the hawkers, from the Committee of Justice and Legal Affairs. Up to now there is no response, Mr. Speaker sir.

Hon. Speaker: First request, the Chairperson of Labour and Social Welfare. We don't have the Vice-Chair? Hon. Mutiso.

Hon. Member for Ngei II Ward (Mr. Daniel Mutiso): We shall be able to respond to that question within two weeks' time whereby the Minority Leader is also a Member of the Committee. Thank you.

Hon. Speaker: Very well, two weeks. Take note of the two weeks. The second point is a Statement request for the hawkers, which was requested 8 months ago. Hon. Members, as we just said here, we will do the tracking and know where that Statement is and we will report tomorrow at 2.30 p.m. Hon. Abdi Hassan. Thank you. Hon. Michael Obonyo.

Hon. Member for Gatina Ward (Hon. Michael Obonyo): Mr. Speaker, I had two Statements but I have not seen any.

Hon. Speaker: They are here. Clerk the two statements?

MEMORANDUM OF UNDERSTANDING BETWEEN THE NAIROBI CITY COUNTY GOVERNMENT AND WEBTRIBE LIMITED ON THE AUTOMATION OF REVENUE COLLECTION IN THE COUNTY.

Hon. Michael Obonyo: Hon. Speaker pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of Select Committee on Budget and Appropriation and Sectoral Committee on Justice and Legal Affairs regarding the memorandum of understanding between the Nairobi City County Government and Webtribe Limited on the automation of revenue collection in the County.

Hon. Speaker, Webtribe Limited signed a contract with the Nairobi County Executive to automate all revenue collections from June, 2014 through its software Jambopay online payment gateway. The contract aimed at easing payment for services and streamlining revenue collection to reduce revenue loss in manual collections.

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

1. Whether the contract agreement had obligation enforced by law or mutual assent and legality?
2. Whether the contract had spelt out the terms and conditions in default of server level?
3. Whether Webtribe limited had the capacity to provide Nairobi City County with revenue collection services and if not, state the legal implications in case the services are terminated on technicality.
4. Reasons why the contract was not dully registered at the Lands office in the volume of books and not sealed at the time of execution?
5. Reasons why the Governor was misled to sign a local contract agreement and not the County Secretary and why the contract was validated by advocates who are not eligible?

Mr. Speaker the Chairperson should also report on;

1. Reasons why the Executive paid Webtribe Limited advance payment of Ksh. 23 million and how they reached on a Ksh. 4.5 percent on monthly revenue collection
2. The procedure followed to secure Webtribe Limited services.

Thank you.

Hon. Speaker: The Chairperson Finance?

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): On behalf of the Chairman Mr. Speaker I wish that it be worked on thoroughly in a week's time.

Hon. Speaker: Next week on Thursday, 2:30 p.m. and it's a very heavy one so you better come fully loaded for Hon. Micheal obonyo. Hon. Obonyo your other statement will be in tomorrow. Thank you very much. Hon. Thuo Kamau.

THE NAIROBI CITY COUNTY FINANCE BILL 2015 BILL NUMBER 8 OF 2015. A BILL FOR AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO AMEND COUNTY ASSEMBLY LEGISLATION RELATING TO TAXES, FEES AND CHARGES FOR SERVICES AND FOR OTHER REVENUE RAISING MEASURES BY THE COUNTY GOVERNMENT AND FOR MATTERS INCIDENTAL THERETO.

First reading

Hon. Speaker: Yes Hon. Ngangwara

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Mr. Speaker I am surprised that we are reading bill number eight and yet there is a damaging report on the newspapers saying that we have passed two bills only and are spending one billion.

Hon. Speaker: Order! I just read to correct the newspaper report and you were not in when I read the statement and for the sake of Members, we did the Bills. Members will also get detailed Bills and Motion trackers from the Tables and Journals Office.

Hon. Samuel Nyangwara: Mr. Speaker we would like to know why this particular newspaper and the person indicated here would write a damaging report to the extent of calling the Members of this County Assembly idle. Mr. Speaker we demand for an apology and it is high time we know whom we are speaking to in this Assembly and who we are giving reports to.

We have Members of the Fourth Estate who write reports concerning this Assembly. People cannot just walk simply because they have been given 200,000 shillings to come and write a damaging report on Hon. Members when we know, and you have heard from the Clerk, that we are now on Bill number 8 that we are discussing here. Mr. Speaker, we demand an apology from this particular newspaper.

Hon. Speaker: I will make that tomorrow at 2:30 p.m. Very well for that-- Although we have given them detailed information, I hope they will follow the detailed information notwithstanding the fact that for tomorrow we will do the correction on that accordingly. Next Order!

MOTION

Hon. Member for Eastleigh South (Mr. Nelson Masiga): Thank you Mr. Speaker sir. That aware the function of planning and housing are vested on the County Government, pursuant to paragraph 8 of part 2 of 4th Schedule to the Constitution. Further aware that Nairobi City County Government plans to construct modern houses within the County to accommodate more home buyers, concerned that County Government officials have been inhumane evicting tenants found to have defaulted in rent from the County houses without following due procedure and instead letting them out to their friends and cronies.

Noting that this flagrant abuse of law has caused untold suffering of the concerned residents of Nairobi, this Assembly resolves that the County Government follows due procedure when undertaking eviction on purely humanitarian grounds and give the affected tenants a chance to pay their arrears before resorting to evict them and move with speed to develop a proper legal framework that will deal with all aspects of management of County houses.

Mr. Speaker sir, it has been a tendency of these County officials and County Planning Enforcement Department who have been throwing out our people who have been voting for us as MCAs in this House, to get out of their houses when there is a default of two or one month of rent arrears.

Mr. Speaker sir, it has been in inhumane way that even they are thrown out at night during the rainy season and they have no place to go. Mr. Speaker sir, it makes some of us who have been brought up in these estates to wonder why they are doing this inhumane thing to evict the Nairobian from the houses and giving them to their tenants, and their cronies and friends. Simply because they feel that they are more in power and deny the common man the opportunity to have these houses. This is making the County look as if it is for the rich and not for the poor.

Mr. Speaker sir, I wish to urge my fellow Members that we may resolve and pass this Motion so that this inhumane, unprocedural and brutal act should stop immediately. I therefore wish to call Hon. Njoroge to second the Motion. Thank you.

Hon. Member for Woodley/ Golfcourse Ward (Mr. Njoroge Kairu): Thank you very much Mr. Speaker sir. I beg to second the Motion introduced to this House by Masiga. The Motion is very important to this County. We know tenant rights sometimes are not respected. Again, we need to amend some laws that guide these tenants because they state that they give tenants up to 5th to pay the rent but even on that date, the County itself has not even paid its employees. Therefore, when looking at these laws, we can give them an appropriate time so that we extend that date from 5th to maybe 10th or 15th so that everybody will have the money. For that reason, I beg to second the Motion.

(Question proposed)

Hon. Speaker: Yes Hon. Millicent Mugadi.

Hon. Member for Ziwani Ward (Ms. Millicent Mugadi): Thank you Mr. Speaker I stand to support this Motion because I come from one of the Estates that has the County houses namely Ziwani and I have experienced firsthand of what Hon. Masiga is talking about.

Mr. Speaker, as you know the County is planning to go into urban renewal so I believe if we don't take careful measures it is going to be even difficult for residences whom we represent to cooperate because right now everybody is eyeing the County houses and we all know that sometimes we have greedy people and officers who want also to be part of this urban renewal development. That is why we are finding that our very own people who have lived in these houses for more than 40 years are being evicted inhumanely. In Kenya everybody has problems and it is normal to have debts, Kenya owes other people money even the President owes other people money so I don't see the reason why our very own---

Hon. Speaker: Order Hon. Millicent can you withdraw that please.

Hon. Millicent Mugadi: I withdraw but Mr. Speaker it is normal let me give an example I owe people money you also owe people money.

Hon. Speaker: I don't.

Hon. Millicent Mugadi: Okay, fine you are rich and thank God that you are rich. But Mr. Speaker, what is happening right now it has been happening for the past few days since the County announced that they want to go into Urban renewal. Mr. Speaker, I am a third generation of this house, my grandmother lived in that house and left it to my mother and now I am currently leaving in that house.

So you can imagine how many are the third generation of those houses that are being evicted. So for me I support this Motion and I am saying that careful measures should be taken. First we should analyze why is someone not able to pay rent we are not saying that people should not pay rent it should be paid because we as County need revenue but there should be a strategy and proper notice that should be given.

I support Hon. Masiga and I hope that the Housing and Planning Committee will hear our plea because the way we shall take this thing will help us also to be able to facilitate information on the ground when it comes to Urban renewal in our areas. Thank you.

Hon. Speaker: Hon. Adow!

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you Mr. Speaker, I would like to oppose this Motion. I oppose it on the grounds because first of all these people pay almost next to nothing. They pay so little I don't see why they should be given many months. Should you require one month, two months, three months, six months or one year? When did you expect officers to act for you to say that they are not given enough time.

Secondly Mr. Speaker, the problem is with the enforcement when they are saying that they are doing illegal stuff

Hon. Speaker: Do you want to be informed?

Hon. Millicent Mugadi: Mr. Speaker, there is a history as to why we are having this County Houses it is not that we are paying almost to nothing. My Hon. Member should know that some of these tenants were freedom fighters and they have been living in these Houses from the independence era, so it is not that we are paying close to nothing. It is what the Government thought is fair for us to pay, so don't say that we are paying close to nothing. If you can afford you can afford to pay 20 then our people cannot afford to pay 20.

Hon. Speaker: Very well.

Hon. Osman Adow: Mr. Speaker those are called Social Houses which mean that when you are poor you are given when your status improves you should leave for the others who are poor so that they can come in. I don't see why people should be staying in a house for 40 years and still use it as a bargaining chip that the Government should be lenient on you when you don't pay in time.

There people who have been here for I don't know how many years and they are still on the waiting list but they will never get houses because some people pass on houses from one generation another which is illegal in the first place. What I was raising on the issue of enforcement. If the enforcement officers were doing something illegal, I think what the people should be doing is to produce evidence and have those people fired or taken to court and punished for the wrong they are doing but not to tell them not to do their job of collecting the rent as required.

I think everybody can see that up to date we haven't even received our salary which means that a lot of people haven't paid their rent. Therefore, I think this Motion is not in good taste. If there's a problem with enforcement officers, they should be held accountable and they should be made to obey the law when it says that County Governments follow the procedure when undertaking evictions on purely humanitarian grounds and give the affected tenants the chance to pay their arrears. That procedure should not only apply to those tenants but the procedure to be followed must apply in all cases, all times and on all departments.

With that, I oppose this Motion, thank you.

Hon. Speaker: Hon. K'Otieno.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker. I stand to support this Motion from the background of forced evictions. I know forced evictions are inhumane. When I am talking about forced evictions, I want to tie my points with the right to housing. Right to housing per se is an international right that has been enshrined in all the international instruments.

If you look at the first international instrument that was enunciated in the year 1948 in the Universal Declaration of Human Rights, it clearly says that every human being has a right to housing. If you read at the comment of the rapporteur of right to housing, the rapporteur of the UN, he clearly states that forced eviction is a violation of international law. When these evictions are being carried out, they are done probably at the wee hours, sometimes without regards to school going children in those houses. At times those carrying out evictions do not consider that we have the elderly living in those houses.

In as much as these people would be defaulting, we must have clear guidelines in one way or another probably to me I would, in as much as I am supporting this Motion, if I were Masiga, I would sit down and come up with a document that I would entitle 'Forced Eviction Guidelines'. Once we have these guidelines in form of regulations, this House would adopt those regulations so that whenever there are evictions to be carried out, the Executive and even the Inspectorate that carries out the evictions would adhere to the strict guidelines set.

Year in year out with this Motion--- probably we shall pass it here and I want it to be passed in the spirit of defending and fighting for human rights. I also want Hon. Masiga to go ahead and draft eviction guidelines that will be passed by this House so that anybody who will be evicted from his or her house illegally then that person will go to court, invoke the eviction guidelines and say that on such and such a

day, date the County Assembly of Nairobi passed this eviction guidelines and the same Government has gone against what the Members of that County Assembly passed. That person will be locked in jail. That is the spirit that we should be adopting, thank you Hon. Members.

Hon. Speaker: Thank you Hon. K’Otieno. I think K’Otieno you are right and you need to talk to your brother Hon. Masiga. Hon. Masiga what Hon. K’Otieno is trying to tell you, you should have separated the eviction and the new development that is proposed? Thank you Hon. K’Otieno. Order Hon. Karen Wanjiku! How can you give yourself thank you?

(Laughter)

Hon. Speaker: Hon. Karen Wanjiku.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir. This is a very noble Motion that is why I don’t want the time to end before I give my views. I am obviously supporting this Motion. I want to tell the Hon. Members that have opposed this Motion, maybe they have not seen people being evicted. It is very inhuman and as Hon. K’Otieno has said, according to human rights, it is inhuman and uncouth. I don’t have the right words to use Mr. Speaker.

I want to give an example of how revolutions started in Tunisia. There was one vendor by the name Mohammed Bouazizi whose wares were confiscated by municipal *askari* and her aides and what happened, he burned himself causing a trigger in the Arab world. There is no difference with the way our municipal *askaris* behave. You see what is happening in Nairobi, do we want this to continue that way? We want Nairobi residents to be treated with dignity.

Mr. Speaker, looking at this Motion, the Bill of rights in the Constitution, Article 45 (1), says; “*The family is the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State.*” Are we supporting the people of Nairobi? Are we protecting them? Are we breaking the law in the name of enforcing law? This is a very noble Motion and devolution supports that if you pay tax, the Government is supposed to give you services. Look at those houses, are they maintained and repaired? They pay rent yet the houses don’t have window panes. I am not saying that they should not pay but when they pay, what are we giving back? It should be give and take and we should take care of our voters, our rally goers and our nominators, thank you.

Hon. Speaker: Hon. Leader of Majority.

Hon. Leader of Majority (Mr. Elias Otieno): Thank you, Mr. Speaker; I would like to support this Motion. Hon. Adow thinks he is still in America; this is not America, it is Kenya and you must know. In most cases, the kind of eviction these people are always doing, when they identify a house they want to give their people, definitely they will come and evict you from that house. They did that in Westlands some few months ago; the County staff living in the house were evicted around 4:00 a.m. They were beaten by our *askaris*. How can you beat your own staff just because somebody somewhere has bought the house? Just

because you want to pocket something, you send *askaris* to beat your own staff so as to evict them from the house.

Mr. Speaker, as much as we are discussing this Motion, I don't know whether it is going to be implemented but let us just pass this Motion just to protect the people of this County and more so those who are coming from Eastlands. I know very soon, some of them are not going to be MCAs; they are going to do default rent and face the same consequences. Adow, if you don't know these people, one day they will face you and you will know who they are. You would rather support the Motion than oppose it because the way these *askaris* are dealing with people, they deal as if they are not human beings. So, I think it is high time we must support this Motion and it must be implemented. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Zulfa Hakim, then Hon. Jack.

Hon. Zulfa Hakim (Nominated Member): Thank you, Mr. Speaker for recognizing gender balance. I stand to strongly support this Motion. I am supporting this Motion with a lot of emotion having been a resident of one of the County estates. I have witnessed the mercilessness of those officers throwing out staff with their personal effects. You can imagine how embarrassing to evict people from a fifth floor not minding they are damaging their furniture. As *Mheshimiwa* Karen said before, I am a witness that the houses are not maintained at all. All the houses have leakages and damaged in one way or the other and as much as you plead with the County Government to do any repairs, they take you through a very cumbersome process. If again you decide to repair by yourself, they come and tell you have not written a letter to the County.

So, there are a lot of problems in those houses and as Hon. K'Otieno just suggested, we need the guidelines as soon as possible because I have been a victim of these circumstances. You have paid your rent but the system is broken down and the message is not relayed to the area so they come and evict you even if you have paid your rent and have the receipts. Even with the receipts they talk to you like you do not matter. You go to work and you come and find your things outside, maybe they planned something for you and in an instant they also steal from your house.

I have had neighbors who have lost a lot of money and that is just gone, you cannot regain it. I do not know where they got this idea of putting a new padlock then it becomes a process for the padlock to be opened, it is really, really stressful and it is not worth it, Mr. Speaker. So I stand here to strongly support this Motion, we are not saying that the houses should not be paid but we are saying we should go in line with the Constitution and make sure that we protect the human rights. Thank you.

Hon. Speaker: Hon. Jack and then Hon. Nyangwara.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Mr. Speaker, I wanted to oppose but I have changed my mind and because the other side is winning I just beg to sit.

Hon. Speaker: Very well, you are a good citizen.

(Laughter)

Hon. Samuel Nyangwara: Mr. Speaker, I just want to thank Hon. Jack, but I expected Hon. Adow to do the same. He can actually approach the microphone then there will be no need of us debating this one.

Hon. Speaker: What is that?

Hon. Osman Adow: Mr. Speaker, we are mixing two things here, there is the enforcement and the rent payment, these should be separated. When an enforcement officers makes a mistake he should be held accountable and go to jail, but people should pay their rent.

Hon. Samuel Nyangwara: Mr. Speaker, if you want to know and any Member who stands in this House to contribute to oppose this particular Motion, just look at the car he drives, Mr. Speaker, you will wonder. Indeed, as the Majority Leader said, we are anticipating this problem more in Eastlands where this County Government wants to build these new houses.

Mr. Speaker, we want to request--- Maybe Hon. Masiga will come up with the guidelines, Mr. Speaker, I think those personalities who stay in these houses should be given a priority to occupy those new houses if it will be a reality. Mr. Speaker, I am saying this because I know that some people somewhere can actually ruin this County Government simply because they want money and our people do not have that power as such. You can see what happened in Nyayo Highrise and I want to thank Hon. Maurice Akuk for going to court to secure those houses for the poor people of Nyayo Highrise.

Mr. Speaker, this is what we expect, that this Motion is in good faith and what we want is the law to be respected and let the *askaris* of this County Government respect the law. Mr. Speaker, we feel offended at times when we see them on the news, like what I saw on the news yesterday, I was not happy about it that they go stab hawkers and they have injured quite a number instead of respecting the law. They are supposed to arrest these people and take them to court and they will be charged, but going up to an extent of hurting people it is really painful and we know what normally happens.

Mr. Speaker, you have heard what the Majority Leader said about what happened in Westlands when this County Government through a funny way sold a house belonging to this County Government and the person who had bought that house wanted to demolish it and build a new house, they went very early in the morning, as early as 4 a.m. and the person who was staying in that house is a staff of this County Government and he was chased out of the house into the cold. His property was damaged and thrown everywhere and we do not want such a thing to happen.

What can happen to a person who is staying in Eastlands, Mr. Speaker? It is high time we pass this particular Motion and indeed if we pass this Motion, some of us will make sure that they will not touch

the Members of Eastlands. Mr. Speaker, we will arm ourselves and if this Motion will pass here nobody will go against it and we want to request all Members to support this Motion.

Hon. Speaker: Very well I think Hon. Nyang'wara you are very right, if the County Government officers can violently remove a staff in Westland's, what will happen to Eastland ones? We will find them in the streets, so is up to you to safeguard that. Remember what we saw yesterday in the news is up to the Justice Committee, I hope they took note of the stabbing of hawkers it's unfortunate and a bad picture and it's upon you the Hon. Members to take it very seriously and make these *Askaris* follow the Law, they should arrest and take to Court. Hon. Zulfa you had some Point of Information because you have already contributed.

Hon. Zulfa Hakim: I am standing on a Point of Information, allow me to inform this House that I would like to convince Hon. Adow and I want to inform the House that he does not have such an estate in his Ward, so he does not know where the shoe pinches. *Nakuomba tafadhali* consider supporting this Motion because one day you might be an MP then you will know where the shoe pinches but for now am asking you very kindly because I know where you are coming from.

Hon. Speaker: Hon. Members I now call the mover of the Motion to reply.

Hon. Nelson Masiga: Thank you Mr. Speaker sir, for this wonderful discussion and contribution by Members. I believe on the humanitarian grounds where the Constitution has given us under article 43 right to housing, I believe that this Motion was based on that and I believe my good friend Hon. Adow comes as my neighbor from Eastleigh North and I come from Eastleigh South, he doesn't understand the dynamics of the Community that we are talking about but one time he will find himself in this situation it's only then that he will realize that there's nothing to smile about when children are sleeping in the cold, when Mothers are sleeping in the cold, when you find your properties thrown outside from your house.

Thank you Mr. Speaker sir and I want to thank the Hon. Members who have contributed to this Motion, they have done a wonderful job. Nairobians from today they are going to see this House as House of substance not a House where newspapers are recording that we have done nothing, today I believe they are going to report that we have done something great, thank you Mr. Speaker.

Hon. Speaker: Hon. Members I now put the question,

(Question put and agreed to.)

Hon Speaker: Next Order! Hon. Members the House is adjourned until tomorrow 2:30 p.m. Thank you.

(The House rose at 3:40 p.m.)