



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Tuesday 28<sup>th</sup> April, 2015

The House met at 2.30 p.m.

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

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Once again good afternoon Hon. Members, I welcome you back from the short recess and it is my hope that you had a wonderful break.

Hon. Members, our sitting this afternoon is graced by visitors from Republic of Uganda, with us is a delegation from Kampala City Council Authority, Lubaga Division.

*(Applause)*

You are all welcomed. Hon. Members, I wish to recognize her Worship the Mayor, Hon Joyce Sebugwawo, the Deputy Mayor Hon. Catherine Nagawa, the Town Clerk Hon. James Luyimbazi, the 42 Hon. Council Members of the Lubaga Division accompanying Her Worship, and the ten technical staff facilitating the delegation.

*(Applause)*

Hon. Members, on my own behalf and on behalf of the County Assembly and myself, I wish to formally welcome the delegation to Nairobi and to the County Assembly in particular. I thank you for gracing us with your presence today.

Hon. Members, I wish to make the following Communications:

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## SECURITY AT THE ASSEMBLY

Hon. Members, the issue of security has been raised severally by Members and the Chair has issued Communication to that effect.

As you are aware, that the National Assembly has suffered a Security scare and even had an employee arrested on suspicion of terror links. As an Assembly in the City, these are matters we need to take quite seriously.

Hon. Members, in order to ensure the security of Members and the Assembly precincts, you will have noticed that there is heightened security at the Assembly. Hon. Members are therefore encouraged to cooperate with the Security agencies deployed to ensure our safety within the Assembly precincts.

Hon. Members, other than that, I wish to further direct as follows, Hon. Members, All vehicles entering the basement parking will be thoroughly inspected and Members are requested to comply with any such security checks.

Parking at the front of the Assembly is now strictly forbidden. The Chair has directed on this matter before, and even secured ample parking for all Members adjacent to the Supreme Court and wishes to warn Members that henceforth vehicles parked at the front of the Assembly will be towed. Sergeant-At-Arms are advised to enforce these directives without fail.

Additionally, no visitors are henceforth allowed inside the precincts of the Assembly. All visitors will be received and dealt with at the reception. The Chair is in possession of real intelligence reports that necessitate the taking of these drastic measures.

The Chair is working around the clock with the Ministry of Interior to ensure there is sufficient security for the Assembly, so Hon. Members, kindly cooperate.

## PLENARY TIME

Hon. Members, the Chair wishes to note with regret that the first part of the third session was marked with continued lateness in the commencement of Assembly sittings. The Chair wishes to draw Members attention to provision of Standing Orders 27 (*Hours of meeting*) and 32 (*Quorum at Commencement of the County Assembly*).

To remedy the foregoing, Members are reminded that sittings will commence strictly at 2.30 p.m. every Sitting day, whether quorum is present or not. If quorum is absent the procedure under Standing order 31 shall take effect, upon which the Assembly shall adjourn at the expiration of ten minutes. Hon. Members, I thank you.

**PAPERS**

**Hon. Leader of Majority:** Thank you Mr. Speaker, pursuant to Article 228 (6) of the Constitution and Section 39 (8) of the Public Finance Management Act, 2012, I beg to lay the following paper on the table of the Assembly today Tuesday 28<sup>th</sup> April, 2015.

Mr. Speaker I think it is an error because it is written Tuesday 21<sup>st</sup> of April and today it is not 21<sup>st</sup> of April. So I think it is an error and it has to be rectified. County Government Budget Implementation Review Report for half year FY 2014/2015. Thank you, I beg to lay.

**Hon. Speaker:** Thank you Hon. Leader of Majority. That is committed to the Committee on Budget and Appropriation, I thank you.

**MOTION****THE NAIROBI CITY COUNTY PETITION TO THE COUNTY ASSEMBLY BILL 2015 ASSEMBLY BILL NUMBER FOUR OF 2015.**

An Act of the County Assembly of Nairobi City to effect article 37 of the Constitution and section 15 of the County Government Act on the right to petition a County Assembly to make provisions for the procedure of exercising that right to enhance public participation in the County Assembly matters and for connected purposes, first reading.

**THE NAIROBI CITY COUNTY REGULARIZATION ON DEVELOPMENT BILL 2015 ASSEMBLY BILL NUMBER ONE OF 2015.**

An Act of the County Assembly of Nairobi City to provide for the regularization of unapproved developments for connected purposes, second reading.

**Hon. Speaker:** Hon. Members, the Chairperson for Planning needs to move it.

**Hon. Member for Eastleigh South Ward** (Mr. Nelson Masiga): Thank you Mr. Speaker sir. As we are informed today that we are not ready--- we have not compiled our report as the Committee of Planning and we are seeking the House to give us an extension of one week.

**Hon. Speaker:** Now Hon. Chairperson you know your time is up. Indeed the best you can do is to table your documents because the time which you were given constitutionally is over. Hon. Members, the Chairperson of the Sectorial Committee in which a Bill is committed and Member designated for that purpose by the Committee shall present the Committee's report to the County Assembly within twenty calendar days of such committal and upon such presentation if the Committee report is not presented when it is due, the Bill shall be ordered to be read a second time on such a day as the County Assembly Business Committee shall in consultation with the Members of the Committee in charge of the Bill appoint.

We are in agreement Hon. Members that the 21 days are over and therefore this can only now be a subject of the House Business Committee if you are not ready to present the paper today. I am also told-- Order Hon. Chairperson! In the last House Business Committee meeting, the Committee was ordered to present its findings today. That is where we stand. Hon. Nyang'wara what is it? What is It Hon. Nyang'wara?

**Hon. Member for Viwandani Ward** (Mr. Samuel Nyang'wara): Mr. Speaker, in fact it was not today. We were supposed to report back last week so they were supposed to table that report last week on Tuesday. You remember what happened, we were out on another mission in Kisumu and that's why we did not meet here. Just a reminder.

**Hon. Speaker:** Yes, Hon. who is the lady?

*(Laughter)*

**Hon. Speaker:** Is this Hon---

*(Laughter)*

**Hon. Speaker:** My apologies. Hon. Mumo.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, since we have the Bill with us, every Member has the Bill. I think Members we are ready to move--- you're not ready on what? But the Bill is here with us.

*(Loud consultations)*

**Hon. Speaker:** Remember what I have just read to you in the Standing Orders. The 21 days are over so we cannot--- our bible demands that it is done today. It is finished, House Business finished. Okay Hon. Members in the foregoing I direct that this be read tomorrow 2.30 p.m. without fail. Yes Hon. Kambi.

**Hon. Member for Dandora Area II Ward** (Mr. Stephen Kambi): Thank you sir, I seek indulgence of the House if it is possible as a Member for Physical Planning, Lands and Housing Committee; knowing very well the sensitivity of the Bill and intensity in it. The failure of the Committee is not because of arrogance or ignorance; we have been overburdened so far with the petitions that are being done by Nairobians whom we represent totally so that we ensure their grievances are captured in the said Bill. Mr. Speaker, it will be unfair for the Nairobians if we pass a Bill without total considerations of all the petitions.

**Hon. Speaker:** Order Hon. Kambi! You can do that when you are debating this Bill tomorrow. Naturally, the Bills come before you. Do not preempt, it will come before this House tomorrow and you will have an opportunity to say what you said. Order Hon. Member and thank you, you are a good citizen.

**MOTION**

**Hon. Speaker:** Hon. Karen Wanjiku.

**Hon. Karen Wanjiku** (Nominated Member): protect me, Mr. Speaker.

**Hon. Speaker:** Order Hon. Kambi!

**Hon. Karen Wanjiku:** I beg to move the following Motion; THAT, aware that Article 53 of the Constitution of Kenya 2010 stipulates that every child has the right to free and compulsory education; further aware that the function of basic education has been devolved pursuant to paragraph 9 of part two of the Fourth Schedule to the Constitution of Kenya; deeply concerned that many school-going children within the Nairobi City County cannot access early childhood education and others cannot be retained in school due to lack of school fees especially those in informal settlements in the County; noting that basic education is one of the key pillars of a functioning education system; this Assembly urges the County Government to ensure that there is free education in all Public Early Childhood Education Centers in the County.

Mr. Speaker sir, we are all aware that ECD is under the mandate of the County and the Children welfare is also under the County, it is very important to take care of our children. Primary education is free in Kenya and it doesn't make any sense if primary education is free but our children cannot afford school fees for pre-unit and nursery schools. For those who stay in settlements and other sides in Eastlands; I don't know whether the Majority Leader can understand this but in Eastlands, there are children as young as six years collecting bones, plastics and scrap metals to sell because their parents cannot afford money for maids and to take those children to school.

**Hon. Speaker:** Order Hon. Kambi!

**Hon. Karen Wanjiku:** Mr. Speaker sir, it is very important for us as a County to take care of these children. We know when they are roaming in the estates---

**Hon. Speaker:** Order Hon. Kambi!

**Hon. Karen Wanjiku:** Mr. Speaker sir, it is very important to protect those children. The Constitution of Kenya allows the children to be protected; it is their right to have basic education. It is our right as a County to protect these children and by protecting them at this tender age and take them to nursery schools. Every person even the poorest should take their children to nursery school and pre-unit so that they can at least qualify and move to free primary education.

Mr. Speaker sir, we know early age is very important because we were told when we were learning, I can remember very well, that the brain of a child is like a white paper, it is blank and nothing is written on it.

So it is very important what the children acquire education when they are very young. Without wasting time, I know almost all of the Members here agree with me that all the Wards in Nairobi County needs free education for early childhood education. Some of us have young children and concur with me. Without much ado, I want to welcome Hon. Ogeto, Lastborn, to second this Motion. Thank you.

**Hon. Speaker:** Hon. Ogeto.

*(Loud consultations)*

**Hon. Member for Kilimani Ward** (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. First and foremost, I want to congratulate my colleague for bringing such a wonderful Motion. You must understand Mr. Speaker that I am beneficiary of free primary education. The former president, his Excellency Mwai Kibaki introduced free primary education in the year 2002 when he was doing his campaign but never introduced free secondary. But when he came for the second term, he again said that he is going to give free secondary education, of which I usually don't concur with that because I never went to school for free. For the free primary education, I am beneficiary of it.

Mr. Speaker sir, as the Motion has sates, we Hon. Members are urged not to oppose this Motion it has even said it is going to benefit those who are in informal settlements in the County. I want to remind this Hon. House that the formal settlements in this City go to a school where they can pay for a kid.

I believe this Hon. House take their babies to big schools where they pay up to a maximum of Ksh. 2,000,000 in a year. We know these schools; Banda, Riara, Braebun schools. According to statistics of this City, it takes considerably the people of the formal settlements to take care of the people of the informal settlements. You realize we have many children in the streets of Nairobi.

We need to ensure that when this important Motion has passed, we get all those babies from the streets and take them to school. That is why I will second this Bill without fear or favor Mr. Speaker sir. My colleague has brought a very important Motion and the side of the Government which he is coming from have only appointed old wazees. I do not wish that the early childhood pupils who are going to grow up get disappointments. There is no way our good Government can keep on recycling old people; even at the age of 80. These babies will get disappointed when they get to my age.

**Hon. Speaker:** Order! What is it Hon. Kambi?

**Hon. Member for Dandora Area II (Mr. Stephen Kambi):** Thank you sir that is what I want to address.

**Hon. Speaker:** No. No. No! What Point of Order are you on?

**Hon. Stephen Kambi:** Mr. Speaker sir, we are confused. He is on appointments to support early childhood education. They have a very good Bill. The mover was here talking about *rokotaring* words that we are not familiar with. Can they get their grammar right! Some of us went to those dignified, highly good

schools that offer the queens language perfectly. Kindly Mr. Speaker guide us. Dandora Jitegemee Primary. *Tafadhali* construct your grammar in a special way please.

**Hon. Speaker:** Order! Hon. Kambi

**Hon. Moses Ogeto:** Mr. Speaker sir I want to once more remind my colleague that I have said that these babies will in future be appointed as very serious Board Chairpersons. I am trying to put across that our good Government that we appreciate should also appreciate the young people who have benefitted from free primary education. We are talking about free public early childhood education. I think she appointed me to second her Motion simply because she knows that I will second it with a magnitude of facts. I want to also remind my colleague that as we benefitted from the same free primary education---

**Hon. Leah Mumo** (Nominated Member): *Utaoa lini?*

**Hon. Speaker:** Order Hon. Mumo!

**Hon. Moses Ogeto:** Mr. Speaker sir I wish that you would protect me from *Mheshimiwa* Mumo

**Hon. Speaker:** Order Hon. Mumo!

**Hon. Moses Ogeto:** Mr. Speaker the free early childhood education could also be extended in that we bring another Motion that incorporates all the public institutions. In my Ward you find out that the small pupils also pay activity fee but you realize it is free. His Excellency Mwai Kibaki brought it as free primary but they are charged. Let us hope that when the Assembly approves this Motion, there will be no fee levied against the parents.

As I conclude and I want to tell my colleague from Dandora, where I administer and was elected that we have a very good school where we accommodate and appreciate babies.

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Kambi!

**Hon. Moses Ogeto:** Mr. Speaker I wish that he doesn't become a person who does not respect the rule of law. Let him bring his kids to the good schools and leave the public ones. I want to second this Motion.

**Hon. Speaker:** Very well Hon. Ogeto. Hon. Members, I now propose the question,

*(Question proposed)*

**Hon. Speaker:** Hon. Members, Hon---

**Hon. Zulfa Hakim** (Nominated Member): Thank you Mr. Speaker if you don't mind I would like to remind you my name, Zulfa Hakim

**Hon. Speaker:** I know your name.



(Laughter)

**Hon. Zulfa Hakim:** Okay. Thank you. Mr. Speaker, I rise to support this Motion. I want to start by congratulating my very able colleague, Hon. Karen for coming up with this very important Motion for the children of Nairobi County. I will start by quoting the Constitution, chapter 4 (21) (iii) which reads “all state organs and all public officers have the duty to address the needs of vulnerable groups within society including women, older members of society, persons with disabilities, children, youth, members of minority and marginalized members of particular ethnic, religious or cultural communities”.

Mr. Speaker sir, this is a House of rules and regulations. And as I have just read--- Mr. Speaker, I need your attention. I have just quoted the Constitution which clearly states that the state officers are mandated to take care of the welfare of children and special groups. Mr. Speaker, part of the reasons for devolution is to devolve such services. It is imperative that we--- Mr. Speaker, I need your attention.

**Hon. Speaker:** Yes Hon. Hakim.

**Hon. Zulfa Hakim:** Thank you. Mr. Speaker, it is imperative that we do not ignore these issues as the devolution’s purpose is to get services down to the people. We can point out a few educational centers. I know one in California that is already dilapidated. It has no services. I want to urge this County Government to kindly allocate some funds in whatever way, whether a supplementary budget or whatever they can come up with to realize this Motion because as a mother coming from the Eastlands part of the County, I can tell you for free that what is happening down there is really wanting. Hon. Hashim can attest to that if he is here, or Hon. Kambi. They know what I am talking about. We have children who are roaming about just to find themselves in an education center that is not equipped. Therefore they end up wasting time and being misused in the streets. I don’t think it is really too much to ask from the County Government to at least consider or even start with a pilot project from one Sub-County which leads to the other and I am sure we will realize this particular dream.

With those very few remarks, I can see that I am losing my breath, I beg to support.

**Hon. Speaker:** Very well Hon. Hakim Zulfa. Hon. Manyala.

**Hon. Member for Kayole South** (Ms. Elizabeth Manyala): Thank you Mr. Speaker. First and foremost, I want to thank the Hon. Member for bringing such a wonderful Motion because children are so dear to us. We need to protect them. A right is something that one is entitled to and even going with what Kenya ratified, we know very well that according to the penal code, education is key and it is a right that is enshrined in the penal code, in the Constitution, in the African charter of the Children’s Act, and in the Universal Threshold Instruments that are protecting children who are vulnerable.

One of them is development. Kenya being one of the Member states that ratified the UNCRC. When I talk of UNCRC, I mean United Nations for the Convention for the Rights of the Child. In 1990, one of the pillars was development. Under development, education is key and you cannot start without the bottom-up approach. You need ECD or early childhood development so that we ensure a smooth transition from those ECDs to primary school. As we are talking now, even if we go back to our Wards, we don’t have proper structures that are cushioning the children so that they can start their development process by getting education, which is a pillar.



I have been reminded not to lean on the mace. Can the Member withdraw? He is saying that the mace is my husband. Mr. Speaker, is he in order?

*(Laughter)*

**Hon. Speaker:** Order Hon. Manyala Elizabeth! Order! Go on. Proceed.

**Hon. Elizabeth Manyala:** As we debate on this Motion, it is very important. It is not a laughing matter. Development is a key issue. It is a key issue under the 4<sup>th</sup> schedule of the Constitution. We know that we even have a Sectorial Committee whose mandate is in-charge of early childhood development. We need key indicators whereby we have so many ECD's within our Wards.

Yesterday, as I was walking around my Ward, I was doing a mapping exercise of ECD's I realized that I don't even have one in my Ward. All those facilities that are there that are being used as ECD's are privately owned. When I talk of privately owned, it means that Wanjiku cannot access them because they charge they are expensive, meaning that these children cannot have a smooth transition of the development process from ECDE up to primary which will ensure that they move from primary to secondary then up to tertiary and higher levels of education.

I don't know whether it is the CEC in-charge of education who is mandated to do that. What programs has he put two years down the line? We need to build these structures and the tools that we can urge the County Government especially the Executive is just to bring this wonderful Motion today and urge them to be proactive. If the money is scarce then they can even partner with likeminded organizations so that the children can benefit and get these ECD's to enable us have ten ECD's per Ward to allow our children start learning so that the development pillar can be realized. Thank you, Mr. Speaker, without much ado I wish to support the Motion.

**Hon. Speaker:** Hon. Alexina.

**Hon. Alexina Moddy (Nominated Member):** Thank you, Mr. Speaker sir. Before I begin, again I will say welcome to our parents from the neighboring Country for being with us and coming to see how we do it. Mr. Speaker, it is quite unfortunate that Nairobi is an area that is actually having the poorest and the richest parents. When we look at the education sector you will realize that according to the poor they have their class and the way to go about with their education and the rich too have their class of doing the same.

However, Mr. Speaker, when we talk as per the Wards in Nairobi all the way from Ruai to Dagoretti South, you will realize that there are even some schools facilitated in a way that a parent must go back to the pocket to maintain the facilities. Just to name on as an example let us look at Saints George's Primary School in Kilimani Ward. This is a County Primary School, which is facilitated with a swimming pool, and it has a boarding facility as well as everything else. Here we have a parent who would have loved for his or her child to be in this school but unfortunately since a parent has to cough money for the maintenance of the swimming pool, boarding and others charges, it is very hard for that poor parent to have this child enrolled in this school.

Mr. Speaker, you will have another school like Kawangware Primary School. It begins with me as a parent and I want to say this, that it has to begin with the leadership of this House extending to the electorate where the parents are. Mr. Speaker, why am I saying this? These same leaders of this County are the same ones who have transferred their children from that school in the estate to take them to better schools and thereby segregating the education system right from the ground.

Mr. Speaker, it is unfortunate since we started the free education our children are not going to school because we cannot pay school fees yet when I look at one of our Presidents, Mr. Kibaki, he gave us education and of now a twenty year old person in this country is able to read and write. Look at our teachers who are striking every day, look at the staff in the schools who are complaining that they have not been paid their salaries.

I want to say this to fellow parents and fellow leaders, Mr. Speaker, when they go back let them begin from somewhere in these schools. When we say free education what are we considering? Is it all about books, is it inclusive of uniform and the shoes and other things, so that at least we can categorize what is for free a parent must give the child and what the Government should cater for. Mr. Speaker, I stand to support but there are things we have to work on. Thank you.

**Hon. Speaker:** Hon. Munga.

**Hon. Member for Kabiro Ward** (Mr. Clarence Munga): Thank you, Mr. Speaker for this opportunity. I stand to support the Motion. Mr. Speaker, when you are talking about anything that you are offering free it means that you do not pay a cent including the services. Here is a situation that we want to offer free ECDs for our children. Mr. Speaker, if you are passing this Motion it means that we need to ensure that there is no single cent that a child should pay to that institution. It means that the writing materials and all those things that children require in ECD are provided by the County.

Mr. Speaker, as you are all aware, early childhood development is very key to our children. It is actually the foundation to education and so I am supporting this Motion with this in mind; that we are going to provide for free – meaning materials and books will be provided for these children so that when they just get into the school there is nothing a parent is supposed to pay and that will be doing justice to our children. So I rise to support. Thank you.

**Hon. Speaker:** Hon. Nyangwara and then Hon. Otieno.

**Hon. Samuel Nyang'wara:** Mr. Speaker, first and foremost allow me to make a few remarks to welcome all the Members from recess and also congratulate Hon. Mumo.

*(Applause)*

**Hon. Samuel Nyang'wara:** If you ask the Hon. Deputy Speaker, he actually told me that the attire Hon. Mumo is wearing reflects everything in this Country. Congratulations, Hon. Mumo.

Secondly, Mr. Speaker, I stand here to oppose this Motion and if we do not take care especially in this County everything will go amiss. Mr. Speaker, can I be protected---

**Hon. Leah Mumo:** Point of correction.

**Hon. Speaker:** Order, there is a point of correction.

**Hon. Samuel Nyangwara:** Mr. Speaker, the Standing Orders do not allow that, I am contributing as a---

**Hon. Speaker:** Order!

**Hon. Leah Mumo:** Protect me. Thank you, Mr. Speaker. I just want to tell the Hon. Member my dressing does not mean anything. I am dressed according to the occasion. One, I am fully jubilated; I serve the Hon. Uhuru Muigai Kenyatta.

**Hon. Speaker:** Order Member!

**Hon. Samuel Nyang'wara :** Thank you very much, I am well informed Hon. Mumo Matemu, Mumo I am sorry. I am well informed about where you represent, I understand you stood here so that the Members can look at the color of the attire you are wearing, and they have noticed that one.

Hon. Speaker, we are Nairobians and as Hon. Leaders of this County, we should actually educate the people we represent to be responsible not to run away from responsibilities. I even doubt whether there is anybody in this County who is paying for early childhood education. It is provided for in the Constitution that it is free and if there is anybody that is paying then there is some corruption going on somewhere and Hon. Members know when there is corruption where they are supposed to go. It is not through a Motion. Secondly Mr. Speaker, when I started, I said if we do not take care everything is going to be free in this County.

**Hon. Speaker:** Order Hon. Members! Order Hon. Masiga.

**Hon. Samuel Nyang'wara:** Remember very well that there is free primary education for eight years. Parents sit for the Government to educate their children for eight years. Early childhood is only two to three years and people do not want to be responsible completely. In the next few years there will be a Motion in this House requesting the County Government of Nairobi to pay rent for all Nairobians, where are we heading to Mr. Speaker? We must start telling our residents, those who elected us to this Assembly to start being responsible and take care of children.

As we are talking Mr. Speaker, there are parents who are ignorant, taking their children to school. There are parents who have permitted their children to roam in the City so that they can solicit money by way of begging. We know very well that there are parents who are ignorant about free primary education. I want to request Hon. Karen to initiate *Barazas* in her area to educate her people and tell them that there is free education so that their children can go to school.

Number three Mr. Speaker, I declared long time ago Hon. Mumo that I am opposing this Motion. Can I be protected Mr. Speaker? It contravenes the rules and procedures of this House when a Member who is not permitted to speak here to engage the speaker on the floor.

Last Mr. Speaker, I want to request the Hon. Member who brought this Motion to withdraw this particular Motion so that other Government agencies can take up the matter so that these people who are charging fees in these particular institutions can be taken to court and be prosecuted to serve as an example to others. Thank you Mr. Speaker I oppose.

**Hon. Speaker:** Hon. K' Otieno.

**Hon. Member for Sarang' ombe Ward** (Mr. Pius Otieno): Thank you, Mr. Speaker I also extend my gratitude to Hon. Karen for having thought it wise to move this Motion. However Mr. Speaker as I stand to oppose it from the onset. I wish to say that indeed she started by saying that Article 53 of the Constitution Kenya stipulates that every child has the right to free and compulsory education. That is the letter of the Constitution, but the same letter that Hon. Karen has not stipulated to us, she has not defined to me basically what basic education entails.

**Hon. Speaker:** Hon. Kotieno, are supporting or opposing?

**Hon. Pius Otieno:** I said I am opposing right from the onset.

**Hon. Speaker:** Thank you.

**Hon. Pius Otieno:** The Mover has not told me neither has she bothered herself nor labored to explain to the House what basic education is. I fail to understand if ECD is part of this basic education or primary level is part of this education. What I know and what makes me oppose this Motion is that there are aspects of human rights. Indeed I define human rights as those fundamental entitlements that we cannot do without. We cannot do without education, if we do without education, we are not going to live a life of dignity, but however in jurisdictions all over the world even in international instruments, it clearly says that even if a Country has an obligation to meet a particular human right, that one does not mean that the Country should provide that right for free.

If you labor again on the same international human right instruments, there is a component or an aspect of progressive realization of these human rights. What does progressive realization of human rights entail? It means the Government, the institution or the agency that is charged with ensuring that that particular right is addressed allocates either one, money gradually towards fulfillment of that particular right. It entails that either that that Government, that institution or that agency comes up with a legislative framework that is going to answer to the question of how do we attain to this right.

This Motion does not answer that question of how do we attain that free and compulsory education. Mr. Speaker, already this Constitution says that compulsory education is free, but there's a commission called Kenya National Human Rights Commission. That commission is charged by defining to us how we are going to get these rights, if we afford which I know the County Government will not barge into this, the Governor shall return us what we call a Memorandum stating why we cannot have or why we cannot realize free education.

I am urging this House that this Motion is not necessary in as much as most Members have said that they are supporting it. It means that we tax people living in Nairobi to their bone marrow so that we realize this right. Already Members of this House have been up in arms and questioning why we are increasing taxes for Nairobians?, I think in as much as I support that every child has a right to free and basic education, this Motion has not been coined in a manner that's going to ensure that this right to education is fully realized. With those many remarks I beg to oppose, thank you very much.

**Hon. Speaker:** Hon. Nancy Luchiri!

**Hon. Nancy Luchiri** (Nominated Member): Thank you Mr. Speaker for giving me this opportunity, I wish to support this Motion from Hon. Karen. This Motion is long overdue; our Counties are in charge of Early Childhood Education and Polytechnics. It is not our mandate to handle primary schools and secondary according to the Constitution. Again Nairobi County is a consumer City, Most people who live in Nairobi County go to work every day and as it was passed by parliament last year that the common wage of a house help is supposed to be Ksh. 8000. I believe most people cannot afford to pay house helps and this is a very tender age when they are supposed to be in primary school.

It's our responsibility as Legislators of this County Assembly to follow the Constitution and implement what it stipulates. These children are really suffering, President Moi used to give them *Maziwa ya Moi* but today they've nothing, that's why Hon Karen said that they were loitering and selling plastic containers to sustain their lives. If the County can come in and join hands with the National Government, while the National Government takes care of primary school and secondary school, what is the County Government doing? We need to ask ourselves questions and do what the Constitution stipulates. With those few remarks I beg to support the Motion, thank you.

**Hon. Speaker:** Hon. Deputy Speaker!

**Hon. Deputy Speaker** (Mr. Kennedy Ngondi): Thank you Hon. Speaker, I am in between and I don't know whether I should support the Motion or not, the reason am saying this is because the Motion before the House, the intention is good but the said Motion does not meet the credentials and the threshold upon which it should find its way into this Assembly. If you allow me to underline, the main request before this Assembly--

**Hon. Speaker:** Hon. Deputy Speaker, there is a point of Order.

**Hon. Member for Nyayo Highrise Ward** (Mr. Maurice Akuk): Thank you Mr. Speaker sir, for allowing me to at least interject on what our colleague, the Deputy Speaker is trying to inform the House. From his statement he does indicate that he does not understand how this Motion arrived here. He claims that it does not meet the credentials and threshold to arrive here.

Mr. Speaker Sir, he sits in the House Business Committee where I do believe that every Motion from each and every Member has to pass through. To stand here and tell us that I do not know whether I am water melon, really, Mr. Speaker give me a chance so that we find out who is the water melon of this House.

Mr. Speaker we do not need circus in this House. It is a House of rules and procedures, it is a respectable House. When you stand here, you either oppose or support, so to stand here and tell us all these things that I do not know whether watermelon is black or red, Mr. Speaker I really do not understand that, so please guide our fellow friend.

**Hon. Speaker:** Very well Hon. Akuk, he is so guided.

**Hon. Deputy Speaker:** Thank you Hon. Member Akuk, it is only unfortunate that you did not give me enough time to express myself but it is always good to interject. But Mr. Speaker I am to underline the last phrase where this Assembly urges the County Government to ensure that there is a free education in all public early childhood centers in the County.

Mr. Speaker, from the request of the Member or the mover of the Motion the indication is that it is of more legislation than a Motion because that is the only way that at least she could provide the guidelines and the keynotes to the Assembly and the Members on the requirements. Allow me now just to support the Motion but with amendments. If it could be reintroduced again with the amendments, it could be of more benefit to this House.

**Hon. Speaker:** Hon. Deputy Speaker, you know you have to draft the amendments before. Order Hon. Members!

*(Loud consultations)*

**Hon. Deputy Speaker:** Okay Mr. Speaker, allow me to oppose the Motion, thank you.

*(Loud consultations)*

**Hon. Speaker:** Hon. my brother from Kibera, yes Hon. Kairu.

**Hon. Member for Woodley Ward** (Mr. Njoroge Kairu): Thank you very much Mr. Speaker sir, allow me to second the Motion. Mr. Speaker it is very unfortunate that, two years down the line Nairobi County has not drafted a policy to enable us to have guidelines to cater for Early Childhood Education.

Mr. Speaker, Early Childhood Development Education (ECDE) is the foundation of all the human beings and that is why we need to take more interest of our children. That is where you find people complaining that children are not going to school and the reason is just because they have not being involved in the education sector early enough. Therefore Mr. Speaker in my view, the Motion is very good. I am supporting the Motion because we need to cater for our children.

We need to define somehow because if we say free education for these pupils, the parents will not even provide for the clothes or the uniforms. So we can say that we need to co-share with the parents so that the County provides the teachers and the leaning materials and the parents provide the uniforms and so forth so that the County will not be overburdened. Because even if you---

**Hon. Speaker:** He is supporting the Motion.

**Hon. Njoroge Kairu:** I am just supporting the Motion. I am just adding Bwana Akuk.

**Hon. Speaker:** Order Hon. Akuk!

**Hon. Njoroge Kairu:** So that Bwana Speaker it will be defined properly that the County provides this and this. In my view the County need to draft a policy to guide us on how to take this challenge because the Early Childhood Education is among the functions the County has been given. Thank you.

**Hon. Speaker:** I now call the mover of the Motion to reply, Hon. Karen Wanjiku.

**Hon. Karen Wanjiku:** Thank you Mr. Speaker. I want to thank all who supported and all those who opposed because every opinion is respected. But Mr. Speaker sir you know some people oppose things because they don't have information. I want to inform Hon. Nyang'wara that primary education is free but---

**Hon. Samuel Nyang'wara :** Point of Order Mr. Speaker!

**Hon. Speaker:** There is a Point of Order, Hon. Karen.

**Hon. Samuel Nyang'wara:** Mr. Speaker the Hon. Karen has actually made a big mistake of trying to inform me without standing on a Point of Information. It is a high time because this is a House of rules and procedures, that the statement she has just said here, she can apologize and withdraw so that they can be expunged from the records of the HANSARD unconditionally.

**Hon. Speaker:** Order Hon. Nyang'wara!

**Hon. Samuel Nyang'wara:** Mr. Speaker---



**Hon. Speaker:** Order! Order!

**Hon. Karen Wanjiku:** Mr. Speaker sir as I continue, I want to give information to all Hon. Members, that Early Childhood Education is paid actually only primary education is free but nursery school and pre-unit are paid and I have the figures here. Class A pays 600, and that money comes back to the County and we don't know what it does with the money, class B pays 1,200 and Class C pays 1,500. Mr. Speaker it is this money that comes to the County that we want to go back to our ECDs.

Mr. Speaker sir, also as we don't have time, I want to appreciate all Members because I know they are ready to support this Motion which is very important especially to those people who come from informal settlements like Kibera, Njiru in case you did not know we have Mwengenyu, we have Shiranga and Laini Saba in Njiru and we also have Saika Estate. We all know and understand because all of us passed through an ECD.

I will challenge anybody who did not go through the ECD to raise up his hand because it is very important Mr. Speaker, this is where we were taught how to use toilets. You can imagine how we behaved, we did not know how to use potties, we did not even know how to remove our mucus. These are children we don't want to give their rights, we need to protect these children and give them what belongs to them, it is their right. Mr. Speaker sir, I thank you. Thank you for supporting this Motion.

**Hon. Speaker:** Very well, I now put the question,  
*(Question is put and agreed to)*

**Hon. Speaker:** Hon. Members I have two very important announcements to make. One, the House Business Committee meets at the rise of the House, secondly I have just been informed, this is for the security of Members; double parking is outlawed within the precincts of the County Assembly. I thank you. The House is adjourned until tomorrow 2.30 pm.

***The House rose at 4.05 pm.***