



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 16th February, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the Chair)

PRAYERS

Hon. Deputy Speaker: Hon. Members, there is lack of Quorum in the House. Under Standing Order No. 32, I direct the Sergeant-At-Arm to ring the bell for 10 minutes.

(Quorum bell rang)

Hon. Deputy Speaker: Order, Hon. Members! The House is in order and we have the Quorum, we may proceed.

COMMUNICATION FROM THE CHAIR

BREAKFAST MEETING AT THE CONTINENTAL HOTEL WITH THE COUNTY EXECUTIVE COMMITTEE

Hon. Deputy Speaker: Hon. Members, there is a communication; this is in regard to the breakfast meeting at the Continental Hotel with the County Executive Committee.

Hon. Members, as you will recall during the launch of Nairobi City County Strategic Plan, 2015-2025 by His Excellency the Governor of Nairobi City County which was held in Naivasha, the Governor committed to invite Members of the County for a breakfast meeting in due course to discuss issues like the impending the implementation of programs beneficial to residents of the County and other matters.

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Consequently, Hon. Members, the Chair is in receipt of the letter dated 15th February, 2016 inviting Members for a breakfast meeting tomorrow, Wednesday 17th February, 2016, at 7:30 a.m. at the Continental Hotel, Nairobi.

Hon. Members, in light of the foregoing, the Chair suspends all the Committee sittings scheduled for tomorrow, Wednesday 17th February, 2016 in order to spare humble time for Members to avail themselves for the very crucial meeting and engagement, thank you.

PAPERS

FISCAL YEAR 2016, FIRST QUARTER COUNTY GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT.

Hon. Deputy Speaker: Hon. Members, under Order no. 5, the Fiscal Year 2016, First Quarter County Government Budget Implementation Review, the Majority Leader will be presenting the Papers before the House.

Hon. Leader of Majority (Mr. Elias Otieno): 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 Assembly, today, Tuesday, 16th February, 2016: Fiscal Year 2016, First Quarter County Government Budget Implementation Review Report. I beg to lay.

Hon. Deputy Speaker: Thank you. The Chairperson for Sectoral Committee on Trade, Tourism and Co-operatives.

REPORT OF THE SECTORAL COMMITTEE ON TRADE, TOURISM AND CO-OPERATIVES ON TRAINING WORKSHOP HELD AT FLAMINGO BEACH RESORT AND SPA, MOMBASA

Hon. Jacqueline Nyangala (Nominated Member): Thank you, Mr. Speaker. Pursuant to Standing Order, 180 (6), I beg to lay the following Paper on the table of Assembly, today, Tuesday, 16th February, 2016: Report of the Sectoral Committee on Trade, Tourism and Co-operatives on training workshop held at Flamingo Beach Resort and Spa, Mombasa from 25th – 29th June, 2015. Thank you.

STATEMENTS

Hon. Deputy Speaker: The Chairperson for Trade, this is in response to the question requested by Hon. Kenneth Irungu

Hon. Jacqueline Nyangala: Thank you, Mr. Speaker. Our Clerk has not given the Statement, so we have not been able to do anything about it, thank you. Could you give us a week?

Hon. Deputy Speaker: Hon. Irungu? He is not in the House. Hon. Moses Ogeto?

STATEMENT REGARDING THE GRABBING OF LAND ALLOTMENT NO. 366 IN EASTLEIGH WARD

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. Under Standing Order 41 (2) (c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the grabbing of land, allotment No. 366, which is a public land, in Eastleigh Ward.

Hon. Speaker, the Allotment No. 366 which is a public land, has been grabbed by a private developer and currently is a private school by the name Kiragu Gichai Primary School has been built on the land.

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

- i. The owner of the land LR No. 366
- ii. How the land was allocated to the private developer
- iii. Table the documents on the transfer on the land from public to private developer
- iv. Measures being taken by the County Government to stop the grabbing of the public land

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you. We need two weeks to respond to the Statement.

Hon. Deputy Speaker: Two weeks? Can you be specific, same day like this, which is on Tuesday?

Hon. Maxwell Ochar: Yes, thank you.

Hon. Deputy Speaker: Thank you. Hon. Nafula.

STATEMENT REGARDING THE NOTICES OF PAYMENT BY THE NATIONAL CONSTRUCTION AUTHORITY FROM THE COUNTY GOVERNMENT ENTITIES ON BUILDINGS, MARKETS AND RESIDENTIAL BUILDINGS.

Hon. Petronilla Achieng (Nominated Member): Thank you. Hon. Speaker, pursuant to Standing Order 41 (2) (c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the notices of payment by the National Construction Authority from the County Government entities on buildings, markets and residential buildings.

Hon. Speaker, the Fourth Schedule of the Constitution gives the mandate to the County Planning and Development, including Housing.

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

- i. Why the National Construction Authority is demanding payment from the residents and the County Government yet residents pay the rates to the County Government and even approval. Thank you.

Hon. Deputy Speaker: Thank you. The Chair for Planning?

Hon. Maxwell Ochar: Mr. Speaker sir, I would request for the same time, the same date, two weeks.

Hon. Deputy Speaker: Noted.

Hon. Maxwell Ochar: Mr. Speaker, we have a response to a Statement from Hon. Moses Ogeto. If you allow me, I will read through it.

Hon. Deputy Speaker: You may proceed.

RESPONSE TO A STATEMENT REGARDING A PRIVATE PIECE OF LAND LR. NO. 1/150 AT KITALE LANE IN KILIMANI WARD.

Hon. Maxwell Ochar: Hon. Speaker Sir, On Tuesday, 16th June, 2015, Hon. Moses Ogeto, MCA, pursuant to Standing Order 41 (2) (c), requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding a private piece of land LR. No. 1/150 at Kitale Lane in Kilimani Ward.

He further asked the Chairperson to inquire into and report on:-

- i. Approval of the development on land LR. No. 1/150; and
- ii. Measures the County Executive is taking to ensure that the roads destroyed by the developer are repaired.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Lands, Planning and Housing on 17th June, 2015 requesting to be furnished with a written response to the statement requested by the Hon. Moses Ogeto.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows;

The development permission was granted on the above plot for the construction of 216 serviced apartments under plan no. CPF-AG 505 on 18/09/2014. The application was an amendment to a previous submitted plan CPF-AB575. The plot size is 2.4 acres or 0.9712 ha.

The approval comprises of 2 blocks with one on the high level and next to the road having 7 levels while the other one sloping to the river having 9 levels.

The permitted ground coverage of 35% was observed while the plot ratio of 150% exceeded by 12% which is acceptable.

The developer has been informed to make sure that the road surface and other utility services damaged due to the heavy trucks moving into and out of the site should be made good during the construction and after completion.

Mr. Speaker sir, the Planning and Housing Committee visited the site in question on 18th June, 2015 and observed that there was ongoing construction on a wide scale on the said plot and sections of the road were dilapidated due to the movement of heavy machinery.

Mr. Speaker sir, the Planning and Housing Committee reviewed the response and the observations made during the said site visit and hereby recommends that the battered road be repaired to enable the traffic in and around the area move with ease.

Mr. Speaker, copies of the response from the County Secretary have been attached herewith for reference.

Mr. Speaker sir, I beg to lay this Response. Thank you.

Hon. Deputy Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you very much Mr. Speaker sir. I have read through the statement and you can read between the lines that the development was permitted and there was also a subsequent amendment to that. Mr. Speaker, this one brings to your attention that the same amendment was subject to something which we don't know.

But the way it has been explained, Mr. Speaker sir, I agree but I would wish such statements, when they have been asked, to be responded to immediately because what is on the ground today is different from what has been responded on. And we are talking about 216 units. Now they are doing different things.

That is why I am saying that when we request for these statements before this floor of the House, it should be responded, the way my able Chairman has said, in two weeks. Within that time we know what is the framework of the same because we are talking about 2015 June. We are almost in June of the following year. I beg your indulgence that the same Planning Committee should explain why the same amendment took place and the same should be tabled before this committee. Thank you Mr. Speaker sir.

Hon. Maxwell Ochar: Mr. Speaker, it is true that it has taken a long time but the Hon. Member cannot cheat the House that February is more or less like June. No please! And again, Mr. Speaker, it is true that it has taken long but now when he wants another statement, please let him come with a statement before the House---

Hon. Deputy Speaker: Hon. Maxwell, how are you going to arrest this situation given that now the position has changed? You as a committee, what plans do you have? Because the report and the response you are giving has been overtaken by events. Now as a Committee of Planning, what measures do you have?

Hon. Maxwell Ochar: What I want the Member to do is to make another statement so that we take all the statements together, so that the Executive who gave us the answer can be pinned down by us.

Hon. Deputy Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you Mr. Speaker sir. I believe that this House is made of rules and procedures. What do I need to repeat Mr. Speaker sir? It is the same thing, same land, it has not changed. Thank you.

Hon. Deputy Speaker: Thank you Hon. Ogeto. I am in agreement. Hon. Maxwell Ochar, please take up this issue with the Committee on Planning, call the CEC or the Chief Officer for Planning and the get the current status and you must make a decision on what to be done. Thank you.

Hon. Maxwell Ochar: I still have another one.

Hon. Deputy Speaker: You may proceed.

Hon. Maxwell Ochar: This is a response from a statement requested by Hon. Nancy Luchiri.

Hon. Deputy Speaker: Hon. Nancy, are you in?

Hon. Maxwell Ochar: She is not in the House.

Hon. Deputy Speaker: As she walks in, we can proceed with another program and give her time to settle down.

Hon. Member for Eastleigh South (Mr. Nelson Masiga): Mr. Speaker sir, this is a response to Hon. Maurice Gari from the Chairperson of the Sectorial Committee on Planning and Housing.

Hon. Deputy Speaker: Is Hon. Gari in the House? Maybe you give him a little time.

Hon. Nelson Masiga: I have two statements from him. So, I will wait for him.

Hon. Deputy Speaker: Hon. Nancy Luchiri, you are in the House. Are you privy to the response?

Hon. Maxwell Ochar: Response to a statement requested by Hon. Nancy Luchiri.

Hon. Speaker sir, on Tuesday, 17th March, 2015, Hon. Nancy Luchiri, MCA, pursuant to Standing Order 41 (2) (c) requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the grabbing of land LR. No. 487 which is a pathway along Kangemi Road.

She further asked the Chairperson to inquire into and report on:-

- I. Owner of the containers on the pathway;
- II. On whose authority were the containers stationed on the said land; and
- III. Measures being taken by the County Government to stop grabbing of Public Land.

Mr. Speaker sir, after the Committee wrote to the County Executive, the answer is as follows;

- a. On the grabbing of land LR. 487 which is a pathway along Kangemi road.

Mr. Speaker sir, the County Secretary responded vide letter reference LS/08/308/RM/MK dated 24th August, 2015.

A summary of the response is as follows;

The County Executive responded by informing the Committee that they have looked at the available survey plan for Kangemi township sheet No. DT/4 and have not found LR. No. 487 thereon. They have also sought to find if there is an amended copy of the survey plan from Survey of Kenya and they seem not to be having it.

Under the circumstances, therefore, they have been unable to address the question of the;-

- i. Ownership of containers on the pathway;
- ii. Authority for stationing of the containers thereon;
- iii. Measures being undertaken to stop grabbing of the pathway.

Mr. Speaker sir, the Planning and Housing Committee has reviewed the response and awaits to be furnished, if any will be found, with a copy of the amended survey plan from Survey of Kenya.

The Committee has written to the Sector requesting for a progress report on a copy of the amended site plan.

Mr. Speaker, I wish to table the response from the County Secretary attached herewith in the House. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Nancy.

Hon. Nancy Luchiri: Thank you Mr. Speaker. The response took too long though I am satisfied.

Hon. Deputy Speaker: Thank you. Hon. Gari is in the House? Okay. Hon. Members, I am made to understand that these statements were requested long way back in 2014 and they have been pending. The Hon. Member maybe missing in the House by design. I don't know but this is the business of the Assembly. Chairman you may proceed. You may have to relay the same information to the Member who requested for the Statement.

Hon. Nelson Masiga: Thank you Mr. Speaker sir.

Hon. Speaker sir, on Wednesday, 25th February, 2015, Hon. Maurice Gari, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Planning and Housing Committee for a statement regarding the construction of a perimeter wall around Madaraka Primary School.

He further asked the Chairperson to inquire into and report on:-

- i. State of approvals for construction of the perimeter wall: and
- ii. Acreage of the entire school compound.

Mr. Speaker sir, the Committee wrote to the County Secretary on 27th February, 2015 requesting to be furnished with a written response to the statement requested by Hon. Maurice Gari.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows;
That,

REPORT ON THE CONSTRUCTION OF A PERIMETER WALL AROUND MADARAKA PRIMARY SCHOOL

Mr. Speaker sir, the County Secretary responded vide letter reference SGD/LS/0014364/PW/ZNR dated 4th March, 2015.

A summary of the response is as follows;

1. State of approvals for construction of the perimeter wall:

The project was approved vide letter Ref: UP&H/BD/002282 dated 17th November, 2014 by Chief Officer – Urban & Housing for County Secretary

The project is funded by CDF

2. Acreage of the entire school compound:

The size of the school land is 3.84 ha (approx.) as per the survey plan F/R 196/117.

Mr. Speaker sir, the Planning and Housing Committee visited the site on 2nd March, 2015 and established that indeed there was ongoing construction of the said wall and resolved that the County Executive furnishes the Committee with a comprehensive report on the ongoing wall construction.

Mr. Speaker sir, the Planning and Housing Committee reviewed the response and the observations made during the said site visit and established that there was the response provided by the County Executive was satisfactory.

Mr. Speaker, copies of the response from the County Secretary have been attached herewith for ease of reference.

Mr. Speaker Sir, I beg to lay this Response. Thank you.

Hon. Deputy Speaker: You may proceed with the other response.

Hon. Nelson Masiga: Mr. Speaker sir, on Wednesday 25th February, 2015, Hon. Maurice Gari, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of the Planning and Housing Committee for a statement regarding the concerns of public safety at the T-Mall building on Langata Road. He further asked the Chairperson to enquire into and report on;

1. Establish whether the building has glaring cracks on its wall
2. Measures being taken by the mall to forestall harm to the public from the crack building
3. Capacity of the building and whether it is currently overstretched.

Mr. Speaker sir, the Committee wrote to the County Secretary on 27th February, 2015 requesting to be furnished with a written response to the Statement requested by Hon. Morris Gari. The County secretary responded by a letter ref UBH/BSTE/0039 dated 5th march 2015. In this regard I wish to report to the Assembly as follows:

a. Report on safety of T Mall Building along Langata Road.

Mr. Speaker sir, the Committee was informed that there exists, a commercial building of two basements and four floors. The building is occupied by a number of tenants and there are visible cracks in both internal and external. An enforcement notice serial number 915 was issued to the developer to provide

a report of workmanship of both the architectural and structural engineering to determine the structural integrity of the building.

The Committee visited the building in question on 10th march 2015 and established that indeed the said building had visible cracks on its walls and resolved that the County Executive needs to furnish the Committee with a comprehensive report on measures being put in place to guarantee public safety to occupants and visitors to the building.

Mr. Speaker sir, the Committee has already informed the County Executive to move with speed and address the safety issues surrounding the building and avert possible future catastrophe as it awaits comprehensive report on the matter.

Mr. Speaker sir, copies of response from the County Executive have been attached herewith for easy reference. I beg to lay this response.

Hon. Deputy Speaker: Thank you. Question asked by Hon. Abdi Hassan, you may proceed. Is *Mheshimiwa* in the house? Abdi? Members what do you think? He may proceed? Thank you.

Hon. Nelson Masiga: Hon. Speaker, on Wednesday 16th July 2014 Hon. Abdi Hassan, Leader of the Minority pursuant to Standing Order 41(2) (c) requested the Chairperson of Sectoral Committee on Planning and Housing for a Statement regarding illegal structures that are currently being built by private developers along Kangundo road.

He further asked the Chairperson to inquire into and report on:

1. Whether the on-going constructions are illegal
2. Officers in Planning and Housing Department involved in the allocation of allotment letters
3. Whether the structures have valid and approved building plans
4. Planning officers involved in the approving of construction plans
5. Plans of the County government as to avert impending disasters that may occur from the structure being build high voltage lines

Mr. Speaker sir the Committee wrote to the County Executive Committee member responsible for Lands, Planning and Housing on 24th July 2014 requesting to be furnished with the response to the Statement requested by Hon. Abdi Hassan.

In regard Mr. Speaker sir, I wish to report to the Assembly as follows:

- a. On illegal structures that are currently being built by private developers along Kangundo road

Mr. Speaker sir the County secretary responded by a letter reference CS/LWN/624/BNN/2014 dated 1st August 2015.

A summary of the response is as follows:

The County Executive stated that as far as they are concerned the structures are not approved and stretch of land is a high voltage way leave, further they reported that due to number of structure involved and magnitude of work done to remove the illegal structures, the matter was forwarded to the government agencies related to public safety, security and functioning of the power lines.

The combined operation of removal of structures is underway since the government has given green light for the operation.

The Committee visited the site in question on 27th July 2014 and established that indeed there are both permanent and temporary structures precariously erected beneath the power lines hence posing grave danger to the occupants and visitors to the structures.

The Committee after considering the response and observation hereby wishes to report to the House that the structures that were lying on the stretch of Kagundo road have been since been pulled down.

Copies of the response from the County secretary have been attached herewith for reference. I beg to lay this response, thank you.

Hon. Deputy Speaker: Thank you. What is it Hon. Irungu?

Hon. Member for Pumwani Ward (Mr. Kenneth Irungu): Mr. Speaker, first of all I would like this to go into the record that this is the second time that am asking this question on the same matter. So, Hon. Speaker, as regards to Standing Order 41(2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Trade, Tourism and Cooperatives and Budget and Appropriation regarding the repair of Kwale Road market, block A in Pumwani Ward.

Hon. Speaker, the County Government promised traders that the market to be reconstructed and the same was factored in the budget in financial year, 2015/2016 but nothing has been done to date. In the Statement the Chairpersons should inquire into and report on:

1. Why there has been delay in the repair of the market
2. When the construction is likely to start
3. Measures being taken by the County Government to ensure project factored in the current financial year are being implemented. Thank you.

Hon. Deputy Speaker: Chairperson? Who is the Chairperson? The vice Chair of that Committee? Maybe the vice Chair of Liaison may take undertaking.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Mr. Speaker sir, two weeks

Hon. Deputy Speaker: And Hon Chairman, make sure you relay the same message in its original contents.

Hon. Boniface Kitavi: Mr. Speaker sir, we shall put effort.

Hon. Deputy Speaker: Thank you very much.

Hon. Kenneth Irungu: Mr. Speaker, two weeks is a long time.

Hon. Deputy Speaker: Hon Member, you will bear with us because we don't have the Chairperson and vice Chairperson of that Sectoral Committee and actually the member who is taking up the responsibility is the vice Chair of Liaison so it may take him a little while before he communicates the same. Thank you. Order, Hon. Member! You may proceed.

Hon. Member for Kasarani Ward (Mr. Martin Waweru): Thank you. Mr. Speaker, I am very disturbed by the response which was read by Hon. Masiga because the Statement was of July, 2014 and this is the time we are receiving the response meaning that the Committee is not working because if I asked a question today I will be answered December 2017 of which election will be over. I don't know whether we will be in this House, so that response is of no use in this House. Mr. Speaker I would like the Committees to work so that the responses are available in time because am sure they said they will give us response in two weeks' time now it is exactly 20 months. Let us be serious.

Hon. Deputy Speaker: Thank you, Hon. Member, that challenge goes directly to the Liaison Committee which is in charge of Committee function, maybe the vice Chairperson you take up the matter and at least respond in later date, thank you we proceed Clerk.

MOTION

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Hon. Speaker sir, I would like to move the following Motion, That aware that Nairobi city is getting overpopulated and there is need to have an efficient transport system; deeply concerned that Nairobi city street have no special lanes for the motorcycles and many accidents occur on daily basis; further aware that some of these motorcycles are known to use pavements therefore causing unnecessary traffic jam and to avoid future disasters, since our hospitals are recording high number of motorcycle victims there is need to urgently deal with the situation. This Assembly resolves that the County Government bans motorcycles and *tuktuks* from entering the City Center.

Hon. Speaker sir, you must agree with me that indeed lately the motorcycles known as *bodabodas* are not even obeying the traffic lights. You have seen them use the wrong lanes, you have seen them exit through the wrong site and in order to restore Nairobi city to its former glory, the city we used to know as city in the sun, Mr. Speaker I would like members to debate and come to a conclusion that it is time we do ban this motorcycles from the CBD. I am aware that sometimes late last year the Governor of this city His Excellency Hon. Dr. Evans Kidero did give an order that the motorcycles be removed from the CBD. It was

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a bit impossible to achieve that but I do believe that with a Motion, something set to govern the rules of the City, this will be possible. I will call upon Hon. George Ochola from Hospital ward to second the Motion.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you Mr. Speaker sir, I stand to second the Motion. Indeed in Nairobi we have different roads heading in different directions and if I was a Traffic Marshal from the Nairobi City County, I would have taken photos of how the motorists do behave on our roads and how they cause major accidents on our roads. Therefore if what the Hon. Member is asking could be taken into consideration, then sanity will be realized. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. George Ochola.

(Question is proposed)

Hon. Member for Dandora II Ward (Mr. Stephen Kambi): Thank you very much, Mr. Speaker sir. Good afternoon to all Hon. Members. I would like to defy in the strongest terms possible, Mr. Speaker sir.

(Applause)

We know that the youth employment has been and should be ranked as a national disaster because currently even in the County of Nairobi, there is nothing tangible that we have done to create employment for the youth, Mr. Speaker sir.

(Applause)

And the only means that they come up with, knowing that these *bodabodas* have been acquired through loans and very skeptical means in order for them to provide for their families. Mr. Speaker sir we cannot just sit here comfortably and make thousands of youth jobless because we want to restore sanity in the city. If we need to restore sanity in this City there are many avenues to start with not the *bodabodas*. Sanity first should be restored in this House, in the Executive before even we move out to the common *mwananchi*, Mr. Speaker sir. We cannot restore sanity whereas when you go around this town nowadays the CBD, tents are everywhere, we are modernizing hawking, and there is too much insanity in this city, Mr. Speaker sir.

So, I would urge this House bearing in mind that a good number, a good percentage of the Hon. Members who were elected in this Hon. House are youths or are still youths at heart. And the young men that we are discussing today in this House today are the same young people who voted for us so that we can articulate for their issues and ensure that they are able to deliver to their families. So I want refuse and oppose the Motion in the strongest terms Mr. Speaker sir, because if we make these youths jobless today, tomorrow the same youths will cause a bigger threat to the City residents than the menace we are talking about here. They might engage themselves in criminal activities and hence creating a threat to the City

residents. So I urge this Hon. House to be humane enough and consider that these young men have families to feed and they also need to provide for their needs. Thank you Mr. Speaker sir. I oppose.

Hon. Deputy Speaker: Thank you. Hon. Karen, I can see you are proceeding to the mic.

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker sir. I am here to speak about the law. I remember very well, the same Motion was brought to this House and I am not even sure whether six months have elapsed. Yes that is the law.

Hon. Deputy Speaker: Order, Hon. Member! Are you opposing or supporting the Motion?

Hon. Karen Wanjiku: I am opposing obviously. How can I support something that is killing our youth?

Hon. Deputy Speaker: It should go in the Hansard that you are opposing the Motion.

Hon. Karen Wanjiku: Mr. Speaker, you know you are pre-empting. I am going on with my---I have 10 minutes, Mr. Speaker sir.

Hon. Deputy Speaker: You may proceed.

Hon. Karen Wanjiku: Mr. Speaker sir, I want to read the objectives of Devolution. What do the objectives of devolution say, Mr. Speaker sir? In Chapter 11, Article 174, I am going to read (f) because of time; *“that the objects of devolution of government are to promote social and economic developments and the provision of proximate easily accessible throughout Kenya.”* I am just going to read that. Mr. Speaker sir, what is devolution supposed to do? It is supposed to bring services closer to the people. As a County government we are required to provide the facilities.

Mr. Speaker sir, the writer of this Motion has said very well, deeply concerned that Nairobi County streets have no special lanes for motor cycles. Who is supposed to provide for these special lanes? It is the County government and it has failed to provide for these young self-employed youths Mr. Speaker sir. We cannot be able to employ these youths and now because they have gone and taken Uwezo Fund, they have taken the Youth Enterprise Fund so that they can be able to acquire the motorcycles and now what are you doing? You are killing self-employment.

We cannot sit down comfortably and accept this as Hon. Members elected by the people to represent them. Is this really representation, Mr. Speaker sir when a man is supposed to provide and even women are riding those motorcycles for their families. Imagine now we are saying that we don't want these people to provide food for their families. Are we going to provide for them?

Mr. Speaker, Article 55 of the Constitution, I still have my minutes I know I have like 6 minutes, Mr. Speaker sir.

Hon. Deputy Speaker: Proceed.

Hon. Karen Wanjiku: Article 55 of the Constitution is very clear and these are the Bills of Rights. These are the freedoms that the citizens Kenya have and remember the Constitution of Kenya is very clear, that all sovereign power belongs to the people of Kenya not to us as representatives. Article 55 Mr. Speaker sir says; it talks about the youth and I am saying about the youths because most of the bodaboda people are youth who were jobless and they created jobs for themselves. Article 55 says that; "The state shall take measures including affirmative action programmes to ensure that the youth;

- a) Have access to relevant education and training
- b) Have opportunities to associate, be represented and participate in political, social, economic and other spheres of life".

We are talking about economic, we cannot kill the economics of our youth, what we should do as I conclude is as the Hon. Members of this House, we should come up with guidelines, come out with termini for these motorcycles so that the County government can have tax, we need tax to buy drugs, to build roads and lighten our streets. Mr. Speaker sir, I beg to oppose and this Motion is not going to see the light of the day.

Hon. Deputy Speaker: Hon. Elizabeth Manyala.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker sir, I have read the Motion and I wish to support it. Why am I saying this? I think my able counterpart has not read and conceptualized, we are not banning *bodabodas*. The writer of the Motion does not propose that we are banning the motorcycles and the *tuktuks*, but we want to create order and I think that is why we came to this Assembly in order to streamline and make things to work. Nairobi ---

Hon. Deputy Speaker: Order, Mheshimiwa Kambi!

Hon. Elizabeth Manyala: Nairobi City, and if you go to the Urban City Act, you will see that Nairobi City is the hub of East and Central Africa and we need order. What we want is the mechanisms to put that in place, within the CBD, we should not allow them but they can work within the environs or the outskirts of the CBD because even if you go to other places, and we have been doing a lot of benchmarking, going even to London and these places have been zoned to zone 1, 2, 3, up to zone 4 and you will attest that when you go to zone 1, you will not even be allowed in London City if you have your own personal vehicle and you are driving alone, to enter the CBD without being taxed if you are carrying at least four people inside. But leave alone the motor cycles, they are not even allowed. But that does not necessarily mean

that they have banned the usage of *bodabodas* as they are called or motorcycles, they can still be used within our Wards or up to Muthurwa Terminus where they can now at least create order.

We need to come up Members--- Look at the broader picture so that you have something to write home about. The clock is ticking and you will be judged harshly with the laws that we are making here. Without much ado I wish to support the Motion.

Hon. Rachael Kamweru (Nominated Member): Mr. Speaker, I oppose this Motion. One, the residents of Nairobi have not complained about *tuktuks* and cars and Mr. Speaker, the rich want their comfort to drive in the City comfortably. Most of these Members have travelled either in London or United Kingdom or United States of America or wherever. Mr. Speaker, they have got shoulder lanes, whereby in case of emergency even in Berlin where *tuktuks* and *bodabodas* pass. But Mr. Speaker, we are still waiting for the master plan for these expansions of roads. But for now we cannot tell our people that *tuktuks* should be banned and yet it is very clear that to ban, is not that we have not read. One Member stood here just now and said, we have not read properly. Mr. Speaker it is very clear that 'ban motorcycles'. So we have read properly.

It is unfortunate that at this particular time and age that they cannot enter into the city. Mr. Speaker I oppose. If you look at the City Inspectorate, currently they have a policy of a 'ring', they don't enter up to City Hall but there is a 'ring' where they can reach, up to Harambee Avenue and back. Mr. Speaker if we don't look at the benefits *ya mwananchi wa kawaida*, why are we here and these people voted for us. I strongly oppose this Motion.

Hon. Deputy Speaker: Hon. Gari.

Hon. Member for Nairobi West (Mr. Maurice Gari): Thank you Mr. Speaker sir, I rise to support this Motion mainly on one reason. We don't want to turn Nairobi to be like City of Kampala whereby you cannot walk and the motorcycles are everywhere.

Mr. Speaker, I think most of the Members here have travelled to Kampala and they have seen the mess which the motorcycles have done to Kampala. If we allow these motorcycles in town,

(Loud Consultation)

Hon. Deputy Speaker: Order please!

Hon. Maurice Gari: Mr. Speaker, please protect me from this Dandora thug Mr. Speaker.

Hon. Deputy Speaker: Declined please, you are the mover of the Motion please. Order Member!

Hon. Maurice Gari: Mr. Speaker, we are not going to withdraw this Motion, it must see the light of the day we should not allow these motorcycles because they have come up with the trend of coming to

steal from people, hijacking and then they escape with the motorcycles. Therefore, this trend we cannot allow it in the City. We therefore oppose this

(Loud Consultation)

Hon. Deputy Speaker: Order! Give the Hon. Member time to contribute I will give you time. You may proceed Hon. Member.

Hon. Maurice Gari: Okay, so if you have one motorcycle which is operating in town, tell Mr. Kambi to withdraw his motorcycles from the town.

Hon. Deputy Speaker: Thank you Hon. Gari. Hon. Adow!

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Speaker, and allow me to oppose this Motion and I will give you some good reason. The mover said that they don't obey traffic rules; I will give you a list of people who don't obey traffic rules in this City Mr. Speaker.

(Loud Consultation)

Hon. Deputy Speaker: Order Members! Give the Hon. Member time to contribute.

Hon. Osman Adow: One, Members of Parliament, Members of Assemblies, Police Officers and anybody in senior position they don't obey traffic rules in this City.

(Applause)

Second, taxis don't obey traffic rules Mr. Speaker so as the *matatus*. The GK vehicles drivers also don't obey traffic rules in this City and it is also infringing on their free level of rights.

This youths as mentioned earlier, have taken loans and they need to pay off those loans and feed their families. Most of the times when I am in a hurry I cannot drive to Eastleigh and back because it can take me three hours. It is easier to use a motorcycle and get there in 15 minutes and come back in 15 minutes Mr. Speaker. They usually do a good service to wanaichi.....

Hon. Hon. Member for Dandora Area II (Mr. Stephen Kambi): Point of Order!

Hon. Deputy Speaker: Accepted!

Hon. Stephen Kambi: Mr. Speaker sir, it is a cantankerous, unprofessional and out of order, for Hon. Members to be using their Mobile gargets while the session is still on.

Mr. Speaker sir, can you marshal these Members to put of their phones in silent mode and kindly they should respect your Chair. I feel very painful when I see people not respecting your authority. We know you are a man of dignity, a man of the people and we are going to ensure things go well. Thank you Mr. Speaker sir.

(Loud Consultations)

Hon. Deputy Speaker: Order! Serjeant-At-Arms, please don't allow any Member to use their mobile phone in the House. Order *Mheshimiwa* Kambi, please sit down!

Hon. Osman Adow: If the reason is that if they don't obey traffic rules and also I have listed around six other people who don't obey. In that case we should not be banning them as well from entering the CBD. With that I really oppose this Motion thank you.

(Loud Consultation)

Hon. Deputy Speaker: Hon. Alexina Mudi. Order Hon. Kambi! I will send you out. Hon. Kambi, please!

Hon. Alexina Mudi (Nominated Member): Thank you Mr. Speaker sir and Hon. Members in the House today. When we look at this Motion it is talking about disaster and when we consider the word disaster, we are talking about the good health of our own children who are breaking their backs and they are in Kenyatta hospital and also in other various hospitals and also there are others who meet their death from these motorcycles.

Mr. Speaker sir, it is quite unfortunate that the riders of the motorcycles are people who do not want to listen to themselves, so that they can take good care of themselves and their own lives. This is because it has been noted time and again that these same motorcycle riders are the same people many times that are compromised at the end of the day, to be used and run around the vehicles and even cause insecurity.

Mr. Speaker sir, we have got motorbikes around Nairobi and also in the estates helping people to ride from right, left and center and no one is complaining about that. Why should we wake up and we come here to tell the people that even the GK are evading taxes. Let a Hon. Member just wake one morning and come up with a Motion that will be passed in this House, to make sure that the Government vehicles are being taxed. No one has stopped that one. But we are talking about the health of our own children and I am speaking as a mother. We see them in Kenyatta and their legs and backs are broken they can't even give birth because without a backbone things are bad.

(Loud Consultations)

Mr. Speaker sir, even if this Motion will not see the day, the truth of the matter is--- protect me Mr. Speaker.

Hon. Deputy Speaker: You are protected Hon. Alexina and you may proceed. Hon. Members, give the Hon. Member time to talk.

Hon. Alexina Mudi: Thank you, Mr. Speaker. Let there be modes on how the motorcycles will be riding in the City center and what can be done may be to suspend them for a certain period, while they

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come up with modes and ways on how they can operate in the City. I therefore stand here to support this Motion.

Hon. Deputy Speaker: Hon. Minority Deputy Whip.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): The Deputy Leader Mr. Speaker. I rise here to oppose a Motion that wants to segregate a certain group of people not to do business. We are not here to quarantine a group of people so that they can't do business in this Country. This Country is ours and these are our people.

Mr. Speaker, the Hon. Lecturer cannot lecture us, we know what we are saying. Once a Motion is written in very plain English, that we are banning motorcycles and *tuktuk* that is indeed what it means. So you cannot arm twist us Mr. Speaker.

What we are saying is that I know already they have started to implement even without us passing this particular Motion in this House. I have seen motorcycle riders being harassed by the City County *Askaris* and there is no way we can allow the Executive to give them more power so that they can start harassing our people in the name that the County Assembly as passed.

I want people to know that there are people who want to drive a certain people out of this City. We are not going to allow our people to be driven out of this City Mr. Speaker. The other day we had hawkers, the other day we were talking about *tuktuk* riders.

Mr. Speaker, I think the mover of the Motion should stand here and respond so that at least we can move with speed and we go to the next order thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. Thuo.

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Thank you Mr. Speaker, I think I am the only Thuo here. Please learn your name Hon. Member. It is a wonder that people don't know their names what they should know.

Hon. Deputy Speaker: Please can you proceed?

Hon. Charles Thuo: I intend, to proceed, Mr. Speaker this Motion is done with an ill motive. There is a notion that people who are concerned with small businesses in Nairobi come from a certain part of this Country. People who are destined to push that particular people from the CBD are always bringing Motions now and then to drive those particular people from business.

Mr. Speaker I am wondering that we are talking about order in the CBD Mr. Speaker sir why---

(Loud Consultation)

Hon. Deputy Speaker: Order Hon. Members!

Hon. Charles Thuo: I would wish some people would listen to themselves when they make noise you sound bad. Thank you Mr. Speaker sir, so as I was saying the chaos that has been caused in this town has been caused by one, the tents that are being erected.

Hon. Deputy Speaker: Order *Mheshmiwa!*

Hon. Charles Thuo: The second type of chaos being done in the CBD is the amount of *matatus* that are being issued with permits to carry passengers in the middle of the road but because people are earning from them they are not talking. This Motion is not a nice Motion. It is bad. It is meant to drive people out of business and it should be thrown out. Actually it should not have come to the table. Thank you Mr. Speaker sir and I oppose the Motion.

Hon. Deputy Speaker: Hon. Oduru.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. I stand to support the Motion. Why am I supporting the Motion? We have to understand the word disaster. The words clearly states what entails CBD, City centre. What do I mean? I mean that when Nairobi was planned as the CBD---

(Hon. Stephen Kambi shouts in the background)

Hon. Deputy Speaker: Order Kambi please!

Hon. Kennedy Oduru: When it was planned, by then we didn't have the *bodabodas*. Why am I saying so? The *bodaboda* business was introduced just a few years ago. Then, the City centre was not designed for them. This is why they are using what we term as pavements. This is what is causing trouble because they don't have the specific lanes for their use.

(Hon. Martin Mugo takes a picture of Hon. Oduru as he is talking using his phone)

Hon. Kennedy Oduru: It is wrong for a Hon. Member to produce a snap while I am---

(Loud consultations)

Hon. Deputy Speaker: Please can you proceed Hon. Member.

Hon. Kennedy Oduru: It is like this, when it was designed there was no provision for motorcycle lanes to be used within the CBD. For example, the Motion does not say that *bodabodas* should be banned on the outskirts of the CBD. If you go to Jogoo or Ngong Road there is a provision even on Thika Road for these motorcycle lanes. Let us be realistic what we should debate upon is how we can turn the CBD so that we can have the motorcycle lanes. At the same time if we are going to do that these are also the very people, who are going to contradict if you are going to do the provision of doing away with their skyscrapers.

(Loud consultations)

Hon. Deputy Speaker: Order! Serjeant-At-Arms can you get these papers out of the gallery please? Order Members! Why are you up on your feet?

(Loud consultations)

Hon. Deputy Speaker: Please, please order! Order members! Can you sit down please?

(Loud consultations)

Hon. Maurice Gari: Mr. Speaker adjourn the---

(Loud consultations)

Hon. Deputy Speaker: Order please! Can you take your seats?

(Loud consultations)

Hon. Deputy Speaker: Order Members! Can you first sit down? Serjeant-At-Arms can you get every Member to sit down? Order Members! Can you sit down first?

(Loud consultations)

Hon. Deputy Speaker: Order members! Can you sit down? Can you behave like Hon. Members?

(Loud consultations)

Hon. Deputy Speaker: Can you sit down? Then we question that. Serjeant-At-Arms please can you get everyone seated?

(Loud consultations)

Hon. Deputy Speaker: Can you sit down?

(Loud consultations)

Hon. Deputy Speaker: Order Members! Order members! The Hon. Member who took a photo of the Member who was contributing please can you move forward? Hon. please can you proceed?

(Hon. Mr. Martin Mugo gestures to the Deputy Speaker)

Hon. Deputy Speaker: Yes, taking photos.

(Hon. Martin Mugo shouts in the background)

Hon. Deputy Speaker: Thank you.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, let's sit down! Hon. Members we are in the Assembly. Hon. Member I'll throw you out please.

(Loud consultations)

Hon. Ngaruiya Chege: Call the mover of the Motion to respond.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members I call the mover of the Motion to respond.

(Applause)

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Margaret Sewe. You had all the time to contribute to the Motion. Please get seated, we are in the Assembly. This is a very serious business. You may proceed to respond.

Hon. Maurice Akuk: Mr. Speaker sir, indeed it is a sad day for Nairobians. I must say that the meeting yesterday in a hotel somewhere along Thika Road---

(Loud consultations)

Hon. Maurice Akuk: This meeting in a hotel along Thika Road Mr. Speaker that had some proposals of Governors of this City in 2017 is bringing anarchy into this House. I am aware that you are also perplexed by the numbers of the Jubilee side today. We are aware---

Hon. Deputy Speaker: Order Hon. Akuk!

Hon. Maurice Akuk: Mr. Speaker I was just *(Inaudible)* and you have not taken any action Mr. Speaker sir.

Hon. Deputy Speaker: Please can you sit down?

Hon. Maurice Akuk: Mr. Speaker---

Hon. Deputy Speaker: Order Hon. Akuk please! Can you sit down?

(Loud consultations)

Hon. Deputy Speaker: Hon. Members you are very much aware of the role of the Speaker in the Assembly. Mine is to moderate the debate and to appoint people who contribute to the Motion. Don't bring me into your issues as Members. Please you may proceed.

Hon. Maurice Akuk: Mr. Speaker sir, I was just about to let you know that Maina Kamanda has no business in this Assembly.

(Loud consultations)

Hon. Maurice Akuk: This is Nairobi City County Assembly and if Maina Kamanda will take these Members to a hotel on Thika Road---

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Akuk!

(Loud consultations)

Hon. Maurice Akuk: Mr. Speaker it is my time--- protect me from these Members Mr. Speaker.

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Akuk!

(Loud consultations)

Hon. Deputy Speaker: Hon. Members I now put the question--- Order Members! I now put the question--- order Hon. Member! Please Serjeant-At-Arms can you send Hon. Akuk out?

(Loud consultations)

Hon. Deputy Speaker: Send Hon. Akuk out!

(Loud consultations)

(Hon. Members from the CORD side walk out with Hon. Maurice Akuk)

Hon. Deputy Speaker: Order Hon. Members!

(Loud consultations)

Hon. Deputy Speaker: Order Members! Serjeant-At-Arms get the House into order!

(Loud consultations)

(Question put and negatived)

Hon. Deputy Speaker: Hon. Members under Motion number 9 the House Business Committee was not keen while allocating the business of the week. This is in line with Standing Order number 184 (4) that requires the PAC as the Select Committee to be reconstituted at the lapse of 3 years. For that reason

Hon. Members I direct that Motion number 9 to be expunged from the order paper until the Public Accounts is reconstituted.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members the House adjourns to 2:30 tomorrow.

(The House rose at 4:00 p.m.)