



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Wednesday 2<sup>nd</sup> March, 2016

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker (Mr. Samuel Nyang'wara) in the Chair)*

### PRAYER

**Hon. Temporary Deputy Speaker:** Hon. Members, I want to read to you the Standing Order 31 “*Quorum at commencement of the County Assembly, a quorum of the County Assembly or of a Committee of the whole County Assembly shall be a third of its members*” As we are now at the Moment, we are 26 Members only, that means we don't have a quorum to proceed with the business of the day.

Therefore, I direct the Serjeant-At-Arm to ring the bell for the next 10 minutes.

*(Quorum Bell rung for 10 minutes)*

Hon. Members, we now have a quorum, can I call this Assembly into Order. Order Hon. Members!  
Clerk!

### STATEMENTS

**Hon. Temporary Deputy Speaker:** Hon. Mike Obonyo. This is the second day that he has been slotted to request for this particular Statement. Does anyone knows his where about? Thank you, very much this particular question has been dropped until such a time that he can actually reframe it afresh, so that it can be considered in the business of the day, Clerk take note of that.

**Hon. Temporary Deputy Speaker:** Hon. Members, the following responses to Statements will be given; Statement requested by Hon. Kamau Thuo, from the Chairperson of Sectoral Committee on Planning and Housing regarding the change of user of land LR. No.7785/341, 343, 345, 347, 352, 354 and 355 on the Northern Bypass/Runda Close in Runda. Yes, Hon. Chair! Is Hon. Kamau Thuo in? Chief Whip, do you know the where about of Hon. Kamau Thuo? For the benefit of Members can this particular question be answered?

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Can I answer the question?

**Hon. Member for California Ward (Mr. Hashim Kamau):** We have agreed with the Chairperson, the response to come tomorrow in the afternoon.

**Hon. Mr. Maxwell Ochar:** We have not agreed, Mr. Speaker, because we started looking for the Member from yesterday. He was picking his mobile but today he is not picking his mobile.

**Hon. Temporary Deputy Speaker:** Hon. Chief Whip, you are misleading this House by saying that you have agreed with the Chair.

**Hon. Hashim Kamau:** I thought we have agreed!

**Hon. Temporary Deputy Speaker:** Order! Hon. Chief Whip, you cannot mislead the House that you have agreed with the Chair and I understand from the Clerk's office that this question was asked way back in April last year. This particular Member was requested yesterday and he is aware that this particular Statement was to come into the floor of this House. So for the benefit of Members, I will allow the Chair to continue with the Statement.

#### **CHANGE OF USER OF LAND LR. NO.7785/341, 343, 345, 347, 352, 354 AND 355 ON THE NORTHERN BYPASS/RUNDA CLOSE IN RUNDA**

**Hon. Mr. Maxwell Ochar:** Thank you, Mr. Speaker for your ruling. On Thursday, 2<sup>nd</sup> April, 2015, Hon. Kamau Thuo, MCA, pursuant to Standing Order 41 (2) (c) requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the change of user of the land LR. No. 7785/341,343,345,347,352,354,355 on the Northern Bypass/Runda Close in Runda.

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

- i. Criteria used to change the intended purpose of the land without regard to the zoning of the area.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Lands, Planning and Housing on 8<sup>th</sup> April, 2015 requesting to be furnished with a written response to the Statement requested by the Hon. Kamau Thuo. The County Secretary responded vide letter reference UP&H/M/000148/DM/rwm dated 21<sup>st</sup> April, 2015.

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

**That on the change of user of the land, LR. NO. 7785/341, 343, 345, 347, 352, 354, 355 on the Northern Bypass/Runda Close In Runda.**

Mr. Speaker sir, the Committee was informed that the properties are located within Runda Residential Estate and about 8km from the Nairobi City Centre. The plots were originally owned by Mae properties limited and developed by Pan African Insurance Holdings Limited. Currently the plots are owned by several entities including the Grove Limited that own plot L.R. No. 12818, which is commercial.

Mr. Speaker, in March, 2009, sub plot LR No. 7785/341-343,345-352 was amalgamated and the use changed from residential to integrated development of a Community Centre (Nursery School, Primary School, Secondary School, Offices, Health Centre and Recreational Facility).

In November, 2011 a proposed development application for change of use of plot L.RNO. 7785/341-343, 345-347 and 354-358 from Community Centre to Commercial was submitted. However, it was kept in abeyance awaiting the finalization of the policy review in the Runda area that was under discussion by that time.

On 19<sup>th</sup> December, 2013 the three sub plots L.R No. 12818, 7785/345 and 352 were amalgamated and the use registered as commercial, offices and residential. The justification for this according to the Executive was because it would enhance the functionality of the commercial development and was in line with the request by the residents during the consultation meeting for the preparation of the policy that the County should designate functional commercial nodes to serve the area and its precincts.

Mr. Speaker, it is noted that sub plot L.R. No. 7785/346, 347 and 354 is where the Potter's House School lies while sub plot LR. No. 7785/355 remains residential. The County Executive further attached copies of the location plan and approval for reference.

Copies of the response from the County Secretary have been attached herewith for reference. Thank you Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Jacky Nyangala!

**Hon. Jacqueline Nyangala** (Nominated Member): Thank you, Mr. Speaker, last week I .....

**Hon. Temporary Deputy Speaker:** Order! Hon. Jacky Nyangala! We are on the Statement from the Hon. Chair for Planning.

**Hon. Jacqueline Nyangala:** Okay, Sorry.

**Hon. Temporary Deputy Speaker:** Hon. Chair for Lands and Housing, there is a very clear indication that your answer is satisfactory and there is no Member who is ready to interrogate further. Thank you very much for the answer. Yes, Hon. Nyangala!

**Hon. Jacqueline Nyangala:** Thank you, Mr. Speaker. I gave a Statement last week on 24<sup>th</sup> about a pavement that had been cordoned off by a construction company. The Planning Committee was supposed to visit this Monday and to find out from the Executive what is going on there because it is a public property. Today, I went there myself to ask the workers. I am not sure what they are doing but they told me they are building a bus stop that will mean a lot of things, Mr. Speaker. So, can you give guidance about that? Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Chair, can you respond on that. I understand it was a matter of urgency before the construction work is complete.

**Hon. Maxwell Ochar:** Thank you, Mr. Speaker. We earmarked this response to be responded today. We were to go on Monday, but as we looked at our backlog, the first priority was not this one; it was for 47 storages because the Speaker directed so. So, the order from above can rub off some orders. We are going there on Monday.

**Hon. Temporary Deputy Speaker:** Order! Order, Hon. Chair! Order, from above where?

**Hon. Maxwell Ochar:** From the Speaker's seat, were you are sitting. I cannot overrule you; it is you to overrule me.

**Hon. Temporary Deputy Speaker:** It was directed so?

**Hon. Maxwell Ochar:** Yes.

**Hon. Temporary Deputy Speaker:** Fair enough. Hon. Nyangala.

**Hon. Jacqueline Nyangala:** Mr. Speaker, I indicated that this was urgent and the work was being completed. I think from tomorrow, the work will be completed. So, my request was, one person goes or finds out from the Executive. What is going on? Did the construction people take this parcel of land from the County? Is it actually going to be a bus stop? And of course there are many things that are going to come up after that, security and everything. There is no bus stop on that road, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Jacky Nyangala, I only want to be fair to you, where were you in when the Speaker was making such kind of ruling that they were not directed to do that particular work as a matter of urgency?

**Hon. Jacqueline Nyangala:** No, Mr. Speaker. The Speaker did not make that kind of a ruling yesterday. I was here. Thank you.

**Hon. Temporary Deputy Speaker:** When was the question asked?

**Hon. Jacqueline Nyangala:** Last week.

**Hon. Temporary Deputy Speaker:** Hon. Chair.

**Hon. Maxwell Ochar:** Mr. Speaker, we were directed to go and visit the 47 storages. In fact, if you check on our gadgets, there is an order. So, by Monday next week, we shall visit the area. We cannot even give our answer before we get the answer from the Executive.

**Hon. Temporary Deputy Speaker:** Order! Order, Hon. Chair! I understand you must have taken an undertaking to answer this particular question.

**Hon. Maxwell Ochar:** Normally, we do. In fact, we were to answer it today but we have not received---

**Hon. Temporary Deputy Speaker:** Order! As a matter of urgency, Hon. Chair, to be fair to the Hon. Member who asked that question? You undertook to answer this question today. It will only be fair if you can give her the answer or suggest otherwise.

**Hon. Maxwell Ochar:** Mr. Speaker, you know the procedure. We have to write to the Executive, of which we have done but they have not responded. If they had responded, I would have given you the answer. Waiting for us to go and visit---

**Hon. Temporary Deputy Speaker:** Thank you.

**Hon. Maxwell Ochar:** Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** In any case, Hon. Chair, the issue of visiting that particular area, can you respond.

**Hon. Maxwell Ochar:** On Monday, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Is when you will visit the area?

**Hon. Maxwell Ochar:** Yes, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Jacky Nyangala.

**Hon. Jacqueline Nyangala:** Mr. Speaker, the visit on Monday, I think will be overtaken by events. What I was requesting is if it is possible that they find out the letter they wrote to the Executive. Can they find out what is the deal? What is happening?

**Hon. Temporary Deputy Speaker:** Hon. Jacky Nyangala, would the work be completed before Monday?

**Hon. Jacqueline Nyangala:** It would be completed.

**Hon. Temporary Deputy Speaker:** Okay, Hon. Jacky Nyangala. Even if the work will be complete, the decision of this House will be binding. We will make that decision then and we can overturn everything if that could be the case. So, you are free to bring the answer on Tuesday next week.

## MOTION

**Hon. Temporary Deputy Speaker:** Hon. Carolyne Muga.

**Hon. Carolyne Muga** (Nominated Member): Thank you, Mr. Speaker. I kindly request that we start with Diana's since it was the first one in the Order Paper yesterday.

**Hon. Temporary Deputy Speaker:** Do you have an Order Paper that is different from mine?

**Hon. Carolyne Muga:** Yes. But I am saying yesterday, a Motion was---

**Hon. Temporary Deputy Speaker:** Do you have an Order Paper that is different from mine?

**Hon. Carolyne Muga:** No.

**Hon. Temporary Deputy Speaker:** Can we follow, unless you want the Speaker to make a ruling on what is supposed to come first.

**Hon. Carolyne Muga:** It is a request that I am making to you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Request granted. Is the other Member ready to proceed?

## MOTION

**Hon. Temporary Deputy Speaker:** Hon. Diana Kapeen.

### ESTABLISHMENT OF MODERN KIOSKS IN AVAILABLE PUBLIC SPACES

**Hon. Member for South C Ward** (Ms. Diana Kapeen): Thank you, Mr. Speaker. I have really longed to lay my Motion.

THAT, aware that the introduction of modern kiosks in Nairobi City has the potential to promote small scale businesses and aid the sector's growth as well as improve revenue collection; noting that modern kiosks concept can be expanded to benefit the ongoing effort to green the City by involving stakeholders within the sector in greening initiatives; recognizing that similar engagements with the business sector have been undertaken in the greening of the cities such as Kigali with remarkable success; this Assembly resolves that the County Executive do the following:

1. Authorize the introduction of modern kiosks in available public spaces which kiosks must have mandatory dustbins and set a day for cleaning the immediate environs each week
2. Modern kiosks put together to maintain greenery within their area of operation in coordination with the County Government.

Mr. Speaker sir, I call upon Hashim Kamau to second My Motion.

**Hon. Temporary Deputy Speaker:** Hon. Hashim Kamau.

**Hon. Member for California Ward** (Mr. Hashim Kamau): Mr. Speaker, I second.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Moses Ogeto.

**Hon. Member for Kilimani Ward** (Mr. Moses Ogeto): Mr. Speaker, I stand here to support this Motion with facts. If you see, young entrepreneurs who are coming up are being compromised by the situation of this City. Especially in Kilimani, you find very many people doing business but if you look at the structures which they are operating on, are in very terrible conditions and not good to their health.

Mr. Speaker, this Motion should ensure that the way it has been structured, let it be implemented as per the status of the Motion. This one will ensure that the environment will look green and conducive for our people to conduct businesses. I therefore support this Motion. I want you, Mr. Speaker, to ensure that this Motion should be implemented fully so that our entrepreneurs could be able to get these modern kiosks.

Also in the same Motion, the way it has been said in public spaces, let it be a public space. I also believe that when it is implemented, it is going to go through thorough vetting to ensure that these people operate in an environment which does not hinder other people who are doing their businesses. I support, thank you.

**Hon. Temporary Deputy Speaker:** Hon. Member for Mugumoini Ward.

**Hon. Member for Mugumoini Ward** (Mr. Alex Ouda): Thank you, Mr. Speaker sir. I am here to support the Motion. The Motion is long overdue. Mr. Speaker, we can borrow the concept of exhibition. You can see how many young people are employed within this exhibition. As we are all aware, there is no white collar job nowadays and by the introduction of the modern kiosk, we will be able to create more employment.

Mr. Speaker, I can remember, this is now my second term. I joined the defunct City Council in 2007 and to date, nobody has ever been employed. That tells you that we have so many young people outside there unemployed. You can take that in standard 8, we produce more than 500 thousand. Come to form 4, we produce more than 300 thousand. So, Mr. Speaker, the concept of modern kiosks will assist this County reduce the number of unemployed young people. So, with that, I totally support the Motion. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Member. I want to remind you that this Assembly is sitting for the first term. So, we don't have a Member who is sitting for the second term in this Assembly. Be advised.

**Hon. Alex Ouda:** Mr. Speaker, I was just referring that when I was a councilor, we completed 5 years without employing this common cadre. And again, this term also, we are now doing our 4<sup>th</sup> year and nobody has been employed. That is what I was referring to.

**Hon. Temporary Deputy Speaker:** Fair enough, Hon. Member. Yes, Hon. Member for Komarock?

**Hon. Member for Komarock** (Mr. Samuel Irungu): Mr. Speaker, I rise to say to second this important Motion.

**Hon. Temporary Deputy Speaker:** Order! This Motion was seconded.

**Hon. Samuel Irungu:** Sorry, Mr. Speaker. I rise to support. I want to congratulate the iron lady, the Hon. Dianah Kapeen for having come with such an important Motion. Mr. Speaker, if you look at the project that Members proposed through the Ward Development Fund of the last Financial Year, majority projects had focused to actually target our youth and have not taken off. Why? Because the Planning Department would say that you have proposed to build it on a road reserve or a public space and so on and so forth.

My point is this, Mr. Speaker. The objective of devolution was to actually trickle down the resources to the lowest level; that is the Ward level. But currently, the way it is going, Nairobi County receives about Ksh.20 billion per year from the National Government and that has not been felt on the ground. What can make devolution be felt on the ground is when you do proper modern kiosks. I wish the Hon. Diana Kapeen considered adding up what we call the modern sheds.

Currently, if you look at, for example, Kagundo Road, and areas approaching Njiru as you go down, I remember in Embakasi East, the Member of Parliament had constructed some very good modern sheds and they were wiped out by KENHA. If we had good coordination whereby the County Government would say you are only allowed to do this modern kiosks for two three years without paying rent in Nairobi in the next two or three years, you are able to pay rent and that is the gist of the whole matter.

Mr. Speaker, I second and say that this is a Motion that we should not to let go. After we approve this Motion, we want the Executive to take this as a very serious resolution of this House. Mr. Speaker, many people are idling. Currently as we are registering voters, youths are being bought only with Ksh.200. What if they were independent? They were able to raise at least 1000 shillings for their own upkeep. We would not have this kind of madness that is going on. Mr. Speaker, I support.

**Hon. Temporary Deputy Speaker:** Thank you. Yes, Hon. Ndigirigi.

**Hon. Tabitha Ndigirigi** (Nominated Member): Thank you, Mr. Speaker. I beg to support this Motion because I was the first nominated Member of the County Assembly to have the kiosk in Bandari Road in South C. I told the Hon. Member that these kiosks are supposed to be for youth and women who are just hanging around. She took my advice and I am proud of this Motion. Thank you very much.

**Hon. Temporary Deputy Speaker:** Fair enough. Hon. Kitavi?

**Hon. Member for Laini Saba Ward** (Mr. David Kitavi): Thank you, Mr. Speaker. I want to oppose this Motion based on the following sentiments; Nairobi is a growing City. The Motion talks about putting kiosks in open spaces. We know that is an avenue where people can start grabbing the open spaces. People have built in different places, we even lack places for children to play.



We cannot allow the kiosks to be constructed in this City, Mr. Speaker sir. It is paramount that we be a bit more serious when supporting this kind of a Motion. We know that even places for constructing ECDs are not there yet Members who are supporting this Motion are saying that the youth are idle. If you do your statistics properly, you will even realize that very few young people operate those kiosks. There are other avenues that young people can be engaged, not only in kiosks. It has been reported that some of these modern kiosks actually harbor criminals. So, I want to oppose this Motion and hope my colleagues will support me in opposing this Motion. Thank you Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Member for Dandora.

**Hon. Member for Dandora Area III Ward (Mr. Charles Thuo):** Thank you, Mr. Speaker sir. It is a bit sad to hear someone from Kibera opposing a kiosk. You know it is an irony because in Kibera, there are no kiosks but we know what is there. So, Mr. Speaker sir---

**Hon. Temporary Deputy Speaker:** What is your Point of Order, Hon. Kitavi?

**Hon. David Kitavi:** Mr. Speaker sir, the Hon. Member is trying to demean people from Kibera. Ask him to withdraw his sentiments. People from Kibera are dignified members of this society and must be accorded all the respect they deserve. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Karen. Why are you saying yes? I have given Hon. Karen a chance.

**Hon. Karen Wanjiku:** I second the Chair. Kibera people are honorable people, voters of Nairobi County should be respected by every Member of this House. Thank you.

**Hon. Charles Thuo:** Mr. Speaker, I don't know whether the insinuation that---

**Hon. Temporary Deputy Speaker:** Order, Hon. Member for Dandora! We cannot continue debating on that particular issue. The Hon. Members of Kibera are also residents of this City.

**Hon. Charles Thuo:** I agree with you.

**Hon. Temporary Deputy Speaker:** Can you withdraw that Statement and apologize to the people of Kibra, not the Member.

**Hon. Charles Thuo:** I never insinuated that people from Kibera aren't respectable. Maybe there is a problem on people's understanding of the queen's language.

**Hon. Temporary Deputy Speaker:** Fair enough. Contribute to the Motion.

**Hon. Charles Thuo:** Thank you, Mr. Speaker sir. As I was saying, this issue of kiosks is very important because we need to support the young and entrepreneurship. These are modern kiosks, Mr. Speaker sir. The open spaces are mostly used as dumping sites and once we have people in these kiosks then it will be hard to find garbage there because they will take it upon themselves to clean it up. On the

same note, people who are engaged in doing business not only help themselves but also the society through creating jobs to others. I beg to support this Motion. Thank you.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Abuka.

**Hon. William Abuka** (Nominated Member): Thank you very much, Hon. Speaker for your eyes catching me. I want to join the rest of the Hon. Members in supporting this Motion. However---

**Hon. Temporary Deputy Speaker:** Hon. Magdalene, can you consult in low tones please!

**Hon. William Abuka:** Mine is very short. I am really cautious as we introduce projects like the modern kiosks which is an idea that is long overdue. It is something that ought to be done for purposes of empowering our own people. However, I have a problem. In the process of implementing the same, should it pass and be resolved that this House has adopted and it be implemented, Mr. Speaker I want to urge the Executive to be cautious enough to ensure that the people who are benefiting from this project are Nairobians. We have cases where after such brilliant ideas are rolled out, everyone from the neighbouring Counties rush to displace and render irrelevant the people of Nairobi who voted us into office. I want to echo the concern of Members that even as we go out of our way empowering and making our people get sustainable activities for economic development that we look into their welfare; the voters who voted us into office. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Member for Baba Dogo

**Hon. Member for Baba Dogo Ward** (Mr. Shadrack Juma): Thank you, Mr. Speaker. I rise to support this Motion and ask that the Executive ensures that this is implemented because we have been passing Motions in the Assembly and they are never implemented and so I urge that you ensure that this happens. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Karen then Hon. Maurice Gari

**Hon. Karen Wanjiku:** Thank you, Mr. Speaker sir. I want to oppose this Motion. First of all, it is misleading. It is talking about making the City green. Where are we going to plant the Kidero grass? Where are we going to plant flowers? Or do we mean painting the kiosk's green? By saying that we want to paint the City green then I think we mean planting trees and flowers. Where will we plant those trees if all the open spaces will have kiosks? Again we have seen before these modern kiosks are not meant for the poor. When those kiosks come, the rich buy the kiosks and then they start renting to the poor. I have been a hawker, I should be supporting this but I cannot support because I know the poor will not benefit from these kiosks.

Again, Mr. Speaker, we have a project of ECD containers in Education Committee, why did we come up with those containers? Because we did not have enough open spaces to build nursery schools, pre-units. We don't even have spaces for health centers. We don't have spaces for maternity. How then without a guideline, without a policy which should say we are building this temporary structure because of this and that?

We cannot leave a gap because you know Nairobi, when you say you are building modern kiosk, within two days they build those kiosks at night and Nairobi will not have any social order. There will be nuisance everywhere and as my fellow Hon. Member from Kibera has said, some thieves take advantage of hiding their weapons and even hiding themselves there. We cannot agree in this era to have modern kiosks in the City. Just as you were saying the *bodaboda* people should go, the hawkers should go, what will be the different of bringing these modern kiosks?

Mr. Speaker sir, this Motion is not even implementable because it is not acceptable in law that is why we were building kiosks because they are temporary on the road reserves so that when we want to use the road reserves they will be removed for the roads. It is not implementable it is not acceptable. Thank you, I oppose.

**Hon. Temporary Deputy Speaker:** Hon. Maurice Gari

**Hon. Member for Nairobi West Ward** (Mr. Maurice Gari): Thank you, Mr. Speaker sir...

*(Point of Information)*

**Hon. Temporary Deputy Speaker:** Hon. Mumo whom, do you want to inform? Order! Order! Hon. Gari, Hon. Mumo wants to inform you.

**Hon. Maurice Gari:** About what, Mr. Speaker?

**Hon. Temporary Deputy Speaker:** He wants to inform you. Are you ready to be informed?

**Hon. Maurice Gari:** No, am not ready to be informed.

**Hon. Temporary Deputy Speaker:** Can you proceed.

**Hon. Maurice Gari:** She has no information to give me. Thank you, Mr. Speaker. This Motion is long overdue, it could have been brought last year. We have youths who want somewhere they can work. This issue of politicking, this issue of coming here talking too much without action won't help us. This issue of knowing Standing Order too much won't help us. We need development and this is a key development for our area. Like me, I can even sponsor the mover of the Motion and take her to Sarova Hotel; she has brought a very good Motion. I think from today onwards, if this thing is implemented, we will have peace in our Wards, leave alone building these things on a road reserve. We have some places we want to build the modern kiosk but you cannot build because there is no approval from the council. So Karen, I am welcoming you to my Ward, I will give you one kiosk.

*(Point of Order)*

**Hon. Temporary Deputy Speaker:** Order, Hon. Gari! What is the Point of Order?

**Hon. Karen Wanjiku:** The Member should address me as Hon. Member and he should withdraw what he has said that I don't have a Ward that is why am opposing this Motion. That is being abusive; I will once have a Ward.

**Hon. Temporary Deputy Speaker:** Fair enough. Hon. Maurice Gari, to be sincere, it is unfair and you cannot just mention a name of a Member on the floor of this House.

**Hon. Maurice Gari:** Mr. Speaker I withdraw that. If I said that she doesn't have a Ward, sorry *Mheshimiwa* I am just saying I welcome...

**Hon. Temporary Deputy Speaker:** Order! Address the chair and stick to the Motion.

**Hon. Maurice Gari:** We should not discuss this Motion further than this. I think you call the mover to reply because people will bring issues.

**Hon. Temporary Deputy Speaker:** You are out of order. Yes, Hon. Member, former Chair for Finance

**Hon. Member for Embakasi (Mr. Michael Ogada):** Thank you very much, Mr. Speaker. I am here to support this Motion. I think we are all aware as Kenyans of the economic situations that our people are facing and I think most of the Members in this Assembly are aware that the civil servants we have in Kenya are not more than 600,000. The people who are employed in the private sector are not more than two to three million yet in Kenya we have more than 42 million people.

Most of them are self-employed and the self-employment particularly it is the people who run small businesses in kiosks and my fear is when a rogue government realizes that Assembly has passed a Motion that they don't want kiosks, all the kiosks in the City of Nairobi are going to be affected and it is going to affect so many people, so many families who basically depend on this kiosks.

So, Mr. Speaker sir, I know the Executive in their wisdom know the right places where these kiosks are supposed to be put, they know the places where they cannot fit, that is going to be left to their wisdom. This Assembly, I beg that we need to support because we are supporting our people who are neither employed in the civil service or the private sector and basically depend on the small business that they run in these kiosks. Therefore, am here to strongly support this Motion.

**Hon. Temporary Deputy Speaker:** Hon. Helen Katangie

**Hon. Helen Katangie (Nominated Member):** Mr. Speaker sir...

*(Hon. Leah Mumo spoke off record)*

**Hon. Temporary Deputy Speaker:** Hon. Mumo, you must respect the decision of the Chair, I only point those that caught the eye of the Chair. Thank you.

**Hon. Helen Katangie:** Thank you Chair for protecting me from that Member. Mr. Speaker, as leaders we all come here because of our people and it is only prudent that we consider the people down there. We have to address something called unemployment. How do we employ those people not only in towns but in the streets by giving them something to do and something to do is waking up in the morning and have something to put on your table because you have something to do as per employment.

I want support this Motion and we want to give the Elected Members an opportunity because they were elected by the people and they represent the people, whether they are going to put the kiosk in the blue moon, whether they are going to give them that is none of our business. We want to support them and I stand here to support whoever who came up with the Motion because he or she is a visionary leader. I support the Motion.

**Hon. Temporary Deputy Speaker:** Order, order yes Hon. Mutiso

**Hon. Member for Ngei ward** (Mr. Daniel Mutiso): Thank you Mr. Speaker sir I arise to support this Motion, being one of those whose areas are affected because we know there are many people who are working in Jua Kali and we know what happens during rainy season. This will be one of the ways which will maybe give this people a security of their job and have somewhere to hide during this rainy season. I support this Motion because I know this is one of the projects which will make us be relevant in our Wards. What I would urge you Mr. Speaker is to ensure this Motion is implemented because it has already passed. According to the mood of the house the Motion has already passed....

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order, order, order!

**Hon. Daniel Mutiso:** I withdraw Mr. Speaker sir. I say I support it because when you go to the slums you will find there are many people who are working along the roads and it will be one of the ways which will settle this people to be in a permanent and a decent place to work. Thank you Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Wainaina, you are now contented with information that has been given by the Hon. Mutiso?

**Hon. Temporary Deputy Speaker:** Order Hon. Mutiso, I know you know what I am better of, and I know you want to attract my...order, order you are from the floor of this house. Can you give other members time to contribute?

**Hon. Member for Kariobangi North** (Mr. Michael Wainaina: Thank you Mr. Speaker, how can I be harassed when you are the Speaker?

**Hon. Temporary Deputy Speaker:** Hon. Mutiso, last warning.

**Hon. Member for Kariobangi North** (Mr. Michael Wainaina): So what they should know is that, even if this Motion is going to be passed, because it is going to pass. What I should remind them is that they are not going to be constructed anyhowly that each and everybody is going to construct a modern kiosk anyhowly. They will be orderly Mr. Speaker, because we know even after passing this, like if I can give an example of Embakasi West, we have seen the construction of these kiosks were constructed whereby we do have kiosks which were not permanent, whereby our traders used to construct with gunias. So this Motion will also give a leeway---

**Hon. Temporary Deputy Speaker** (Mr. Samuel Nyangwara): Order Hon. Michael Wainaina! Hon. Mutiso, it can only be fair if you stay in the House even if you have contributed, you sit up to its conclusion. You cannot purport to be supporting this Motion and you will not be in to vote for it.

**Hon. Michael Wainaina:** Thank you Mr. Speaker. Now without wasting time because you see Mr. Mutiso wants to go and do other businesses---

**Hon. Temporary Deputy Speaker:** Order!

**Hon. Michael Wainaina:** I wish it is in order you call the Mover to reply.

**Hon. Temporary Deputy Speaker:** You are out of order. Hon. Members, you cannot contribute to a Motion and say that Members don't contribute that I call the Mover to reply. You can only stand and advise the Chair to call the Mover to reply, by not contributing. Yes Hon. Mumo.

**Hon. Leah Mumo** (Nominated Member): Thank you Hon. Speaker, I knew you would catch my eye because we come from the same constituency, Makadara Ward 001.

**Hon. Temporary Deputy Speaker:** Fair enough, stick to the Motion now.

**Hon. Leah Mumo:** Thank you. Anyway, I rise here to fully support because all I want is development and youth are outside there without work and being a representative of women out there, all women do business. So all we need is development and I want to tell Hon. Karen not to come and---

**Hon. Karen Wanjiku** (Nominated Member): Point of Order!

**Hon. Temporary Deputy Speaker:** Order!

**Hon. Leah Mumo:** I want to tell Hon. Karen because she just came here and lied to this House that she is a hawker. As far as I know she is a Hon. Member----

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Hon. Mumo, you cannot mention----Order Hon. Karen! Hon. Mumo you cannot mention names of Hon. Members who have contributed to this Motion.

**Hon. Leah Mumo:** But I want to tell this House because she has already deceived us she is a hawker and as far as we know she is a Hon. Member in this House.

**Hon. Temporary Deputy Speaker:** Hon. Mumo, if you want to challenge the Chair on this, you will face the wrath. You can only advise Members who are opposing but not mentioning names of the Hon. Members who oppose this Motion. Can you apologize? Apologize to the Member and proceed with the Motion.

**Hon. Leah Mumo:** I am withdrawing but she is deceiving this House.

**Hon. Karen Wanjiku:** Point of Order!

**Hon. Leah Mumo:** She is still deceiving because she stood here---

**Hon. Temporary Deputy Speaker:** Order! What is it Hon. Karen?

**Hon. Karen Wanjiku:** Mr. Speaker sir, it is my right and I know the law. You can either support or oppose and I am educated enough to know what I am saying. If a Motion is not implementable, I will say it, and I have given my reasons. If she wants to support, let her give her reasons.

**Hon. Temporary Deputy Speaker:** Can you state your Point of Order? You cannot contribute to this Motion twice.

**Hon. Karen Wanjiku:** My name has been mentioned Mr. Speaker and I am defending it. Thank you.

**Hon. Temporary Deputy Speaker:** Fair enough let us proceed. Hon. Mumo, I am giving you the last warning and you withdraw the words you uttered against Hon. Karen.

**Hon. Leah Mumo:** I withdraw but it is only fair for Hon. Members to speak the truth.

**Hon. Temporary Deputy Speaker:** Hon. Mumo!

**Hon. Leah Mumo:** I have withdrawn.

**Hon. Temporary Deputy Speaker:** Can you apologize to the Member?

**Hon. Leah Mumo:** I have said I have withdrawn.

**Hon. Temporary Deputy Speaker:** Can you apologize to the Member?

**Hon. Leah Mumo:** I have withdrawn and apologized. Anyway I strongly support this Motion. Thank you.

**Hon. Temporary Deputy Speaker:** I can only be fair if I will give Hon. Margaret Sewe a chance to--

**Hon. Margaret Sewe** (Nominated Member): Thank you Mr. Speaker sir, eventually I caught your eye and not the other way round. Mr. Speaker, I want disagree with Hon. Karen---

**Hon. Temporary Deputy Speaker:** Order! Hon. Members, you can only be fair if you can address the Hon. Members who are opposing. Don't mention names of Hon. Members.

**Hon. Margaret Sewe:** Mr. Speaker sir, I stand here to support the Motion and I want to say that a speaker whose name I won't mention stood earlier and said---

**Hon. Temporary Deputy Speaker:** Hon. Margaret Sewe!

**Hon. Margaret Sewe:** I have a point.

**Hon. Temporary Deputy Speaker:** Order! You cannot address any Member in this House.

**Hon. Margaret Sewe:** Okay Mr. Speaker I withdraw that.

**Hon. Temporary Deputy Speaker:** You must apologize now.

**Hon. Margaret Sewe:** I apologize. To whom, Mr. Speaker?

**Hon. Temporary Deputy Speaker:** To the Hon. Member you have mentioned the name.

**Hon. Margaret Sewe:** Okay I have apologized to that Member that I mentioned the name.

**Hon. Temporary Deputy Speaker:** Can you stick to the Motion?

**Hon. Margaret Sewe:** Okay Mr. Speaker sir, what I want to say is very brief, is that we cannot throw the child with the water bath. When we say that some of these kiosks are misused and grabbed by rich people, ours is to create those policies to ensure that the rich people don't end up taking the kiosks. But we can't say that we want to do away with the kiosks or the same because really we must create jobs and empower our people economically through these kiosks. So Mr. Speaker, I stand to support.

**Hon. Temporary Deputy Speaker:** Hon. Members I think this Motion is exhausted and I will only be fair if I call the Mover to reply but I want to caution you. Hon. Members we have Members who are opposing and those who are supporting. Don't mention names of Hon. Members in this House.

**Hon. Member for South 'C' Ward (Ms. Diana Kapeen):** Thank you Hon. Speaker and the Members for supporting this noble Motion, a Motion that is pro-*mwananchi*. Mr. Speaker, a modern kiosk cannot occupy a quarter of an acre. Modern kiosks are all over they are irregularly offered. We are seeing every day every morning Temporary Occupying Licenses (TOL) being dished out in this County Assembly and not for the *mwananchi* but for those who know who because there is no law or order or a Motion that is pro-*mwananchi*.

Mr. Speaker sir, we are not talking of any public land and I beg that as we adapt the Motion that it should be noted that private land does not mean any land as my colleague has earlier said, anybody can wake up and decide to put a kiosk outside City Hall or in front of somebody else's business, Mr. Speaker sir. Private property has to be protected. Therefore, I want to propose that the open spaces that I mentioned in my Motion should be along the way leaves where it is not entitled to anybody through the TOLs that the County is already issuing to everybody depending on who you know, Mr. Speaker.

I also meant that we have a lot of kiosks already in Nairobi. They are either wooden or sacks or polythene bags. Those kiosks can be redone to make Nairobi look beautiful and to make it green. When I said green, I never meant that we are going to paint the City green with paint, I meant that we can upon being given a business and property to own you will be responsible having a dustbin there to collect garbage, minding it and owning it. Therefore Mr. Speaker sir, by having these modern kiosks decent, smart looking, the standards of Nairobi that you so much desire will also have a clean environment and that's where I mentioned green, Mr. Speaker.



Mr. Speaker there is a misconception that these modern kiosks are for the youth only. There is this bunch of citizens that is very much forgotten Mr. Speaker sir, the old. We have a lot of wazees who are going to retire and we also have the disabled, Mr. Speaker sir. This is not just a youth thing, the retired people are dying before their time because you retire and you become idle and you become just that. We have jobs that are really favourable to the disabled, Mr. Speaker sir. By doing so, my Motion will take that, we can have a special percentage of the modern kiosks being allocated to these groups particularly people living with disabilities and the old, Mr. Speaker sir because they are all citizens of this republic and they all contribute to it.

Mr. Speaker sir, earlier a Hon. Member had said we don't have space to build ECD. You don't need the area of a modern kiosk to put ECD unless you are not going to provide quality education to those children and unless you want a place where you want to squeeze the small children and things like that, Mr. Speaker sir. Therefore, these are not spaces that are meant for development, these are idle spaces like way leaves.

Mr. Speaker sir, we came to this Assembly with one thing in mind and that is to create employment which is not there. We have disappointed them. The County Government has not created employment and those who have been lucky enough are a few. These modern kiosks will not have the needful impact Mr. Speaker sir, but I know that it will change our youths. They will not be paid Ksh. 200 to get a voters card so as to own a note but it will help them generate that Ksh. 1000.

Mr. Speaker sir, I thank all these Hon. Members because they also have a mission for their people. With a regularized law that recognizes private spaces, we shall create and help the County and National Government to enable its citizens live above the dollar. Thank you.

**Hon. Temp. Deputy Speaker:** Hon. Members

*(Question put and agreed to)*

## MOTION

**Hon. Temp. Deputy Speaker:** Hon. Members we go back to order number eight by Hon. Caroline Muga.

### **ESTABLISHMENT OF A FULLY-FLEDGED CHILDREN'S DEPARTMENT IN THIS GREAT CITY**

**Hon. Nominated Member** (Ms. Caroline Muga): Thank you Mr. Speaker. I want to move this Motion on the establishment of a fully-fledged children's department in this great City because access to social security is a right. Article 53 of the Constitution states specific rights for children and in particular I want to read 1(d) that says that they need to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment and hazardous and exploitative labour.

Mr. Speaker, article 40 of the children's Act states that every local authority in this case, the County Government--

**Hon. Temp. Deputy Speaker:** Hon. Carolyn Muga, are you on the Motion?

**Hon. Caroline Muga:** Yes

**Hon. Temp. Deputy Speaker:** Can you move the Motion!

**Hon. Caroline Muga:** I forgot Mr. Speaker. Sorry. I got rattled when I saw everybody walking out and I quickly wanted to---

**Hon. Temp. Deputy Speaker:** That will come after you move the Motion.

**Hon. Caroline Muga:** ... that aware that the United Nations Convention and the Rights of the child UNCRC is the most complete Statement on children's rights ever produced and is the most widely ratified international human rights treaty in history. Ratification which Kenya is party to, noting that the convention has 54 articles that have to cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to and also explains how adults and governments must work together to make sure all children enjoy all their rights.

Deeply concerned that ensuring child rights in Kenya is still a challenge, 26 years after ratification of the treaty and efforts by the state to enforce these rights has not been sufficient as evidenced by the rampant cases of abuse and neglect. The Children's Act 2001 states that it is the duty of the local authority and in this case, the County Government to safeguard and promote the rights and welfare of children within its jurisdiction, recognizing that if the County Governments do not supplement efforts to have addressed child rights by the National Government, the implementation of the UNCRC---

**Hon. Temp. Deputy Speaker:** Hon, Magdalene, with due respect, the Hon. Member is moving a Motion and you cannot interrupt her. Can you allow her to finish and raise your Point of Order thereafter?

**Hon. Caroline Muga:** the implementation of the UNCRC charter will remain a mirage considering the huge mandate that the Nairobi City County has in respect to the children, this Assembly urges the Nairobi City County Executive Committee and the Nairobi County Public Service Board to move with speed and establish a fully-fledged children's department to work hand in hand with National Government Agencies in ensuring the protection of child rights and related concerns within Nairobi City County.

**Hon. Temp. Deputy Speaker:** Hon. Caroline Muga! You are absent minded today

**Hon. Caroline Muga:** I call Hon. Magdalene to second

**Hon. Nominated Member** (Ms. Magdalene Mbogori): Thank you Mr. Speaker. I second this Motion. I also want to---

**Hon. Temp. Deputy Speaker:** Order! You can only second the Motion and contribute to it

**Hon. Magdalene Mbogori:** It's very important. I second

**Hon. Temp. Deputy Speaker:** Thank you.

**Hon. Nominated Member** (Ms. Karen Wanjiku): Point of Order Mr. Speaker

**Hon. Temp. Deputy Speaker:** On what Hon. Karen?

**Hon. Karen Wanjiku:** Point of Order Number 32, there is no quorum and this is a very important Motion and we can continue it tomorrow with your permission. Thank you.

**Hon. Temp. Deputy Speaker:** Yes Hon. Abuka? I direct that the serjent-At-Arms rings the bell

*(Quorum bell is rung for 10 minutes)*

It's quite unfortunate that the Chief Whips of both coalitions are not in the House. I want to warn them that very soon we are going to impose sanctions on them.

Hon. Wainaina, when the bell is being rung you are required to maintain order, as per the Standing Orders.

**Hon. Temp. Deputy Speaker:** Hon. Members it is quite unfortunate that even after ringing the bell for 10 minutes, we couldn't raise a quorum. I direct that this Motion appears on the Order Paper tomorrow and be the first to be attended to.

I now direct that this Assembly adjourns till tomorrow 2:30 P.M.

***(The House rose at 4:09 p.m.)***