



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Thursday 3rd March, 2016

The House met at 2.30 p.m.

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

PRAYERS

Hon. Temporary Deputy Speaker: I understand that we do not have a quorum and I direct the Searjeant-At-Arms to ring the bell for the next 10 minutes.

(Quorum bell rang)

Hon. Temporary Deputy Speaker: Clerk, can we continue? Chairperson, Sectoral Committee on Health.

Hon. Member for Nairobi South (Mr. Manoah Mboku): Thank you, Mr. Speaker. Pursuant to Standing Order number 180(6) I beg to lay the following paper on the Table of the Assembly today Thursday, 3rd March, 2016, the report of the Sectoral Committee of Health Services on the site visit of Muthurwa Market. Thank you.

NOTICES OF MOTION

Hon. Temporary Deputy Speaker: Chair, Health.

Hon. Member for Nairobi South (Mr. Manoah Mboku): Again, thank you, Mr. Speaker. Hon. Speaker, I beg to give a Notice of the following Motion, THAT this Assembly adopts the report of the Sectoral Committee on Health Services on the site visit to Muthurwa Market laid on the Table of the Assembly today, 3rd March, 2016. Thank you.

STATEMENTS

Hon. Temporary Deputy Speaker: Hon. Members, the following request for statements are due for response to date, Thursday, 3rd March, 2016. Statement requested by Hon. Erastus Muiruri from the Chairperson of Sectoral Committee on Transport and Public Works regarding the rotation of County graders in all the 85 Wards. Hon. Chair, do you have the report with you?

Hon. Member for Imara Daima (Mr. Jairius Atenya): We do not have the report, but I have been told by our CEC that the report will be available in a week's time. We wrote to them and we have not received a response from their side. Therefore, it is our request that it should be tabled in a week's time, so please give us one week.

Hon. Temporary Deputy Speaker: What do you mean by a week's time?

Hon. Member for Imara Daima (Mr. Jairius Atenya): Hon. Speaker, what I mean is that we are supposed to have the response from the Executive side but up to now they have not given us a response. Therefore, I went there this morning by myself, to the Executive side, and I was told that probably by next week we are going to get the response so please just add us one more week. So, exactly a week from today which is on Thursday next week we will lay the two reports.

Hon. Temporary Deputy Speaker: That is fine, from today in a week, so next week on Thursday-Hon. Muiruri, I direct so on Thursday next week.

Hon. Erastus Muiruri: Yes, thank you, sir.

Hon. Temporary Deputy Speaker: Statement requested by Hon. Erastus Muiruri from the Chairperson of Transport and Public Works regarding the installation of public street lights in Clay City Ward.

Hon. Member for Imara Daima (Mr. Jairo Atenya): Thank you once more, Mr. Speaker sir. The two reports will be compiled together and I will deliver them both on Thursday next week.

Hon. Temporary Deputy Speaker: Fair enough. Statement requested by Hon. Jacklyn Nyangala from the Chairperson, Sectoral Committee on Planning and Housing regarding the destruction of the

pavements usually used by the public along the office building that has just been completed along Riverside Drive by SL Construction Limited and is up for rent.

Hon. Member for Imara Daima (Mr. Jairius Atenya): Mr. Speaker, you made a ruling yesterday on this.

Hon. Temporary Deputy Speaker: On this particular one? Oh, yes, Clerk why is it appearing on this [Order] Paper again? Okay, I gave directions yesterday that you bring the answer next week on Tuesday, is that true?

Hon. Member for Imara Daima (Mr. Jairius Atenya): You are right, Mr. Speaker and we have gotten a lot of responses which we are looking at as Planning and I want to bring them on Wednesday next week.

Hon. Temporary Deputy Speaker: Why are you pre-empting what is on the Order Paper?

Hon. Member for Imara Daima (Mr. Jairo Atenya): I have quite a number, like the other time when--

Hon. Temporary Deputy Speaker: Can we deal with this particular one, next week on Wednesday. There was a small typing error, it was not supposed to appear on the Order Paper today, so Hon. Members, we are sorry about that. What is it, Hon. Nyangala?

Hon. Nominated Member: (Mrs. Jacklyn Nyangala): Mr. Speaker, thank you very much. That is fair enough, it is good and I shall wait for the outcome of that on Wednesday. However, I would like to point out that I have actually written a letter to the Speaker which I have not given because of the direction you gave yesterday. However, I was called this morning at 11.25 by the Principal Clerk, Ada, who I think was in the House yesterday when you gave the direction and, Mr. Speaker, I do not think that is a typing error. A typing error is a mistake of spelling, this is a whole statement written for response that is not a typing error.

Hon. Jacqueline Nyangala:Ada called me in the morning, I got a missed call and a mobile message saying that she wanted directions of the place. Therefore, I would like to say and repeat my last statement that the construction is complete. It does not have a name yet and it has been let by Mick Frank Realty, it is approximate 300 meters from the bypass that divides Westlands and Kileleshwa and on it is the number 95.

Mr. Speaker, I hope this is clear and the Committee can do the site visit. I also hope that the Executive will respond to the letter that I suppose was sent to them last week so as to know the true position. Thank you and I leave this here.

Hon. Temporary Deputy Speaker: You cannot table that particular one. Hon. Jacky Nyangala, We cannot pre-empt what the Committee has already undertaken to bring the answer. Let us not pre-empt whatever they are going to bring into the House on Tuesday. Yes, Hon. Ochar?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, we as the Committee wanted to go and visit that area. Can you ask the Hon. Member to accompany the Committee so that we can go together?

Hon. Jacqueline Nyangala: Mr. Speaker, I will not accompany the Committee since I have given out the directions. It is somewhere that even a blind person can ask directions to and not get lost. It is exactly on Riverside Drive and you will see it, it is still being built. It is the only construction on the road and I want to say so that it will reflect in the HANSARD. I am not going to accompany them. Thank you.

Hon. Temporary Deputy Speaker: Very well, Hon. Jacky Nyangala. Hon. Ochar, she is not ready to accompany you. Make sure you bring the answer on Tuesday next week on the floor of this House on Tuesday next week. For obvious reason you know she cannot accompany you. I have already given directions and it is fair enough that they go with whoever asked the question.

Hon. Temporary Deputy Speaker: You can only request her to accompany you, if she cannot---

Hon. Maxwell Ochar: Why is she asking a question when she doesn't want to accompany us, Mr. Speaker? What about if we get lost?

Hon. Temporary Deputy Speaker: I think you requested her to accompany you so it is up to her to agree whether to accompany you or not.

Hon. Maxwell Ochar: I think I am captured because I want her to accompany the Committee so that we do it once and for all, unless she is hiding something.

Hon. Temporary Deputy Speaker: Bring the answer on Tuesday next week. The next statement is requested by Hon. Peter Warutere from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the total spending claims for legal fees and decreased amounts established in excess of 5 billion shillings in Nairobi City County. Where is the Hon. Chair from Justice Committee?

Hon. Jacqueline Nyangala: Mr. Speaker, the Hon. Chair has travelled to the Coast, however I am in the Committee. We have been having challenges getting the financial report. We have everything else and if the Hon. Members can remember, there were other concerns that were brought forward at that time apart from the questions that were asked, so we are waiting for the financial report to say who was paid and who was not. We were supposed to get it today but it did not come, so we went to the Executive who promised that next week we will be able to get it. Thank you.

Hon. Temporary Deputy Speaker: Hon. Peter Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Mr. Speaker, we been hearing the same story. She has repeated the same story from last week and we are hearing the same story again this week. I am concerned and this issue needs to be settled, can we have this settled by Wednesday, next week?

Hon. Temporary Deputy Speaker: Yes, Hon. Nyangala.

Hon. Jacqueline Nyangala: Mr. Speaker, if you give the direction we can actually come back with the initial response without the statement, on Tuesday and if it is not ready we can come with the original response which is without the extras that he had asked for.

Hon. Temporary Deputy Speaker: Hon. Jacky Nyangala, financial statements for this County are not anywhere else apart from inside this building, the offices are in this same building. There is no rocket science in this, can you bring that particular statement next week on Tuesday?

Hon. Jacqueline Nyangala: Mr. Speaker, I will not take it upon myself to bring it on Tuesday, however I will say the report that is ready. It can be brought on Tuesday but I will not comment on the financial report. Thank you.

Hon. Temporary Deputy Speaker: But what is wrong with the officers you are talking about; who are supposed to give this report?

Hon. Jacqueline Nyangala: The County Secretary.

Hon. Temporary Deputy Speaker: The County Secretary is the one who has a problem?

Hon. Jacqueline Nyangala: He was the one to furnish us with that report from 2013 I guess up to now.

Hon. Temporary Deputy Speaker: I really need you to understand this particular issue. I direct that you bring it on Thursday next week without fail. Thank you. Are you okay Warutere?

MOTION

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

Hon. Temporary Deputy Speaker: Yes what is it?

Hon. Karen Wanjiku: Mr. Speaker, in Standing Order 35 it speaks about the Order Paper and yesterday if I remember correctly, you directed that we should continue with the Motion that we did not finish about the Children's Department. I don't know why the Order Paper missed that because that is the legality and procedure of this House, thank you.

Hon. Temporary Deputy Speaker: Indeed, I gave direction yesterday and that particular Motion was moved and seconded. It would have been only fair that it appeared in the Order Paper so that Members can ventilate and execute the same. However, I am about to make a contradictory statement so I will request Hon. Carolyn Muga to say something on the same.

Hon. Carolyn Muga (Nominated Member): Mr. Speaker, I was ready to move that Motion and make my arguments about it then I was told that there was a mix up in doing the Order Paper today. I was the one who actually requested if I could move it on Tuesday.

Hon. Temporary Deputy Speaker: You requested whether that Motion---

Hon. Carolyn Muga: No! No! I was requested.

Hon. Temporary Deputy Speaker: Who requested you?

Hon. Carolyn Muga: The Clerk requested because the Order Paper was already done so I agreed. So Members, I hope you will be in the House on Tuesday to support that Motion.

Hon. Temporary Deputy Speaker: Hon. Members! What is it Hon. Akuk?

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): I just need clarification on those sentiments Hon. Speaker, because I wasn't sure what she was talking about. She is inviting us to the Assembly and it is actually our duty to come here.

Hon. Temporary Deputy Speaker: Hon. Carolyn Muga, can you explain for the benefit of the Member on the same.

Hon. Member for Kwa Njenga Ward (Mr. Alex Mulatya): Thank you, Mr. Speaker. I understand this is a House of rules and procedures, and if the Speaker ruled that such a Motion should be delivered today, I don't see any reason why any person should control and request the mover of that Motion since it has now become a property of this House. I have a feeling that it is much better to suspend what is in the Order Paper and go as per what the Hon. Member is willing to do. Thank you.

Hon. Temporary Deputy Speaker: I am more concerned with the Statement that has been raised by Hon. Mulatya. Hon. Mulatya, with due respect, I just want to inform the House that the Hon. Member was very comfortable to move that particular Motion on Tuesday, next week. I don't see any problem with that.

(Hon. Moses Ogeto stood on a Point of Information)

Hon. Temporary Deputy Speaker: Whom do you want to inform, Hon. Ogeto?

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker, I want to inform the House that you are the same person who directed that this should be brought today to this House. Mr. Speaker, unless

you want us to despise the position which you are sitting on, we can agree to the same information which is being portrayed before this House, thank you.

Hon. Temporary Deputy Speaker: Yes, Hon. Vice Chair for Lands.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. I know you are a no nonsense Speaker when you are on that seat. However, we have to take the position which has arisen today. There is no way after the Order Paper has come out and after we have been given, then we discuss something which is not on the Order Paper. So, it is upon you to deal with whoever did not slot in the directives of yesterday, but today, we have to go as per the Order Paper which is before the House. When we go out of it, then it is a *Kamukunji*. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Maxwell Ochar. I want to request the House that I will give more appropriate answer on the same next week on Tuesday. So, my directions are, since the mover that Motion requested to be moved to Tuesday next week, I will give an appropriate response to your queries on Tuesday, next week. Yes, Hon. Ogeto.

Hon. Moses Ogeto: Mr. Speaker, as much as our colleagues are saying that you have given a ruling on this Motion, what you are trying to tell us is that your office is trying to display incompetency in this House.

Hon. Temporary Deputy Speaker: A Member is on a Point of Order. You must be very careful; you don't interfere with the Office of the Speaker when you are responding on the floor of this House. Yes, Hon. Gatundo.

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Thank you, Mr. Speaker. I think the Member has used a language that is not parliamentary. Looking at the size of the Member, you may wonder whether the matter between his ears is as small as his body. Thank you, Mr. Speaker.

Hon. Moses Ogeto: Mr. Speaker, my colleague is standing on a Point of Order to abuse me and you are just seeing it. What I am saying is, we have the staff from the Office of the Clerk who are doing these minutes---

Hon. Temporary Deputy Speaker: Hon. Ogeto, those are administrative matters. I have said I am going to deal with it and bring an appropriate response next week on Tuesday. You cannot bring administrative issues on the floor of this House; I have already noted that one. Let us bring this issue to rest.

Hon. Moses Ogeto: Mr. Speaker---

Hon. Temporary Deputy Speaker: You want to challenge my ruling? Take your seat then.

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

Hon. Temporary Deputy Speaker: About what, Hon. Karen?

Hon. Karen Wanjiku: Mr. Speaker sir, I want to make a request to you. Since you are the one who made that direction, order that Motion to be put on Tuesday's Paper because the Motion was seconded. The Standing Order is very clear that after a Motion is seconded, it becomes a property of the County Assembly. It is no longer the property of the mover.

Mr. Speaker, I believe it will be good to rule--- I am just trying to guide you that you bring that Motion on Tuesday.

Hon. Temporary Deputy Speaker: Hon. Karen. I have said these are administrative issues and I am going to deal with it and come with a response on Tuesday. Is there anything wrong with that one?

Hon. Karen Wanjiku: Yes, because the Motion will not be on the Order Paper. Thank you.

Hon. Temporary Deputy Speaker: Order! I gave the ruling of this Motion yesterday and I am very sure it will be on the Order Paper on Tuesday. Hon. Nyang'ala, can we put this issue to rest?

Hon. Carolyne Muga (Nominated Member): Mr. Speaker, I beg your indulgence. You will be contradicting yourself if you say that the Motion will appear on Tuesday but again you say you will bring a ruling on the matter on Tuesday.

Hon. Temporary Deputy Speaker: I am not ruling, a response on the issue is raised. You can understand the Order Paper of today has got some information that was not supposed to be there. Your Motion was supposed to be there, this other issue we had made a ruling yesterday and again it has come up on the Order Paper of today. Something is wrong somewhere and those are administrative issues.

Next Order. Where is the mover of Motion No.8? Chairperson, Sectoral Committee on Children, Early Childhood Education and Vocational Training. Where is the Chair?

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Mr. Speaker sir, the Chairman has delegated this to me; to move the Motion.

Hon. Temporary Deputy Speaker: Order! Can you answer where the Chair is?

Hon. Jackson Ngare: Mr. Chairman is on his way coming. He lost his car key and he could not leave the car on the road. So, I hope he will find the keys. And the Vice Chair is here. So, probably he can give more information on the same.

Hon. Temporary Speaker: But how comes that the Chair is not aware that somebody was supposed to come on his behalf? Clerk, are you aware?

Hon. Jackson Ngare: This has been communicated properly.

Hon. Temporary Speaker: Okay. Proceed.

Hon. Jackson Ngare: Thank you Mr. Speaker. On behalf of the Chair of---

Hon. Temporary Speaker: Can you move the Motion, boss?

Hon. Jackson Ngare: Mr. Speaker sir, the Committee visited Cutchi Gujarati Hindu Union (CGHU) primary school on 9th November 2015.

Hon. Temporary Speaker: Order! Hon. Member, can you move the Motion?

Hon. Jackson Ngare: Mr. Speaker sir, I beg to move the following Motion. That the Assembly adopts the report of the Sectorial Committee on Children, Early Childhood Education and Vocational Training on the fact-finding visit on the ownership of the CGHU School, the environment and the status of children's security in the school laid on the table of the Assembly on Wednesday 2nd December 2015. And I want to call Hon. Mauti to second the Motion.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker. According to the Motion and according to the Children's Act, there is violation of the Children's Act. The County Government of Nairobi is not taking care of the education of the children whereby the pathetic status of the school cannot be explained because we, as the County of Nairobi, are not caring about this school. We are worried since we have a secondary on top and a primary downstairs. How do you mix a standard one child with a form 1 or 2 student?

So, we are here to tell the County Government of Nairobi to relocate the young children to a different school because they cannot even control the traffic jam. The children do not have even a playground. The children do not have chairs to sit on when eating. They sit on corridors. Mr. Speaker, we as the people who care for the Nairobians, from children to adults, we are supposed to consider this Motion so that we pass it for the children to be relocated to somewhere else. So that the place is left for the secondary. And the agreement which was done some years back in 1968 is almost amended again. Thank you.

Hon. Temporary Speaker: Hon. Mauti, you were requested to second this particular Motion. You have not seconded. Can you second the Motion?

Hon. Elkana Mauti: Mr. Speaker, according to the points I have given, I have seconded the Motion.

Hon. Temporary Speaker: Thank you.

(Question proposed)

Hon. Members. Yes Hon. Ogeto.

Hon. Moses Ogeto: Thank you so much Mr. Speaker sir. I have looked at this report very well and I have looked at the Committee's recommendations. Mr. Speaker, the recommendation which they have

given and according to the utterances of my colleague, Hon. Mauti, gives a clear indication that the recommendations which were made by this Committee should be implemented with immediate effect.

Mr. Speaker, if you see recommendation (iii) of the same report, that the County Government should relocate the matatu terminus just outside... Mr. Speaker, it is very dangerous to have a matatu terminus just immediately at the gate of the school. When you try to look in the same sentence, you will realize that if you have a matatu terminus in a school, first there is no conducive environment there.

Mr. Speaker, we like our boys, the touts. We want them to have the employment they got. But Mr. Speaker, you find the touts make too much noise during that event when the children are in class reading and this leads to an interruption. It doesn't give a conducive environment. For this, I support this report. Thank you.

Hon. Temporary Speaker: Yes Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker, I raise to support this Motion. Indeed we visited CGHU School. In case you don't know where the school is, it is near the bus station, the old bus station where Umojers park. And Mr. Speaker sir, the most disappointing thing about these children is that when the hawkers are being chased by the City Askaris, and there is a lot of teargas, these children suffer from the teargas and nobody is there to talk about it. We have kept quiet about it until the Committee decided. We don't want this to continue Mr. Speaker sir. There is also a case of hawkers hiding inside the school. And even people from outside are using the facilities of the school especially the toilets. If you visit those toilets, you cannot even go near. I don't want to explain more because we have just come from lunch but the situation was terrible.

Hon. Karen Wanjiku:... So the Committee recommended that the school should be closed with immediate effect for safety of those children and that is why I was stalking so much about Mheshimiwa Motion because it was talking about the children department which is very important because if we had a children's department in this County, we could be able to talk about the issues and rights of the children. I beg to support, thank you.

Hon. Member for Umoja 2 (Mr. Kingsley Odida): Thank you Mr. Speaker, as a member of the Committee I want to echo what other members have said including the seconder of the Motion. It is really appalling to see the sight of children eating in the corridors. Those children have been dumped there and from what the Committee did during the visit we were so challenged and moved by the way the children have been suffering there. The children don't have space to play and where to take their lunch; they are taking lunch in the corridors, the school is being used by hawkers as hideout when they are being chased by the County askaris so mine is first to echo what the members have said and even also to echo on issue of security. The Bill of Rights is so clear about the children. As parents, as legislators I think this is a report that the Executive is going to implement through the Implementation Committee. Those children are suffering.

Our recommendation is that those children be moved immediately from that school to be reallocated to another school and enrollment in that school is so low. We found very little children in that compound and yet it is a very big school and we don't understand why the Executive through the department is clinging to the fact that the children should stay there. So ours is to say those children should be moved immediately and the County comes in and repair the school and maybe it can be used for other things.

Mr. Speaker that school as *Mheshimiwa* Karen has said is in the middle of town, when there are riots or altercation between County *askaris* and hawkers that is the place that is being used as hideout for the hawkers and their wares. So Mr. Speaker I support this Motion and I urge all Members to support. Thank you.

Hon. Temporary Deputy Speaker: Yes Hon. Chief Whip

Hon. Member for Karen Ward (Mr. David Mberia): Thank you Mr. Speaker sir, this quite a very good report but the Committee recommendations that the school be closed and at same time to relocate matatu terminus is somehow contradicting. My observation would be to relocate the matatu terminus and relocate hawkers and the County governments take charge of the school instead of relocating the children. I beg the Committee to fine-tune the report and ensure that if the terminus that is supposed to be relocated and hawkers relocated to Muthurwa. Let the County government take charge and improve the school and provide security to the kids. Thank you.

Hon. Temporary Deputy Speaker: Hon. Chair, is your report contradicting, Hon. Muiruri? Hon. Kadundo just a minute, can the Chair explain why Members are saying it is contradicting? Can we approve the Motion the way it is?

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Mr. Speaker sir when this come to implementation there are so many ways of implementing a report and that will be in the hands of Implementation [committee].

Hon. Temporary Deputy Speaker: Yes Hon. Kadundo

Hon. Member for Dandora Area 3 (Mr. Charles Thuo): Thank you Mr. Speaker sir, I beg to oppose this Motion and I want to register at the earliest opportunity my disappointment and dismay at the people who took part in preparing this report. I wonder if we have a school that is in the middle of town and people are using that school as hideout and there are matatus around and we are talking about the rights of children; do we move either the children or the criminals? What happens, we have a building here that has not been taken care of, the person in charge of taking care of this building is an adult and an adult of sound mind who is earning a salary and because someone somewhere is not doing their job now you want us to close a school! Where do we take these children? Where is that one place that has been found that there is a school that does not have pupils, now you want you to collect this pupils from a school and take them

where? If this is the Committee that has been charged with taking care of our children and thinking about their rights and how education matters should be run then indeed Nairobi is a very unfortunate County.

If there are things that are not being done in the right way, if there is someone who is not doing their job, if someone is allowing hawkers to go in there, if someone is using playground as parking then it is that person who should suffer. We must not and we should not transfer the mistake of adults who don't want to do their job, who want to earn money for nothing and then transfer it to children and close a school and leave children and students with a place not to study.

Mr. Speaker if you go around Nairobi all the primary schools that are owned by the County government are full, the schools are full, I wonder where you want to take these children after closing the schools. Do you want them to go home, to go to the streets? Where do you want them to go? I cannot support this Motion and I would recommend that the Committee brings back honour to this House and make us believe we are Members who are able to give proper insight to the report and we look at the report and withdraw. Thank you Mr. Speaker, I beg to oppose.

Hon. Temporary Deputy Speaker: Hon. Chair for Health

(Loud consultations)

(Hon. Alvin Palapapa spoke off-record)

Order, order Hon. Palapala you have been in this House long enough for three good years, you should be knowing Standing Order guides this House and because you did it deliberately I chase you out for the rest of the day. You did it deliberately. Hon...

(Hon. Alvin Palapala was escorted out of the House)

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker. Probably the Member wanted for the first time to be registered on HANSARD, you would have made him stay so that history... *(Laughter)*. Thank you Mr. Speaker, as much as these Members are clapping for me I beg to oppose this report.

Hon. Mr. Manoah Mboku: This report is contradicting, if we adopt it the way it is, then I don't know if we will be doing the right thing because see in (i) That the pupils in the pre-school section be moved to safer school and the section be closed immediately. And then see (iii) The County government to relocate the matatu terminus just outside the school entrance to reduce the level of noise that hinder conducive for learning atmosphere.

Mr. Speaker, the two recommendations, if we adopt this report the way it is *tutakuwa tunafanya nini Bwana Speaker?*

Hon. Temporary Deputy Speaker (Mr. Samuel Nyang'wara): Order!

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Hon. Manoah Mboku: I wanted to say what will we be doing? I think the Committee should go back, do the report properly and bring the report back so that the Assembly can adopt a report that can be relied upon. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Yes Hon. Member for Mwiki.

Hon. Member for Mwiki Ward (Mr. Isaack Ngige): Thank you Mr. Speaker. I want to take this opportunity to support this particular Motion and I will give you a minute to be advised by the Vice Chair. I want to take this opportunity and support the following Motion and probably even clarify further to the Majority Whip and the Chairman Health on the reasons as to why this report is not contradicting.

Mr. Speaker as a Committee we visited the institution, and what needs to come out clear, the reason as to why we are saying the school to be closed immediately, is because we are talking about a section of students who are only 250. Mr. Speaker, between ourselves here as Members we know and understand that the process of relocating the terminus will take a longer time. It is therefore the reason and maybe Members should know, within Nairobi we have many other institutions and primary schools that we can take these 250 students. So it is the reason as to why the Committee is saying that we close the school immediately and more than that the County government to consider relocating that terminus.

Mr. Speaker it is also good to note that the institution has a primary and a secondary school. So we are trying as a Committee we are trying to come up with a long term solution. We are advising the County to relocate the terminus and at the same time we are saying that these 250 kids to be relocated immediately. Mr. Speaker, I think the Chair of PAC has left but I needed to respond to him when he advised that the Committee to deal with criminals, I think he should know that our Committee's mandate is to handle the matters that concern children and not criminals. I think it is therefore the reason as to why all Members should understand that this report is not contradictory in any matter. I support, Mr. Speaker.

(Applause)

Hon. Temporary Deputy Speaker: Hon. Anthony Kiragu, the Hon. Member for Waithaka.

Hon. Member for Waithaka Ward (Mr. Anthony Karanja Kiragu): Thank you Mr. Speaker for baptizing me, I am Anthony. Thank you. Mr. Speaker I am torn between supporting this Motion the way it is because I think we must accept that times have changed. I would also request that this report be pulled back and we ask ourselves fundamental questions. Do we need a school at the centre of the City? Who are these children? The City is surrounded by pressures that are more precious for now and forces that we cannot wish away. We cannot wish away a terminus, Mr. Speaker. We cannot wish away noise. So personally, I am torn between opposing this Motion or having it pulled back and come with a proper report that reflects the times we are living in. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Petronilla.

Hon. Petronilla Achieng (Nominated Member): Thank you Mr. Speaker sir, I want to oppose this report and with the following reasons; one, I have looked at the report. First is the statement itself and when the person who asked the statement, he had asked for the measures the County is taking to prevent the children from danger.

If you look at the report, there is no place that it says the Committee met with the Executive; that is one. Two, we also know the history of this City, before the children are relocated or anything, we need to know how are we going to safeguard the premises so that it is not grabbed by the greedy land grabbers. Then at the same time, as my fellow colleague said when you make recommendations, they need to be very clear so that we know what is happening.

The teachers are asking the government to increase the allocation and at the same time we are saying that we want the school to be closed. This is a monument from what I see, because if you look at the organization that built the school, it was formed in 1906 and in 1940, the school was built. So let us put measures that will assist the County to safeguard the premises first and also to see where did the rain start beating the County so that we are not able to get this, and we need the report from the Executive. Thank you.

Hon. Marion Githinji (Nominated Member): Thank you Mr. Speaker sir. I will share the same sentiments as Hon. Bishop Kiragu. I am caught between opposing and supporting. Why I say this is because I think it is very shallow. I would oppose it because I think the education sector/department's recommendations seem to be of Mr. Patel and not of the Committee. They have written a lot about Mr. Patel and the Headmaster but their recommendations seems to be based only on one side which is Mr. Patel's.

The recommendations also in number two that says the possibility of renovating the school and providing security to the pupils--- Sorry, the one of relocating the children, they have not said where these children are. There is a reason why children go to schools near where they live or the place is convenient. You have said here that you are relocating the children without saying which school they are going to. You cannot just relocate the children and take them to a school where they may not be able to go. Mr. Speaker I would like to oppose this report so that the Committee may go back and be thorough on what they are giving the House. I think they are not thorough and I think their recommendations are very shallow. Thank you.

Hon. Temporary Deputy Speaker: Hon. Muasya.

Hon. Jane Muasya (Nominated Member): Mr. Speaker, I stand here to support the report. While we know that the when children are not happy even your own children in the house or when they are not safe, you move them from one bedroom to another one so that they can be safe. What I am saying here,

most of the things have been said, but what I am saying is that the atmosphere in that school is not worthy for the children to be there.

(Applause)

Secondly, the sanitation in the school is wanting. With all that, even if we say that we don't want to move the children, you ask yourself, why are keeping those children there with all things happening to them. To me, I will ask the Members, ask yourself if you could go and see the school where we were, you will agree with me that we should move those children immediately.

Hon. Temp. Deputy Speaker: Yes Hon. Member for Kahawa.

Hon. Member for Kahawa Ward (Mr. Amos Mbuthia): Mr. Speaker I raised a statement regarding the school in contention and sought the Committee to respond to some issues. The manner in which this issue has been brought to the Assembly is wanting but all in all, I do support the report. Patrick NgaruiyaChege

Hon. Temp. Deputy Speaker: Was your question answered?

Hon. Amos Mbuthia: Yes Mr. Speaker and that's why I support this report. If I was to bring this Assembly up to speed at the events that surround this school such as on the County askaris and hawkers. Most times studies are interrupted and the environment is not conducive for the children. There is a big problem in the schools playground. I urge my fellow Members to look into the interests of the children in this school. Thank you.

Hon. Temp. Deputy Speaker: Samuel Irungu Mwangi

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker I rise to support this Motion. Reason being, the people of Nairobi found it wise to elect us so that we provide leadership. The Committee report clearly states that people in pre-schools be moved to a safer school and the section be closed immediately. The Committee went for a fact finding mission on behalf of the Nairobi City County Assembly. If any of us can recall how our brothers and sisters in the matatu sector behave yet they are people who are schooling on a daily basis, then I can imagine the problems they are undergoing. Let us be bold enough and make a decision so that these schools can get a safer learning environment. It is very dangerous as a leader to always want to make popular decisions. I stand with the Committee report that this school must be relocated, today and now.

Hon. Temp. Deputy Speaker: Order Hon. Members. Can I call the mover of the Motion to reply?

Hon. Member for Githurai Ward (Jackson Ngare): Mr. Speaker I take this opportunity to thank you and the Hon. Members for allowing this debate to continue. I wish to highlight a few issues. One, the Committee on Educations deals with children alone. We aren't interested in anything else other than the

fact that these children will be kept away from teargas and noise. The school has no playground because it has been converted into a parking lot. It is a high time we look at our education sector in the CBD as compared to what happened in 1906 when the school was started. It was safer for them but as of today, it is wrong to have children in the CBD. The Health Committee headed by Hon. Manoah Mboku should have visited that school before we did. The children carry packed lunch and eat on the stairs which is very bad for their health.

Mr. Speaker sir, with your permission, I would like to show you a clip of these children feeding. Otherwise I thank you all for your support.

Hon. Temp. Deputy Speaker: Hon. Chair, with due respect, which clip are you talking about? You must withdraw those words or else you will have to table that

Hon. Jackson Ngare: Mr. Speaker I withdraw. Thank you.

Hon. Temp. Deputy Speaker: Thank you Members. Hon. Chair if you could clarify on the primary and secondary school which are on the same building because I know that the County Government does not have the mandate to close down the school

Hon. Jackson Ngare: Mr. Speaker, we are talking about movement of children in secondary schools. The ground floor of this building has children whom we should look after and on the top floor there are the secondary ones. We did not bother to check how many they were, because we want them to be safe.

Hon. Temp. Deputy Speaker: Fair enough

(Question put and agreed to)

Next Order Clerk.

Hon. Members this Assembly will continue next week on Tuesday.

(The House rose at 3:55 p.m.)