



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 8th 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, Standing Order No.31: Quorum at the commencement of the County Assembly. *“If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.”* Hon. Members, I want you to underline the word may in the last paragraph of Standing Order No. 32. That is after the expiry of the ten minutes. I therefore direct the Serjeant-At-Arms to ring the bell for the next ten minutes.

Do not allow Hon. Chege Mwaura to get out through that door! Come back, Hon. Chege Mwaura. Hon. Asha you will have to maintain silence.

Hon. Members, at the expiry of ten minutes, we still do not have a quorum. I remember telling you to underline the word may in the last paragraph of Standing Order No. 31. I will allow two to three Members to say something about Members raising a quorum in the House and that will give me a leeway to make an informed decision as to whether to add five minutes or more. I think that even if we add five more minutes, we will still not raise the quorum.

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Yes, Hon. Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. According to my observation, there is a deliberate attempt by Members of this House to derail the business. This is because quite a number of them are just outside and as the bell is being rung, one can see them walk towards the opposite direction. Mr. Speaker, the Committee concerned should sit and deliberate on this because it is obvious. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Ochar, you concur with me that there is no need to add five minutes?

Hon. Maxwell Ochar: Mr. Speaker, for the sake of the business of this House, you can add another five minutes, but the truth of the matter is that Members are outside here, I can even see them from where I sit.

Hon. Temporary Deputy Speaker: Yes, Hon. Alex Mulatya

Hon. Member for Kwa Njenga Ward (Mr. Alex Mulatya): Thank you, Mr. Speaker sir. It is paramount to talk about the quorum of this House. To echo what my friend has just said, 75% of the Members are just hanging around the Assembly. We are here to represent the Nairobians yet some of us are laying down our hands on issues pertaining to legislation. Mr. Speaker, we have Reports, Bills and Motions which are for the benefit of our electorates who elected us and therefore, I see no need in adding five more minutes to raise the quorum. I would like to put into book the Whips of both parties to take to task their Members so that we get to raise a quorum because that is part of their mandate. In the event that does not change, then I guess we will have to change the Whips of this House. Mr. Speaker sir, I rest my case.

Hon. Temporary Deputy Speaker: Hon. Karega Manoah.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Mr. Speaker, I concur with you on why we should not add the five minutes. Members are aware that the Assembly starts at 2:30pm. The parking area is full, begging the question where are the owners of those cars? When you go to Gatimu and Mwakanongo's office, you will find all Members there but when it comes to business pertaining to this House, they aren't present. Most Members from the Jubilee side aren't present. Is this House meant for Members from the CORD coalition?

Mr. Speaker, it is high time measures are taken against the Members who do not attend. Some Members come to the Assembly, waste their time by attending Committee and the Assembly only for them to miss out because of lack of quorum. It is not right, Mr. Speaker. It is high time you stamp your authority, add no more time and I support you to adjourn this Assembly.

Hon. Temporary Deputy Speaker: The Hon. Leader of Majority.

Hon. Leader of Majority: Mr. Speaker, we should not blame anyone because as you know, there were by-elections in Kericho and Malindi and most of the Jubilee Members went there to rig the elections. They are still there celebrating after their efforts and maybe tomorrow, they will be very much available.

Hon. Temporary Deputy Speaker: Yes, Hon. Adow

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Mr. Speaker, I think the Members are disappointed that the Committees that should have been reconstituted, the list is not here. However, I think we rigged in Malindi and Kericho so we are even on that field. Thank you.

(Laughter)

Hon. Temporary Deputy Speaker: Okay, I will give the floor to two more Members starting with Hon. *Sirkal*.

Hon. Member of Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Mr. Speaker sir, for giving me the opportunity. My observation is that they were just delayed because of the celebrations but in fact you need to continue ringing the bell for the next 5 minutes as it is laid down in our Standing Orders. The reason is that they were just held up in a traffic jam, you know in Nairobi there is traffic jam even during the day. You can see Members are just coming in, so, Mr. Speaker sir, just add 5 minutes for the bell to be rang. Thank you.

Hon. Temporary Deputy Speaker: Hon. Mauti.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you, Mr. Speaker. According to my observation, it is that we are still analogue, that is why most of us do not attend this Assembly. There is no gadget which we should propose for every Member to have so that communication will be nowhere. I pads are nowhere so how do we communicate? Two, Mr. Speaker, it is now three years, this is not our Assembly remember this is the whole Executive.

We have our Assembly where we are supposed to go and do our deliberations, which mean it can maybe change the mood of these Members. So, the issue is about the fact not the delay or directions of whatever, it is about the fact that we are being humiliated and intimidated. That is why most of us are losing hope with – I do not know whether it is the leadership or what – the direction of the House.

Hon. Temporary Deputy Speaker: Hon. Member, you came in late and we were waiting for you so that we can have a quorum and you want to contribute on the same? Order! Hon. Members, I just want to give Members a warning pertaining to the attending of the Assembly. I want to point out to the Leaders of the Majority and the Minority in absentia--- I am actually surprised having noted from Hon. Mulatya that we do not have the Whip in the House and it is not only today.

Hon. Elkana Mauti: (Inaudible)

Hon. Temporary Deputy Speaker: You are not a whip for heaven's sake.

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Hon. Elkana Mauti: He is a whip, Vice Whip.

Hon. Temporary Deputy Speaker: Order! Vice is not a whip. I said whip--- You should have waited for me to add the word vice or assistant.

Hon. Elkana Mauti: When the whip is not in---

Hon. Temporary Deputy Speaker: Order! You want to argue with the Chair? Hon. Leader of Majority, it is high time that we warn the coalitions that your Whip should be up to the task and whip Members who are not coming to the Assembly. I am giving that as a last warning to the Whip of the Board. However, I am informed that we have a quorum and I think we can proceed from there. Clerk, we can proceed.

COMMUNICATION FROM THE CHAIR

Hon. Temporary Deputy Speaker: Hon. Members, on Wednesday 2nd March, the Motion by Hon. Carolyne Muga was interrupted due to lack of quorum. I therefore directed the Motion to appear in the Order Paper on Thursday which was not the case and thus, there was uproar from Members of the Assembly on the same. Hon. Members, I wish to report that the matter has since been resolved and measures are being put in place to ensure that such never happens again. Therefore, I wish to apologize to the Members on behalf of the administration of the Assembly.

I have another Communication. Hon. Members, on 26th February, 2016, the County Treasury submitted to the Office of the Clerk the County Fiscal Strategy Paper. This was done in line with the provisions of Section 117 of the Public Finance Management Act of 2012 under Standing Order 206(1). However, arising from the misunderstanding on the alterations of the budget for the County Assembly Service Board, the submitted paper was returned to the County Treasury for clarification. Hon. Members, I wish to inform you that all the issues have been explained having been duly submitted.

Therefore, in line with the provisions of Section 117(7) of the PFM Act, 2012 under Standing Order 206(7) the County Assembly must consider and adapt the County Fiscal Strategy Paper with or without amendments. The PFM regulations of 2015 have explicitly set the timeline for approval of the document at 15th March of each year. As Members may realize, due to the circumstances it was not possible to table the paper and commit it to the Committees for timely reporting as required by the Standing Orders. In this regard therefore, I direct as follows;

1. In line with Standing Order 206(3) the County Fiscal Strategy Paper has been duly committed to each Sectoral Committee to review in line with their respective mandates and those Committees should submit their recommendations to the Budget & Appropriations Committee in the next 7 days or by 15th March, 2016, whichever is earlier.

Hon. Members, during this time, these Sectoral Committees are advised to suspend any pending business before them and thoroughly review this important budget instrument. After receiving the

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submission from the Sectoral Committees, the Budget & Appropriation Committee shall consider them and table a report in the House in 14 days' time and by 22nd March, 2016. It is so directed.

Hon. Members, the office of the Speaker is in receipt of a letter dated 1st March, 2016 from the Speaker of the Senate on his intention to visit the Nairobi City County Assembly. Hon. Members, the visit shall be undertaken on Wednesday, 9th March, 2016 at 11.00 a.m. The Hon. Speaker of the Senate will use the opportunity of this visit to discuss;

- a. The milestones achieved,
- b. Challenges faced by the Assembly,
- c. Propose areas of collaboration with the Senate as well as other issues of mutual interest.

Hon. Members, the Speaker of the Senate will meet the leadership of the Assembly who shall then report the outcomes of engagement to the Assembly. Thank you.

PAPERS

THE COUNTY PHYSICAL STRATEGY PAPER 2016/2017

Hon. Leader of Majority: Mr. Speaker, I think that the House is full as you can see now.

Hon. Temporary Deputy Speaker: Hon. Leader of Majority, we are in Order No. 5!

Hon. Leader of Majority: Okay, Mr. Speaker. Pursuant to section 177 (1) of the Public Finance Management Act, 2012 and Standing Order 206 (1), I beg to lay the following paper on the table of the Assembly today Tuesday 8th March, 2016, the County Physical Strategy Paper 2016/17.

THE REPORT OF THE SELECT COMMITTEE ON APPOINTMENT ON THE VETTING OF NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER RESPONSIBLE FOR ENVIRONMENT, WATER, ENERGY AND SANITATION SECTOR.

Mr. Speaker, Pursuant to Standing Order 186, I beg to lay the following paper on the table of the Assembly today Tuesday 8th March, 2016; The Report of the Select Committee on appointment on the vetting of Nominee for the County Executive Committee Member responsible for Environment, Water, Energy and Sanitation Sector.

Mr. Speaker, I have just received this Paper here and I don't know why the Chief Whip of Minority brought it here.

Hon. Temporary Deputy Speaker: I order that the issues raised by the Leader of Majority concerning rigging of the election be expunged from the records of this Assembly.

NOTICE OF MOTION**THE REPORT OF THE SELECT COMMITTEE ON APPOINTMENT ON THE VETTING OF
NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER RESPONSIBLE FOR
ENVIRONMENT, WATER, ENERGY AND SANITATION SECTOR.**

Leader of Majority: I beg to give Notice of the following Motion: THAT this Assembly approves the report of the Select Committee on the Appointments of the Vetting of the nominee for the County Executive Committee Member responsible for Environment, Water, Energy and Sanitation Sector laid on the table of the Assembly, today Tuesday 8th March, 2016.

STATEMENTS

Hon. Temporary Deputy Speaker: Hon. Members, there was a Statement requested by Hon. Ngaruiya Chege from the Chairperson of Sectoral Committee on Planning and Housing regarding the Construction of a perimeter wall by Kenyatta University on the road reserve along the Northern bypass. Hon. Chair.

Hon. Maxwell Ochar: Mr. Speaker, the response is ready, but I can see Hon. Ngaruiya is not in the House. Therefore, with your permission can I go on?

Hon. Temporary Deputy Speaker: Hon. Chief Whip--- I think I saw the Chief Whip inside. Who is aware of the whereabouts of Hon. Ngaruiya Chege.?

Hon. Maxwell Ochar: Mr. Speaker, I can inform the House that I met Hon. Ngaruiya Chege today before the Assembly commenced and we spoke about this.

Hon. Temporary Deputy Speaker: Did you agree with him that he was supposed to appear today?

Hon. Maxwell Ochar: He did not tell me that he is not going to be in the Assembly, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Chair, considering that Hon. Ngaruiya Chege is the Deputy Minority of this House from the Jubilee coalition, I think we can only give him a benefit of doubt that maybe he is on the way coming so that the particular issue can come later.

Hon. Maxwell Ochar: Mr. Speaker, the law is not made for the seniors and juniors it was made for everyone within the Assembly.

Hon. Temporary Deputy Speaker: It is not the law, it's the direction from the Chair and can it come later! Thank you. There was a Statement requested by Hon. Petronilla Nafula from the Chairperson of the Sectoral Committee on Planning and Housing regarding the notices of payment for various projects for wages, registration and compliance requirement must be made as prescribed in the National Construction Authority Act and Regulations.

Hon. Maxwell Ochar: Mr. Speaker, it is ready and I am having it here.

Hon. Temporary Deputy Speaker: Hon. Petronilla, are you in and ready? Proceed.

RESPONSE TO A STATEMENT REGARDING THE NOTICES OF PAYMENT FOR VARIOUS PROJECTS BY NATIONAL CONSTRUCTION AUTHORITY ACT AND REGULATIONS

Hon. Maxwell Ochar: Mr. Speaker, Pursuant to Standing Order 41 (2) (c), Hon. Petronilla Nafula, MCA, requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the notices of payment for various projects for which registration and compliance requirements must be met as prescribed in the National Construction Authority Act and Regulations.

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

i.) Why the National Construction Authority is demanding payment from the residents and the County Government yet the residents pay the rates to the County Government.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Urban Planning and Lands on 18th February, 2016 requesting to be furnished with a written response to the Statement requested by the Hon. Member. The Chief Officer Urban Planning responded vide letter Ref: UP/PCED/00017 dated 23rd February, 2016.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows: That, why the National Construction Authority is demanding payment from the residents and the County Government yet the residents pay the rates to the County Government”.

Mr. Speaker sir, the Chief Officer Urban Planning acknowledged that any activity that is carried out by the National Construction Authority appearing to hinge on development control is contrary to the spirit and letter of the Fourth Schedule and Article 186(1) of the Constitution.

Hon. Peter Imwatok: Point of Order!

Hon. Temporary Deputy Speaker: What is the Point of Order, Hon. Imwatok!

Hon. Peter Imwatok: Thank you my wise Speaker. The Hon. Majority Leader is really not conversing in low tone.

Hon. Temporary Deputy Speaker: Order, Hon. Imwatok! You are out of order. I therefore give you last warning.

Hon. Maxwell Ochar: Mr. Speaker, don't worry about my younger brother, Imwatok, he is just a catalyst and he wanted to be heard and known that he is in the House.

Nevertheless, Mr. Speaker, the said Chief Officer further stated that under the National Construction Authority Act, it is only responsible for registration and supervision of constructors Mr. Speaker

Mr. Speaker sir, the Chief Officer Urban Planning acknowledged that any activity that is carried out by the National Construction Authority appearing to hinge on development control is contrary to the spirit and letter of the Fourth Schedule and Article 186(1) of the Constitution. The said Chief Officer further stated that under the National Construction Authority (NCA) Act, the Authority is only responsible for registration and supervision of contractors on quality assurance in the construction industry and has no powers to levy any fees on developers.

Mr. Speaker sir, the Committee while meeting both the CEC Members responsible for Lands and Urban Planning, and Urban Renewal and Housing informed that the County Executive shall go to Court to seek for an interpretation on the role of the National agencies such as National Environmental Management Authority (NEMA), Kenya Urban Roads Authority (KURA) and NCA with respect to regulating affairs within Counties especially on matters that have been devolved under the Fourth Schedule to the Constitution.

Mr. Speaker sir, the Committee concurred with the sentiments raised by the Executive and has requested the County Executive to urgently raise the matter through the intergovernmental relations mechanisms established under the Inter-Governmental Relations Act, 2012.

Mr. Speaker, a copy of the response from the County Executive has been attached herewith for reference.

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

Hon. Temporary Deputy Speaker: Hon. Petronilla.

Hon. Petronilla Achieng: Thank you, Mr. Speaker sir. I am satisfied with the response and I am happy that the Executive has agreed that it is illegal. I urge this Assembly that we must have a debate so that the NCA, who took us to a workshop in Mombasa, tell us what they are doing with the money. If you look at the fuel levies, they do make roads in this City. So, I don't understand where they take these levies. If it is salaries, they have factored in the budget. I looked at it and I know they are factored in. We need to know where they are taking the money and we need to make sure that the money is spent on Nairobians. Thank you.

Hon. Temporary Deputy Speaker: Hon. Kitavi.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Thank you, Mr. Speaker sir. If you allow me just to make a small contribution based on what the Hon. Member has spoken here about the NCA, sometimes it is very sad and it baffles us that a whole Authority can take Hon. Members for a workshop in Mombasa where we made serious commitments yet there is no follow-up. Mr. Speaker, I would like to urge

your Chair to make a follow-up on the resolutions that we made with the NCA during that retreat in Mombasa because they were very important points that need to be given due considerations. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Kitavi, but I can see you are reading from a very different script from the person who requested for this particular question. Yes, Hon. Kitavi.

Hon. Boniface Kitavi: Mr. Speaker sir, the Hon. Member mentioned here NCA taking Members to Mombasa for a retreat and I have just risen here to inquire about resolutions we made in conjunction with NCA. We made serious commitments and you were one of the participants in that retreat. Therefore, I do not see how you tell me that I am out of order and yet you know what transpired, unless you are a party to the NCA not following up on the commitments they made with us. If you want me to mention some of the commitments that were made, I will, they are not confidential.

Hon. Temporary Deputy Speaker: Hon. Kitavi, I didn't rule you out of order, I only said you are reading from a very different script from the Member who requested for this particular question. Unless you consult with the Member and you will understand why she requested for the Statement. Let me just assume maybe you were asleep when the Hon. Chair was answering this question. However, I understand your concern and I know it is a concern to quite a number of Members of this County Assembly, and more so the elected ones.

Hon. Members, I have information from Hon. Pius Mbono that Hon. Ngaruiya has gone for a medical checkup, so, he has requested that his question be answered tomorrow. I agree with that one and direct that the response to his Statement appear on the Order Paper tomorrow. Order, Hon. Chair! I have already given directions on the same.

Hon. Maxwell Ochar: Mr. Speaker, who am I to refuse not to answer this question tomorrow after you directives?

Hon. Temporary Deputy Speaker: Thank you very much. Yes, Hon. Mbono.

Hon. Member for Zimmerman Ward (Mr. Pius Mbono): Thank you, Mr. Speaker. I made a request to a Statement from the Health Chairman regarding the status of the Community Health Workers.

Hon. Temporary Deputy Speaker: Come up again?

Hon. Pius Mbono: Mr. Speaker, I am saying that I made a request to a Statement from the Health Chairman in the month of March, last year regarding the status of the Community Health Workers but it has never been responded to.

Hon. Temporary Deputy Speaker: Hon. Chair for Health Services. Hon. Vice Chair? Any Member from that Committee? There is no Member for Health Committee in this House? Hon. Leader of Majority, can you explain where the entire Committee is?

Hon. Leader of Majority: Mr. Chairman, I think the Chair for Health was here, and also, if you can remember what he said about our colleagues here that if you go to Gatimu's or Mwanonongo's office, they are there. He ran away, so maybe he also went to those offices. But tomorrow, I will summon all the Chairmen of various Committees to my office and explain reason why they should not be in the Assembly. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much, Hon. Leader of Majority. At the same time, I wanted you to take note that the entire Membership of Health Committee is not in the House. That is something for you to chew.

Hon. Leader of Majority: Mr. Speaker, if this Health Committee is incompetent, why don't we reconstitute afresh? I am very good at that work. Mr. Speaker, if you allow me to come up with new names, I can bring it tomorrow or on Thursday. If Members of Health Committee are not in this House even to answer simple question like that, then I am sorry for that Committee, and we are going to deal with it.

Hon. Temporary Speaker: I so direct. Make sure you consult the Leader of Minority and bring a new list of the entire Committee in the House. Next.

MOTION

Hon. Carolyne Muga (Nominated Member): Mr. Speaker, I want to continue debate with this Motion because I had already moved it. I want to say that access to social security is a human right, and article 40 of the Children's Act states that it is the duty of every local authority, and in this case the County Government, to safeguard and promote the rights and welfare of children within their jurisdiction.

Hon. Temporary Speaker: Hon. Carolyne Muga. With due respect, I think you moved this particular Motion. You can only allow the Motion to flow. It was also seconded by Hon. Magdalene Mbogori. So, I expected Hon. Members to contribute on this Motion.

Hon. Carolyn Muga: I thought I could make my contributions first.

Hon. Temporary Speaker: You made your contributions and you have some other minutes when you reply. Hon. Members, we are on the Motion of Carolyne Muga concerning the United Nation's convention on the rights of children. Motion no. 8. Hon. Members. Hon. Mbogori, you seconded this Motion. You still have your time.

Hon. Magdalene Mbogori (Nominated Member): Alright. Thank you, Mr. Speaker sir. I want to give my contribution to this very honorable Motion. Mr. Speaker sir, the creation of a children's department in the County of Nairobi is very paramount. This is because we have a Committee of children but we do not have a department of children. The Committee of children that I used to sit on dwells basically--- Mr. Speaker sir, I need your attention.

Hon. Temporary Speaker: Okay, Hon. Magdalene Mbogori, you reserved your minutes for contribution and I think that is what you are doing. Proceed.

Hon. Magdalene Mbogori: Thank you, Mr. Speaker sir. I was saying, this Motion is very paramount. We need a children's department in this County. We have a children's department that falls under the education department and it is such a wide department that it does not cater to children's issues. Mr. Speaker sir, that department basically caters for educational matters and vocational institutions and they do not cater for the child at the age of one to five years. We know that if we do not get to the child at that age, we will not be able to get it right to the children when they are in primary schools, secondary schools and the vocational institutions that we run as a County.

Mr. Speaker sir, I want to bring the attention of this House to the fact that we only have about five social workers in the whole County who take care of children's issues. These children are the ones who are taken into rehabilitation centers like the one in Joseph Kang'ethe or the one in Bahati. And when the President of the United States was here, we had over 200 children being taken to these rehabilitation centers and because there were no case workers or social workers to take care of the needs of these children there. After the president left, these children were left to the streets. As we drive along and walk around we see them roaming around the streets and they have nobody to take care of their needs and nobody to see that they go to school as much as we have free primary education. Mr. Speaker sir, that is something very serious for this County.

We know that if we do not take care of the children when they are below 18, then we will have a problem of serious insecurity in this County. Another reason I want to support this Motion is that we have one remand center in Nairobi County. If you go to that remand center, you will find all sorts of cases where children who have been raped, lost and arrested and arrested are taken there. These children are all mixed up there and there is nobody to sieve their problems and take case by case and deal with them and try to rehabilitate them or bring them back into the family sector. We know that children can only be taken care of in family centers and they can only be rehabilitated when they are in touch with their families.

So, Mr. Speaker sir, this is a very noble Motion and without further ado, besides seconding, it I want to strongly support it. Thank you.

Hon. Temporary Speaker: Thank you. Yes Hon. Kitavi.

Hon. David Kitavi: *Asante sana, Bw. Spika kwa kunipa fursa hii ili niweze kuchangia mjadala huu ambao bila shaka ni mjadala ambao ni wa maana sana. Kwa muda mrefu, Kaunti ya Nairobi haijapea kibao mbele maswala ya watoto. Mara nyingi, tunaona watoto katika jiji la Nairobi wakiteseka kwa sababu ya vijisababu vingi kabisa.*

Ni jambo la kuhuzunisha kujua kwamba, katika Kaunti hii, hatuna idara ambayo inashughulikia watoto. Namshukuru Mheshimiwa Muga kwa kuweza kuleta huu mswada kwa wakati huu. Taifa lolote ambalo linataka kunawiri lazima ipige darubini maswala ya watoto. Maanake, bila shaka, watoto ndio

msingi wa taifa lolote ambalo lingetaka kupiga hatua kimaendeleo. Hivyo basi, itakuwa ni jambo la buasara sana kama Kaunti hii itaweza kutenga kitengo cha kushughulikia maswala ya watoto. Wakati huu tunajua kwamba watoto wengi hutumika kwa njia ambayo haistahili. Mara nyingi tumesikia visa vya watoto kutumiwa kubeba mihadharati, tumesikia visa vya watoto kutumia madawa ya kulevya, tumesikia visa vya watoto kuibiwa na ahata kudhulumiwa kimapenzi. Lazima mambo hayo yote yaweze kukomeshwa na Kaunti hii kwa kuweza kuweka kitengo cha kushughulikia hawa watoto.

Kaunti ya Nairobi tayari imepitisha miswada mingi ambayo inawalenga watoto. Na kama kwa kweli kabisa, hamna idara ambayo inashughulikia watoto kiundani, hata miswada ambayo imepitishwa kwa hii bunge itakuwa ni kazi ngumu kabisa kuweza kuifanya iweze kutekelezwa.

Hivyo basi, ninapounga mkono huu mjadala wa Mheshimiwa Carolyne Muga, naona kwamba siku za usoni zitakuwa ni siku ambazo zitakuwa za maana kabisa kwa watoto wa Nairobi. Lazima sisi kama Waheshimiwa tuweze kupitisha huu mswada ili tuweze kuhesabika kama watu ambao walichangia kwa maslahi ya watoto wa Kaunti yetu, Bw. Spika.

Shirika la kimataifa la UN limeweza kufanya utafiti wa maswala ya watoto hapa jijini Nairobi. Mojawapo ya maswala yaliyofanyiwa utafiti ni mambo ya mateso ambayo watoto wengi hupitia. Ukiangalia kwa mfano maswala ya usafiri ya watoto katika hili jiji, ni swala ambalo hutatiza watoto wengi sana. Utakuta watoto wadogo wanaamka asubuhi na mapema, wengi wanakusanywa kwa magari kutoka sehemu moja ya Nairobi hadi sehemu nyingine ya kuelekea shule. Maswala mengine ambayo yamepigwa darubini na shirika la kimataifa la UNHCR ni maswala ya kazi ya watoto. Watoto wengi wachanga ambao hawaendi shuleni wanajiriwa kuwa yaya au kufanya kazi ambazo hawastahili. Hii ni ukuikaji wa haki za kibiniadamu, Bwana Spika.

Hivyo basi, kutenga kitengo ambacho kitashughulikia watoto itakuwa ni busara kabisa ili maswala haya ambayo watoto wengi wanapitia mateso na uchungu yaweze kumulikwa na kushughulikiwa. Kwa kupitisha huu mswada na kutenga watu ambao watashughulikia, itapatia hii Kaunti nafasi nzuri pia ya kufanya kazi na wadau wengine katika sekta ya watoto. Jiji la Nairobi lina mashirika zaidi ya mia tatu ambayo siyo ya serikali. Kati ya hayo, zaidi ya mashirika hamsini hushughulikia maswala ya watoto. Kama hii Kaunti itatenga ofisi na iteue wafanyakazi kushughulikia watoto tuna fursa mzuri ya kuweza kufanya kazi na hawa washika dao ili msawala ya watoto yaweze kumulikwa na siku za uzoni za hii kaunti zitakuwa za kufaa. Kwa hivyo mimi naunga mkono huu mjadala, shukrani.

Hon. Temporary Deputy Speaker: Thank you. Hon. Leader of Majority

Hon. Leader of Majority (Mr. Elias Otieno): Mr. Speaker, I also want to support this Motion, the reason being, as the Hon. Member for Kileleshwa and about four days ago, you have been seeing something called Project X and nobody is concerned about what is going on.

Mr. Speaker, right now since we don't have that department dealing with youth, why don't we compel the department of Education in this County, Hon. Member Kitavi and the Committee on Education,

to go very fast and stop that which is going to take place there during the coming weekend. That is the reason why we should also create this department of youth to deal with things like Project X.

I don't think we are just going to leave our children to get spoilt by foreigners. They said clearly that if you go there you are not going to come out a virgin which means they are going to do something which is nasty. So Mr. Speaker I support this Motion and before these Members walk out I think you just call the mover to reply for us to pass it because I can see this side of Jubilee people are still having hangover of yesterday rigging; so maybe we can just pass this thing Mr. Speaker.

Hon. Temporary Deputy Speaker: I can only give the mover of this Motion to reply

Hon. Carolyne Muga: I want to thank the Members who have supported this Motion and probably the other Members do not understand the weight of this Motion because if we are building roads, buildings to make this City look nice and we are not preparing the children that will live in it, then it beats the purpose of us even trying to develop this City.

Mr. Speaker, this department will be responsible for effective coordination for programs aimed at empowering children and upholding the rights of children. As my colleague talked a while about us having programs, we are building rehabilitation centers instead of making programs aimed at making the children not come to the streets. We are not strengthening the family unit and I think that is the work of social workers. We are asking this County Government to employ even the social workers and welfare officers to ensure the children are being taken care of and the cases being taken to the streets are actually rehabilitated instead of having a cycle that is going on.

Mheshimiwa Kitavi made a very good point that the Motions that we have passed here concerning children unless we have a department that is fully established with staff, experts; we don't even have a research center in that department where we look at emerging issues because the issues that brought children to the streets 20 years ago are not the same that bring children to the streets now and probably we need the center. Also parents have responsibility of taking care of children and if Government is not going to do so and many parents are actually leaving their children to stray away; we are seeing even 4 year old children on the street selling, peddling sweets, ground nuts; I think this is responsibility of parents. We need a department that will be fully staffed to be able to handle some of this issues that are happening.

Mr. Speaker, in my last remark I want to say if we are leaders worth a name then we should also focus on building the lives of our children. I want to thank you and I ask all the Members in the Assembly to pass this Motion, thank you.

(Applause)

Hon. Temporary Deputy Speaker: Thank you, Hon. Carolyne Muga.

(Question put and agreed to)

Hon. Temporary Deputy Speaker (Mr. Samuel Nyangwara): Hon. Members, before we move to the next, you heard--- Hon. Leader of Majority, please pay attention to this, you heard when they were contributing to not having a quorum on the start of the Assembly, there were quite a number of issues raised and I now want to give directions to you and the Leader of Majority that those Committees have not been constituted they should be ready for tabling by Wednesday next week and that remain so directed. Indeed we are experiencing a shortage of Members contributing in this Assembly simply there are a quite a number of complaints that they don't even have sittings in their Committees so they don't see the need of attending this Assembly. So, the Leader of Majority, please take note of that, and constitute those Committees as soon as possible. Wednesday is the last day that you are supposed to table them. Proceed, Clerk.

MOTION

Hon. Temporary Deputy Speaker: The Chairperson Environment, Agriculture and Natural Resources.

Hon. Member for Mukuru Kwa Njenga Ward (Mr. Alexander Mulatya): Thank you, Mr. Speaker. I wish to move the following Motion, THAT, this Assembly adopts the reports of the Sectoral Committee on Agriculture, Environment and Natural Resources on the status of waste management within the Nairobi City County on the table of the Assembly on Wednesday 10th February, 2016. Mr. Speaker sir, the Committee noted that the City was in a deplorable environmental state with those in charge of waste collection failing to deliver their mandate. The Committee therefore found it necessary to inquire into ---

Hon. Carolyne Muga: Point of Order!

Hon. Temporary Deputy Speaker: What is the Point of Order, Hon. Carolyne Muga?

Hon. Carolyne Muga: Mr. Speaker, I want to alert you that there is no quorum in the House and this is a weighty report. Waste management in this City is very critical, so probably you ring the bell for quorum.

Hon. Temporary Deputy Speaker: What is it Hon— you still want to proceed?

Hon. Alexander Mulatya: No, Mr. Speaker. I agree it is a very weighty report and each and every Member has a copy of this report. I think it is paramount for the Members to be in this Assembly so that they can contribute to this Motion. But I seek guidance from you.

Hon. Temporary Deputy Speaker: But Standing Order No. 32 is very clear and since the Member has raised that particular issue, I think I will have to request the Clerk to take note whether we have a quorum in the House. Indeed we don't have a quorum as Hon. Carolyne Muga has put it, I direct the Serjeant-At-Arms to ring the bell for the next 5 minutes.

(The quorum bell rings)

Hon. Temporary Deputy Speaker: It seems there was an oversight to the instructions given to the Serjeant-At-Arms; I request them to add 3 extra minutes so that it can be 8 minutes.

(The quorum bell rings)

Hon. Temporary Deputy Speaker: Hon. Members, still we don't have a quorum and as such, it is quite unfortunate that even Members whose Motions have been slotted for today's business cannot appear in this House. I therefore direct that Motion No. 10 on the Order Paper be dropped simply because this particular Member to contribute or to move his Motion ought to have been in this House to give us a quorum and because he is not in, I drop this Motion till such a time that he will appear in the Speaker's office to explain the same as to why he is not in the House.

(Hon. Boniface Kitavi is standing)

Order! I have got no information! Are you, Hon. Alex Ouda?

(Hon. Boniface Kitavi is standing)

Hon. Boniface Kitavi: Mr. Speaker, certainly I am not Alex Ouda but, he has sent me and he had requested that his Motion be deferred. So –

Hon. Temporary Deputy Speaker: He did not have the regard to inform the Chair. This is a House of rules and procedures so you cannot just exchange ideas and words on what you are supposed to do in this House. You are supposed to inform the Chair of any changes as per the Standing Orders. I therefore drop this particular Motion.

Hon. Boniface Kitavi: Until tomorrow, Mr. Speaker?

Hon. Temporary Deputy Speaker: Order! Hon. Alex Ouda to appear in the office of the Speaker to explain his absence when his Motion has been slotted for tabling today. Hon. Member, the House Business Committee is meeting at the foyer immediately after the adjournment of this Assembly. I therefore, adjourn this Assembly to tomorrow 2.30 p.m.

(The House adjourns at 3.54 p.m.)

