



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Thursday 26<sup>th</sup> July, 2018

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. Kamangu Nyumu) in the Chair)*

#### PRAYERS

**Hon. Deputy Speaker:** I understand that we don't have quorum, Serjeant-at-Arms please ring the bell for 10 minutes.

*(The Quorum bell was rung)*

**Hon. Deputy Speaker:** Hon. Members I think we still have the quorum issue. Serjeant-at-Arms, ring the bell for another five minutes. Nobody should leave the chambers until we have the quorum. I think we have the quorum now, Clerk proceed.

#### MOTION

##### REHABILITATION OF LANES AND BACKSTREETS FOR HAWKERS TO SELL THEIR WARES

**Hon. Pius Mbono:** Thank you Hon. Speaker. I think I don't have to go through the Motion once again because I had made a contribution towards this Motion. I only request Hon. Mathenge to second the Motion but before I invite him, probably give me one minute to refresh the minds of the Members on what the Motion entails.

**Hon. Deputy Speaker:** Proceed.

**Hon. Pius Mbono:** Thank you Hon. Speaker. I did my contribution on this Motion and the concept of this Motion is that we have several backstreets and lanes in Nairobi that are lying idle especially during weekends i.e. Saturday and Sunday. I was proposing in this Motion that hawking is a nightmare in Nairobi

and I do agree with the President and the Governor that Nairobi should be clear of hawkers. In line with this I would suggest that instead of these lanes lying idle with nothing going on there, maybe hawkers could be allowed to use them as from 5.00 p.m. in the evening when the shops are closed. That is possible if these back streets and lanes are rehabilitated by the County Government like it was done in the year 2002 when the NARC government took over. If these lanes are rehabilitated, we can take the hawkers there.

There are several lanes joining Kirinyaga Road and Lower Kirinyaga Road and Hon. Speaker as we speak now Gaberone Road is full of hawkers. If you go to Globe Roundabout, all the way to Khoja Mosque, hawkers do business as usual. We know it is not allowed but the hawkers are there. What happens is that the City *Askaris* go around getting handouts from the hawkers in order for them to be allowed to operate.

My argument is that, instead of these *Askaris* getting small monies from these hawkers and the County is losing then we can have a proper programme of putting these hawkers on the lanes and backstreets so that we generate something towards the government revenue collection kitty. The arrangement should only allow these people to operate when the shops are closed in the evening and sometimes Saturdays and Sundays. I think it is possible and will offer a solution to the hawkers' menace. Hon. Speaker, I have done some research and found out that road that joins Khoja Mosque Roundabout and the Coast Mombasa stage is quite expansive. It is quite long; it joins Coast Bus Road and Khoja Roundabout. If you visit that road on Saturdays as from 4.30 p.m., all the shops are closed and there are no people going to that place. That place is lying idle, this is wastage.

If we can put some people there and they work probably on Saturdays and Sundays when the shops are closed, then we are going to create jobs to the Nairobians. As I close, if the Motion passes, it is not cast on a stone. The Motion is just useful information to the County government so that they can do some kind of feasibility study. They just go there and do their study and try to see whether what I am suggesting is workable.

As I conclude, we have several cities in the world like New York City, there are streets where business people, they don't call them hawkers, have a street where they are allowed to sell their wares. Nairobi can also do that if we have proper guidelines, proper discipline and then if we put them there; everybody should be made to clean where one is operating from before he leaves. I was also suggesting that if they can sell their wares from 5 p.m. up to 5 a.m. and then they are made to clean that area. I think then the other business people will work there when they come there probably from 6 a.m. and find that it is clean and there is no interference. With that Hon. Speaker, I will request Hon. Mathenge to second.

**Hon. Naftaly Mathenge:** Hon. Speaker I arise to second the Motion. Thank you.

*(Question proposed)*

**Hon. Kennedy Obuya:** Thank you Mr. Speaker. Looking at the mood of the House, I am requesting your wisdom that the mover should reply.

**Hon. Deputy Speaker:** Hon. Obuya I think you better use parliamentary language. Hon. Mwangi Njihia please you should know that you are in the Assembly. Anybody who wants to contribute is free.

**Hon. Pius Mbono:** Point of Order, Mr. Speaker.

**Hon. Deputy Speaker:** Mr. Mbono.

**Hon. Pius Mbono:** Mr. Speaker, in your wisdom, that was unparliamentarily and through your wisdom please direct Hon. Mwangi Njihia to withdraw and apologize.

**Hon. Deputy Speaker:** Hon. Mwangi, can you withdraw?

**Hon. Abraham Njihia:** Hon. Speaker, I am going to withdraw the comment but it is not logical, we have not even started...

**Hon. Deputy Speaker:** Hon. Mwangi, can you withdraw and then you can proceed.

**Hon. Abraham Njihia:** Hon. Speaker, I withdraw and apologize.

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

**Hon. Abraham Njihia:** Can I proceed now?

**Hon. Millicent Mugadi:** No, it is my turn.

**Hon. Deputy Speaker:** Hon. Mugadi, proceed.

**Hon. Millicent Mugadi:** Yes, Mr. Speaker. Please allow me to address the House when sitting because I am just from the hospital because of my hand...

**Hon. Deputy Speaker:** Yes, we know of your condition, please proceed.

**Hon. Millicent Mugadi:** Thank you, Mr. Speaker, I think I would like to congratulate MCAs but apparently I would seriously oppose this Motion because Mr. Speaker, as you are seeing we are facing challenges of trying to organize Nairobi City County. We are having issues with hawkers, *boda bodas* and we have even seen people taking us to court because we are trying to remove them from the town so that we can be able to put order into the city. The Motion is good but this is not the right time.

I would wish it would be brought in the near future once we have set rules and regulations and we have identified how we are going to be able to manage these people because right now we are constructing so many markets that I fail to understand why we would bring those people here instead of relocating them to those markets that we are constructing. Nairobians want order and Nairobi is so congested so I personally oppose the Motion for the sanity of Nairobi County Town. Thank you.

**Hon. Deputy Speaker:** Hon. Mutheu?

**Hon. Patricia Mutheu:** Thank you, Mr. Speaker. I rise in support of Hon. Pius's Motion. With the current menace of youth unemployment I think this Motion provides an alternative to youth employment on the street and I believe that just because sometimes as Nairobi County we fail in terms of planning, this should not subject Nairobians into not wanting to explore what is actually theirs. I will say that with proper planning we can emulate cities like Thailand where they have night markets and it has done well and attracted a lot of tourism. So, here I would just urge that with proper planning of our Nairobi County we can realize this dream and also solve the menace of unemployment in this County.

Apart from that, through this Motion we can make sure the hawkers allocated the streets sell strictly Kenyan made goods and with that again, in line with the top four agenda of our President, it will promote local manufacturing and we make it so strict that the goods which are sold on the street are strictly Kenyan. On another issue in terms of revenue we can make sure we register all the hawkers under Nairobi County because as we all know they are so many in numbers and we can... Let me proceed. So, I was thinking that we could register all the hawkers under Nairobi County and trust me, that will raise our revenue as Nairobi County and this will help curb the corruption that we see left, right and center.

We all know how our City *askaris* operate and again I will insist that with proper planning and proper allocation of those markets we still have a lot of avenues. Hon. Millicent, I agree that we have the market and we cannot ignore the fact that in this country we are battling corruption and chances are high that for our normal *mwananchi* on the street it will be so hard for them to get these allocations. Does that mean that they are not Nairobians? What are their alternatives? Before we object any proposal made we have to know that Nairobi belongs to everyone and I rise as a Member of the County Assembly of an informal settlement where most of my residents actually thrive through selling sweets on the streets and they have a right to live in Nairobi.

So, if we chase them away what is the way forward and I think it is their right for Government to provide employment which is a basic, good education and water. So what is the way forward? Do you want to make Nairobi only for the rich or do you want Nairobi to accommodate everyone? So, I will still insist that with proper planning we can achieve this dream and we can make Nairobi one of the best city in the world. It is all about designing and making it conducive and adhering to the law. So, with my few remarks I hope every Hon. Member here will put that into consideration. Just imagine you are that woman who sells 5 tomatoes on the street just to feed your children and here you are, the same Government you have put in place is the one that is chasing you left, right and center. Is it right, are we ready as a House to accommodate them as Nairobians or are we here to just make laws for the rich? Nairobi belongs to all. Thank you.

**Hon. Deputy Speaker:** Hon. Herman.

**Hon. Herman Azangu:** Thank you, Hon. Speaker. I stand to support the Motion. I concur with the Member, Hon. Mutheu who has just been speaking that in order to bring sanity to Nairobi we have to make and use policies when we are doing the business of the day. In town we always have wars between the hawkers and the City *Askaris*. When you are walking in the streets you just find yourself in the middle of those wars and you can get hurt. So, to bring back sanity to such issues we have to enact a framework which we can use. Hon. Mbono, I think you have done a good job because if we allocate some roads to these hawkers and we give them a time in which they can do their business that will bring sanity and we can help those people. Hawkers are the people who earn little money selling sweets, used shoes and they just find themselves in that position of being harassed when they are just doing their job. I support the Motion.

**Hon. Deputy Speaker:** Hon. Anyango Jagero.

**Hon. Millicent Jagero:** Thank you, Mr. Speaker. I rise to oppose the Motion in that if we look previously in our backstreets there are dens of thieves and drug dealers, there are dens of every insanity that is going on in and around Nairobi. The places are always congested with *matatus* and touts everywhere harassing the public and we know that right now we are really working hard to bring back sanity in this Nairobi County. We have heard many complaints from the public and as we are trying so much to bring back that sanity we cannot go back to those backstreets and bring those things back.

**Hon. Millicent Jagero:** If you look at the millennium goal on extreme poverty eradication then you will see that bringing hawkers back to the streets is not a solution. When the CEC for Finance read the budget, he said that they are constructing markets so that they can be relocated there to work and get money that will help them sustain themselves and their families. I therefore oppose this because I know that

backstreet is not the solution to bringing back hawkers. We do not want congestion and robbery in Nairobi. Thank you.

**Hon. Deputy Speaker:** Hon. Oyugi

**Hon. Kennedy Oyugi:** Thank you Mr. Speaker for the opportunity. Let me highlight a few concerns on the Motion. If you look at the gist of this Motion and allow me to read a line from it. Noting that street vendors or business people commonly referred to as hawkers have the potential to contribute immensely to the City's revenue stream and create jobs. I fail to understand because there was an executive decree in this County by His Excellency the Governor that cess has been abolished. Now, if we allow hawkers in the name of generating revenue within the County then how is that going to be realized? The reason as to why hawkers come to the CBD is because of the populations there. Do you want us to allow hawkers to come to Nairobi City Centre? I do not believe that is the true position. Suppose we allow them to operate from 5:30 p.m. till morning then who are they going to sell their wares to yet Nairobi is not a 24 hour economy? *Mheshimiwa Mbono* I don't think that this Motion should be allowed to see the light of day and for those reasons Mr. Speaker, I beg to oppose. Thank you.

**Hon. Deputy Speaker:** Hon. Samora

**Hon. Samora Mwaura:** Thank you Mr. Speaker sir for giving me this opportunity to inject my wisdom in this Motion. Let me say that I stand here to support this Motion with reasons. I have heard people talk about markets. I wish they could do their research and find out the capacity of the said markets, the population this industry and the revenue they can generate. There is a *Mheshimiwa* who said that cess was removed, but I think that the County can introduce a form of cess upon which the people allocated street spaces and pay every day. This will then add to the revenue kit. We have witnessed a lot of demolitions of late, in my Ward and others around Nairobi and families have been left without income. Where do we think that these people will get their daily bread from? I strongly support this Motion and should be implemented as one of the members said through planning. There has been chaos because of lack of planning and I hope that the same will be considered. Before I sit down, let me read through some statistics. 60% of unemployed Kenyans are the youth and the same people who come to town to hawk. By condemning this Motion, we are subjecting people to poverty and unemployment and in turn will contribute to the rise of crime and vile behaviors such as prostitution and other illegal means of earning income. With those few remarks I beg to support with an underlining key word that this project should be implemented with very serious planning. Big cities like New York and Kuala Lumpur have done it. Thank you Mr. Speaker sir.

**Hon. Deputy Speaker:** Hon. Mary

**Hon. Mary Omwami:** Thank you Mr. Speaker sir. As a citizen of Nairobi, growing up I have watched this City deteriorate and one of the reasons for this is that there is no plan. Anyone is free to do whatever they want whenever they want. I am a member of the Transport and Infrastructure Committee and we are constructing markets in Kawangware, Komarock and other Wards and I believe that if we make it legal for us to have hawkers in town then those markets that we are constructing will go in vain. They will be empty and it will look as if we are shooting ourselves in the foot yet these markets are funded by the World Bank for the purpose of helping the youths. I know of countries who have executed this plan. One such case is Mexico where from 7:30 to 8:30 they operate in certain streets and after one hour they make sure that the place is

cleaned. If I heard the Hon. Member well, he said that the hawkers should be allocated time from 5:30 in the evening to 5:00am in the morning. We are going to create thieves from our youths and I do not think that is what we are trying to encourage. There are streets where hawking has been made legal whether we permit it or not and now that His Excellency the Governor said that they should not pay any fee now most of the streets are full with hawkers. If at all we decide to legalize that then we will have a lot of problems controlling them. If we start this now, then I do not think that I would wish to stay in Nairobi. Therefore I stand to oppose for now and agree with Hon. Mugadi that it can be implemented at a future date. Thank you.

**Hon. Deputy Speaker:** Hon. Daniel Muturi

**Hon. Daniel Muturi:** Thank you Hon. Speaker. I rise to support this Motion and point out the obvious that Nairobi County has been a battle ground between hawkers and the City *askaris* for a very longtime. We have seen this on TVs of people being thrown in trucks and manhandled. I have the privilege of sitting in the Nairobi Regeneration committee by virtue of being in the CBD and one of the things that they are proposing is that we have car free days where some of the designated streets can be given to hawkers from various areas. Hon. Speaker, this is being practiced in Countries like Kigali and Johannesburg and has proved to work. I see no reason why the same should not succeed here. As we speak, the Regeneration committee is at work taking census of hawkers at the CBD and is hoping that in the next few days they verify the same and set out streets where hawkers will be settled on particular days. Hon. Speaker, this is an intergovernmental City where the Nairobi County is a Member Hon. Speaker, I beg to support.

**Hon. Geoffrey Majiwa:** Thank you Mr. Speaker, and before I contribute I just want to remind you a few years back when we joined the other side which was the defunct City Council where we had a Former Deputy Mayor called Joe Aketch, I'm seeing history repeating its self here. If you can remember Mr. Speaker, this same thing was done and it's not a new thing and the Former Deputy Mayor Joe Aketch spent a lot of Council money rehabilitating those roads and we actually counted these hawkers one after the other and allocated them to those back streets.

After a few months they went to Murang'a and brought their relatives and left them in the corridors and they came back to the main streets. Mr. Speaker, I don't think you don't want to give Governor Mike Sonko a legacy of a hawking city that you would want to convert this capital City of Kenya to be whereby the youth are told their job must be hawking, that is when they are given livelihood.

Hon. Speaker, let us not misuse our overseas trips by giving examples of other cities in the world who are doing these things because those are structured and those are people who are cultured in a manner that if you are told to be here on Wednesday it is strictly that day and the times are kept. You have also heard other Members saying here that we are going to create gangs in this town if we say that people are trying to do hawking at night. Hawking is something that came up as a result of people who are working in town and were getting late home late because of one or two things in the traffic jam and so in one way or the other they are trying to help them to buy few kinds of stuff before going home.

We are now in a very huge program of developing this City in terms of trade and I think Governor Sonko has gone around this City and he has marked several Wards where he wants to put up very huge markets, some are ready 50% done while some are still coming up and that I know it is a legacy he has. So, if I don't I am seeing one has killed his legacy, and two he is saying that we leaders of this County only think

that our subjects will be nothing but hawkers. We look like we are in a County that we do not have enough Motion to support. Mr. Speaker, I would urge Members to try and work overnight and let us come with Motions that will make sense to the world.

We cannot in this County stand here and we say we are supporting a Motion which wants to convert 40% of this City into hawkers. Then it means this Country is done if Nairobi is generating 60% of GDP and we want to convert this County into a hawking town, then what are we saying Mr. Speaker. We are saying that we are closing the doors of this County that even people who are coming from International Airport will leave this street. For instance, if you have gone out and come back you have seen these hawkers some of them are even on the street from the highway to the airport. It means that this town is going to be in total chaos. I therefore urge Members to think about it before they support this Motion. All of us we don't live in town but in estates and markets are coming up there let the people plan their time if there is a lady who works in town and she wants to buy tomatoes let them plan properly how they will get these items from the market in the estates by keeping stock and not to buy them in the street of Nairobi. This is because Nairobi must be clean to attract other investors because the other counties depend on Nairobi because of the generation of GDP. If we convert it to a hawking town then there will be no GDP coming from Nairobi Hon. Speaker, I don't support this Motion and I think Members need to see sense in it, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Mwangi Njihia!

**Hon. Mwangi Njihia:** Thank you, Hon. Speaker and I stand to echo the sentiments of majority Member of this Assembly who has opposed this Motion and as I stand here I oppose as well. Hon. Speaker, if we bring hawkers to the CBD my learned friend here who is trying to purport that you are trying to take them to the back street.

In Nairobi we don't have any back street or front street because this is Nairobi City County and the Capital City of the country, whereby if these hawkers are allowed you want to say that in the back streets we don't have vehicles which will cause a lot of jam, pickpockets, overcrowding, mugging and all sort of bad things.

Hon. Speaker, Nairobi County and the World Bank have partnered in the constructions of many markets like now we have Marigiti which is ongoing, Muthuruwa is also going to be rehabilitated, we have Mwarilo market, we have Karandini market and we have another one in Kagundo, also in Mwalimu Ward and Hon. Speaker, if we again take money from the coffers of this City and we take it to the back street, it means that all this World Bank funded projects will go into waste.

I think these hawkers whom my Hon. Member here is talking about especially the number of youths. I do believe that in those back streets we have some exhibitions which are paid by this purported youth. I also think if we open these back streets to these hawkers we are going to kill the exhibitions and you know these people are paying licenses and I believe that our revenue collection will drop because we will start cat and mouse game and also it will open a red light for corruption by the County *Askaris* and National Service *Askaris* who will start harassing people there.

Therefore, Hon. Speaker, as the way one of the Members, has said that 60% of Nairobians are youth I do believe that this World Bank-funded projects markets they can cater for them. Therefore, I stand here

not only to oppose this Motion but also saying that categorically even the *boda bodas*, *matatus* which are in this town should also be removed with immediate effect to give us space.

Recently, I visited Rwanda and there is sanity there, backstreets are green. Just the other day, I also went to Dortmund. I have heard Members here saying that the economy has grown but in developed countries, they use markets and not backstreets. With those few remarks, Hon. Speaker, I beg to oppose. Thank you.

**Hon. Deputy Speaker:** Hon. Gari.

**Hon. Maurice Gari:** Thank you, Mr. Speaker for catching my eye. I know you have missed me so much. I stand to support this Motion in totality. The word 'hawker' is not a crime but people are using it in a bad manner.

Mr. Speaker, I got an opportunity to travel to Tokyo Japan, where things move very fast. There are hawkers there. When a member comes with a Motion to request the lower downtown from 5:30 p.m. to 5:30a.m--- Even in my Ward, I wanted to introduce 'hawkers' day' whereby we close a road. It is allowed. If we have sanity, we can do this thing well because people are not equal. Hawkers also need to eat and feed their children. There is job scarcity in Kenya, only 40% are employed while the rest are languishing in poverty. So, denying these guys chance is not good. These people want to operate when shops are closed at 5:00 p.m when there is no competition. They are just requesting for a road to be closed for them to do their business.

It is upon the County Government to provide sanity and security because we will also get revenue there. Why don't we register hawkers and give them tags the way they do it in Rwanda, Japan or Malaysia? Anyone here saying hawkers are nasty, we are people creating that nastiness to hawkers. Those are men and women who have gone to school. The bad thing about Kenyans is that they overlook things. If you see somebody somewhere with suits and tie, they think a hawker is a thief. One day that hawker will be MCA, a governor or MP. We should treat human beings with dignity. This Motion was brought in good spirit to help these guys have designated areas. If you are caught hawking in areas not designated, you will be arrested. We will not have hawkers around Moi Avenue and Harambee Avenue. Regardless of markets which are being built, we don't know when they will commence. They were started long back when Kidero was the Governor of Nairobi. If we give them space, they will change.

Mr. Speaker, I beg to support this Motion. Thank you.

**Hon. Deputy Speaker:** The mover to reply.

**Hon. Pius Mbono:** Thank you, Hon. Speaker. I want to thank Members for supporting this Motion. As I said, when I began, even right now hawkers are on the street, especially along Gaborone Street. I was there from 1:00 p.m to 2:00 p.m and the business is going on. If you are coming from Globe Roundabout to Khoja, business is going on but the City *Askaris* are going around picking some few coins so that to allow the hawkers to work around those areas. Let us not deny this fact that these people are there. It is only that what we are arguing is that if we can have proper guideline and strict discipline, these people can work.

Before I reply, I came to Nairobi in 1994 and I have worked as a taxi driver for ten years. I used to buy nice items at night. Those people who do not come to Nairobi, Nairobi is alive during the night. Some few hawkers are allowed to work during those hours up to 5:00.a.m then they are told to pack and leave by



the City *Askaris*. This Motion is just giving information to the County Government to do feasibility study and see how this Motion can work. I beg to reply.

*(Question put and negatived)*

**Hon. Deputy Speaker:** Clerk, proceed.

### MOTION

**Hon. Deputy Speaker:** I understand Hon. Matara is not around, so we defer the next House business, 31<sup>st</sup> July 2018.

*(Motion deferred)*

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, the House stands adjourned till Tuesday, 31<sup>st</sup> July 2018 at 2:30 p.m.

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