



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Wednesday 8<sup>th</sup> October, 2014

The House met at 2.30 p.m.

(Hon. Speaker - Mr. Alex Ole Magelo)

### PRAYERS

**Hon. Speaker:** Good afternoon Hon. Members.

*(There is no quorum)*

*(Quorum bell is rang)*

### NOTICES OF MOTION

**Hon. Chief Whip of the Majority** (Mr. David Mberia): Thank you Mr. Speaker I beg to move the following Motion;

THAT; aware that naming of roads and streets is a traditional mode of honoring our heroes and heroines and places in Kenya. Noting that Kenyans have for years named places and roads in all towns and villages across the country in ways that bequeaths honor and history; Deeply concerned that this important tradition is at risk, thanks to unplanned naming of key roads with places that bear no history and no significance to Kenyans; for instance road names such as Mogadishu, Monrovia, Lagos, Kampala Roads among other roads.

Further noting that road names have been changed before to reflect names and places of significance to Kenyans. For example, Sandler Street which was named after Koinange Street and Lord Delamere Avenue renamed Kenyatta Avenue amongst others.

This Assembly resolves that the County Government immediately review all road names with a view to changing those that carry no meaning to Nairobi residents and Kenyans at large with names of heroes, heroines and renowned places across the country. Thank you, Mr. Speaker.

**Hon Speaker:** Thank you very much Hon Mberia. Hon Kennedy Oduru.

**Hon Member for Lucky Summer Ward** (Mr. Kennedy Oduru): Hon Speaker, I move to give notice of the following Motion: THAT; aware that Article 29 of the constitution grants that every citizen of the Republic has a right to freedom and security. Further aware that recent years have marked increase in the number of insecurity incidences across the country and more so in Nairobi City County; concerned that, most wards in the County are in total darkness due to lack of security lighting which has contributed to an increase in crime activities within the County especially at night; noting that most of installed lights have failed to function due to lack of platform vehicles for repair and maintenance.

Acknowledging that the security of the residents and the public is for the County to achieve a 24-hour economy, which is part of Vision 2030; this Assembly urges the County Government to purchase a platform vehicle in every Sub-County and installed security in all wards, repair and maintain the existing ones to reduce the level of insecurity. Thank you.

**Hon Speaker:** Thank you Hon Oduru. Hon Elizabeth Manyala.

### NOTICE OF MOTION

**Hon. Member for Kayole South Ward** (Ms. Elizabeth Manyala): Thank you Mr. Speaker I beg to give the following Motion that aware the functions of Cultural activities and Public entertainment including sports and cultural activities are vested to the County Government pursuant to paragraph 4 of Part Two of the Fourth schedule to the Constitution of Kenya, further aware that Nairobi City County serves as one of the main travel, diplomatic and cultural hub for Eastern and Central Africa with well-established tourist attraction sites from social, academic to spiritual matters; concerned that the County has not established well-founded cultural activities that can distinguish the uniqueness of the County from others despite having all it takes to be called “the Green City in the Sun”; noting that cultural activities attract tourist from all over the world which is a source of revenue for the County: this Assembly therefore urges the County Government to establish Miss Nairobi City County competition to be held annually, where winners represent the County in Miss Tourism Kenya event at the National level. Thank you.

## STATEMENTS

**Hon. Asha Abdi** (Nominated Member): Thank you Mr. Speaker Sir, I would like to request for a Statement. Pursuant to Standing Order 80, I wish to make a personal Statement regarding the formation of a Select Committee on Powers and Privileges.

Hon. Speaker Sir, the role of the Powers and Privileges Committee in regulating the conduct and privileges of members in an Assembly cannot be over emphasized. Parliamentary privileges exist for the purpose of enabling Parliament or any Legislative Assembly carry out effectively their function.

The Primary functions of the houses are to inquire, to debate and to legislate and Parliamentary privileges assist and protect these functions.

Hon. Speaker Sir, how the said functions are exercised and order when exercising that mandate is the subject of a Powers and Privileges work. I want to urge the Assembly to move with speed and establish this very important Committee.

Mr. Speaker Sir, I wish to elicit your direction on how the Assembly plans to address this matter. Mr. Speaker Sir it is my humble request to have this committee formed as soon as possible so that our privileges can be looked into. Thank you Mr. Speaker sir.

*(Applauses)*

**Hon. Speaker:** Thank you Hon. Asaha.

**Hon. Speaker:** Thank you very much Hon. Asaha Sosso, this is to the leadership of the Assembly to make us submit names for the formation of the Committee. As you are aware a lot of things are happening within the precincts in and outside of the Assembly which needs to be dealt with by the powers and privilege Committee. Therefore I request the leadership of the Assembly in particular the leadership of the political parties to submit the names for necessary action. Thank you.

**Hon. Speaker:** Hon. Chege Mwaura!

**Hon. Member for Ngara Ward** (Mr. Chege Mwaura): Thank you Mr. Speaker and am happy to be here after a long while, Mr. Speaker I rise on standing order number 40 requesting for a general statement on a topical concern regarding the discharge of Hon. Diana Kapeen as a Chairperson and a Member of the secretarial Committee on Transport and Public Work.

**Hon. Speaker:** Very well Hon. Chege Mwaura!

**Hon. Chege Mwaura:** I haven't finished Mr. Speaker.

**Hon. Speaker:** Yes I want to give some guidance on that. Hon. Member's general Statement notwithstanding Order number 27 hours of meetings, the Speaker shall interrupt the business of the County Assembly to facilitate Members to make general Statement of topical concern, a Member who wishes to seek leave to raise a matter under this standing order shall before 3 pm on the day the Statement is to be made hand to the Speaker a written notification of the matter, but the Speaker shall refuse to allow the request unless satisfied that the matter may probably be discussed in the County Assembly. Hon. Members that has been done, no Member making a statement under this standing Order shall speak for more than 3 minutes unless with the permission of the Speaker and forthwith no debate on this matter after the Member has made his general Statement. Hon. Chege.

**Hon. Chege Mwaura:** I stand guided Mr. Speaker.

**Hon. Speaker:** Thank you

**Hon. Chege Mwaura:** On the same footing Mr. Speaker, that I'll also wish to direct you to Standing Order number 41 2(B) that states that either the Majority or the Minority Leader of the House shall make a Statement concerning their duties in this House or any other Committee, is on this same ground that I am requesting that this House be furnished with a Statement from the Leader of the Majority regarding the same issue that I have raised, most importantly because the allegations that I have brought before---

**Hon. Speaker:** Hon. Chege what have you now raised?

**Hon. Chege Mwaura:** Kindly go to 41 2(B) Mr. Speaker.

**Hon. Speaker:** OK, Hon. Chege why don't you finish reading your Statement first?

**Hon. Chege Mwaura:** That's fine, Mr. Speaker, as a Member of the foresaid Committee I am a concerned Member about the contents of paragraph 2 of the said letter that we remove the Hon. Member from the Committee, in particular I am concerned about the allegations that the Committee Members have severally complained about the conduct of the Chairperson which are not factual. If the strength of removing the Member was based on the complains made by the Transport Committee which I am a Member, it's on this ground that am requesting the Leader of the Majority to humbly explain the position because it's touching on the Committee of Transport that the allegation that are being made are not factual.

**Hon. Speaker:** Hon. Chege, the Leader of Majority is at liberty to reply but your request came in on general statement, therefore I will as the Speaker allow the Leader of Majority to reply.

**Leader of Majority (Hon. Elias Okumu):** Thank you Mr. Speaker I want just to clarify something in this House. In several occasions we have suspended different people because of gross misconduct. Hon. Chege I do not know whether he went on safari and has just come when Diana was suspended because there were some other people before. He did not raise those questions he is raising right now but even though, I have not suspended anybody from Jubilee. I just suspend somebody from CORD and it is also not a matter of suspending somebody. I have not suspended her, I relieved her from all those Committees and I want it to read clearly discharge a Member from a Committee.

The County Assembly party that nominates a Member to a Select Committee may give a notice in writing to the Speaker that the Member is to be discharged from a Select Committee. The discharge of a Member shall take effect upon receipt by the Speaker of a Notice under paragraph one. Even according to this Standing Order I do not have to give you the reason why and this is a matter of CORD.

It is not a matter of Jubilee. Did you see last time the Chief Whip Minority Leader of the National Assembly called Mung'aro was discharged from being Chief Whip? Did Jubilee people open their mouth there in Parliament? They did not. Why are you people misleading CORD members? I am still going to continue disciplining them because you people you are the ones who are misleading them. This is a matter of CORD not Jubilee Mr. Speaker. Just give the direction.

**Hon. Speaker:** Thank you Hon. Hon. Members I so direct you to the provisions of general Statements. There are no debates and we go to the next Order. Order Members! Let us have Order! Hon. Chege. Order! Hon. Members, Hon. Chege asked for a response from the Leader of Majority. Order Ngaruiya Chege!

Hon. Members, if you have this request for Statement for Hon. Chege—sorry. It is notice to make a general Statement under Standing Order 41 so now Ngaruiya last warning or you want to come and sit here? We cannot allow you to dictate to the Speaker what he wants to do. Hon. Members I am reading and this is what you are holding, there are no two Standing Orders in this House so therefore Hon. Members, Hon. Chege just hold your horses. This is your baby so I am trying to guide the Members that you asked Notice to make a general Statement and I have gone further to use my own discretion to allow the Leader of Majority to answer.

*(Loud consultations)*

**Hon. Speaker:** That is why I used my discretion for your own satisfaction. So, Hon. Chege, you have two minutes to complete.

**Hon. Ngaruiya Chege:** Mr. Speaker, protect me. The same way---

**Hon. Speaker:** Order Hon. Nyagwara.

**Hon. Ngaruiya Chege:** Once somebody has responded, the questioner has the right to get a response.

**Hon. Speaker:** Order! Order members, order!

**Hon. Ngaruiya Chege:** Mr. Speaker, allow me to make my response based on the---

**Hon. Speaker:** Order!

*(Loud consultations)*

**Hon. Speaker:** Order! Hon. Chege, you have two minutes to finish.

**Hon. Ngaruiya Chege:** Mr. Speaker, while I appreciate the response made by the Leader of Majority who I greatly respect, the question that I asked was based on the Sectoral Committee on Transport, and I stated the issues of the letter. The letter, if you allow me to read, which I have gotten from the Clerk, is that it says in paragraph two; in addition, members of the Committees have always complained on several occasions that she spends a lot of time politicking and not giving attention to the Committee matters as required.

Mr. Speaker, the Leader of Majority has not raised the issues that the Transport Committee complained. As at yesterday, Transport Committee had a meeting and it is on record that every Member in that Committee had no formal or informal complaint regarding the Hon. Member. So, Mr. Speaker, what I am raising is, and I am not saying this as a party issue; I am saying this as a Committee issue, that if you use the Committee to remove someone, then it better be factual. So, Mr. Speaker, what I am raising is that I have no problem with they want to do with their party issue. All I am raising is that the issue regarding the Transport Committee complaining must be factual and it is not according to this letter.

**Hon. Speaker:** Next order. Hon. Members. You want the ruling on? You just have heard from the Leader of Majority. Order Hon. Members! Order Hon. Chege!

**Hon. Ngaruiya Chege:** Mr. Speaker, allow me to say that the response must not even come today. It can come tomorrow.

**Hon. Speaker:** Order! If you want a response, in regard to the letter--- Leader of Majority, do you have a response to that letter? Hon. Members, indeed, you put me on political line which I am not supposed to. Therefore, I want to humbly ask the Leader of Majority to reply to Hon. Chege in regard to the letter he wrote.

*(Applause)*

**Hon. Speaker:** Maybe, the letter will explain further because Hon. Chege, the Leader of Majority, Leader of Minority, Members report to them and when they report to them, you may not be there; that is when they are reporting to the Leader of Majority or the Leader of Minority. Therefore, I will leave it to that. I will leave it to the Majority Leader to make a reply and give it to the Office of the Speaker next week. That is closed, we are done with that business...next order, order, order Hon Ngaruiya, sit down. Hon Ngaruiya you are forthwith sent out from this house, the whole day. That is an order from the Speaker! You are sent out from today!

*(Loud consultations)*

Hon Speaker: Next Order, Order Hon Ochola, come on!

*(Loud consultations)*

**Hon Wilson Ochola** (Chairman, Labour and Social Welfare Committee): Mr. Speaker, Mr. Speaker...these people are disturbing, I can't read...on Thursday 7<sup>th</sup> August 2014, Hon Manoa Karega, MCA, rose on the floor of the Assembly pursuant to Standing Order 41(2) (c) and requested the Chairperson of the Labour and Social Welfare Committee for a Statement regarding the internal transfer in various sectors of the Nairobi City County.

According to the Hon. Member, in the recent past, there have been allegations of illegal transfers of workers in various sectors of Nairobi County, the most affected sector being health, where Senior Officers have been transferred to lesser positions in Sub-Counties, hence affecting the staff negatively.

The Member further asked the Chairperson to inquire into and report on:

- a) The Officer(s) entitled to make internal transfers within a sector and under which law
- b) Basis on which the transfer were conducted; and
- c) Measures the County government has taken to avert illegal transfer being witnessed in the sector

Mr. Speaker Sir, the Committee wrote to the Nairobi City County Secretary on 25<sup>th</sup> August 2014 in a letter ref. LSW/STM/04/2014, requesting to be furnished with a written response to the Statement by Hon Manoah Karega.

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

- A. Laws entitling internal transfer within the sector Mr. Speaker Sir, the Nairobi City County Secretary responded via letter ref CS/LWN/699/pnn/2014 dated 3<sup>rd</sup> September 2014 on the matter, making reference to the provision as follows; The County Government Act 2012, section 44, establishes the Office of the County Secretary and section 44(3a) states that the County Secretary shall be the head of the County Public Service.

Mr. Speaker Sir, the County Government Act section 45(1) establishes the Office of the Chief Officer. Section 45(2) of the same Act states that the Office of the County Chief Officer shall be an Office in the County Public Service and section 45(3) provides that, "a County Chief Officer shall be responsible to the respective County Executive Committee member for administration of a County Department" as provided for under section 46 of the Act. Mr. Speaker Sir, reference is also made to section 45(3) which states that the County Chief Officer shall be the authorized Officer in respect to the exercise of delegated powers.

Mr. Speaker Sir in regard to the above statutes, the County Officer as Public Officer is answerable to the County Secretary. The County Secretary avers that since the Chief Officer in the health department failed to adhere to the Public Service Regulations, she corrected the mistake he had made in putting junior officers to be in charge of Senior Officers. Attached are copies of the posting order by the Chief Officer and he corrected one by the County Secretary.

- B. Basis on which the transfer were conducted

Mr. Speaker Sir, the health department inherited 2,400 workers from the Ministry of Health and 1,100 from the defunct City Council and hence the two groups have been integrated and posted according to their seniority.

- C. Measures taken to avert the illegal transfers

Mr. Speaker Sir, according to the County Secretary and Head of Public Service, there are no illegal transfers in the first place as Officers can work anywhere in the county.

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

**Hon. Member for Utalii Ward**, (Mr. Wilson Ochola): Due to Jubilee's coalition lack of discipline, I think you should chase them away. *Nikimaliza*, thank you Mr. Speaker. I beg to lay my response. Nyinyi pigeni makofi ndio wajue tunaendelea na nyumba.

*(Loud consultation and clapping)*

**Hon. Wilson Ochola**: Mr. Speaker I think some disciplinary measures should be taken, we are with you Mr. Speaker.



**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you Mr. Speaker, I want thank the Committee for the good job they have done in trying to respond to my issue, however, I have just received this response a few minutes ago and as you can see, it is quite a big response. I would request to give feedback on this tomorrow at 2.30 p.m. Thank you.

*(Loud consultations)*

**Hon. Speaker:** Thank you Hon. Manoah. Next Motion.

### MOTIONS

**Hon. Member for Eastleigh South Ward** (Mr. Nelson Masiga): Thank you Mr. Speaker Sir, I think my Motion has the interest of the Nairobians, with the mood of the House, I withdraw the Motion. I cannot continue, with this mood of the House because of this Motion.

**Hon. Speaker:** Hon. Masiga are you withdrawing the Motion?

**Hon. Nelson Masiga:** Yes, it has been withdrawn.

**Hon. Speaker:** Hon. Masiga can you---

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, Hon. Masiga has not withdrawn the Motion and it will come up next week on Tuesday at 2.30 p.m. Hon. Members, the House is adjourned until tomorrow 2.30 p.m.

*(The House rose at 3.26 p.m.)*

