



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Wednesday, 2nd April, 2014

The House met at 10.30 a.m.

(Mr. Speaker in the Chair)

PRAYERS

PAPERS

The following Papers were laid on the Table:

- a) Report of the County Assembly Select Committee on Budget and Appropriations on Nairobi City County Fiscal Strategy Paper for the financial year 2014/2015 and over the Medium Term;
- b) Report of the County Assembly Select Committee on Budget and Appropriations on the supplementary estimates for the County Government and the County Assembly for the financial year 2013/2014.

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Mr. Alex Ole Magelo): Once again, good morning, Hon. Members. Members, this is a Communication with regard to the security concerns in the city and more so the surroundings of City Hall, or rather the County Assembly. I have just gotten a report from the security chiefs and actually I had to look at the newspaper with regard to a terror attack or threat aimed at the buildings opposite this County Assembly.

Hon. Members, we would like to appeal to you to stop parking vehicles outside these shops especially the M-pesa shop and Ankara Hotel. Please, refrain for your own security. The security personnel or rather the Nairobi Security Committee has asked me to convey this message because failure to do that, the police will have to tow your vehicles. The security concern as we said yesterday is actually serious and we must also take that responsibility of not just parking our cars anywhere. Are you not worried about your own security?

Please, from now on, do not park in front of those shops and I also want to ask the Serjeant-At-Arms, the Clerk and whoever is listening; please, let's take precaution over the people milling around City Hall, because if terrorists were to attack the next Mall, who would they really target? It is you. Please we are asking you not to park your cars in the said areas as they will be taken away by the police. We are also very grateful to the police reinforcement; the sniffer dogs are all around the precincts of the Assembly all the way up to the Catholic Church. The Government is also up on its game but it is also our own responsibility not to park those cars in a manner likely to cause us harm. Thank you very much, Members.

(The Speaker consults with the Clerk)

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you, Mr. Speaker sir. Pursuant to Standing Order number 180(6), I wish to lay the following Papers on the Table of the Assembly, today, Wednesday 2nd April, 2014:

1. Report of the County Assembly Select Committee on Budget and Appropriations on Nairobi City County Fiscal Strategy Paper for the financial year 2014/2015 and over the Medium Term;
2. Report of the County Assembly Select Committee on Budget and Appropriations on the supplementary estimates for the County Government and the County Assembly for the financial year 2013/2014.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, Bwana Chairman.

NOTICES OF MOTION

Hon. Michael Ogada: Thank you once again, Mr. Speaker. I would like to give the following Notice of Motion, **that** this Assembly adopts the Nairobi City County Fiscal Strategy Paper for the financial year 2014/15 over the Medium Term with amendments as contained in the report of the Select Committee on Budget and Appropriations Tabled in this Assembly on Wednesday 2nd , 2014.

Mr. Speaker sir, I would like to give the Notice that this County Assembly adopts the report of the Select Committee on Budget and Appropriations on the supplementary estimates for the County Government and County Assembly laid on the Table of the Assembly today, Wednesday 2nd April, 2014. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Mr. Chairman.

STATEMENTS

Hon. Member for Lower Savannah Ward (Mr. Alfred Ambani): Thank you, Mr. Speaker, sir. Labour and Social Welfare Committee are requesting for an extra week to work on the City Stadium Statement report that was requested by Hon. Magdalene Mbogori. Hon. Speaker sir, as we speak we were to make a site visit for the Committee to finalize its report at 11.30 a.m., but due to the prevailing circumstances whereby the Assembly is on, we cannot manage to pay the visit. Thus we had to postpone. Secondly, Members will be attending a conference in Kwale. Thirdly, next week the stadium management will be attending a workshop and also organizing football events. The Committee is forced to postpone the site visit due to this inconvenience, until next week but one. Thus, Mr. Speaker sir, the Committee is requesting an extra one week since our intention is to table a detailed and comprehensive report on the Statement requested by Hon. Magdalene. Thank you, Mr. Speaker sir.

Hon. Speaker: Very well, Hon. Chair, one more week.

Interim Clerk (Mr. Jacob Nwele): Order number 8; Procedural Motion.

Hon. Speaker: The Hon. Leader of Majority.

PROCEDURAL MOTION

Hon. Leader of Majority (Mr. Elias Otieno): Thank you, Mr. Speaker. Procedural Motion; **That** pursuant to provisions of Standing Order number 228, this Assembly resolves to exempt the Nairobi City County Ward Development Funds amendment Bill, (Assembly Bill number 4 of 2014) from the provisions of Standing Order number 121. So, Mr. Speaker, I beg, if the Leader of Minority can come and second.

Hon. Leader of Minority (Mr. Abdi Hassan): Thank you, Mr. Speaker sir. The majority wanted to give me his seat but I think he will be Majority for the next 5 years. *(Laughter)* I hereby second the Motion, Mr. Speaker sir.

Hon. Speaker: Very well. Hon. Members, I now propose the question **that** pursuant to the provisions of Standing Order 228, this Assembly resolves to exempt the Nairobi City County Ward Development Fund Amendment Bill, (Assembly Bill number 4 of 2014) from the provisions of Standing Order number 121. Hon. Members.

Hon. Deputy Speaker (Mr. Kennedy Ngondi): Thank you, Mr. Speaker. Mr. Speaker, I hope and believe that the state of the Hon. Members of Nairobi Assembly is one of malnutrition; seriously, given that we are in dire need of carrying out developments in our Wards but our hands are tied on this issue of Ward Development Fund. We seriously need this fund and therefore we must fast track the necessary amendments. Therefore, Mr. Speaker, with no further ado, we kindly request this Assembly to adopt the same so that we can fast track these amendments in good time before we proceed for the recess. I, therefore, stand here to support the Motion for the amendments. Thank you.

Hon. Speaker: Hon. Chege.

Hon. Member for Ngara Ward (Mr. James Chege Mwaura): Thank you, Mr. Speaker. I also rise to support the procedural Motion because, Mr. Speaker, if you remember in the last session when the Ward Development Fund issue first came to this House, we got circumvented when we went for the recess without having passed it to the second reading. So, I think it is wise for the Mover who has brought it and thought it wise to bring it before we go for the recess. We fully support it and we hope that it will also go to the second and third readings as we proceed. I support, Mr. Speaker.

Hon. Speaker: Hon. Nyang'wara.

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker, the mood of this House is that we pass this amendment Bill as soon as possible and I would urge, that we spare time by calling the Mover to reply.

Hon. Speaker: Very well, Hon. Members. I now call the Mover of the Motion to reply.

Hon. Leader of the Majority: Thank you, Mr. Speaker and I should thank Members for taking very little time to pass this Motion because all of us know this is in our interest and in the interest of Nairobians. It is not only for those elected but for all Nairobians. Therefore, Mr. Speaker, I thank all Members. Thank you very much.

Hon. Speaker: Hon. Members, I now put the question, **that** pursuant to the provisions of Standing Order 228, this Assembly resolves to exempt the Nairobi City County Ward Development Fund Amendment Bill (Assembly Bill no. 4 of 2014) from the provisions of Standing Order 121. As many of the opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Procedural Motion on the WDF amendment Bill and agreed to)

Next Order or Motion?

Interim Clerk: Order number 9. “The Nairobi City County Ward Development Fund Amendment Bill, (Assembly Bill number 4 of 2014), an Act of the Nairobi City County Assembly to amend the Nairobi City County Wards Development Fund Act, 2014, Second Reading”

Hon. Chief Whip of Minority (Mr. Hashim Kamau): Mr. Speaker, I stand to beg that the Bill be read the second time and if you go to the memorandum of objects and reason, Mr. Speaker, the principle object of this Bill is to amend the Ward Development Fund Act so as to respond to the practical challenges that have arisen due to its enactment and implementation. Mr. Speaker, some time back you did make a communication from CIC and the Controller of Budget and if you may allow me, just to quote about three paragraphs that you communicated from CIC: In the letter, Mr. Speaker, item number 13; so that maybe I can bring Members to par.

It is that item number 13 from the Communication and I do read; *“that Section 9(2) of the County Government Act prohibits a Member of the County Assembly from directly or indirectly being involved in the executive functions of the County Government and its administration and being involved in the delivery of services as if a Member were an officer or employee of the County Government”*.

The Nairobi Ward Development Fund Act grants a Member of a County Assembly the power to constitute the Ward Development Fund Committee. In addition, the Member becomes an *ex-officio* member of the Committee. Furthermore, the County Assembly Member in consultation with the office of the Fund appoints 7 Members to the Committee.

Item number 14 from the Communication; Mr. Speaker, the role of the County Assembly and that of the Members of the County Assembly is clearly spelt out in Section 8 and 9 of the County Government Act, respectively. The Nairobi Ward Development Fund Act assigns County Assembly Members a role that is outside the scope of their mandate.

Number 15; if it is possible for County Assembly Members to be able to oversee processes that they are involved in; if a Member of the County Assembly is involved in appointing the Ward Committee Members and is also a Member of the Committee, how then can that same Member oversee the activities of the Committee? There is clear lack of separation of powers and therefore the provisions of Section 34 is un-Constitutional and goes against the provisions of Article 185 of the Constitution. In fact, Mr. Speaker, he was quoting Section 34 that was in the Bill not the Act, in the Act now the Section is 33.

In addition to the above, Mr. Speaker, I go to the recommendation of the CIC on the issue of separation of power because there were only two issues that he raised; it was separation of power and County Integrated Development Plan which has not been brought to this House to be passed. So, the resolution: Mr. Speaker, there is need for separation of powers in the role of the Members of the County Assembly (MCAs) in the management of Nairobi Ward Development Fund. The MCAs under the Nairobi Wards Development Fund Act play dual roles of implementers of the development as well as oversight through the Ward Development Fund Committee. Divorcing the legislators from the implementation of

development projects will go a long way in improving accountability by the duty bearers in the management of Ward Development Funds not only in Nairobi but in all other Counties. The Act must therefore be amended to ensure legislative constituency as well as compliance with the Constitution.

So, Mr. Speaker, the Bill has two clauses. Clause 1 as has been read by the Clerk is the short Title of the Bill and Clause 2, Mr. Speaker, is about amendment of Section 33 of the Act, to remove the Member of County Assembly from active management and from the composition of the Ward Development Funds Committee in the Ward level so as to adhere to the principle of separation of power. Mr. Speaker, even with amendment of the Section we still remain the managers of our Wards, and I want to inform the Members that most of the time we go to an election without even knowing who the returning officers are, but this time, we are going to an election knowing who the returning officers are, that is the Management Committee composed of the Chief Officer, finance; Chief Officer, legal; Chief Officer, roads and our Clerk.

I am aware that, Mr. Speaker, sometimes back you were the Chairman of AFC Leopards and in our football systems referees are being appointed by FKF (Football Kenya Federation). We are here as the FKF, we are appointing the referee and we are deciding who the players of both teams will be, Mr. Speaker, so, we need not worry about this Bill. After the Amendment, Mr. Speaker, we will know who actually is the one against this Ward Development Fund, and with those few remarks, I am calling the Leader of Majority to second me so that the Bill can be read the second time. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Hashim Kamau.

Hon. Leader of Majority: Thank you, Hon. Hashim. Mr. Speaker, I rise to second that the Bill should be read the second time. Thank you.

(The Speaker consults with the Clerk)

Hon. Speaker: Hon. Members, I now propose the question that the Bill be read the second time. Hon. Chege.

Hon. James Chege: Thank you, Mr. Speaker, for this opportunity once again. Mr. Speaker, we have been very passionate about this Ward Development Fund and some of the issues or the hiccups that we are facing are also legal in nature. Mr. Speaker, the CIC Chairman made his own remarks with regard to this Bill and the same goes for the Controller of Budget. So, as we address the issues based on the amendments from the Mover, the Hon. Hashim, Mr. Speaker, we will have sealed all loopholes that are appertaining to anyone bringing question marks or roadblocks unnecessarily to this Bill. It is important that after we have passed this, we should not entertain any more roadblocks from anybody or any shortcomings or any more English. So, with that I support the amendments so that from here onwards we proceed with speed to make sure that this Bill becomes a reality in the course of this month. I support, Mr. Speaker.

(The Speaker consults with the Clerk)

Hon. Speaker: Hon. Ngaruiya.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Thank you, Mr. Speaker. I rise to support this Bill and I hope we are not going to have any roadblocks and I believe everything is going to be possible and we are going to do something to ensure that there is development in this country and in this County. Thank you.

Hon. Speaker: Hon. Thuo and then Hon. Nyang'wara.

Hon. Member for Dandora Area III (Mr. Charles Thuo): Thank you, Mr. Speaker. I also support the amendment and you can rule that we now go to the Committee of the Whole House. Thank you.

Hon. Speaker: Hon. Nyang'wara.

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker. I think what this particular House has done; Mr. Speaker, this Hon. House has actually acted in good faith simply because, we do not need any more roadblocks in this particular Bill. Actually, what the CIC and the Controller of Budget gave was some advice and we have just taken it in good faith. We have known that whenever anything is against the Constitution the Chair of the CIC normally goes to court, but for this particular one, he decided to give us some advice and we have taken it in good faith. It is high time we passed it as a full House and we will actually move on smoothly so that the development in our areas can actually be realized as soon as possible. Thank you, Mr. Speaker.

Hon. Speaker: The Hon. K'Otieno.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. While I was a bit keen, listening to the Members contributing to this Motion at this stage, I was alive to the fact that Section 9 of the County Government Act, Sub-Section 2 alludes to the following; "*That a Member of the County Assembly shall not be directly or indirectly involved in the executive functions of the County Government and its administration or delivery of services as if its Member were an officer or employee of the County Government.*"

Hon. Speaker, one month ago I was invited by members of the Civil Society Organization just to give a brief talk on the progress that the Nairobi City County Government and specifically Nairobi City County Assembly had done so far as legislating was concerned. However, one thing that I was at pains to explain was to draw a line between the clear function of our mandate between legislating and with this section. I was at pains simply because by then the Act had been passed but while it was being passed--- I also remember that I was the first person who said that members of the public must be involved in terms of electing but by then that opinion was a bit unpopular and I was booed at. However, today I am very happy that the chicken has come home to roost and members of the public will be given an opportunity and we

are not going to sit in that Committee as if we are members of the Executive or as if we are delivering a particular service.

It is important because this is the tradition all over the world that even when you were in Boston with my friend Chege and one man called Mulatya, we went to the Majority's office; somebody called Senator Reed, and Senator Reed told us that him as a Senator--- we were being told by his PA (Personal Assistant) ---that the role of the Senator is only to bring legislations that would promote development; that would promote some good practices within a particular State.

Having borrowed from that heavily and having learnt from different jurisdictions especially the US and soon probably I will be learning from the jurisdiction of London--- Mr. Hashim, I know when we shall be contributing to this --it is high time that we made sure that these amendments go through so that even the Commission that purports to be superintending over County Assemblies, the entire 47 County Assemblies, should be ashamed that we are taking heed.

There are some who cannot even take heed of the High Court, even if they are summoned by a particular court they will not respond, but for us we can even entertain an advisory opinion from CIC and the Budget Controller which means we are respecting the principle of Constitutionalism; that at least we are democratic, if not very democratic. *Ama namna gani, Hashim?* Thank you so much.

Hon. Speaker: Hon. Members, one more from Hon. Kairu then we proceed.

Hon. Member for Woodley/Kenyatta Golf Course Ward (Mr. David Kairu): Thank you very much, Mr. Speaker sir. Allow me to give my take on the amendment but again we want CIC and the Budget Controller to know that we have received their advice with an open heart and we want the same advice that they have given us to be given to the Members of the National Assembly so that there will be no double standards with regard to whatever we are doing. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, I now propose the Nairobi City County Wards Development Fund Amendment Bill (Assembly Bill No. 4 of 2014) be read a second time and at this juncture I call upon the Mover to reply.

Hon. Chief Whip of the Minority: *Kwa ufupi tu, Mheshimiwa Spika, nawashukuru nyote, ahsanteni.*

(The Speaker consults with the Clerk)

Hon. Speaker: Hon. Members, as many of the same opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the Second Reading of the WDF Amendments Bill and agreed to)

Interim Clerk: An Act of the Nairobi City County Assembly to amend the Nairobi City County Wards Development Fund Act 2014. Second Reading.

(The Speaker leaves his chair and the Assembly)
(The Deputy Speaker takes his seat in between the two Clerks)

COMMITTEE OF THE WHOLE HOUSE

Hon. Chairman of Chairmen and Deputy Speaker (Mr. Kennedy Ngondi): Hon. Members we are now in the Committee of the Whole Assembly. An Act of the Nairobi City County Assembly to amend the Nairobi City County Ward Development Fund Act 2014: Hon. Members, we are now in Clause 2 of the Bill and this is Clause 2a. Hon. Mwaura! Order! Mwaura, just take a seat first. Hon. Members, allow me to propose a question, that Clause 2 be part of the Bill. Hon. Mwaura, 2a.

Hon. Member for Ngara Ward(Mr. Chege Mwaura): Thank you, Mr. Chairman, I rise to propose an amendment to Clause 2a so that it reads as it appears in the Order Paper whereby we propose that the Clause of the Bill be amended in paragraph (a) by deleting the expression "*elected by the registered voters in the Ward*" and substituting it with the expression "*nominated by the Members of the Fund Committee*".

Mr. Chairman, allow me to at least give my justifications that in the first amendment on this Bill we are proposing something that is going to be dictatorial to the whole Committee and to the Ward at large because it is improper for elected and representatives of the people who are in the Ward to expressly vote a Chairman who is going to oversee issues of a Committee. It is important to note that imposing a Chairman on a Committee frustrates the ability of the Committee to function.

The powers of a Committee must stand because once you have elected 7 members who are going to be in your Committee, and the electorate or the voters choose the 7 members then it is upon the 7 members to choose their own Chairman so that now the Committee can function with regard to the powers that they have. If for some reasons the seven members feel that the Chairman is not performing his/her roles then it is upon them to again recall the said Chairman and put their own or the person they feel that can lead them.

But having a Chairman who is directly elected by voters, is creating a centre of power that is unchecked until the Committee comes to an end. So it is important that for purposes of this matter we agree with the first amendment. Let us put a committee that has the powers to run their own affairs. Let the 7 members who are going to be in this Committee have their own powers to do their things directed by any person who can claim to have powers from the ground.

Let the elected Members here who have the oversight role, be the only ones with the powers from the ground. The ground should give the 7 members opportunity to run the Committee affairs and their

Chairman to direct their affairs. The Chairman should not be somebody else who is coming to be a threat to this Hon. Members. And with those few remarks, I ask the Hon. I call him 'Mburki' but his name is Otieno to second.

Hon. Pius Otieno: Thank you, Hon. Mwaura Chege. As I stand up to second this amendment, I am supporting that amendment simply because we want to insulate this process from those very members of the Public who could be having some negative influence again over this process. Anything that is subjected to a vote must attract a high stake and when they attract a high stake like that; like any other electorate process, some people might come there, dish out money; pump in money just for the end purpose of making sure that they get a lame Chairman. Once they support the Chairman, this will now be their Chairman and this person will not be responsible to even the Member of the County Assembly of that particular area. But he will be singing and dancing to the tune of those members who had a hand in actually bankrolling his Chairmanship or his election. So, by virtue of members who have been nominated selecting their own Chairman we shall have insulated this process from any negative influence.

Then secondly, it might also be expensive to carry out an election of 85 Wards when people simply want to have a Chairman. The Constitution is also very clear that the sovereignty of the people can either be exercised directly or indirectly. So by virtue of those nominated members electing the Chair and another position within that Committee membership the Public will have also exercised their will, and their will will have been exercised indirectly.

Thirdly, which will be the last, when it is done at that level it will be very easy for that Committee to come up with a competent Chair unlike when you bring about ten thousand people and you want them to do an election. Sometimes they say democracy is a system that allows fools to follow one direction; they will not be keen to look at the quality or to look at the end product or the end substance of the process. So, with that, I beg to support. Thank you, Mr. Chair.

Hon. Chairman of Chairmen: Thank very much, Hon. Otieno. Hon. Members, allow me to propose a question that clause 2a be amended as proposed. Hon. Wahinya.

Hon. Member for Ngando Ward (Mr. Peter Wahinya Kimuhu): Thank you very much, Mr. Chairman. I also wish to support this particular change but with some reservations. The issue of Chairman of this particular Ward Fund Committee goes without saying that that particular person must be nominated or elected by the people who have already been elected. The 7 people are from the Ward. I don't wish to repeat that phrase because it has categorically been stated by Hon. Otieno and I think most of the Members are in agreement in that respect.

However, Mr. Chairman, the meaning of the terminology '*nominated*'--- because we are now changing it from '*elected*' and we are talking about "*nominated by the members of the Wards Fund Committee.*" I have a small problem with the word '*nominated*' Mr. Chairman. If you look at the word '*nominated*' as far as I am concerned, it is a terminology that refers to an individual entity actually

exercising the power of nomination. If you go back to our elections on March 3rd we--- Mr. Chairman I will wait for your attention; I would like you to be able to listen to this if you don't mind.

Hon. Chairman of Chairmen: Hon. Member; just a reminder you are losing direction, so maybe, you stick to the point.

Hon. Peter Wahinya: I wish to support this, but with an amendment.

Hon. Chairman of Chairmen: It is not right, you can't do that.

Hon. Peter Wahinya: The reason, Mr. Chairman---

Hon. Chairman of Chairmen: You can't do that Mheshimiwa, it is not possible.

Hon. Peter Wahinya: Okay, then, Mr. Chairman.

Hon. Chairman of Chairmen: Hon. Akuk.

Hon. Peter Wahinya: Yes, *sawa*.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk Omondi): Thank you, Chairman, for your good advice to my fellow colleague, Hon. Wahinya. As you can see he has a very new dressing for this House, Mr. Chairman and it is my first time, you know I come from the side of the lake, Mr. Chairman and honestly I have never seen any Luo man wearing a T-shirt and a tie.

(Loud consultation)

Hon. Chairman of Chairmen: Hon. Member, can you withdraw that?

Hon. Maurice Akuk: No, Mr. Speaker, I have never seen a Luo man, honestly, wearing a T-shirt and a tie.

Hon. Chairman of Chairmen: It is not--- Nyanza is not reserved for Luos only.

Hon. Maurice Akuk: I did not say Nyanza. I said that I come from the Luo region. Yeah, Mr. Speaker sir.

Hon. Chairman of Chairmen: Yeah.

Hon. Maurice Akuk: It is a lifestyle and I am inviting Members to attend the Luo Culture night Next week. Yeah.

(Loud Consultation)

Hon. Maurice Akuk: Mr. Speaker sir, I stand here to actually support this amendment and I must say with a lot of reservations that Hon. Chege Mwaura is one Member in this County Assembly that has always been ahead of time. I had also gone to make this amendment and I was surprised that Mr. Chege Mwaura again had beaten me to it for the second time.

I hope he is listening and I am glad because, Mr. Speaker sir, you remember the reservation. Chairman, please give me your attention! Mr. Chairman, I would like to actually commend this composition of the Ward fund Committee and indeed I am very glad to stand before you and support this particular amendment.

I would like to take this opportunity also to actually extend an olive branch to the nominated Members of this County Assembly, because in as much as they have not been mentioned anywhere Mr. Speaker sir, I normally sit next to the Nominated Member from my Ward the Hon. Emmaculate and I will encourage them to please join us in this fight and once approved and passed, I am also willing to actually extend that olive branch to her as the Chairperson of my Ward Development fund Committee.

I think if other Members of this Hon. House will also take the advantage to show some inclusivity by actually bringing in the Members that have been selected we can all push together. Thank you.

Hon. Chairman of Chairmen: Thank you, Hon. Member. Hon. Members, allow me now to put the question that the Title be part of the Bill. You want me to give you more time? May be two more? Hon. No. I have not given you time. Mheshimiwa.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto Nyangaresi): Thank you, Chairman. First and foremost I want to support the same amendment and commend my fellow Mheshimiwa Chege for bringing such a wonderful amendment because we may realize that as per 'The 48 Laws of Power' by an author known as Robert Greene, you can't start empowering people; they will compete with you for election in your Ward. If you want to empower some people who will later vie for the same seat in elections, you will be sending yourself into oblivion while expecting people to vote for you.

Mr. Speaker sir, I must consider this also, that 15 million souls can't conduct elections, and they can't also pay all the members who are going to seat in this Committee. It is very expensive, Mr. Speaker sir. So, it is in order that this amendment has captured the real facts since we must also check the wage bill from going up.

So, the amendment has made it very clear and the people who are going to sit on this Committee will utilize minimum resources and therefore push the same agenda of development for our Wards. Mr. Speaker sir, I beg to support.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker sir, I want to support the amendment and also correct my colleague Hon. Akuk that even the Special Elect are Hon. Members who took an oath and if they form a part of this Committee then I think the public participation at the Ward level will be heat very hard. The public will think that we are eating our cake and having it at the same time.

But, having said that, what we can do is that when the County will bring back the Bill if the County Service Board can be proactive enough and look for some resource somewhere whereby the Members will constitute---

Hon. Chairman of Chairmen: Order! Hon. Member, please we are on the amendment of the Bill, stick to this. Hon. Imwatok.

Hon. Member for Makongeni Ward (Mr. Peter Anyule Imwatok): Mr. Speaker as you can see I am limping. I didn't score any goal yesterday. Mheshimiwa Manoah made me go through this. Mr. Speaker as Mheshimiwa Akuk says, the most Hon. Member of this House who thinks ahead of us is Mr. Mwaura and I really support his amendment although I have come late because I had no tie.

Frankly speaking it is very clear many people have gone through this Bill, and in particular in my Ward a lot of people are conversing about it and strategizing on how to handle it. As the Area Representative plus the people in the Ward, Mr. Speaker, I think it is high time we allow the board which will be elected by the members to do the election of their own Chair. In particular I want to express some sentiments that Manyala has expressed; the doctrine of separation of power is very clear, it is not---

Hon. Chairman of Chairmen: Hon. Member don't draw that into this.

Hon. Peter Imwatok: I want to put it clear that the doctrine of power is very clear and a separation of power is very clear, whereby the Hon. Members have the exclusivity whether nominated or elected. That is why we went for this amendment. We are saying that the Public should participate and that is what they will do given this amendment. So, I want to congratulate Mr. Mwaura and the entire Assembly as we pass this Bill. I want development in my Ward. Thank you, Mr. Speaker

Hon. Chairman of Chairmen: Thank you very Much. Hon. Majority Leader

Hon. Majority Leader: Thank you, Mr. Chairman--- Mr. Chairman, I think we are just wasting a lot of time because there are some who are a sad story; like Elizabeth Manyala, they just want to give us stories so that we can see the fashion which---

(Laughter)

Hon. Chairman of Chairmen: Hon. Majority Leader, Order! *(Laughing)* Hon. Member, can you sit down?

Hon. Majority Leader: Mr. Speaker, I rise to support the motion. I think it is high time we should just show our leadership because in case we allow this people to elect directly a Chairman that means even your opponent during the last year's election. I think it will be pre-election if we allow it. So, let the 7 members go and elect the Chairman and we should just give direction because we are the leaders of the Assembly. We are the people who are pushing for this Development Fund not the Ward voters.

So, we are just going to allow them to elect 7 members and I think we are going to say who is going to be elected as Chairman but it is in a silent manner. Mr. Chairman, I rest my case and I beg to support the motion and we should not take too much time debating over this. Thank you very much.

Hon. Chairman of Chairmen: Thank you, Hon. Member. Hon. Member that is a personal statement. No. You can't make a personal statement in the Committee of the Whole House. We are in the Committee, Hon. Member and you can't stand on a personal statement on the basis of Standing Order number 80. It is not right. Hon. can you be relevant?

And one; you cannot speak twice, I am sorry Hon. Member put it through another Hon. Member. Hon. Members, allow me now to put the question that Clause 2a be part of the Bill. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. 'Ayes' have it.

Interim Clerk: Clause 2b.

Hon. Chairman of Chairmen: Hon. Members I propose that clause 2b be part of the Bill. Hon. Members, I put the question that Clause 2b be part of the Bill. May as many of the same opinion say 'aye', may as of the contrary opinion say 'nay'. 'Ayes' have it.

Interim Clerk: The Title.

Hon. Chairman of Chairmen: Hon. Members, I propose that the Title be part of the Bill. Plenary? No amendment on this. I now put the question that the Title be part of the Bill. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. 'Ayes' have it.

Interim Clerk: Clause 1.

Hon. Chairman of Chairmen: Hon. Members, I propose that Clause 1 be part of the Bill. Hon. Members I put the question that Clause 1 be part of the Bill. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. 'Ayes' have it. Hon. Hashim.

Hon. Chief Whip of Minority: Mr. Chairman I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Ward Development Fund Amendment Bill, (Assembly Bill number 4 of 2014) and its approval thereof with its amendments. Thank you.

Hon. Chairman of Chairmen: Hon Members, I now put the question which is that the Committee do report to the Assembly its consideration of the Nairobi City County Ward Development Fund Amendment Bill (Assembly Bill number 4 of 2014) and its approval thereof with Amendments. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. 'Ayes' have it. Thank you.

*(Question put for the report of the Committee of the Whole House's approval of
WDF Bill with amendments and agreed to)*

(Loud consultation)

(The Chairman of the Committee of the Whole House leaves his seat as the Speaker takes his chair)

IN PLENARY

Hon. Speaker: Very well. The Hon. Chairman?

Hon. Chairman of Chairmen: Thank you, Mr. Speaker sir. Mr. Speaker, I beg to report that the Committee of the Whole House has considered the Nairobi City County Ward Development Fund Amendment Bill (Assembly Bill No 4 of 2014) and approved the same with amendments. Thank you.

Hon. Speaker: Thank you. The mover?

Hon. Chief Whip of Minority: Mr. Speaker sir, I beg to move that the Assembly do agree with the Committee in the said report.

Hon. Speaker: I will propose the question which is that the Assembly do agree with the Committee in the said report. Hon. Members, I put the question which is that the Assembly do agree with the Committee in the said report. And as many of the opinion say 'yes', and as many of the contrary opinion say 'nay'. The 'ayes' have it. Hon. Hashim.

(Question put for the adoption of the Report of the Committee of the Whole House and agreed to)

Hon. Chief Whip of Minority: Mr. Speaker I beg to move that the Nairobi City County Ward Development Fund Amendment Bill (Assembly Bill Number 4 of 2014) be now read a third time.

Hon. Speaker: Hon. Members, I now propose---

Hon. Hon. Chief Whip of Minority: I now call the Leader of Majority to second me. Thank you.

Hon. Speaker: Oh yes, secondment, yes.

Hon. Leader of Majority: Thank you, Mr. Speaker, I rise to second the Nairobi City County Ward Development Fund Amendment Bill Number 4 of 2014 to be read the third time.

Hon. Speaker: Hon. Members I propose the question which is that the Nairobi City County Ward Development Fund Amendment Bill (Assembly Bill Number 4 of 2014) be now read a third time. Hon. Members. Hon. Otieno.

Hon. Pius Otieno: I am not standing because I like it but I am standing just to contribute because this stage----

Hon. Speaker: Order, Hon. Member! What don't you like?

Hon. Pius Otieno: The frequency of standing. *(Laughing)* I was standing because you are all seated and the Assembly must be alive *(Laughing)*. Thank you, Mr. Speaker. At this stage I want to inform Hon. Members that I have heard people conversing on the issue of the doctrine of separation of powers; to me the issue of the doctrine does not apply here nor there because first of all we believe we are all colleagues and if we are all colleagues, I believe in this game we have no competitor within the House unless somebody could be ill advised and start diverting while eyeing positions that are not yet declared vacant.

In this contest I would wish to extend an olive branch probably to our brothers and sisters, who are the special elect and this one is not like dangling a carrot and at the same time dangling a stick, but it is that gesture of people doing work together because sometimes when I walk along this corridors I hear people saying *wamejiwekea pesa ya kula*. It is *not pesa ya kula* per se, the way some other guy would want to put it.

It is that spirit of ensuring that the Executive does not sit on the money and that money is actually put in a basket called Development expenditure. If we start seeing it from that angle of reality then this conflict between those who have been elected and those who have been specially elected will not be there. With those few remarks, Mr. Speaker, I support.

Hon. Speaker: Hon. Chege.

Hon. James Chege: Once again, Mr. Speaker, I want to thank you for the opportunity. I am here to thank all the members who have made their contributions and particularly Hon. Hashim for having thought through the amendments that are going to make this Bill effective. Mr. Speaker, we have dealt with this Bill and its amendment with a lot of honesty; with a lot of fairness to the people who have been

questioning why we need this Bill. Mr. Speaker, all this Members want development in their Wards, whether we are in different parties or not and whether we like each other or not.

What we want is development to trickle down to our Wards so that we are able to satisfy the *mwananchi* who gave us the votes. Mr. Speaker, I am happy that even when we were here last week and we were saying nothing is going to move, we meant it. Let me repeat that, for your sake, that when we said last week that nothing was moving until this Bill is dealt with, we meant just that. I am happy to see that the Chairman of Finance has brought the supplementary because it was going southwards but now that we've passed the Ward Development Fund we are ready for the Supplementary Budget, the Motions from everyone else and we are going to pass them happily and I thank you for that, Mr. Speaker. *Ahsante*.

Hon. Speaker: Hon. Imwatok Jateso.

Hon. Peter Imwatok: Thank you, Mr. Speaker, for pronouncing my name so sweetly in as much as others might not want to hear that name. Personally, Mr. Speaker, I am so much concerned--- (*Consultations*) ---protect me, Mr. Speaker. Personally, I am much honoured and privileged---

Hon. Speaker: Hon. Emmaculate what is it? (*Loud consultations*)

Hon. Peter Imwatok: Protect me, Mr. Speaker, from the special elect.

Hon. Speaker: Order! Order! order! (*Loud consultations*)

Hon. Emmaculate Musya (Nominated Member from Highrise Ward): Mr. Speaker, in as much as we love our brother, can he withdraw that statement? We all love him to be called the name he wants to be called, but can he withdraw?

Hon. Speaker: What did he say, because I didn't hear?

Hon. Emmaculate Musya: He said that you've called him by the name he loves to be called and others don't want to hear him being called that. Who doesn't want to hear him being called by his names?

Hon. Speaker: Hon. Emmaculate, thank you.

Hon. Peter Imwatok: Thank you, Mr. Speaker, I was just referring to my ancestors who are long gone as sometimes they may not be happy to hear my name and what I am doing currently because my father was a priest. (*Applause*) Mr. Speaker, thank you so much, I want to go into the annals of history that when this Assembly was formed under the Speakership of Alex Ole Magelo, and the entire leadership, that I passed something that was of substance to this County.

The Nairobi County Ward Development Fund was an emancipation achieved by a team that started long time ago called the “JubiCord”; the young people who thought through things as they are without reservation or prejudice, Mr. Speaker. I want to say, as you can see, yesterday, the Committee between the Senate and the Parliament came up with the proposal about the County Development Board. But it was said categorically that the main losers were the MCAs because there is nowhere at all our input was considered, meaning the Members of Parliament and the Senate have discarded us to a place we can't even explain.

Where do we exist? And each morning, each day, we wake up in our Wards; problems are there. As I am talking to you, Mr. Speaker, in my Ward there is work going on and I fuel the County vehicles to do that job in my Ward. I pay the young people to do the job in my Ward. Mr. Speaker, when we say we need this Ward Fund it's of essence to the common *mwananchi*. I beg to say next time when history is read, it will read; Jateso was there and he was there not because of a name but he put something on the table for the people of Nairobi. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Masiga.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): *Shukrani Bwana Spika. Kwanza nitaanza kwa msembo ambapo wavyele hawakukosea waliposema kwamba hamadi kibindoni. Imefika wakati ambapo nikisema hamadi kibindoni namaanisha ya kwamba---*

Hon. Speaker: Order, Hon. Member! Can you please--- slowly so that we can grasp the ---

Hon. Nelson Masiga: *Shukrani Bwana Spika, nasema ya kwamba wavyele hawakukosea waliposema ya kwamba hamadi kibindoni.*

Hon. Speaker: *Hamadi ni---* Hon. Leader of Majority? *(Laughter)*

Hon. Nelson Masiga: *Hamadi kibindoni ni Kiswahili Bwana Spika. (Laughter) Nafikiri jina hili halijatohozwa na nikisema hivyo namaanisha ya kwamba sasa wana Eastleigh Kusini wana kitu cha kujivunia. Ni kitu ambacho kiko kwenye mfuko. Wanasema ya kwamba sasa hivi afueni imefika kwani tumekuwa na mzigo mkubwa kama wawakilishi wa Wodi katika sehemu zetu za Nairobi. Sasa imefika wakati mzigo huu naamini kwa kudura za mwenyezi Mungu mzigo huu umeweza kutokomea. Hivyo basi unaenda kuwa mzigo rahisi ambapo miradi ambayo tumekuwa kila wakati tukifuatilia katika afisi hizi, hatutaonekana tena katika afisi hizo kwa sababu wengi wamekuwa wakituchukua kana kwamba lazima tuwanyegeze ndio waweze kutupatia hizo miradi. Basi hawatatuona tena, tutakuwa tunajifanyia kazi zetu sisi wenyewe. Shukrani, Bwana Spika.*

Hon. Speaker: Hon. Thuo Dandora.

Hon. Charles Thuo Wakarindi: Thank you, Mr. Speaker sir, for giving me this opportunity to contribute to this all important Bill. Mr. Speaker, it is very important that we go into the record of this Country as the legislative Assembly, the first County Assembly of Nairobi that passed this Bill. In the future, Mr. Speaker sir, in the times of our children and our grandchildren, this is a Bill that is going to impact on their lives. It is going to bring a lot of changes in Nairobi. As I always say devolution is about power and money trickling down to the *mwananchi* so that the Members of the public are able to decide and have a say on what is going to happen to their Wards.

As we pass this Bill and the amendment I believe we will be in line with the Constitution. It is important for the members of the public and members of the press who are here to know that we are doing this in good faith because we want to be in line with the Constitution and the communication that we got from the CIC was just an opinion. It was not legally binding. They gave us the thought and the only institution that has the powers to interpret the law in this land is the High Court. But the Members of this Assembly in their good faith and in their willingness to see the passage of this Bill have now gone ahead and made the necessary changes and I hope that the message will go to the CIC and the Controller of Budget that what we are doing here, we are doing it in good faith and if they have anything, Mr. Speaker sir, next time they should follow the law and go to the court because their opinion will not be allowed to guide the agenda of this Assembly. I stand to support the Motion, the Amendment Bill and I hope that it passes in good time. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Thuo Karura.

Hon. Member for Karura Ward (Mr. Stephen Thuo Kamau): Thank you, Mr. Speaker, the people from the mountain region say that goodness is found after some obstacles and indeed we have faced so many obstacles but I believe and I am optimistic that after the various amendments that we have done, we are going to experience some goodness. I would also want to congratulate and commend the Members of this Assembly for manifesting humility, by bringing this Bill and also bringing the amendment as the various institutions; say the CIC and also the Controller of Budget advised. We have considered that advice with a lot of humility.

We have been told about the separation of power and some of us because we went to school and were indeed educated, this is a language that we understand. But if you go to the ground, Mr. Speaker, Wanjiku, Kimani, Odhiambo and the rest do not understand separation of power. They do not understand why the Hon. Member of Karura cannot be able to initiate a road project in his area. When you tell Wanjiku and Adhiambo that the Governor of Nairobi or the County Executive is the one that is supposed to do such projects they do not understand because probably most of our electorates are not conversant with the laws that we have passed. So, we have been having a hard time explaining to them, but with such a law, and with such amendments, Mr. Speaker, this will be a thing of the past.

Mr. Speaker I would also want to challenge you and also your office, that you should defend the various laws that we pass here because you are the president or rather you are the overall leader of this

Assembly and everything that we pass in this Assembly should be binding. So, I'll be very happy when the likes of Agnes Odhiambo, the likes of Nyachae, Mr. Speaker, challenge this House; and you Mr. Speaker is up and running and your office and the able office of the Clerk faces these people head on.

Before I sit, I am also expecting to hear the good lady, this is Madam Agnes, also write to commend this House for what we have done, Mr. Speaker. I am also expecting the CIC, Mr. Speaker, who are now notorious for giving us advisory notes on the paper, to do something substantive that they were appointed to do. I also take this opportunity to say that some officers that are appointed, Mr. Speaker, do not draw their mandate directly from the ground, but some of us who draw our mandate from the ground feel the pinch. So when these guys write notes in our newspaper, probably our people don't have time to read that. However, I am optimistic once again that this is something that has worked.

Before I sit I would want to say that anyone who also stands on the way, as we said last time, even if it is the Speaker of this Assembly--- and I am not threatening Mr. Speaker, or the office of our good Clerk-- Hon. Clerk here or the office of the Executive or the Governor, Mr. Speaker we will just sweep them. This is a tsunami and the Members have exhibited this by making sure no business whatsoever or laws are passed in this House without this particular Bill being effected. I am seeing that the charged lady wants to stand. Let me sit. Thank you, Mr. Speaker.

Hon. Speaker: Now one lady only, then we--- Hon. Manyala--- *(Laughter)* ---the alumni. *(Loud consultations)*

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker protect me. *(Loud consultations)*

Hon. Speaker: You are protected Hon. Akinyi.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker sir. I just, want to say today I am a very happy person because this Bill has come to pass and we have at least done what is required in devolution or in other words decentralization. It goes without saying that those who think or those who are thinking that it is the County Representatives who are going to implement the projects or the Ward Development Fund will learn that actually the Ward Development Bill or Ward Development Fund is all about ease and development; what Harold Laswell says, that it is about equitable distribution of resources to the grassroots. Harold Laswell says that in politics it is who gets what, when and how and what we have done is just to devolve that function from the Executive to the grassroots using the structure of devolution so that every Ward benefits in terms of service delivery and in terms of development.

So, the Controller of Budget and his ilk maybe, still think that when we ask for the Ward Development Fund we want to own it, use it in a bad way but actually we are going to oversee it. The Executive will implement it but our work will be to oversee the implementation. Our work will be to do consultation with the grassroots and the electorate and come up with prioritized activities that need to be

done vis-a-vis what the Executive may have thought that we would be bringing to our Wards. So, having said that, what we have done today will go into the annals of history that Nairobi County has indeed actually set a very good example in the—

Hon. Speaker: Yes, Hon. Majority? *(Loud consultations)*

Hon. Member: *Manyala kaa chini sasa!*

Hon. Elizabeth Manyala: Mr. Speaker sir, I am just finalizing but he is looking at my behind and I am wondering, Mr. Speaker sir---

Hon. Speaker: Order! Order, Hon. Manyala!

Hon. Elizabeth Manyala: ---why the Hon. is salivating while looking at my behind. *(Loud consultations)*

Hon. Speaker: Order! Order! Order, Hon. Manyala! *(Loud consultations)*

Hon. Elizabeth Manyala: Mr. Speaker, can he sit because he wants to look at what my mama gave me and that is very wrong---

Hon. Speaker: Order, Hon. Manyala! Order! Order! *(Loud consultations)*

Hon. Leader of Majority: Mr. Speaker, I think I said yesterday, you are taking too much of our time on unnecessary side shows, because what she is talking about here is irrelevant to what we are discussing, Mr. Speaker. Why don't we just finish with this Motion and we go to another Motion? Because, we don't want these side shows.

Hon. Speaker: Hon. Members--- *(Loud consultations)* let's finish this. Hon. Members, I know it's a healthy mood but I can see others have another mood. Hon. Members, I now put the question which is that the Nairobi City County Ward Development Amendment Bill (Assembly Bill Number 4 of 2014) be now read a third time and as many of the opinion say 'yes'. And as many of the contrary opinion say 'nay'; the 'ayes' have it.

(Question put for the Third Reading of the WDF Amendment Bill and agreed to)

The Hon. Chairperson for Legal Committee?

MOTION ON MEMBERSHIP TO THE COMMONWEALTH PARLIAMENTARY ASSOCIATION

Hon. Member for Parklands/ Highridge Ward (Mr. Jaffer Kassam): Thank you, Mr. Speaker sir. I wish to move the following Motion; that **AWARE** that there exists a Commonwealth Parliamentary Association (CPA) which is an Association of Parliaments of Commonwealth Countries Worldwide; Further **AWARE** that the CPA recruits new Assemblies which are competent to enact State, Provisional or Territorial Legislations; **NOTING** that the Association provides its Members opportunity to participate in a wide and expanding range of activities and programs and that the Members are also entitled to exchange of knowledge and information on Practices and Procedures in other Parliaments and Legislatures as well as other benefits including sending delegates to annual conferences upon the payment of Membership subscription; this Assembly resolves to apply for the Membership in the Commonwealth Parliamentary Association as follows:

That:

- a) The Membership be effective immediately upon the approval of the application by the General Assembly of the Commonwealth Parliamentary Association;
- b) This Hon. Assembly agrees to abide by the provisions of the Constitution of the Commonwealth Parliamentary Association;
- c) The required Membership fee be paid to the Commonwealth Parliamentary Association and this resolution be communicated to the Secretariat of the Commonwealth Parliamentary Association immediately following its passage.

Mr. Speaker sir, the Commonwealth Parliamentary Association has been the voice of democracy for the Commonwealth countries across the Commonwealth for over nine decades. It has been fighting for the rights of Parliaments and Parliamentarians. By the turn of the century; by the turn of the millennium they decided to participate more than just to approve the plans and development issues for the Governments and for the Executive. So they have now expanded and they are admitting the Legislatures; this includes small Assemblies from provinces and other territories and it will be very beneficial for our Legislature which is next in size to the National Assembly. Therefore, in this matter, I would like to request Hon. Minority Whip to second the Motion.

Hon. Chief Whip of Minority: Thank you, Mr. Speaker, I second the Motion.

Hon. Speaker: Hon. Members, I propose that **AWARE** that there exists a Commonwealth Parliamentary Association (CPA) which is an Association of Parliament of Commonwealth Countries Worldwide; Further **AWARE** that the CPA recruits new Assemblies which are competent to enact State, Provisional or Territorial Legislations; **NOTING** that the Association provides its Members opportunity to participate in a wide and expanding range of activities and programs and that the Members are also entitled to exchange of knowledge and information on Practices and Procedures in other Parliaments and

Legislatures as well as other benefits including sending delegates to annual conferences upon the payment of Membership subscription; this Assembly resolves to apply for the Membership in the Commonwealth Parliamentary Association as follows:

That:

- d) The Membership be effective immediately upon the approval of the application by the General Assembly of the Commonwealth Parliamentary Association;
- e) This Hon. Assembly agrees to abide by the provisions of the Constitution of the Commonwealth Parliamentary Association;
- f) The required Membership fee be paid to the Commonwealth Parliamentary Association and this resolution be communicated to the Secretariat of the Commonwealth Parliamentary Association immediately following its passage.

Hon. Members, Hon. Wahinya.

Hon. Member for Ngando Ward (Mr. Peter Wahinya Kimuhu): Mr. Speaker, I think I want to follow the footsteps of our Leader of Majority whereby he says that today we try as much as possible to avoid side shows. This particular Motion which has been brought by *mheshimiwa* Kassam is almost obvious that it is to the advantage of this House and therefore going ahead to bring in or to try and introduce other reasons in excess of what Kassam has already said is really wasting the time of this House. We are scheduled to travel, Mr. Speaker this afternoon, we have other matters ahead of us, so, I would like to follow the footsteps of our Leader of Majority and ask you to put the question and avoid unnecessary side shows.

(Loud consultations)

Hon. Speaker: Hon. Nyang'wara is there any more side shows?

Hon. Samuel Nyang'wara: Mr. Speaker, I don't think it will be side shows but it is quite in order. The Hon. Member is out of order to call the mover to reply when he has already contributed, Mr. Speaker. He cannot do so and the Standing Order does not allow for this. He could have stood to request the mover to reply without contributing. Mr. Speaker with those few remarks I would like to contribute.

Thank you very much, Mr. Speaker. I want to actually give thumbs up to Hon. Kassam for having come in with such a kind of Motion. Actually, the mood is that we pass this Motion so that we can become Members to the Commonwealth Parliamentary Association and I would wish to advice the Clerk that immediately we pass this Motion he moves with speed to actually pay the fees to this particular Commonwealth Association so that we become Members.

Actually there are privileges that we'll enjoy when we become Members of this particular Association and we don't want any more advice because we know the National Parliament is already a member and the Speaker of the National Parliament is also an official in this particular Association, Mr. Speaker, so we hope and trust that there will not be a roadblock to this particular Assembly becoming a member of this particular Association. With those few remarks, Mr. Speaker, I beg to support.

Hon. Speaker: Hon. Thuo Karura.

Hon. Stephen Thuo Kamau: Thank you, Mr. Speaker. Whatever benefits the Members of this great Assembly of Nairobi, Mr. Speaker should be granted and supported; and this is one Motion that benefits our Members. This will help the Members of this Assembly build capacity as far as their mandate is concerned. It is always said that we should not seek to reinvent the wheel but to make it better and even better. By joining this association, we would be learning from the best practices in as far as the Houses of Legislation are concerned and I must say that our Standing Orders and various practices and traditions of this House are inadequate if we do not borrow from other jurisdictions.

Before I sit down, Mr. Speaker, I must also say that I also borrow heavily from other jurisdictions and that's why you see me sometimes in a bow tie because I borrow heavily from other jurisdictions that allow Members of the Assembly to put on a bow tie. So, with those few remarks, Mr. Speaker, I support this Motion and I support it and support it. Thank you.

Hon. Speaker: Hon. Kitavi.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Thank you, Mr. Speaker, from the onset I want to congratulate Hon. Jaffer for having thought of bringing in this Motion which I think is very important and of course as my colleagues have already mentioned it's going to be of great benefit to us as an Assembly and I am looking forward to seeing this Assembly networking with the other Assemblies of the Commonwealth as well as enhancing our capacity. Besides that, Mr. Speaker, I get that through us being Members of the Commonwealth Association we shall also be able to learn best practices of other Assemblies and through that we'll be establishing linkages with other Assemblies that are a part of the Commonwealth. So, I want to support this Motion.

Mr. Speaker sir, if you will allow me to make a crucial announcement to this Assembly with your indulgence; I would want to inform Members of this House that the Committee of Education has worked tirelessly hard and now the bursary forms for the next disbursement are actually ready and each Member will receive two hundred forms. So, when you come back from Mombasa, Members, go right away to the Education Department and collect your 200 forms for bursary disbursement. Thank you very much, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Chairperson for Education. Hon. Members, I call the Mover of the Motion to reply.

Hon. Jaffer Kassam: Thank you, Mr. Speaker sir, I wish to thank all the Members who have contributed. I also want to mention that the Membership of the CPA is 17,000 Members. With that I think and hope this will go a long way in enhancing our understanding of parliamentary democracy. Thank you, Mr. Speaker sir.

Hon. Speaker: Thank you very much, Hon. Jaffer Kassam. Hon. Members, I now put the question that, **AWARE** that there exists a Commonwealth Parliamentary Association (CPA) which is an Association of Parliament of Commonwealth Countries Worldwide; Further **AWARE** that the CPA recruits new Assemblies which are competent to enact State, Provisional or Territorial Legislations; **NOTING** that the Association provides its Members opportunity to participate in a wide and expanding range of activities and programs and that the Members are also entitled to exchange of knowledge and information on Practices and Procedures in other Parliaments and Legislatures as well as other benefits including sending delegates to annual conferences upon the payment of Membership subscription; this Assembly resolves to apply for the Membership in the Commonwealth Parliamentary Association as follows:

That:

- g) The Membership be effective immediately upon the approval of the application by the General Assembly of the Commonwealth Parliamentary Association;
- h) This Hon. Assembly agrees to abide by the provisions of the Constitution of the Commonwealth Parliamentary Association;
- i) The required Membership fee be paid to the Commonwealth Parliamentary Association and this resolution be communicated to the Secretariat of the Commonwealth Parliamentary Association immediately following its passage.

Hon. Members, as many of the opinion say 'yes'. And as many of the contrary opinion say 'nay', the 'ayes' have it.

(Question put for the Motion on membership to the Commonwealth Parliamentary Association and agreed to)

Hon. Members, the House rises to 2.30 p.m. and Hon. Members for those who are travelling to Mombasa you be aware of the logistics and the insecurity concerns currently in Mombasa town. I thank you.

(The House Rose at 12:45 p.m)