



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Wednesday, 19th February, 2014

The House met at 2.30 p.m

(Mr. Temporary Speaker in the Chair)

PRAYERS

Hon. Temporary Speaker (Mr. James Chege Mwaura): Hon. Members, I am being informed that we do not have a quorum so I request the Serjeant-At-Arms to ring the bell for an extra eight minutes. After that probably we'll have to--- Whip, *kuja*.

(Quorum bell is rung)

(Loud consultations)

Order Members! I am being informed that we've hit the quorum. We can proceed.

COMMUNICATIONS FROM THE CHAIR

Hon. Temporary Speaker: Thank you, Members. I want to thank you for mobilizing yourselves to come for this important gathering. I also want us to be informed that we need to take the House Business very seriously. Hon. Members we understand that without this Assembly then devolution cannot even operate in the County. I take this opportunity to request that you also continue in a very open manner to debate whatever is going to be brought in the House. I also want to take the same opportunity to ask that we also debate in a very orderly and respectful manner as much as possible giving this institution and the chair the respect that it deserves so that we can be able to proceed.

I also want to take this opportunity to tell the Members who have been asking questions before and they have not received their answers that they also need to take it upon themselves to push the House for those Statements. If you have a Statement that you have requested and the answer has not been forthcoming or your communication has not come through, sometimes it's an oversight. So, I want to give you that opportunity but you also must be pushing for it. Make sure that your question or your inquiry is followed up. Otherwise, I hope we shall have a very interesting season in this Second Session. Thank you. *(Applause)*

NOTICES OF MOTION

Hon. Temporary Speaker: The Hon. Maurice Akuk.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Speaker sir. Indeed I must say congratulations to see you in the chair. I am happy that you are guiding us well today. Yesterday, Hon. Nyang'wara was able to guide the House even though we were hit by lack of quorum. I have a Motion to present. I mean to give notice on.

Hon. Speaker, I beg to give notice of the following Motion that **AWARE** that Nairobi City is getting overpopulated and there is need to have an efficient transport system; deeply **CONCERNED** that Nairobi City streets have no special lanes for the motorcycles and many accidents occur on a daily basis; further **AWARE** that some of these motorcycles are known to use pavements therefore causing unnecessary traffic jam and that to avoid future disaster since our hospitals are recording a high number of motorcycle victims; there is need to urgently deal with the situation; this Assembly resolves that the County Government bans motorcycles and tuk tuks from entering the City Centre. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Member I think, once the House Business Committee is constituted they'll allocate time for that debate; next order.

Clerk (Ms. Monica Muthami): Order number 7; Statements.

STATEMENTS

Hon. Temporary Speaker: The Hon. Chief Whip of Minority.

Hon. Chief Whip of Minority (Mr. Hashim Kamau): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2 c); I wish to request for a Statement from the Chairperson of Sectoral Committee on Justice and Legal Affairs, regarding the allocation of space within City Hall and its annex to commercial banks. Hon. Speaker, the Kenya Commercial Bank (KCB)---

Hon. Temporary Speaker: Order Member! Let us hear what his point of order is.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Mr. Speaker, the Statement that is being read here, we understand, has not been approved yet, Mr. Speaker.

Hon. Chief Whip of Minority: Just a point of information the Statement is approved. When the Speaker and the Deputy Speaker are not there, then the Speaker's panel is in charge and is fully in charge.

Hon. Temporary Speaker: Chief Whip can you kindly bring that Statement forward. Hon. Member, I will have to consult and then I will look into it and give you communication hopefully by the next sitting.

Hon. Chief Whip of Minority: Mr. Speaker---

Hon Temporary Speaker: What are you rising on?

Hon. Chief Whip of Minority: Standing Order number 80. I need your guidance. In the absence of the Speaker---

Hon. Temporary Speaker: Yes.

Hon. Chief Whip of Minority: And the absence of the Deputy Speaker.

Hon Temporary Speaker: Yes

Hon. Chief Whip of Minority: Does it mean the Speaker's panel doesn't have authority to approve anything, Mr. Speaker?

Hon. Temporary Speaker: The Hon. Member, we had already made a ruling on the same so we'll give you our position regarding your Statement in the next session; tomorrow's session. Hon. Imwato, you are on a point of order.

Hon. Member for Makongeni Ward (Mr. Peter Imwato): On a personal statement, Mr. Speaker on order number 80. I want to commend you first for being in the chair because I am seeing you are much more sober than me.

Hon Temporary Speaker: Sorry, I didn't hear that.

Hon. Peter Imwato: I must commend you first for being in the chair because you are much more sober than me or the predecessors. On top of that, Mr. Speaker, I want to get a personal statement with regard to the signing of the Members' list. Yesterday, there was a procedural way of doing things in this Assembly and to date---

Hon Temporary Speaker: Order! Order Member!

Hon. Peter Imwatok: Mr. Speaker, to date no one has given a communication. I was waiting for a communication from your chair. Unfortunately I have not heard that communication on the same. Somebody should not bring to this floor of this House the tyranny from his culture and attitude, Mr. Speaker

Hon. Temporary Speaker: Standing Order 1 and Standing Order 99 are very clear. Hon. Imwatok I do not think that you want to question the authority of yesterday's chair. Are you?

Hon. Peter Imwatok: Mr. Speaker, I am ready to support the way he conducted the floor yesterday. What I was just questioning is the credibility of the membership attendance list signed after the Assembly. That's not anywhere in the Standing Order, I must say.

Hon Temporary Speaker: Yes, Hon. Akuk.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Speaker sir. I would like to inform the Member who was just here that we are actually on Statements and whatever he is contributing to is not a Statement and whether it is a personal statement it is still not a personal statement because he is accusing yesterday's chair. So let us stand here with a Point of Order that does make sense. This is a House of procedures and the House has decorum. Let Members respect your chair, Mr. Speaker sir. Thank you.

Hon. Temporary Speaker: Order! Order! Order, *Bwana* Imwatok! Order! Standing Order number 1 is very clear that in cases where matters are not expressly provided for by these Standing Orders or by other orders of the County Assembly any procedural question shall be decided by the Speaker. Hon. Imwatok, I do not know where in the Standing Orders there is the issue of signing of lists outside the House. So in that case the Speaker, yesterday, was in order. Next, order?

Clerk: Order No. 8; Motion.

MOTION

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker Sir.

Hon. Temporary Speaker: Go ahead.

Hon. Chief Whip of Majority: Let me take this opportunity to congratulate you for--- (*Speaker consults with the Clerk*) Mr. Speaker, I think you need to lend me your ears. Thank you, Mr. Speaker, let me congratulate you for the temporary promotion--- (*Laughter*) you have had, plus myself, Mr. Speaker Sir. I hope today's Session will be a little more sober than yesterday's. Thank you.

Allow me, Mr. Speaker to move the following Motion; that pursuant to the provisions of the Standing Order 152, this Assembly approves the appointment of the following Members to the County Assembly Business Committee:

1. Hon. Alex Ole Magelo, MCA - Speaker of the County Assembly/Chairperson
2. Hon. Elias O. Otieno, MCA - Leader of Majority Party
3. Hon. Abdi I. Hassan, MCA - Leader of Minority Party
4. Hon. Kennedy O. Ng'ondi, MCA.
5. Hon. Pius Owino Otieno, MCA.
6. Hon. Peter Imwatok, MCA.
7. Hon. Jaffer Kassam, MCA.
8. Hon. Caroline A. Muga, MCA.
9. Hon. Elizabeth Manyala, MCA.
10. Hon. David N. Mberia, MCA.
11. Hon. Beatrice Kwamboka, MCA.
12. Hon. Hashim A. Kamau, MCA.
13. Hon. Samuel N. Nyangwara, MCA.
14. Hon. Paul Muiruri Kiguathi Kados, MCA.
15. Hon. Michael Wainaina Wanjiku, MCA.
16. Hon. James Mwaura Chege, MCA.
17. Hon. George Maina Njoroge, MCA.
18. Hon. Peter Wahinya Kimuhu, MCA.
19. Hon. Peter Muriithi Warutere, MCA.

Thank you, Mr. Speaker Sir, let me call upon the Leader of Minority Party to come and second the Motion. Thank you.

Hon. Leader of Minority: Thank you, Mr. Speaker Sir, before I support the Motion, let me take this opportunity first to thank you and congratulate you for being in the Chair today and I hope you will be in the Chair more often. Mr. Speaker Sir, I want to tell Members that the County Assembly Service Board has approved the increase of Ward Salary from 30,000 to 70,000 Kenya shillings. Mr. Speaker Sir, I also want Members to note that the County Assembly Service Board has approved the purchase of the furniture for offices as per our agreement in the *Kamukunji* and I think you know the agreement which we had in the *Kamukunji*, here.

With those few remarks, Mr. Speaker Sir, I want also to welcome back Members for the Second Session of the Nairobi County Assembly and urge the Members that this House is a House of procedures and rules and they have to present themselves as Hon. Members. We don't want to be called Councillors; we are not Councillors, Mr. Speaker Sir, we are Hon. Members and we want to behave as such.

Mr. Speaker Sir, I wish to support the Motion and I ask the House to approve the Motion. The HBC (House Business Committee) is very very important to this House. We cannot transact the business of this House without the approval of HBC. With those few remarks, I urge the House to approve the said list. Thank you, Mr. Speaker Sir.

Hon. Temporary Speaker: Honourable Members, I will now propose the question which is that, pursuant to the provisions of the Standing Order 152, this Assembly approves the appointment of the Members whose names appear on the Order Paper to the County Assembly Business Committee. Members the Motion is up for debate. The Hon. Millicent Mugadi.

Hon. Member for Kariokor Ward (Ms. Millicent Mugadi): Thank you, Mr. Speaker, I was just confirming something and concerning the names that you have just brought here, I don't see the one third gender rule applying in these names. So, I am just standing here to oppose the names. *(Speaker consults with the Clerk)* Mr. Speaker can I have your attention please?

Hon. Temporary Speaker: Proceed.

Hon. Millicent Mugadi: I don't see the one third gender rule applying here and gender is not really considered especially on the Jubilee side. Thank you.

Hon. Temporary Speaker: Are you opposing or proposing?

Hon. Millicent Mugadi: I am opposing the names.

Hon. Temporary Speaker: The Hon. Moses Ogeto.

Hon. Moses Ogeto: Thank you, Mr. Speaker Sir, I also once more want to congratulate you for being the Chair. Mr. Speaker Sir---

Hon. Temporary Speaker: Order Member! Hon. *Mheshimiwa*, please approach the microphones so that the Hansard can capture you.

Hon. Moses Ogeto: Mr. Speaker Sir, I don't know why this Assembly is repeating these mistakes every day. Yesterday we were here. We debated about this Motion. Mr. Speaker Sir, we argued from the Constitutional point of view and we categorically said that we need one third gender rule to apply at least to this Committee. It is improper, Mr. Speaker Sir, to continue discussing the same Motion which was withdrawn yesterday and it has not fulfilled the Constitutional mandate. I think, Mr. Speaker Sir, we would wish the Mover of the Motion to withdraw this Motion and go and re-constitute this---

Hon. Temporary Speaker: Order! Order Member! You cannot request the Member to withdraw a Motion that is duly on the floor of the House.

Hon. Moses Ogeto: Mr. Speaker Sir, I am saying I urge my fellow Hon. Members that this Motion is very bogus and it does not accommodate the opinion of even the Constitution and the Constitution is the Supreme Law in this Republic of Kenya. The Motion has as well not taken into consideration our opinion as legislators. The Constitution is the most fundamental book which is in the Archives of this Nation. Mr. Speaker Sir, I oppose.

Hon. Samuel Nyang'wara: Point of Order.

Hon. Temporary Speaker: Yes, Hon. Nyang'wara.

Hon. Samuel Nyang'wara: Mr. Speaker, is the Hon. Member right to say that we should use the Constitution here when we know we use the Standing Orders as the guide book in this House?

Hon. Temporary Speaker: Hon. Member---

Hon. Moses Ogeto: I want to answer him, Mr. Speaker Sir.

Hon. Temporary Speaker: Answer the specific Point of Order.

Hon. Moses Ogeto: Mr. Speaker Sir, he is talking about the Constitution, if it were not for the Constitution, I don't think we would have the ladies in this Assembly. It is the Constitution which made us have ladies who are Hon. Members in this House. It's because of the one third rule and we can't ignore this, Mr. Speaker Sir.

(Applause)

Hon. Temporary Speaker: Fair enough. The Hon. Akuk.

Hon. Maurice Akuk: Sorry, sorry gentlemen you know I catch his eye all the time because we belong to the same Speaker's Panel--- *(Laughter)*. Thank you, Mr. Speaker Sir, for giving me an opportunity to actually have a different opinion today. After going through this I beg not to oppose this motion, but to support it. Reasons? If you give me time I have got some few questions that I want to ask my fellow Members if they will understand why we need this House Business Committee and why it is so important, for us to continue having debates in this Honourable House.

Mr. Speaker Sir, my fellow colleague, Hon. Ogeto, stood before you and did mention that the gender parity has not been considered. Mr. Speaker Sir, if that is the question or if that is the story, it means that we have to re-constitute all the Committees in this House. Is the Hon. Member from Kilimani ready to re-constitute

all the Committees including the Committee that he serves as a Deputy Chairman which is Justice Committee and which does not have the one third rule on gender applying? So why bring the Constitution in the House which already has its procedures and rules?

Mr. Speaker Sir, my second question. (*Loud consultations*) Members give me an opportunity, give me an opportunity. Yesterday I opposed this Motion, but today I am supporting it. My second question, was their consultation--- (*Speaker is consulting with the Clerk*) Mr. Speaker Sir, give me your attention please ---

Hon. Temporary Speaker: Yes, yes.

Hon. Maurice Akuk: Was there consultation among our Party leaders? Yes, there was. Do we have Leaders in this House for our Parties? Yes, we have. Did they consult on whom to put in this Committee? Yes, they did. So who are we to try and deny them the opportunity that we have given them to serve us?

Mr. Speaker Sir, my third question. Are the Members in this list able to serve in this Committee? Yes, they are. The Members can serve in this Committee, starting with you, Mr. Speaker Sir. I have seen your name in this Committee. Are you not able to serve in this Committee? To my understanding you are able.

My other question, Mr. Speaker Sir; are the Members who have been proposed to this Committee or in this list willing not to serve us in this Committee? None has come out; none has told us that he is not able to serve us. My other question, Mr. Speaker Sir; how many times does the House Business Committee meet in a week? Once, Mr. Speaker Sir, once. Majority of our Members here thought that getting in this Committee gives us an opportunity of getting more meeting; no. This is a serious House Business Committee that only sits once to come up with whatever programs we have for the week coming.

Mr. Speaker Sir, my other question is; is it going to add any value to those who are not in this Committee? I am not in this Committee but I don't see any value it adds to me. I would like also to bring my Motions and see them passed by another Committee that I am not part of. My last point; the Committee is so important Members; without this Committee Members, it means that the House Business will be no more. Today we are going through some Procedural Motions which are a norm in any given Parliament. We are guided by the Commonwealth Parliament Rules and Procedures. In any Commonwealth Parliament Rules and Procedures, it is understandable that in any new Session there are Procedural Motions that have to be passed whether mutilating our Standing Orders or not.

Mr. Speaker Sir, without the House Business Committee for the second week of our Second Session, we will have no business in this House. Did Nairobians elect us--- we have been specifically elected to this House to serve some special interest. If the House will not be in Session starting next week, for what good are we? Members, let us vote for this. Let us stop all this fights; it is unnecessary; we need to move forward whether you are not here or not, please understand gender parity rule does apply in all the Committees.

Let us wait for the Ward Development Committee and in that one probably we ask for gender parity but not in this particular one because again we are 85 Members and I think there are only 3 Members who are ladies, so it will also be hard to have that gender parity. Thank you, Mr. Speaker Sir.

Hon. Temporary Speaker: Fair enough. The Hon. Michael Wainaina:

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): Thank you, Mr. Speaker. I stand here to support the Motion not because I am in that Committee but because my learned friend has just exhausted what I wanted to say. I want to take back the Hon. Members who want to oppose this and remind them of when we were being sworn in in this House, 85 elected Members, they know clearly we had 4 ladies or 4 Hon. Members and by looking at the House Business Committee, the gender was considered and the 3 of them are in this House Business Committee.

So, Mr. Speaker, when we try to come and oppose this, we are trying to burry our heads in the sand and we are trying to show how we do forget because *(Laughs)* Hon. Ogeto was there and this one was considered and because other ladies came in after the House Business Committee was formed. There is no way we can go back to change House Business Committee Members. If we are going to do so, as you have been informed, you are not sure you will remain the Vice Chair of your Committee. Thank you, Mr. Speaker, I support the Motion.

Hon. Temporary Speaker: The Hon. Andrew Mbau.

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Thank you, Mr. Speaker---

Hon. Temporary Speaker: Order Members! The Hon. Member is a Senior Member.

(Laughter)

Hon. Andrew Mbau: Thank you, Mr. Speaker, I rise to support this Motion because its apparent that last year more often than not we were on strike and it's very clear that the Committee had very few sittings and suffice it to say, it's like today, if you happen to employ a driver and the following day the vehicle is not mechanically sound, would you say that driver is incompetent? The answer is obviously no. The competency of this Committee has not been tested and according to me it is apparent these were some of the best minds that we chose then. Last year we agreed, as a matter of principle that we didn't have any problem with the constitution of this Committee. I don't know the reason as to why this is arising and the Committee has done its work. That's all.

Hon. Temporary Speaker: Are you supporting or?

Hon. Andrew Mbau: I do support the constitution of this Committee.

Hon. Temporary Speaker: The Hon. Rose Kula.

(Loud consultations)

Hon. Temporary Speaker: Order Members!

Hon. Rose Ogonda Kula (Nominated Member from Embakasi): *Bwana Spika, ninaomba kupinga huu Mjadala. Sababu ni moja. Nimesikia mwenzangu akisema wakati walikuwa wanapanga ratiba na Chairman wa department, hatukuwa, hilo tumekubali. Lakini kama ni hivyo tungeona jina la Millicent na Diana Kapeen here. (Applause)*

Hon Peter Imwatok: Point of Order!

Hon. Temporary Speaker: What is your Point of Order Hon. Member?

(Loud consultations)

Hon. Rose Kula: Mr. Speaker, *unisaidie* because it is my first time *kukuja hapa, unisaidie.*

(Laughter)

Hon. Temporary Speaker: Indeed, much obliged. Much obliged. Order! Order!

Hon. Rose Kula: *Nitasema Kiswahili sanifu vile Waheshimiwa wanataka.*

Hon. Temporary Speaker: Please don't bully the Member, the Member is making her Maiden Speech. Proceed, proceed.

(Laughter and loud consultations)

Hon. Temporary Speaker: *Mheshimiwa ambaye amesimama hapa anafanya speech yake ya kwanza mbele ya Nyumba; hotuba yake. Mpe nafasi.*

Hon. Rose Kula: *Ahsante sana Bwana Spika. Nitaongea Kiswahili sanifi vile wanataka niongee. Ya kwanza, nimekubaliana na vile Mheshimiwa aliyenitangulia hapa amesema na kulingana na ratiba na haya majina mimi kama, Rose Kula, hakuna jina ninalopinga ama kulitoa toka hapa. Lakini, elected Hon. Members, ladies, wameachwa nje; two of them. Hatulalamiki kwa maana tunataka tuwekwe ndani, but lazima waangalie jinsia wakati wanapanga. Second, ya pili, sorry. Disabled tuko naye mmoja. Jina lake ningependa liwekwe hapa ndani. Ahsante.*

Hon. Temporary Speaker: The Hon. Kamau Thuo. *(Laughs)*.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Okay, thank you, Mr. Speaker. I am rising here to support this Motion. The Committee as presently constituted, is in order, Mr. Speaker. Also, this issue of gender, one third, two thirds, Mr. Speaker, is arising everywhere even in our houses! The issue is arising but I would want to ask *(pauses)*

Hon. Temporary Speaker: Proceed.

(Loud consultations)

Hon. Stephen Kamau Thuo: Protect me, Mr. Speaker!

Hon. Temporary Speaker: Hon. Member, proceed.

Hon. Stephen Kamau Thuo: Thank you. I would want to ask, Mr. Speaker, by having Members, ladies in this House, has this House become a better place, Mr. Speaker? Thank you.

Hon. Temporary Speaker: The Chairman of Budget.

(Loud consultations)

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much, Mr. Speaker sir. As I stand here, I have looked at the list and having looked at it critically, if you compare it with the previous list you will realize the only name which was removed was mine---

(Laughter)

Not because I am incompetent but because I am one among others, so whoever serves in this Committee is an Hon. Member of this House and we must appreciate that we are all Hon. Members of this House, and we can all make positive contributions. I take it positively because I expect the person who has replaced me to give a very very vital and positive contribution to this Committee. Mr. Speaker sir, I will give them all my support --- *(Applause)* because I know--- in fact I have been relieved because one thing we don't learn is that when we have got so many Committees you don't contribute fairly to them. You don't participate fairly.

So, I believe and hold a principal that a Member of this House can only serve in a maximum of two Committees but at most three are better. If you have got four, five, I don't think you can make any positive contributions. I, therefore, stand here to fully support this list as it is.

(Applause)

Hon. Temporary Speaker: Fair enough, Hon. Stephen Kambi.

Hon. Member for Dandora Area II Ward (Mr. Stephen Kambi): Thank you, Mr. Speaker Sir, kindly, allow me to thank you for giving me this opportunity and do allow me also to support the Motion that is on the floor. Mr. Speaker sir, the owners of the names that are in front of this House and in the Order Paper, have already proved to the Hon. House that they are capable and they have delivered so far. The first Session was a successful session of this House and they did deliver. I do understand and I do respect our sisters and we have the grievances and concerns they have at heart.

But, it is true that if we set a tradition whereby we will be taking one step forward and three steps backwards, then we will be unfair, not only to the electorate but to the Nairobians at large. We will also be unfair to ourselves. Time is of the essence to this House and we cannot keep on discussing one issue; an issue that has been there already; something that the Majority of these Members of this House do conquer with and support.

I, personally, I am not a member of the House Business Committee. I have never been and I haven't expressed my interest to be, but I do believe the Hon. Members that do represent us in the House Business Committee are able and capable enough to deliver on behalf of this House. So, Mr. Speaker Sir, without more wastage of time, I would like to beg that, let no other Member stand here to support or oppose this Motion. Kindly put the question, Mr. Speaker sir. Call the Mover, *tupitisha hii kitu. Ahsante.*

Hon. Temporary Speaker: Hon. Members, you realize that this is a House of debate. Have your seat, Hon. Member. You take the opportunity here to push your agenda and try to pull the Members to see your points. So there is no wrong in any one using whatever style he or she is going to use to make people refuse or to make people support. As we said, let everyone ventilate, whether they are supporting or not supporting. I think we have done justice to the Motion. I have given about ten people opportunity and I will now call the mover to reply.

(Applause)

Hon. Chief Whip of Majority: Thank you, Mr. Speaker sir, for giving me another opportunity. As I said earlier, the House today looks more sober than it was yesterday. Mr. Speaker, and I don't know whether the Chair yesterday was so black, that Members could not see through and today we are proud that Members are seeing you through. But, let me take the opportunity to thank the Members for supporting this Motion and I believe that the business of today will be fully supported by Members. I hope we will keep the same time. Thank you, Members.

Hon. Temporary Speaker: Hon. Members, I will now put the question, which is that, pursuant to the provisions of the Standing Order 152, this Assembly approves the appointment of the Members whose names appear on the Order Paper to the County Assembly Business Committee. Will as many of that opinion say 'aye', will as many of the contrary opinion say 'nay'. The 'ayes' have it.

(The Question put for the Motion on House Business Committee membership and agreed to)

Next order?

Clerk: Order Number 9; Procedural Motion.

Hon. Chief Whip of Majority: Thank you, Mr. Speaker sir, I beg you to lend me your ears---

Hon. Temporary Speaker: Proceed.

Hon. Chief Whip of Majority: Allow me, Mr. Speaker, to move now the following Motion; that notwithstanding the provisions of Standing Order 94(4) , this Assembly orders that, each speech in a debate on any Bill be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and replying, a maximum of twenty (20) minutes for the Chairperson of the relevant committee (if the Bill is not sponsored by the relevant committee), and a maximum of fifteen (15) minutes for any other Member speaking except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of twenty minutes (20) each; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee in that Order. Thank you, Mr. Speaker. Let me call upon Hashim Kamau to come and second this Motion.

Hon. Chief Whip of Minority: Mr. Speaker, I second.

Hon. Temporary Speaker: Fair enough, Hon. Members I will now propose the question which is that notwithstanding the provisions of Standing Order 94(4) , this Assembly orders that, each speech in a debate on any Bill be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and replying, a maximum of twenty (20) minutes for the Chairperson of the relevant committee (if the Bill is not sponsored by the relevant committee), and a maximum of fifteen (15) minutes for any other Member speaking except the Leader of the Majority Party order, order Hon. Members you cannot leave the house when the Speaker, Serjeant-at-arms bring back the Hon. Member order Hon. Kambi be on your sit yes I was saying that the Members speaking except the Leader of the Minority Party, who shall be limited to a maximum of twenty minutes (20) each; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee in that Order. I now allow the debate to proceed. Hon. Imwatak.

Hon. Peter Imwatok: Mr. Speaker, I must say congratulation to the Chief Majority whip for adhering to the rules of the engagement we had yesterday, because I see in this motion there are some amendments which was made by the Chair of Budget and it is important for us to be given enough time to contribute. I think it starts with the previous Standing Order, which is 15 minutes for the Members to digest as we speak.

It is not only about speaking, Mr. Speaker, when you stand on the microphone you must know what you are speaking about. So you are given 10 minutes on a Bill and it is a big challenge to digest as you speak. So, Mr. Speaker I beg to support this Motion. I am saying it is very important but also we would like to caution the leaders and the entire Speaker's Panel and Speaker's Chambers that we are not going to condone at all more mutilation of the procedural Motions when it comes to issues of the Members' contributions. For this, Chief Whip, you have my hand and I support the Motion.

Hon. Temporary Speaker: Fair enough, the Hon. Gava.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you, Mr. Speaker sir, I would like to take this opportunity to welcome all the Hon. Members to this Second Session of our Assembly. To me, it is very important to support this. Why am I saying so? Because, it is as per the former one in the first Session. It is now different from the one which we had yesterday. Thank you, for the amendment that we pleaded for yesterday, which has taken place. So, I am fully in support of the Motion. Thank you, Mr. Speaker Sir.

Hon. Temporary Speaker: The Hon. Member from Sarang'ombe.

Hon. Member for Sarang'ombe Ward (Mr. Pius Owino Otieno): Thank you, Mr. Speaker, yesterday probably I am the one who supported this Motion, and I supported it with actually the time that was stipulated there bearing in mind that Members hardly contribute or hardly address us for more than 15 or 10 minutes. When I was backing that particular time I was alive to the fact that the more time we might have the more quorum we might also lose and even this one calls us to take stock of our commitment, Mr. Chairman.

Sometime it pains me, for us to be paid by the tax payer, money from people living in Nairobi or Kenya at large, when probably the values of our representation or the value of commitment is also doubtful. When you look from both sides you will realize that one day the Citizens of Nairobi or the people of Kenya and the Auditor General would commission that we evaluate our pay against the work we are doing. Definitely the report will not be far from the report that we saw from Machakos County.

But never the less well, the time that we have been accorded by this Procedural Motion, Motion Number 9, is adequate. Just like I said yesterday, a Bill is a substantive piece of legislation, and being a substantive piece of legislation it touches on many people's lives; it touches on women's lives; it touches on men's lives and so we need to accord the Bill some special time for Members to digest and think about it.

It is very important and sometimes it is not only the time that is important, you might be given half an hour or might be given 20 minutes but once the substance that you are moving; the substance that you are pushing is not credible; the substance that you are pushing is not valid; the substance that you are pushing cannot stand the test of integrity and confidentiality---my teacher was teaching me about information--- then whatever you will be moving would be null and void.

So I am standing here to support the Motion and even implore other Members who might not understand the importance of this Motion, just to support it for the sake, so that we might start transacting the business of Motion number 14, because Motion Number 14 cannot be transacted if we have not cleared all this other Motions. We need to dispense with the speech of the Governor and then start addressing the issue of bread and butter in as far as the lives of the people living in Nairobi is concerned. Thank you, Mr. Chairman.

Hon. Temporary Speaker: I now call the mover to reply.

Hon. Chief Whip of Majority: Thank you, once again, Mr. Speaker, let me take the opportunity to thank Members for the mass support they have given to the Motion. I am moving knowing very well that these are temporary Motions, please Members don't let me down; *tafadhali*, please Members. Thank you very much.

Hon. Temporary Speaker: Fair enough, Members I will now put the question, which is that, notwithstanding the provisions of Standing Order 94(4) , this Assembly orders that, each speech in a debate on any Bill be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and replying, a maximum of twenty (20) minutes for the Chairperson of the relevant committee (if the Bill is not sponsored by the relevant committee), and a maximum of fifteen (15) minutes for any other Member speaking except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of twenty minutes (20) each; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee in that Order. Will as many as of that opinion say 'aye', will as many are of contrary opinion say 'nay'. The 'ayes' have it.

(Question put for procedural Motion No.9 and agreed to)

Next order.

Clerk: Order number 10; Procedural Motion.

Hon. Chief Whip of Majority: Thank you, Mr. Speaker, allow me once again to move the following motion that notwithstanding the provisions of Standing Order 94(4) , this Assembly orders that, each speech in a debate on any Motion including a Special motion, be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and

that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

Let me call upon the Hon. Mumo to come and second this Motion.

Hon. Leah Mumo Matee (Nominated Member from Makadara): Thank You, Speaker I stand here to say that the time is okay with me and therefore I second the Motion

(Applause)

Hon. Temporary Speaker: Fair enough, Hon. Members I will now propose the question which is notwithstanding the provisions of Standing Order 94(4) , this Assembly orders that, each speech in a debate on any Motion including a Special motion, be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

The floor is open for debate. Hon. Nyang'wara.

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker, I stand to support this Motion; but first and foremost, Mr. speaker, I want through your chair, to request the Hon. Members who are in the House to at least not go out, so that we can pass this important Motion if at all we have respect for our Excellency the Governor. These Motions are the ones which will allow us to discuss his speech. Kindly if we miss quorum today, again, it will mean that we will have to go through this Procedural Motions and the time for discussing the Governor's speech will be lapsing, Mr. Speaker sir. With those few remarks, I support.

Hon. Temporary Speaker: Now I can see the mood of the House is very good and will call the mover to reply.

Hon. Chief Whip of Majority: Thank you, once again, Mr. Speaker. Let me take the opportunity to thank Members for the massive support for the Motion and I hope Members you will not walk out until we finish the business of the day. Thank you, Mr. Speaker.

Hon. Temporary Speaker: Fair enough, I will now put the question which is that notwithstanding the provisions of Standing Order 94(4) , this Assembly orders that, each speech in a debate on any Motion including a Special motion, be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15)

minutes each, and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order. Will as many as of that opinion say 'aye', will as many are of contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Procedural Motion No.10 and agreed to)

I direct that the next Procedural Motion be skipped, we are now on Porcedural Motion Number 12. Clerk.

Clerk: Order Number 12; Procedural Motion.

Hon. Chief Whip of Majority: Thank you, Mr. Speaker. Allow me to move the following motion; that pursuant to the provisions of Standing Order 94(4), this Assembly orders debate on the Motion on the address by the Governor be limited to no more than ten (10) minutes for each Member speaking, twenty (20) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party. Hon. Hashim to second the Motion.

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

Hon. Temporary Speaker: Hon. Members, I will now propose the question which is that pursuant to the provisions of Standing Order 94(4), this Assembly orders debate on the Motion on the address by the Governor be limited to no more than ten (10) minutes for each Member speaking, twenty (20) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Point of order, Mr. Speaker.

Hon. Temporary Speaker: Member, what is your point of order?

Hon. Wilson Ochola: Thank you, Mr. Speaker sir. The law is very clear that when the quorum is not full then it is not in order to proceed. Could you allow the Serjeant-At- Arms to ring the--- Member, how may are we, Mr. Speaker? Is it in order to continue? Thank you, Mr. Speaker. And another thing, Speaker, can you tell Members that none of them is more special than the other---people are equal? Thank you, Mr. Speaker.

Hon. Temporary Speaker: Hon. Members, I let the Member express his views so that we could at least give him the benefit of doubt by listening to what he wants to say. However, the Hon. Member is out of order because you cannot interrupt the Speaker when he is speaking. So, I will proceed with what I was saying at the time. Hon. Members I will propose the question which is pursuant to the provision of Standing Order No 94(4); this Assembly orders debate on the Motion on the address by the Governor be limited to no more than

ten (10) minutes for each Member speaking, twenty (20) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

The debate is now open. The Hon. Nyang'wara.

Hon. Samuel Nyang'wara: Mr. Speaker, people might think that I am in their minds, but the fact is that the mood in the House shows they are supporting this motion, and I am requesting you to call the mover to reply, Mr. Speaker.

Hon. Temporary Speaker: Hold, hold. We are calling the mover to reply.

Hon. Chief Whip of the Majority: Thank you, Hon Speaker. Let me take another opportunity to thank the Members for the good support they have given me today and I hope that the support will continue until we go up to motion No. 14 .Thank you, Members.

Hon. Temporary Speaker: Fair enough. Hon. Members, I now put the question which is that, Pursuant to the provision of the Standing Orders No. 94(4); this Assembly orders debate on the Motion on the address by the Governor be limited to no more than ten (10) minutes for each Member speaking, twenty (20) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party. Will as many of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the Procedural Motion No. 12 and agreed to)

I direct that the next procedural Motion be skipped and we move to the Motion No. 14.

Clerk: Order No. 14, Motion.

Hon. Chief Whip of the Majority: Thank you, Mr. Speaker. Allow me to move the following motion that the Thanks of the County Assembly be recorded for the exposition of the public policy contained in the Address of the Governor delivered on 12th February 2014.

Let me call upon the Minority Whip---

Hon. Temporary Speaker: Order! Order Member! I am being informed that this motion had already been moved by the Majority Leader so we proceed with the motion.

Hon. Chief Whip of the Majority: Thank you, Mr. Speaker. But also on a lighter note, Mr. Speaker, the County Assembly Service Board has already approved the purchase of furniture for Members of the County Assembly and also the increase of the salaries of our staff, and I heard that the County Assembly Service Board had discussed the possibility of purchasing Ipads for the Members of this House, Mr. Speaker. As you

can see I am the only Member who is digital in this House and I would like the Members to discard papers and go digital, Mr. Speaker. Mr. Speaker let us embrace technology in this House. Thank you, sir.

Hon. Temporary Speaker: Fair enough. I have been informed that the Hon. Imwatok had three minutes remaining, the last time he was speaking on the Motion. And since Hon. Imwatok is not around, the Motion can proceed. The Hon. Member of the--- Lucky Summer.

Hon. Kennedy Onduru: Thank you, Mr. Speaker sir, once again for giving me the opportunity to contribute to the Motion. The Speech of the Governor attracted me for several reasons. It really covers several departments within our County especially in terms of development. He touched on those issues close to my soul. The Governor also expressed his appreciation of the Assembly's work. He noted the number of Bills that we had passed within the County and also some that we would soon be attending to as per the Constitution.

It is very comforting to note that the Governor respects and recognizes the role of devolution. Also he gave some good tidings with regard to our Ward Development Fund which most of our people are really eagerly waiting for. As the Members of the County we would like this County to move forward but without development within our areas there is nothing to show for what we are doing.

So, his approval of the development fund and the way he addressed this made me happy, because we are making Nairobi to move ahead. Nairobi is now the only County which has approved such a Bill and the Governor has accented to it. This means that we are an example to other Counties. So, *heko* to Nairobians.

Members of this Assembly should feel proud because our President or our Governor recognizes our wellbeing within the Assembly. In addition, I cannot sit without saying '*heko*' to the Hon. Leader of Majority, who on the material day stated that the Nairobi County is the second largest Assembly in the Country. But for me, I would like also to tell the Members that Nairobi County is one of a kind within the Country. Otherwise, Mr. Speaker, I beg to rest my case. Thank you, very much.

Hon. Temporary Speaker: The Hon. Michael Wainaina.

Hon. Michael Wainaina: Mr. Speaker, I sadly want to notify you that the House has no quorum.

Hon. Speaker: I had not realized that. I therefore---Clerk--- Before I rule on that insight, may I also hear what the Hon. Manyala wants to say.

Hon. Elizabeth Manyala: I arise on a Point of Order No.80 that I am concerned that Members are not serious. If they are not serious, Mr. Speaker, we are going to set a precedence whereby even if we are three or four people we are going to continue with the business of the House because Members are not going to hold people at ransom. Otherwise we are not going to move, Mr. Speaker. I therefore call upon you to ignore those Members who are saying that there is lack of quorum, so that we continue and move to another level. Because we will never move; tomorrow it will be the same. Thank you, Mr. Speaker.

Hon. Speaker: Are you still debating on Hon. Wainaina's issue? Yah, it is the same issue, proceed.

Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Thank you, Mr. Speaker sir. I want to echo what the Hon. Member has said. I can't agree more with what the Speaker of yesterday did. I think it's high time now we start agreeing with what he was doing. That attendance sheet should not be brought here until the end of the session. I think that is the only time we are going to allow people to sign. Otherwise with the look of things, it looks like we are having more businessmen in this House than Hon. Members.

I think it's high time we started whipping the Members. It is either they are paid to give services to the County of Nairobi or to do their own things. I think the law is quite clear, people must attend this Assembly and there are no two ways about it. If they can't, then they have no business signing or even being Members of this Honourable House. This is an Honourable House and I think they are drawing salaries to make sure that we legislate apart from representing the people. There are many other things that they are doing here. They have a cardinal rule to be present in this House. I think we need to do our good--- and whip all the Members. Thank you.

Hon. Temporary Speaker: Hon. Members, it seems like people are debating on a Point of Order; no. We are still on Michael Wainaina's Point of Order that has raised this storm. Hon. Members, you realize that this is a House of procedures and it's a House of rules and as much as I would want to agree with what the last and second last speakers have said, Standing Order No. 32 is also very clear, that if there is a quorum hitch and any Member alerts the Speaker that there is lack of quorum then there is a specific way in which things should be done; things must happen, but I also wanted you to ventilate and see that you try to---(*Loud consultations*) ---so that you also see that you are doing some service. We should not have other people sitting around while others walk out, if we want the Motions and the business of the House to proceed. So, according to the Standing Order No.32 it is very clear that we don't have a quorum. I direct that the Serjeant-At-Arms rings the bell for eight minutes.

Serjeant-At-Arms, do not release anyone until the quorum time is finished! Hon. Member, Warutere, resume your seat.

Hon. Member: Mr. Speaker, Point of information!

Hon. Temporary Speaker: Hon. Member the Standing Order No. 32 is very clear that when the bell has been rung and--- (*Loud consultations*) no no. Hon Members, 32 (2) says that the Speaker will call for the division bell and if a quorum does not appear to be present the Speaker or the chair at the expiry of eight minutes will adjourn the County Assembly until the next sitting without putting a question. Hon. Members, the House stands adjourned.

(The House Rose at 4.03pm)