



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Wednesday 24th October, 2018

The House met at 2.30 p.m.

[Hon. Acting Speaker (Mr. Chege Mwaura) in the Chair]

PRAYER

Hon. Acting Speaker: Hon. Members, I have been informed that there is quorum. Hon. Paul Ndungu, kindly take your seat. Proceed Clerk

COMMUNICATION FROM THE CHAIR

GUESTS FROM EMBAKASI NORTH SUB COUNTY

Hon. Acting Speaker: Hon. Members, we have guests from Embakasi North Sub County. They are teachers and pupils from St. Benedict Community Centre, PAG Kariobangi and Golden Key Christian School. I take this opportunity to welcome you to the Nairobi City County Assembly and believe that the tour will be of great significance to you as you get to appreciate the role of legislatures in making laws, representation and oversight. Hon. Members on behalf of the County Assembly of Nairobi, I wish to extend a warm welcome to the teachers and pupils. May we give them a round of applause!

(Applause)

Karibuni sana.

COMMISSION OF REVENUE ALLOCATION VISIT TO SLUM AREAS

Secondly Hon. Members, I have a communication to make with regards to the Commission of Revenue Allocation (CRA) visit to slum areas in Nairobi. The County secretary has brought to our attention the proposed site visit by the CRA to the slum areas within Nairobi City County on 1st November 2018. The CRA have therefore selected the following areas for the aforementioned site visits;

1. Kibra slums
2. Mathare sums

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.

3. Kawangware slums
4. Mkuru slums

Hon. Members on behalf of the City County Assembly, I urge members of the said areas which the Commission of Revenue Allocation will be visiting to represent and articulate issues affecting their people as this falls under the principle of representation that you are called for.

INVITATION TO THE LAUNCH OF THE LEGISLATIVE HANDBOOK ON THE PRINCIPLES OF GENDER EQUALITY

There is also an invitation to launch the legislative handbook on the principles of gender equality. The National Gender and Equality Commission find it an honour to invite members of Nairobi City County Assembly to the launch of the legislative handbook on the principle of gender equality scheduled to take place on 30th October at the Intercontinental Hotel starting from 8:30 a.m. Hon. Members, the commission has published a book which will go a long way in addressing gender issues in our country. This book will provide an avenue of the institution to handle gender related issues within the organization. It also provides avenues of how members can formulate laws and regulations which address issues of equity and inclusion. So members who are gender inclined or would want to be part of this are welcomed to the Intercontinental Hotel at 8:30 a.m. on 30th of October.

BURSARIES

Members, you will also remember that I made an undertaking to give a communication with regards to the bursaries this afternoon. I wish to request for an extension of a day. This is because I was supposed to have a meeting with the CECM Hon. Janet Ouko and bring a communication that they can actually act upon. Let us push it tomorrow so that we have both sides captured in the communication so that it does not look as if we are ambushing them. Thank you Hon. Members, I will allow Members at the back to come in. Next order

PAPERS

Hon. Acting Speaker: The Majority leader or any persons standing in for him?

Hon. Moses Ogeto: Thank you Hon. Speaker. Pursuant to Standing Order 191 (6), I wish to lay the following paper on the table of the Assembly today Wednesday 24th October 2018: The Report of the Second Induction workshop of members of the Second Assembly held from 10th to 15th September 2018 at Sai Rock hotel Mombasa County. Thank you Hon. Speaker.

Hon. Acting Speaker: Thank you. Next is report of a delegation to Denver, Colorado. Who was the head of the delegation? Chair Water committee?

Hon. Kados Kiguathi: Thank you Mr. Speaker.

Hon. Acting Speaker: Turn the mic on so that you are on record

Hon. Kados Kiguathi: Thank you Mr. Speaker. Pursuant to Standing Order 191 (6), I beg to lay the following paper on the table of the Assembly today Wednesday 24th October 2018: The report of the delegation that attended the Annual Sister City Conference held in Aurora, Denver, Colorado, USA from 31st July to August 8th August 2018.

Hon. Speaker, four members of the County Assembly and one officer attended the Sister City's International Annual conference which was held in Aurora, Denver, Colorado, USA from 31st to 8th August 2018 as approved by the Hon. Speaker. The conference aimed at building relationships among world cities based on cultural, educational, information and trade exchanges and creating lifelong friendships that provides prosperity and peace. The conference enabled participants to learn and share on how cities can lead efforts in creating smarter, healthier and inclusive and more innovative communities. Specifically the conference addressed the following topical issues;

- a. Pioneering sister cities programmes along the silk road
- b. Successful city and sister cities collaboration models
- c. How cities can change the world
- d. Art and musical diplomacy
- e. Human face and cities leading the way

Composition of the delegation was as follows;

1. Hon. Paul Kiguathi	Team leader
2. Hon. Peter Wanyoike	MCA
3. Hon. Oyugi Kennedy Odhiambo	MCA
4. Hon. Anne Thumbi	MCA
5. Mr. Shadrack Makokha	Secretary to the delegation

Hon. Speaker, the conference unfolded in various sessions while an expert on tropical issues made a presentation followed by a discussion by a selected panel. Thereafter, plenary was held where participants made contributions and raised questions on issues being conversed. In addition, discussion groups were also formed to allow in depth analysis on topical issues. At the close of the conference, an annual award dinner and gala was organized. Hon. Speaker---

Hon. Acting Speaker: What is your point of order Hon. Member?

Hon. Moses Ogeto: Hon. Speaker, I believe that we are on papers laid but the Hon. Chair is reading to us a report which he should table and will be circulated to members and await the House Business committee for allocation time.

Hon. Acting Speaker: Hon. Member, your point of order is on procedure which you are right. However, I did allow him because I noticed that he was only reading the executive summary so that members can understand what the trip was all about. Let me allow him to wrap up and conclude before the House Business committee gives time for reading.

Hon. Kados Kiguathi: Hon. Speaker...

Hon. Acting Speaker: What is your point of order Hon. Gari?

Hon. Maurice Gari: This is a document of the house of which each member should be supplied with a copy so that if he reads we go one by one and see what is going on. Somebody cannot just come with a document and read for us. We are not pupils here.

We need documentation. A hon. member cannot just come with a document form USA...USA is a very big place and we spent a lot of money for them to go to US. So we must see the cities in the report and

know what he is reading. He can't mislead the house. The Table and Journal office should supply us with all the records so that we see what is in the report.

Hon. Acting Speaker: Hon. Gari I have already spoken on the point of order that Hon. Ogetto raised and said it was proper; that the hon member is not supposed to expound on the details. But because he was making the executive summary, and I think he is left with two paragraphs, he is still within the rules. If you choose to lay your papers without talking much and another one choose to lay the papers by giving us a small background I think he is in order and I have given him that protection.

Hon. Maurice Gari: If it is a report of a tour or study tour he must have it and we see what they went there. We must know how our money was spent. He is out of order to come here and read something for us like people who are in charge. We are not in charge.

Hon. Acting Speaker: Order, order. There is no point of order. Allow him to make his remarks and then we proceed from there. We are not going to expound on the details of the US study. The report will go to the House Business committee who will give us a day and then he expound all this issues. I have allowed the member and remember I do know the member has never had this chance to table as head of delegation. We are allowed to give members a chance so that in future the ones who are going to be heads of delegation will understand that we laid papers. But on the point of laying and giving background I have allowed it. And you know very well Standing Order 1 is very clear. Proceed Hon. Chairman of Water.

Hon. Kados Kiguathi: Thank you Mr. Speaker. I need just to give an overview. It is not history. The delegation needs to sincerely thank the office of the Speaker and the Clerk. I also appreciate the assistance extended to the delegation by officials of the Denver City international. I am grateful for the members of the delegation who enabled the fruitful participation in the conference. Special thanks to the secretariat for their support and facilitation prior and during the period. On behalf of the delegation I wish to table, thank you Mr. Speaker.

Hon. Acting Speaker: Thank you very much. It has been tabled and it can now go to House Business committee for them to schedule a date where we shall have a proper debate. Next?

The chairman of Agriculture *Mheshimiwa Mputhia*, on the agriculture report? Proceed.

Hon. Elijah Irura: Thank you Mr. Speaker, some of us are not conversant!

Hon. Acting Speaker: Don't worry we are on learning process and everybody will be good within no time.

Hon. Elijah Irura: Thank you Mr. Speaker. Pursuant to Standing Order 196(6) I beg to lay the following paper on the table of the assembly today Wednesday 24th October 2018, the report of sectoral committee on Agriculture, Livestock and Fisheries workshop held on 8th to 11th March 2018 in Pride Inn Paradise hotel in Mombasa County. I beg to lay.

Hon. Acting Speaker: Thank you. Proceed on the final one.

Hon. Elijah Irura: That pursuant to Standing Order 191 (6) I beg to lay the following paper on the table of the assembly today Wednesday 15th August 2018, the report of the select committee on Public Accounts on consolidation of reports...no, no

Hon. Acting Speaker: No, no, no, say that again!

Hon. Elijah Irura: Mr. Speaker I am not in that committee but I think whoever gave me this made a mistake.

Hon. Acting Speaker: Don't worry. You have already laid the ones for Agriculture, no problem.
(Laughter)

I hope my clerk has also noted. Hon member I have taken notice of that and thank you very much. I also think my clerks have also noted. It is not the wish of this house to un-prepare members, so let him be given the right documents at the right time. But I think that one is not in your committee. Thank you.

Next order!

STATEMENTS

STATEMENT REQUEST REGARDING THE NATURE OF DEVELOPMENT ON PLOT IN KAREN WARD

Hon. David Mberia: Thank you Mr. Speaker. Pursuant to Standing Order 45(2) (c) I wish to request for a statement from the chairperson of the sectoral committee on Planning and Housing regarding the nature of development of plot LR/2259/611 in Karen ward.

Hon. Speaker a private developer is erecting a structure on the above mentioned parcel of land contrary to zoning regulations thus distorting the areas topographical landscape. In the statement the chairperson should inquire into and report on:

1. Whether the approval granted for plan NTC/CBF/ EN694 is what is actually being done on the ground.
2. Whether there was any approval for change of user
3. Whether an in depth environmental impact assessment was carried out and views of residents taken into account. Thank you Mr. Speaker.

Hon. Acting Speaker: The Chair, Planning and Housing? The vice chair or any other member to give us undertaking on Hon. Mberia statement request? The Hon. Leah?

Hon. Leah Supuko: Thank you Mr. Speaker sir, two weeks.

Hon. Acting Speaker: Two weeks, Hon. David Mberia?

Hon. David Mberia: Mr. Speaker why would I deny two weeks and two weeks has been legalized as the timeline for responding to statements in this house? I oblige, thank you.

Hon. Acting Speaker: OK, two weeks it is! The Hon. Fredrick Okeyo from Kayole South.

STATEMENT REQUEST REGARDING CONSTRUCTION STATUS OF KAYOLE SOUTH/DO ROAD

Hon. Fredrick Okeyo: Thank you Speaker. Pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the chairperson of sectoral committee on Transport and Public Works regarding construction status of Kayole South/DO road.

Hon. Speaker previous records have shown the road was 70% done but work on the ground only commenced a month ago. In the statement the chairperson should inquire into and report on:

1. When was the contract awarded and when was the schedule date of completion of the said road
2. Why was the contract renewed even before the construction of the road started under the preceding contract

3. Why the construction work is ongoing despite the resident engineer raising a red flag on the shoddy work being done. Thank you.

Hon. Acting Speaker: The chair of Transport and Public Works? The vice chair? Any member from Transport committee? Hon. Deputy Speaker, what is happening to your team? Hon Fredrick Njogu, are you a member of the committee?

Hon. Fredrick Njogu: Yes Mr. Speaker. We request to be given two weeks.

Hon. Acting Speaker: Hon. Okeyo, are you comfortable?

Hon. Fredrick Okeyo: As my friend Hon. Mberia has alluded to, two weeks is a norm in this house. I will accept the two weeks.

Hon. Acting Speaker: Ok. Two weeks is fine. The Hon. Francis Otieno Ngesa?

Hon. Francis Ngesa: Thank you very much Mr. Speaker. First I want to welcome the team from Embakasi North. A very good team led by one Mr. Allan and Mr. Simon.

Hon. Acting Speaker: Are they from your ward? They should be acknowledging that they have seen you working. Yes proceed.

(*Laughter*)

Hon. Francis Ngesa: All the pupils participated in the debate which is called 'My right my love debate content'; the schools that participated are Benedict from Dandora IV and Gold Key from Dandora Phase II and PAG from Kariobangi North. Thank you; you are welcomed in this County Assembly.

(*Laughter*)

STATEMENT REQUEST REGARDING STREET LIGHTING AND ROAD MAINTENANCE IN THE COUNTY
Thank you, Mr. Speaker, and pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Transport and Public Works regarding street lighting and road maintenance in the County.

Hon. Speaker, poor street lighting and dilapidated roads in Dandora Ward IV has caused residents' untold miseries and criminals exploit the poor state of infrastructure in the ward to terrorize residents.

Hon. Speaker, in the statement the Chairperson should inquire into and report on:

- (1) Measures put in place by the line County Executive Department to carry out routine repairs on the roads and street lights.
- (2) Measures put in place to ensure road bumps are erected on the feeder roads within the Wards to prevent pedestrians and school going children from been heat by a reckless motorist.

Thank you, Mr. Speaker and I know the chairperson if you are going to respond it should not be two weeks. It should be one week, thank you.

Hon. Acting Speaker: The Chairperson of Transport committee is back. Can you give us an undertaking?

Hon. Benson Mwangi: Thank you chair, I will not give him two weeks, I will give him 12 days since it has become a routine of two weeks. I understand that we have a collaboration with the Kenya Power and those 85 elected Members from different wards may visit the Kenya Power offices because they are also

doing some of the electrification work. On the issues pertaining roads you should give us 12 days. Thank you, Mr. Speaker sir.

Hon. Acting Speaker: Chairman, I assume 12 days is calendar days.

Hon. Benson Mwangi: Yes.

Hon. Acting Speaker: Thank you. The Hon. Otieno Ngesa, are you comfortable with the 12 days.

Hon. Francis Ngesa: But I think on the issue of lights we need people to repair them which should happen in one week which is 7 days. About the bumps, there are a few things they don't have which I can give him 12 days.

Hon. Acting Speaker: So you are comfortable?

Hon. Francis Ngesa: No, what I am saying Mr. Speaker about the light is that because we have them we need them to be repaired. If there is something county can do I can give him 5 days or one week. But on the roads bumps 12 days is enough.

Hon. Acting Speaker: What the Hon. Member is requesting is if there are things that can be worked on like lighting, Hon. Chairman.

Hon. Benson Mwangi: Thank you, Hon. Speaker, I think we have challenges with procurement and I think we are going to make sure to get proper lighting in the future.

Hon. Acting Speaker: Okay so within the 12 days you will ensure all those are done. Hon. Paul Ndungu! There is a statement requested by Hon. Paul Ndugu.

STATEMENT REQUEST REGARDING DEMOTION OF SOME STAFF AT THE COUNTY EXECUTIVE

Hon. Paul Ndungu: Thank you, Mr. Speaker, Pursuant to Standing Order 45 (2) (c) I wish to request a statement from the Chairperson of sectorial Committee on Labour and Social Welfare regarding the demotion of some staff at the County Executives.

Hon. Speaker, there is an alleged demotion of various employees at the County Executive. Some senior officers have been demoted to junior positions, for example, some directors of the department have been demoted to field officers under unclear circumstances.

Hon. Speaker in the statement the Chairperson should inquire into and report on:

- (1) Circumstances that led to the demotion of senior officers to junior position
- (2) Criteria used in the demotions and promotions of officers in the Inspectorate Department including those in an acting capacity.
- (3) Measures the County Executives is taking to ensure officers are in their rightful positions and a full list of officers of the Inspectorate Department detailing their previous and current rankings.

Thank you, Mr. Speaker.

Hon. Acting Speaker: The Chairman of Labour committee, there are serious petty issues that the Hon. Member is requesting in the statement.

Hon. Peter Wanyoike: Thank you, Mr. Speaker, I urge to be given 10 working days if not two weeks Hon. Speaker.

Hon. Acting Speaker: Hon. Paul Ndungu is 10 working days okay with you.

Hon. Paul Ndungu: Mr. Speaker, as we know we are going for recess on Thursday, so the 10 days to me is not fare. It means that when we will be back that is when I will be able to get my answer?

Hon. Acting Speaker: We will be coming back on the fifth, so what the basically the Member is asking if you can use the recess time to work on this.

Chairman!

Hon. Peter Wanyoike: Thank you, Mr. Speaker, I think we will have the response immediately after we come back after the recess.

Hon. Acting Speaker: All right, Chairman you realize this is a weighty issue because the staff of the Executive need to feel that they have a place where they can go and take their grievances and be handled.

Therefore, take this matter seriously we will be expecting a very conclusive report so that we can debate it in the House.

Hon. Peter Wanyoike: It is okay Mr. Speaker thank you.

Hon. Acting Speaker: Hon. Ndungu do you have anything to add to this issue.

Hon. Paul Ndungu: Mr. Speaker there is Chief Officer known as Mr. Tito Kilonzo. Even if we go for recess tomorrow we shall come and find that there are no officers in those offices. So, Mr. Speaker, I need the answer even if it is tomorrow.

Hon. Acting Speaker: No! The Chairman has given us an undertaking that it is a serious matter; he is going to work on it. So as soon as you get the report up and ready when we resume back to the chamber it should be the first agenda when we are from the recess.

I think it will be good also for them to have a conclusive report. While you are doing your rounds, Hon. Chairman, it would be advisable that you call the Member so that he will be also there to feel that work is happening. I think that is the procedure that we normally use. I can see also Hon. Immapet on request, do you want to speak on the issue?

Hon. Immapet Kemuto: No!

Hon. Acting Speaker: There is also a request from Jared Akama! Do you want to say something on the same issue?

Hon. Jared Akama: Not on the same issue Mr. Speaker.

Hon. Acting Speaker: If not on this one then you will be out of order.

Hon. Jared Akama: What I was trying to say, Mr. Speaker, is to bring to your attention that we had sought for some statements and as a way of protest. I wanted to, first of all, let you know I sought a statement in regard to revenue streams, through the Committee on Budget and Finance. Several months later I have not received the response and as a way of protest I want it to go on record I do not want those statement.

Hon. Acting Speaker: No! Hon. Member the moment you commit a Statement request or a Motion it stops being an ordinary issue, it becomes a House Issue. But I will allow the Chairman to have a say but I want to conclude the issue on Labour committee by Hon. Ndungu.

Hon. Oyugi, do you have an issue to say on the statement that Hon. Ndungu is asking? Hon. Oyugi on the issue of Paul Ndugu we let it rest then we can open up a bit on the Statements. Are we done with Hon. Ndungu question because it will be the first agenda hopefully by the Chairman of Labour?

Hon. Akama has raised an issue with regards to a statement request to the Budget Committee. Hon. Oyugi!

Hon. Kennedy Oyugi: Yes, Mr. Speaker, last week I requested a Statement demolition of Seefar Apartment in Highrise and I was given 10 days for the response and bearing in mind that we are going on a recess tomorrow as it has been said by Members here.

I do not know what to do because by tomorrow 10 days shall not have elapsed and bearing in mind that the demolition notice was extended by 30 days. I was seeking for the intervention of the Chair on how best we can expedite that, with the Planning Committee.

This is because the residents or rather the owners of Seefar Apartments are living with a lot of fear if those 30 days' notice demolition notice can elapse before we get a concrete report.

Hon. Acting Speaker: I will give you directions tomorrow so that even the acting Clerk who is here is the Clerk of that Planning Committee.

Hon. Kennedy Oyugi: Mr. Speaker, is it a direction or a solution?

Hon. Acting Speaker: It is a direction because I do not know if the 10 days have elapsed and you cannot stop the Assembly to go on a recess because of the delayed response. Once the statement is up am sure they will give you before we debate it on the floor.

Hon. Kennedy Oyugi: The Chairpersons should be conversant with the calendar of the House before they commit themselves to dates.

Hon. Acting Speaker: But you should be also conversant with the same calendar and refuse when they tell you something that you are not comfortable with. I was not in agreement with the Chair concerning time, but you were comfortable with the 10 days at that time. So you have to abide by the 10 days.

Hon. Acting Speaker: Hon. Ruong'o.

Hon. David Okelo: Thank you, Mr. Speaker. On the statement of Hon. Ndun'gu, the Chief Officer, Tito Kilonzo is bullying our staff on the other side. You don't need to give him that chance. What we can do by tomorrow is to summon him so that he can be told about the bullying. Let us not give him chance---

Hon. Acting Speaker: Hon. Ruong'o, we already don't know because there was a question and we don't have a response.

Hon. David Okelo: I want to stress that if we give this guy a chance for ten days, he will have chased all the staff there. Nowadays he is walking with three bodyguards as if he is the Governor of this County.

Hon. Acting Speaker: Order! Hon. Ruong'o, we have gotten your concerns and I know the Chairman of Labour has also gotten your concerns. So, once they will be doing a response then you can interrogate it with regards to the issue that you feel you are not comfortable. I will give the Chairman of Budget--- There is an issue Hon. Jared Akama raised and in the same breadth, Chairman of Planning, there was an issue about Seefar. If you are ready with the report I will give you a minute or so after the Chairman of Budget so that the Member is comfortable before we go on recess. Chair of Budget.

Hon. Robert Mbatia: Thank you, Mr. Speaker. First, I want to appreciate the Member from Kariobangi North, which is also a neighboring area. I want to commend your Chair and how you conduct business in this Assembly. Mr. Chair, rarely do we respect the Mace which symbolizes order in this House. The Chair normally should bow at the bar. You are the first one that I have seen, I commend you on that.

Hon. Acting Speaker: Thank you.

Hon. Robert Mbatia: Mr. Speaker, as I bring a closure to what Hon. Akama is alluding to, I want to stress and clarify that the Finance, Budget and Appropriations Committee has answered all statements directed to it. To bring a closure to this, I want to invite him and be it on record that we are inviting him tomorrow to the Committee. He was given an answer but he has never appeared to our Committee. Let him come, we will give him a copy of our response. It might not be satisfactory but there was an answer.

Hon. Acting Speaker: Hon. Akama, I will ask also the Table Office to confirm if the answer was given because I do not want us to have a back and forth. The Chairman has already said that they answered. If you are again not comfortable by tomorrow we will raise it again. Are you comfortable now?

Hon. Jared Akama: When we ask questions or statements in this House, it is for the common good for all of us. So, I wanted to let the Chairman know that I am not in the process of questioning the Budget Committee but it is for the interest of Nairobians. This defense mechanism should not be accommodated at the end of the day. With a lot of humility, I didn't get any response and that is why the Chairman is clear in his closing remarks that he doesn't anticipate debate, meaning there is something he is trying to cover. What I am trying to say is for the interest of the House and Nairobians so that when we ask these statements, people should not treat it as if we are trying to dig into something which is malicious. It is upon the Chair to allude whether they have given me the answer. I accept they have given me the answer, so let us bring the matter to a closure.

Hon. Acting Speaker: Hon. Member, when you ask a question you ask for the benefit of Nairobians. When the Chairman and Committee of Budget are also answering, they also answer in the same way for the benefit of Nairobians. I don't think there is anything personal about responses. What I have agreed with the Clerk is that tomorrow I will give a full status of your question, whether it was answered and in what form. You will be communicated before the chambers tomorrow.

Hon. Majiwa.

(Hon. Member spoke off the record)

Hon. Majiwa is on the floor.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. I am a little bit concerned that the Chairman has stood in this House and said that he has cleared all his questions yet he is well aware that the first day you sat there as the Acting Speaker of this House, there was a question which I asked on Jambo Pay on the discrepancy of reports that were given in this County. He gave me an undertaking that he is going to answer and you allocated it time the following day.

Both of us came here and the Speaker who was on the Chair then did not allow us to read the report. He personally approached the bench and complained to the Speaker that we had been allocated time that day. He was told it was not appearing there. I remember that time we went with him to complain. It was never read.

As much as I was given a copy of it which I was not in agreement with, he still had a duty to read on the floor of the House so that I get an opportunity to raise my official dissatisfaction. But then, if he stands here and says that he has read all his statements, then I am at a loss, Mr. Speaker. I don't know whether the way Akama is saying is the way reports from the Budget Committee are read----

Hon. Acting Speaker: Order! Hon. Majiwa, I have heard your sentiments. We will ask the Table Office to give me the status of that. Hon. Chairman of Budget, you want to say something on the issue.

Hon. Robert Mbatia: Yes. I want to agree partly with what Hon. Majiwa is saying. We were slotted time but we were never given a chance by the Chair. But I totally disagree, and it is on HANSARD today that I did not say that I have read all the statements that have been directed to the Budget and Appropriations Committee. I only said that we have responded. Responding and reading are two different things. Every member that had requested a statement, and lately Hon. Mwangi Njihia appeared today and we responded to his statement at the Committee level. It is the obligation of the House Business Committee to allocate us time to read that. So, that is not within my domain. Thank you.

Hon. Acting Speaker: Noted. I will sort it with the Table Office. I will give the Hon. Chair of Planning committee to respond on the issue of Seefar as far as progress report is concerned. Hon. Oyugi was alluding to the fact the fact that that as we are going for recess, he wanted that issue to have been expedited. But again I think it is within your ten days that you had given him. So, if you want to give him a progress report it will be good for now.

Hon. Anthony Karanja: Thank you, Hon. Speaker----

(Loud consultations)

Hon. Acting Speaker: Order! Consult in low tones, Hon. Paul Ndung'u.

Hon. Anthony Karanja: We will be able to give preliminary report may be by Friday. However, we can give him verbally the report as we continue to do the final report. First, we have invited NEMA and Water Resource Authority and it is becoming very interesting that it is indeed true that the contractor interfered with the wall that actually holds the dam. Even them they have not been able to come up with a final report as they need to do tests on the strength of that wall with two possibilities. One being the commissioning of the dam and two is sending precautions to all the buildings downstream facing that dam, not just Seefar because they have to be sure that it is safer. However, they had given Edermann two stop orders, in 2011 and in 2012 when he started construction.

Hon. Acting Speaker: Chairman, do you have a meeting schedule for tomorrow?

Hon. Anthony Karanja: Yes, with the Planning Department.

Hon. Acting Speaker: Hon. Oyugui, are you available tomorrow to attend their sessions so that they can give you a verbal report.

Hon. Kennedy Oyugi: Yes, Mr. Speaker, I will be available. I am only surprised by the Chairman's position vis-à-vis what he told the owners down there on the ground.

Hon. Acting Speaker: Order! It seems then that you had a report.

Hon. Kennedy Oyugi: Sorry?

Hon. Acting Speaker: Do you have a preliminary report from elsewhere apart from the committee?

Hon. Kennedy Oyugi: No. When the Chairman and his team visited the site, he had an opportunity to address the owners. And these issues were raised.

Hon. Acting Speaker: I will not allow you to continue because you are conversing on what happened on the site visit. I would like to see something substantial so that if it doesn't appear what you wanted it to be,

then you can interrogate it at that level. So, tomorrow, you appear in committee so that you will be comfortable with their preliminary report. Proceed.

MOTION

THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON THE CONSIDERATION OF THE REPORT OF THE AUDITOR -GENERAL ON THE FINANCIAL STATEMENTS OF NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD CAR LOAN SCHEME FUND FOR THE YEAR ENDED 30TH JUNE 2018

Hon. Acting Speaker: The Chairman, public accounts committee.

Hon. Winfred Odalo: Thank you Mr. Speaker. I will be brief. Hon. Speaker, I beg to move, that, this Assembly adopts the report of the select committee on Public Accounts on the consideration of the report of the Auditor-General on the financial statements of Nairobi city County Assembly Service Board Car Loan Scheme Fund for the year ended 30th June 2017, laid on the Table of the Assembly on Tuesday 14th August, 2018.

Hon. Speaker, the mandate of PAC as provided for under Standing Order 197 (2) is “to examine the accounts showing the appropriation of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.”

Hon. Speaker, the report of the Auditor General was committed to the PAC on 11th April, 2018 for consideration and reporting. While considering the report, the Committee met and interrogated the Clerk of the County Assembly who is the Accounting Officer of the Assembly and the administrator of the fund. Moreover, the Committee received written responses from the Clerk.

Allow me Hon. Speaker to thank the entire membership of this Committee for their efforts that have led to the production of this report.

Hon. Speaker, first of all, let me remind Hon. Members that the Car Loan Scheme Fund was established pursuant to the Salaries and Remuneration Circular (SRC) No. SRC/TS/WB/3/14 of 14th February 2014.

Hon. Speaker, the Auditor General did not raise grave concerns and misgivings regarding the management and the financial position of the fund compared to previous years. In fact, apart from the basis for a qualified opinion, the Auditor General stated that the Financial Statements presented a fairly, in all material respects, the financial position of the fund and that there is nothing to cause to believe that public money was not applied lawfully and in an effective way. As such, the Assembly Loans Committee and the fund administrator should be commended for upholding proper financial procedures while managing the fund and particularly for heeding previous recommendations of the Assembly. However, Hon. Speaker, the Auditor General raised concern over transfer of Ksh.45,046,259 to various accounts during the year under review without the approval of the County Executive Committee(CEC) member for Finance contrary to section 116(3) and (4) of the Public Finance Management Act 2012.

In his reply, the Clerk of the County Assembly, Mr. Jacob Ngwele, informed the Committee that the County Assembly borrowed the amounts from the fund to meet urgent needs of the Assembly such as payment of delayed salaries and imprest for Members and staff due to delays in exchequer releases from the County Treasury. The delay in exchequer releases and the borrowing was communicated to the then

County Executive Committee Member for Finance and Economic Planning vide a letter Ref. NBI/CA/VOL.VI/14/FM/2017 dated 27th July, 2017.

Hon. Speaker, the Committee observed that whereas the correct procedure was not strictly adhered to in the transfer/borrowing of the said funds, since the authority of the CEC Member, Finance was not sought prior to the borrowing, as required under Section 116(3) and (4) of the Public Finance Management Act 2012, there was no ill-motive on the part of the Accounting Officer and that he acted in good faith and in the best interest of the County Assembly bearing in mind the financial challenges the First Assembly faced at that time.

Hon. Speaker, other issues raised by in the report of the Auditor General are accounting matters which have since been addressed by the fund administrator to the satisfaction of the Auditor General and the Committee. To this end, Hon. Speaker, as a Committee we urge the Clerk to always act in time when dealing with accounting matters so that these matters cannot come.

Hon. Speaker, allow me to ask the Vice Chairman to second the motion. Thank you.

Hon. Acting Speaker: Hon. Njogu.

Hon. Fredrick Njogu: Thank you Mr. Speaker. I beg to second.

(Question proposed)

Hon. Acting Speaker: Hon. Members, the floor is open for debate. Hon. Kennedy Obuya.

Hon. Kennedy Obuya: Thank you Mr. Speaker. I rise to support the motion. Hon. Speaker, this is a good document. Having been around for a long time, though not as an elected leader but as a member of the first government of Nairobi. This document has touched on a very vital part of this Assembly.

Hon. Speaker, as much as I support the motion, I wanted to bring to the attention of the House, and I also stand guided, that this Assembly received in the year 2013/2014 an amount of about Kshs. 600 million to cater for Car and Mortgage Scheme.

In the first Assembly, members that took loans managed and my biggest concern, and I want this to go on record, is the interest of 3% that members of the first assembly submitted to this scheme. This is a revolving fund account Hon. Speaker.

The interest that was submitted in the first Assembly, who are the beneficiaries of the 3% interest. Hon. Speaker, I stand guided and I want it to go on record that we are aware, we have information, of this revolving fund that is in existence. In the near future, the Clerk, as it is stipulated in the Finance Act, as the accounting officer of this scheme, through guidance of the Chair of Public Accounts, 'Dr' Hon. Odalo, as a Member of Imara Daima, I need to know who the beneficiaries of the 3% that was submitted by the Members of the First Assembly. Thank you Hon. Speaker. I beg to support.

Hon. Acting Speaker: Thank you. You are aware that the report that is on the Table is the work from the Auditor General's report. If that was an audit issue, it would have also been captured. But I leave that to the committee; I do not hold brief for them, it is just that in my previous assignment I was also a member of the committee. The Hon. Millicent Jagero.

Hon. Millicent Jagero: Thank you Mr. Speaker, as member of Public Accounts committee first and foremost I would like to thank our able chair, the only doctor in the entire county assembly, 'Dr' Wilfred Odalo

together with his vice chair Njogu and our able clerk Mr. Shadrack Makokha who burns the midnight oil to ensure that everything...

Hon. Acting Speaker: What is your point of order Hon. Ndonji?

Hon. Joseph Ndonji: Mr. Speaker I think we should address people with the right titles. You cannot call somebody a doctor and he doesn't have a Phd, neither has he done any. Let us use the right language. Referring Hon. Odalo as a doctor is an insult to the house. We should do that when we are joking, outside the house but not within the premises of this house.

Hon. Acting Speaker: The Hon. Millicent Jagero, *Mheshimiwa Ndonji* is asking you to substantiate.

Hon. Millicent Jagero: Hon. 'Dr' Wilfred Odalo. Is it in order now Hon. Ndonji? I cannot withdraw.

Hon. Joseph Ndonji: It is still not in order. It is not in order to call Hon. Odalo a doctor in this House! We can use that when we are joking outside but not within these premises. He does not hold any Phd!

Hon. Acting Speaker: Over to you the Hon. Millicent Jagero so that we do not dilute your good contribution, proceed.

Proceed but on the issue of the doctorate I need you to pass it because I do not want it to be captured as an issue that has been derailing the House to move. So, pronounce yourself with that issue.

Hon. Millicent Jagero: Thank you Mr. Speaker but he is the only doctor that we know in this House and in the entire county.

Hon. Acting Speaker: Order. Hon. Millicent Jagero so that I do not entertain another Point of Order. I would request that you substantiate how he is the only doctor so that we can move because I do not want to have to make a communication on the same.

Hon. Millicent Jagero: Thank you Mr. Speaker. I am a witness to various patients that he has attended to, practically. (*Laughter*) so indeed I attest and I affirm that he is a doctor.

Hon. Acting Speaker: Is he a medical doctor or in what profession?

Hon. Millicent Jagero: As a medical doctor.

Hon. Acting Speaker: Medical doctor?

Hon. Millicent Jagero: Yes and still pursuing his Phd in other fields.

Hon. Acting Speaker: You are out of order Hon. Jagero. The Hon. Maurice Gari.

Hon. Maurice Gari: Thank you Mr. Speaker. I rise not to support this document. I oppose this document. (*Loud consultations*) Mr. Speaker protect me. Mr. Speaker this document did not properly entailed how our money was transferred from Family Bank back in 2013, 2014, 2015 and 2016 back to the Assembly Service Scheme. Mr. Speaker, we have not seen the interest accrued and in some content you have seen the money has been withdrawn from the account...

(Point of information)

Hon. Maurice Gari: Mr. Speaker, I do not want to be informed.

Hon. Acting Speaker: Proceed. Are you on a Point of Order or a Point of Information? He has to give you the reason to inform you. He has to allow you to inform you. Do you allow him to inform you?

Hon. Maurice Gari: No, I do not need to be informed. He was my former colleague and we sat in the same committee of Public Accounts and sometimes you must call black, black and white, white. Mr. Speaker, this report should have contained all the financial reports because it is talking about the car loan

scheme for all members back when it was started. Mr. Speaker, he should not assume and give this thing a vacuum. Mr. Speaker, if you can find somebody withdrawing money without approval from CEC Finance, however difficult we are, we must seek approval from the CEC Finance first then we withdraw the funds.

Mr. Speaker, we do not want issues which will get us into problems with the Auditor General every now and then. Mr. Speaker, this money is money which should even accrue interest and the interest which is 3% that we pay it. We are not being given this money for free. This is a revolving fund and we should also know and it should be included up to this date from the Auditor General. We have this amount and this amount has been given to members to this date to the Auditor General. Mr. Speaker...

Hon. Juliet Ndegwa: Mr. Speaker, Point of Order.

Hon. Acting Speaker: What is your point of Order Hon. Juliet?

Hon. Juliet Ndegwa: Mr. Speaker, when the committees in this House are doing reports it is open to the public. I think the Hon. Member is bringing in a debate that is not and should not be here. He has a right to ask for a special audit and it can be done and then he brings it to this esteemed House. Mr. Speaker, right now the report that is here is the report in front of the whole House so if he has questions he should direct them to the right person, the Auditor General and to the PAC committee and maybe even to the Implementation Committee. Thank you Mr. Speaker.

Hon. Acting Speaker: I think the Hon. Member started by saying that he is not supporting the Motion so I was allowing him to make his remarks on why he is not supporting and then we proceed. So I give you the final wrap up so that... There are so many requests.

Hon. Maurice Gari: Mr. Speaker, I think since you were sworn in as the Speaker of this County Assembly we should go back with you for an induction and I know he is a member of PAC and he must...

Hon. Acting Speaker: What do you want to induct the Chair on?

Hon. Maurice Gari: Mr. Speaker, I was just interrogating...

Hon. Acting Speaker: Order. You said that you need to take me for induction...

Hon. Maurice Gari: All the members, the entire Assembly.

Hon. Acting Speaker: Okay proceed.

Hon. Maurice Gari: So many people here, all of us we should go back for induction.

Hon. Acting Speaker: I am giving you the ones who are supporting and the ones who are not supporting equal opportunity and if somebody rises on a Point of Order I need to understand what the Point of Order is all about. I think we proceed; don't intimidate a member because he asked a question.

Hon. Maurice Gari: No, Mr. Speaker, I am not intimidating my fellow colleague, she is also my voter. (*Laughter*) Mr. Speaker, we need a detailed report how this money. However they are saying that we need a special audit. Mr. Speaker we need to know because this is a lot of money.

Hon. Acting Speaker: Hon. Gari, you have pronounced yourself on the issue and I know that you were also a member of PAC in the said period of time. So you understand?

Hon. Maurice Gari: Yes.

Hon. Acting Speaker: And if there is a way you want the report to come you can raise it but as far it is concerned for now we are passing it or not. We will vote on it at that time.

Hon. Maurice Gari: Mr. Speaker, we did not vote for it. It did not see the light of day because in the last Assembly there were so many bureaucracy and as you can remember Mr. Speaker, when I and you were fighting over these things. I remember we were with you in this thing Mr. Speaker.

Hon. Acting Speaker: Point taken.

Hon. Maurice Gari: Just change that Mr. Speaker, I must give you respect as the Speaker on that seat but we were with you when we were making noise about these monies Mr. Speaker.

Hon. Acting Speaker: Thank you, point taken. Your views have been captured. The Hon. Moses Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker. I stand here to support this Motion and I want to congratulate my colleague Hon. Gari during that time when the tides were too hot for us.

Hon. Speaker I remember I was a member of Public Accounts Committee and I would really appreciate if the leadership of this Assembly again appoint Hon. Gari to be a member of the Public Accounts Committee.

Hon. Speaker, I want to go to the recommendation of this report. Hon. Speaker, the Committee recommends the Chief Officer, the Accounting Officer to look at what the PFM Act stipulates.

Hon. Speaker, the accounting officer should observe the accounting standards so that such things are not brought by the Auditor General. Hon. Speaker, what brought this about was the accounting officer not following the procedures which are in the PFM Act, and in the County Government Act and I believe the Acting County Officer should ensure that the PFM Act is observed and I want to congratulate the members of the Public Accounts Committee for ensuring that they have given very serious recommendations for the accounting officer to take note.

Hon. Speaker, I believe that a report which will come will not implicate the accounting officer again because if PFM Act is not again complied, the accounting officer should now face the wrath of the PFM Act. Hon. Speaker, I beg to support. Thank you.

Hon. Rose Ogonda: Thank you Mr. Speaker. I rise to support because I am a member of the Public Accounts Committee and I am a senior one like Hon. Gari. You have done a good job Mr. Speaker, I just stand and say let the Mover reply.

Hon. Acting Speaker: The Hon. Chairman PAC, to reply.

Hon. Wilfred Odalo: Thank you Members. Kindly protect me. Thank you members for supporting but let me actually raise something to other members; PAC is evidence based, we don't depend on rumors. I used to be the Chairman of Trade committee in the other regime where rumors used to actually prevail. But PAC is evidence based. I thank members for supporting, thank you.

Hon. Acting Speaker: Thank you Hon. Members for giving justice to that particular motion and now I want to put the question.

(Question put and agreed to)

Hon. Acting Speaker: The Hon. Paul Kados we omitted.... you were supposed to lay the papers for your delegation so that it is laid to the table and then we proceed to the next motion. He had laid the paper but had not put the Notice of Motion.

Hon. Kados Kiguathi: Thank you Hon. Speaker. Hon. Speaker I beg to give the following Notice of Motion; that, the assembly adopts the report of the Delegation that attended the Annual Sister Cities Conference held in Aurora Denver Colorado USA from July 31st to August 8th 2018.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.

Hon. Acting Speaker: Thank you. The House Business Committee will give us the direction when it should be debated.

MOTION

ADOPTION OF REPORT OF PAC ON CONSIDERATION OF THE REPORT OF THE AUDITOR GENERAL
ON FINANCIAL STATEMENT OF THE NAIROBI CITY ASSEMBLY SERVICE BOARD MORTGAGE SCHEME
FUND FOR THE YEAR ENDED 30TH JUNE 2017

Hon. Wilfred Odalo: Thank you Hon. Speaker. I beg that this assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on financial statement of the Nairobi City Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2017, laid on the table of the assembly Tuesday 14th August, 2018.

Hon. Speaker the Auditor General only raised one concern regarding the management of the fund implying that the management of the fund were up to the task and should be commended for adhering to the existing financial management procedures and for securing public funds. In fact, the whole issue raised concerns on payment of sitting allowances for the members of Loans Committee. The Auditor General observed that Kshs.367, 000/= was paid to the members of the Loans Committee for holding meetings without substantive agenda, hence there was no value for money.

However Hon. Speaker, the claims were refuted by the Clerk in his response and he provided the records and documents showing that no meeting was held without substantive agenda. The Committee agreed with the response by the clerk after considering the submitted documents and recommended that the documents should always be submitted to the Auditor General during the audit period in order to avoid the stalemate.

Hon. Speaker allow me to request Hon. June to second the motion.

Hon. Juliet Ndegwa: Thank you Mr. Speaker, thank you Hon. Dr. William Odalo.

Hon. Acting Speaker: Order! You are out of order Hon. June. We dispensed with that matter and the motion might suffer lack of a seconder if you do not agree with the ruling we made on the floor. So withdraw and proceed. It was not substantiated and that is why we upheld that until the Hon. Jagero substantiates it, we will not proceed in that direction. June Ndegwa, are you seconding or the motion will not be properly on the floor?

Hon. Juliet Ndegwa: I second the---

Hon. Acting Speaker: You are not on record.

Hon. Juliet Ndegwa: Thank you for that direction Mr. Speaker. I rise to second this motion and thank our Chairman and the rest of the PAC Committee for a job well done. Thank you, Mr. Speaker.

Hon. Acting Speaker: I now... what?

Hon. Joseph Ndonji: She was supposed to withdraw and she has not.

Hon. Acting Speaker: The Hon. Juliet June, please comply with the order or we will not proceed.

Hon. Juliet Ndegwa: Mr. Speaker I don't know why this has become an issue today and all along Hon. Odalo has been known as 'Doctor'. Nonetheless Mr. Speaker I don't want to be a hostile MCA, I withdraw and second this motion.

Hon. Acting Speaker: Thank you. Hon. Odalo, do you want to say something on the issue?

Hon. Wilfred Odalo: Thank you Hon. Speaker. It is like my profession is under test. Mr. Speaker actually I need your protection from most of us who don't believe in my profession. Thank you.

Hon. Acting Speaker: What we did want for purposes of direction and I can see the media will pounce on such weighty issues, we just wanted that substantiation. Are you also a medical doctor?

Hon. Moses Ogeto: Mr. Speaker, I can confirm before this House that I have attended classes with Dr. Hon. William Odalo Oluoch. Hon. Speaker---

Hon. Acting Speaker: Which classes, Hon. Ogeto?

Hon. Moses Ogeto: Hon. Speaker you can go to the only university KCA, where I attended my classes with Dr. Hon. William Odalo Oluoch. Hon. Speaker this one must---

Hon. Acting Speaker: Hon. Ogeto you are aware that you are a senior member and holding brief for the leadership and you know very well that KCA does not have a medical school.

Hon. Moses Ogeto: Hon. Speaker we are talking about PHD. The Hon. ---

Hon. Acting Speaker: The Hon. Jagero raised the issue and when pushed to substantiate, she said that the Hon. Odalo is a medical doctor. It is on that basis that I said that --- Order Hon. Ogeto!

That is why I stood it down until we get substantiation on the issue because we might bring the House into disrepute if we find ourselves fighting over somebody's credentials. I am saying this with tremendous respect that the member is allowed to be wherever profession he is; it is just that we wanted the substantiation. You know very well--- Order Hon. Odalo! Hon. Odalo and Hon. Ogeto, you are aware that I was blind to issue until the Hon. Ndonji brought it up.

It is on record that ... he has requested for it to be substantiated. If he has requested.....the Chair is on the floor. Order! The Hon. Ndonji requested for substantiation, otherwise I would have been blind to the issue because I am not privy to what your education background is. So when the issue was brought to the Hon. Millicent Jagero, and she was unable to substantiate, I ruled her out of order. When the seconder of your second motion which I think you are now at the blink of pushing it to another time, I said it has to be substantiated. Otherwise, we are not going to allow "Dr." for now.

The motion has been seconded properly, I now propose the question.

(Question proposed)

Hon. Acting Speaker: The Hon. Millicent Jagero, you are now free to debate.

Hon. Millicent Jagero: Thank you Mr. Speaker. I rise to support the motion and the source documents that we requested for during the auditing period were in good condition and we confirmed and affirmed that the report is in order. Thank you.

Hon. Acting Speaker: Thank you, the Hon. Esther Nyangweso.

Hon. Esther Nyangweso: Thank you Mr. Speaker. Let me take this opportunity to congratulate you on being elected to be the Acting Speaker of the Nairobi City County Assembly. As a member of PAC Committee, I rise to support this report. It is a good report and I recommend it to be adopted. Thank you.

Hon. Acting Speaker: Thank you, the Hon. Emily Oduor.

Hon. Emily Oduor: Thank you Hon. Speaker. I rise to support this. You all know that of late I think that most of the county assemblies have been in the media because of misuse of funds and I am so proud that the Auditor General has given us a very good clean bill of health when it comes to this, and therefore I

would like to congratulate the team and support the bill and hope that the PAC group, that even our next paper we will be given a clean bill of health. Thank you.

Hon. Acting Speaker: Thank you, I now call the mover to reply.

Hon. William Odalo: Thank you Hon. Speaker. But for a matter of clarity, my registration number in the university is 15/06359.

Hon. Acting Speaker: Hon. Odalo, we are not going to go back. The issue was not your attendance in whatever university you went to; the issue was with your credentials as a medical doctor.

Hon. William Odalo: Thank you Hon. Speaker. Back to the business, I thank members for supporting the motion.

(Question put and agreed to)

ADJOURNMENT

Hon. Acting Speaker: We have come to the conclusion of business for the day, and I want to thank Members because we were able to conclude everything that was tabled for us to handle today. I now adjourn the House until tomorrow 25th October, 2018 at 2.30 p.m.

(The House rose at 4.26 p.m.)