



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 8th June, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the Chair)

PRAYERS

(Quorum bell rang for 10 minutes)

(Quorum bell rang for further 5 minutes)

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Hon. Members this is in regard to the Leadership and Integrity code. Hon. Members I have the following communication to make. You will recall the Chair issued communication on Thursday 5th May 2016 regarding the signing of the leadership and integrity code required by section 37 of the Leadership and Integrity Act 2012. Each Member was subsequently issued with copy of the code which you were to familiarize with, sign and submit and to the office of the Chief Serjeant-At-Arms by Friday 6th May 2016.

Hon. Members a good number of you did sign and submit the copies of the Leadership and Integrity code in time, however some Members are yet to return signed copies of the reports issued to them. I wish to remind you that signing of the code is a requirement of the law for all state officers. The Ethics and Anti-Corruption Commission (EACC) has threatened to sue all state officers who have not submitted their signed copies in order to compel compliance.

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. Members those who are yet to submit their signed code of conduct are therefore reminded to urgently submit the same as soon as possible to the office of Chief Serjeant-At-Arms and avoid a possible lawsuit. Thank you.

STATEMENTS

Hon. Deputy Speaker: Hon. Rachael Kamweru

Hon. Nominated Member (Ms. Rachael Kamweru): Mr. Speaker pursuant to Standing Order 41(2) (c) I wish to request a statement from the Chairperson of Sectoral Committee on Labour, Social Services regarding plans of Laptrust Pension Scheme. The Business Daily news of Monday 6th 2016 reported that the Nairobi County Government is planning to hand over another of its prime estate to the Pension Scheme as part of the County Government plan to reduce its Ksh.45 billion debt.

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

1. How much does the County Government owe Laptrust currently
2. The number of estates being targeted for the transaction and point out which estates in particular
3. The current status of the said plan of swapping the debt between CPF financial which administers Laptrust and the County Government.
4. Measures taken by the County Executive to ensure that the County Government clears its debt and protect its properties from being sold to offset the loans accrued. Thank you.

Hon. Deputy Speaker: Thank you Hon. Rachael, that is in order. The chairperson for Labour Committee? The Vice Chair, Labour? Do we have any member of the Labour Committee?

Hon. Member for Kayole South ward (Ms. Elizabeth Manyala): Thank you Mr. Speaker we are working on it and we will give comprehensive report next week on Thursday.

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

Hon. Minority Chief Whip (Mr. Hashim Kamau): Thank you Mr. Speaker, pursuant to Standing Order 41 (2) (c) I wish to request for a statement from Chairperson of Select Committee on Ward Development Fund regarding the projects and budget for financial year 2014, 2015 and 2016.

Hon. Hashim Kamau: ...The Nairobi City County Wards Development Funds Act provides for an allocation of 20 million per Ward in every financial year for development projects. However, most projects have not been undertaken in various Wards in the County.

Mr. Speaker, in the statement the Chairperson should enquire into and report on reasons as to why BQs for one project for financial year 2015/2016 submitted by Ward Development Fund Committee are taking too long to be ready and whether the amount of 1.7billion allocated for this financial year 2015/2016 has been rolled over to the financial year 2016/2017.

The Position of administrative cost, sports, environment and emergency fund for the last two financial years and measures taken by the County Executive to ensure that the projects given and allocation in every financial year are completed and in due time. Thank you.

Hon. Deputy Speaker: Thank you Hon. Hashim, the Chairperson for WDF!

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you Mr. Speaker we will respond next week on Wednesday.

Hon. Deputy Speaker: Thank you. Hon. Shadrack Juma!

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you Hon. Speaker, Pursuant to Standing Order No.14 2 (c) I wish to request for a statement from the Chairperson of the Secetoral Committee on Planning and Housing regarding the construction of a stage in Baba Dogo Ward.

Hon. Speaker, the construction of this particular stage at Baba Dogo Ward was given an allocation of financial year 2013/2014, the construction was stopped by the Chief Officer Lands while in progress, sighting health concerns.

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

1. Clarification of where the construction of the stage was approved in a road reserve, a contractor given the contract and later it stopped when it was half a way done.
2. Measures being taken by the County Executive to ensure that projects approved by the Assembly are implemented

Thank you, Mr. Speaker.

Hon. Deputy Speaker: The Chairperson for Planning Housing!

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, I don't know what to say because the questions should be directed to the Transport and Public works. Mr. Speaker, give me your ears. I am saying the question should have been directed to Transport and Public Works because that is where all the issues of development are been found.

Hon. Deputy Speaker: Thank Hon. Maxwell please can you have a sit as we consult on the same issue because we are faced with the similar issue and in number (i) on the request channeled to Labour and Social Welfare.

Hon. Members, there is a normality and number 2 (iii) on the request made by Hon. Shadrack Juma, we ought not to have directed it to Planning and Housing but instead to the Transport and Public Works Committee because this is in regard to the construction of a stage or a bus stop. So Hon. Oduru, please kindly do the undertaking! And the Clerks kindly make the corrections.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, we intend to work on it in two weeks times. Thank you, sir.

Hon. Deputy Speaker: May be, Order! Hon. Members. The Member who just did the undertaking on the Labour Committee did you understand the request? Does it lie within the mandate of the Labour Committee? Can you have one minute at least so that you go through the request before you respond.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker, we followed your authority when you requested that Labour Committee can utilize or respond and by the authority vested in you, we are all to come urgently and ascertain and affirm a date.

Hon. Deputy Speaker: Okay, can you take one minute of your time to go through the request and then come back again.

Hon. Member for Ngei Ward (Mr. Daniel Mutiso): Mr. Speaker sir, I stand on behave of Public Account Committee and I understand that we are dealing with this case at Public Accounts and we are yet to give out the report. On issue of Mariakani Estate and I think it is the one you are talking about.

Hon. Deputy Speaker: Hon. Mutiso the request is not limited to the issue of Mariakani but now the Hon. Member has raised an issue where there is intension to show at least a property this is a new one now which is coming up again.

Hon. Member for Ngei Ward (Hon. Daniel Mutiso). Thank you Mr. Speaker. The Public Accounts Committee is dealing with the Mariakani issue but we are yet to direct them to work on the other issues that she has talked about. For now, we are dealing with one case.

Hon. Deputy Speaker: Is the Chairperson for PAC in the House?

Hon. Daniel Mutiso: Mr. Speaker sir, I am the Vice chair of PAC

Hon. Deputy Speaker: Of PAC?

Hon. Daniel Mutiso: Yes. I am giving information on the issue that the Hon. Member has talked about

Hon. Deputy Speaker: From the request which has been presented before the Assembly today, mark out what is contradicting what you are doing currently

Hon. Daniel Mutiso: Thank you Mr. Speaker sir. We will do that and come back with a report---

Hon. Deputy Speaker: In two minutes?

Hon. Daniel Mutiso: Next week

Hon. Deputy Speaker: I say in two minutes because you are able to understand this. Please

Hon. Nominated Member (Ms. Marion Githinji): Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Members kindly allow the Chair to make a communication on this question tomorrow at 2:30 p.m. Hon. Members, after our consultations we are in agreement across the two committees; that is Budget and Appropriation and Labour Committee. We expect them to deal with this issue and report in time.

MOTION

Hon. Majority Leader: Thank you Mr. Speaker. Pursuant to the provision of Standing Order no. 25 (4), this Assembly resolves to alter its calendar for the 4th Session, Second part by extending its sitting to Thursday, 7th July 2016 and to resume from a short recess on Tuesday, 26th July 2016.

Mr. Speaker, I think the reason why we want to extend our sitting from 3rd to 7th is due to a letter from the County Executive Committee on Commerce, Tourism and Cooperatives that from 17th to 22nd July they have an event in this hall. As per our telephone conversation we agreed that we would proceed to make plans with the UNCTAD preparatory committee for the use of Chatter Hall. I believe that we will be able to manage the availability of the hall during the 17th to 22nd. So, that is the reason why we intend to open the Assembly on 19th which we cannot because they already requested and we have their letter. That is the reason why we extend from 3rd to 7th to cater for those days which are going to miss in your calendar. So, I beg the lost sheep which has resurfaced today to come and second the procedural Motion.

(The Minority Leader stands on a Point of Order)

Hon. Deputy Speaker: Order Minority Leader. It is declined.

Hon. Majority Leader: I beg the Minority Leader to come and second the Motion. And if there is anything he is going to add on that, I better call someone else to come and second the Motion because I know he is going to utter bitter words.

Hon. Deputy Speaker: Order!

Hon. Majority Leader: I just request you to come and second the Motion but without any---

Hon. Deputy Speaker: Order Majority Leader.

Hon. Minority Leader: Thank you Mr. Speaker sir. Before I second the Motion, I don't know where the Majority Leader derives his authority to tell me that I can't add anything on top of seconding. Mr. Speaker sir, I want to ask my brother the Majority Leader to tone down his arrogance. His arrogance is consuming him---

Hon. Deputy Speaker: Order Hon. Minority Leader! Can you please withdraw that kind of un-parliamentary language?

Minority Leader: Mr. Speaker sir, I thought you heard what the Majority Leader has said. I am a lost sheep. Was that a parliamentary language Mr. Speaker sir?

Hon. Deputy Speaker: In fact he was not specific.

Hon. Minority Leader: He was very specific Mr. Speaker sir.

Hon. Deputy Speaker: He did not call out your name.

Hon. Minority Leader: Mr. Speaker sir, I beg to second the Motion.

Hon. Deputy Speaker: Hon. Gathundo?

Hon. Member for Dandora Area iii Ward (Mr. Charles Thuo): Mr. Speaker, I---

Hon. Deputy Speaker: Order Gathundo. Please.

Hon. Charles Thuo: But you called me out Mr. Speaker.

Hon. Deputy Speaker: What is it?

Hon. Charles Thuo: I am just saying Mr. Speaker that the leadership of the Assembly---

Hon. Deputy Speaker: Under what Standing Order? Please sit down.

Hon. Charles Thuo: I am just wondering---

Hon. Deputy Speaker: Hon. Gathundo, can you sit down?

Hon. Charles Thuo: *Watu wa Board wanafanya nini hapa leo?*

Hon. Deputy Speaker: Can you sit down? Hon. Minority Leader, can you please second the Motion?

(Hon. Minority Leader bows)

Thank you. Hon. Members--- Order Gathundo!

(Question proposed)

Hon. Hashim Kamau: Thank you Mr. Speaker. On behalf of the Trade Committee, I want to bring to the attention of the Members that in between 15th and 16th of next month, we are having a Global Commodities Forum followed by UNCTAD from 17th to 22nd, the one that has been mentioned by the Leader of Majority. UNCTAD is a body of UN that deals with International Trade. And the purpose of the conference at that time is for member states--- The UNCTAD has a member state of 194 countries and is a conference that will be held in this City---

Hon. Deputy Speaker: Order Marion! Please! Order Marion!

Hon. Hashim Kamau: And the purpose of the conference Mr. Speaker is for the member states to dialogue freely and establish a better balanced global economy and to make an informed decision. For that, Mr. Speaker, I support the Motion.

Hon. Deputy Speaker: Thank you Hon. Hashim. Hon. Gari.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you Mr. Speaker. I can read the mood of the House. I think you can call the mover to reply.

Hon. Deputy Speaker: Are you in support of the Motion or not?

Hon. Maurice Gari: I support the Motion. Call the mover to reply. You can read the mood of the House. So that we can let the Jubilee side to go and---

Hon. Deputy Speaker: Order Hon. Gair! Hon. Thuo?

Hon. Charles Thuo: Thank you Mr. Speaker sir. I raise to support this Motion because I have sensed from the days that have been mentioned in the Motion that we are going to have more days in the Plenary and we will have more time to deliberate on issues that affect Nairobi and I am sure the Hon. Leader of Majority and his friend, Hon. Leader of Minority, have gone through the report and I am sure they mean well for this Assembly. And now that they are here all of them, we are just wondering whether there is any special occasion. Mr. Speaker sir, I raise to support.

Hon. Deputy Speaker: Thank you. Hon. Ndigirigi?

Hon. Thabita Ndigirigi (Nominated MP): Thank you Mr. Speaker sir. I beg to support this Motion with reasons. One, as a member of Transport Cpmmittee, we need to check all the roads in Nairobi County. As a member of Culture Committee, we need to face it to all the sizes which are related to Nairobi County. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Warutere? Order Nancy Luchir, please!

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you Mr. Speaker. I too rise to support this Motion. Not with the reasons given by the Member who has been here before me but I happen to sit in the House Business Committee. I know the reasons that were given yesterday and it is our honor to ensure that with this extension we are going to make best use of the given time. I second the Motion.

Hon. Deputy Speaker: May I call the mover to reply?

Hon. Majority Leader: Mr. Speaker, I thank all Members including the one who is always wearing uniform like Warutere always wearing one coat.

Hon. Deputy Speaker: Order!

Hon. Majority Leader: Mr. Speaker, I withdraw that word of uniform because one day I met Warutere and---

Hon. Deputy Speaker: Order Hon. Majority Leader please!

Hon. Majority Leader: Okay. I just want to thank all Members for supporting it except Karen Wanjiku who did not get time to come and support the Motion but I know everybody has supported the Motion. So, I think the days you are going to be away during that time, as member of Transport Committee has said, they are going to close all the roads. So, I think----

Hon. Deputy Speaker: Order Hon. Majority Leader!

(Question put and agreed to)

MOTION

Hon. Deputy Speaker (Mr. Kennedy Ng'odi): Before we go to Motion No. 9, under Standing Order No. 1 the power bestowed on the Chair, I grant the Hon. Minority Leader an opportunity to make a communication to the Assembly before we move to Motion No.9. Thank you, Minority Leader.

Hon. Minority Leader (Mr. Abdi Hassan): Thank you Mr. Speaker sir, I would like to pass information to the Members in regards to the loan. We as a Board we are supposed to meet the Senate Committee tomorrow at 10 a.m. and the burning issue is about the log books. I kindly urge the Members to surrender their log books at the Clerk's Office as soonest as possible. Thank you Mr. Speaker sir.

Mr. Speaker sir, the Members were given two million shillings for cars and as per the law you have to surrender your log book ---

Hon. Deputy Speaker: Order Members! Can you give the Minority Leader time to at least give us an explanation?

Hon. Minority Leader: This is a very serious matter Mr. Speaker sir and the Members should not take it lightly. As you know Senate can recommend Members to be surcharged. We are asking the Senate to give us time so that the Members can produce their log books Mr. Speaker sir. Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Thank you. There is no debate on that that is a directive---

(Loud consultations)

Hon. Deputy Speaker: Order Members! Order Hon. Gari, please take your seats? Karen can you please sit down. Hon. Mutiso go and sit down please. Can we move to Motion No. 9? Hon. Minority Leader--Order Millicent please, order Gari. Do you need to be informed? One Member please.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Mr. Speaker I think this one is not the right forum to bring out the issue of loans. We have *kamukunji* and we should be called on Speaker's *kamukunji* not on a special sitting like this one, we are being told about the loans, and the loans we had a security for those loans. Let the Senate go and look at the security we gave---- We cannot be twisted on the loan issue Mr. Speaker.

Hon. Deputy Speaker: Order Hon. Gari! You cannot incite Members--- Hon. Gari please take your seat. Hon. Millicent.

Hon. Member for Ziwani/Kariokor Ward (Ms. Millicent Mgadi): Mr. Speaker sir, I would like to support Hon. Gari because there are some of the issues that arose at the time we were being issued with loans and some of the Members didn't get the exact amount of loans. So we should probably have a *kamukunji* not only about the loans, if we are going to start talking about the loans, let's talk about all the issues that affect the Members including the welfare, the loans mortgage, and the gratuity. We are human beings Mr. Speaker. Nobody is willing to be surcharged on anything, but we also have issues that affect us that have also affected the money when it is coming. Does the County Assembly Service Board know what is happening?

Hon. Deputy Speaker: Order Mheshimiwa Warutere, the Hon. Member is on the floor please.

Hon. Millicent Mgadi: Thank you, Mr. Speaker. I support for the call of a *Kamukunji* and we sort all the issues affecting our welfare.

Hon. Deputy Speaker: Clerk we may proceed. Please can we proceed to Motion No. 9? Hon. Mohamed Abdi, please proceed with the Motion.

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. Karen Wanjiku (Nominated Member): Point of order!

Hon. Deputy Speaker: Declined. Please can we proceed.

Hon. Mohamed Abdi (Nominated Member): Mr. Speaker sir. I beg to move the following Motion that aware that the Constitution of Kenya 2010 grants the citizen of tis republic comprehensive rights and fundamental freedom, further aware that in recent years witnessed increased arrests and harassment and extortion by the City Inspectorate and Revenue employees, thus infringing on the rights and fundamental freedom of the residents, concerned that some of the officers who engage in such reckless act do not face the full force of the law due to the investigation crisis. Such officers are not easily identified by their victims. Noting that huge loses of revenue have been incurred by the County government due to extortion of such employees---

Sergeant-At-Arms kindly restore order in the House. Order Chairperson for Budget please. Order Hon. Snidge, Hon. Millicent Mgadi.

Hon. Mohamed Abdi: This Assembly urges the County Executive to ensure all City Inspectorate, Revenue collection employees and the entire County workforce have identification tags for identification to reduce cases of inappropriate arrest, harassment and extortion by the County government employees and avoid impersonation.

Mr. Speakers sir, after watching the clip of the 'Kanjo Kingdom', we have seen how our City Inspectorate are harassing the public and yet they cannot direct their problems because they cannot identify the officers due to the identification problems. And also Mr. Speaker sir...

Hon: Abdi Mohammed: ...the way City Inspectorate approach the public is wanting. Since they know they cannot be identified, they start harassing the public by extorting them. We have seen on the same clip how they extort money and the County is losing millions of shillings from that. So, in order to reduce that, we urge the Executive to implement the Motion so that at least they make sure every officer including the Enforcement, the City Inspectorate and the revenue collectors have tags. What they have currently is yellow and green colored coats that have the logo which is very easy for any person to go to River Road and have one like that and put it on. They cannot show identification cards. Mr. Speaker sir, due to this, we are losing a lot of revenue.

As I conclude, Mr. Speaker sir, may urge my fellow Members to support the Motion. May I call Hon. G. Maina to second the Motion? Thank you.

Hon. Member for Umoja I (Mr. Njoroge Maina): Mr. Speaker, I think this Motion is self-explanatory. I don't think we even need to debate about it. Just call the mover to reply. Having said that, I beg to second the Motion. Thank you.

On the issue of loans, Mr. Speaker, the loan is about me and my bank---

Hon. Deputy Speaker: Order, Hon. G. Maina!

Hon. Njoroge Maina: Thank you, Mr. Speaker.

(Question proposed)

Hon. Deputy Speaker: Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker sir. I stand to support this Motion. It is a good Motion which clearly shows that we want to save revenue collected from our people. Our revenue will not go to the wrong pockets. It will all come to the County so that we can give services to the people. We have seen many cases of officers who pose as Revenue Officers. So, to avoid this, the idea of identification tag is very noble. I support.

About the loans, we should not be told about---

Hon. Deputy Speaker: Order, Hon. Karen! Please! Hon. Alex.

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Thank you, Mr. Speaker sir. I am here to support the Motion. Before we went on recess, there was a Motion brought here by the Chair of P.A.C that is similar to this Motion.

Mr. Speaker, this is happening because of all the uniformed officers who are not given uniforms yet they are supposed to be in uniform so that you can identify them. When you move along River Road, you will find some people posing to be City Inspectorate employees yet they are not. If all the uniformed officers can be provided with uniforms so that public members can identify them, I think this question of extortion will reduce. As mentioned, even we are seeing Kenya Police putting on tags. We don't see any reason why the City Inspectorate or revenue collectors should not put on tags. If you combine this Motion and the one that was brought by the Chair of P.A.C, they all add to one Motion. If implemented, I think the image the image of Nairobi County will improve. So, I support.

Hon. Deputy Speaker: Thank you. Hon. Oduru.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you Mr. Speaker sir. I rise to support the Motion. It is a very important Motion because these people are pretenders who are not even employees. To those who are employed, without these tags is hard even to identify who the team leader is. It is very important that the tags should be bearing one's position. In most of the cases towards the third world of this County, this is to say along River Road people pose there and they come in a group so you cannot even identify who is who. Junior officers are more serious in harassing people than their seniors. This is what has been noticed. This is going to assist in identifying these people and those who are posing as officers and they are not employees. Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Mbatia.

Hon. Member for Embakasi West Ward (Mr. Robert Mbatia): I am Hon. Shijenje Mr. Speaker sir. Thank you Mr. Speaker. I rise to support this Motion and actually echo what my colleagues have said here and briefly say that the purpose of wearing uniforms and tags is to deter malpractices and to identify individual officers. The moment these officers are in uniform then if I was almost doing something that is not allowed by the County By-Laws then I wouldn't do it. As Hon. Oduru has just said, the issue here is that there are a lot of people who always come in the name of the Council and are not officers. Others serving different departments but will always say that they are Council *askaris* just to get bribes.

I fully support this, let them be in uniform and secondly let them have the identification tags to know who is a team leader and who is not. Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. Mbau.

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Thank you Mr. Speaker. I believe this Motion is long overdue. In respect to what has been happening to the inspectorate, this is what we call '*system ya majambazi*'. We need to unmask the *majambazi*. We need to do more than this. In every other Ward the so called Revenue Officers also make their own receipts and I believe we should have official receipts bearing the name of the Ward from the County. We should also have passport pictures of the people who are mandated to be collecting revenue at every other station plus their number. As much as I support this Motion, a lot needs to be done to unmask the *majambazi*. I support the Motion.

Hon. Deputy Speaker: May the mover reply.

Hon. Mohamed Abdi: Thank you Mr. Speaker sir. May I take this opportunity to congratulate the Members for supporting the Motion and indeed feeling the need for that. Thank you Mr. Speaker.

(Question put and agreed to)

Hon. Deputy Speaker: Thank you Hon. Members the House stands adjourned to tomorrow 2:30 p.m. thank you.

(The House rose at 3:35 p.m.)