



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Tuesday 30th April, 2013

The House met at 2.30pm

(Mr. Speaker in the Chair)

PRAYERS

PAPERS LAID

The following document was laid on table:

The first report of the Committee on Procedure and Rules of the Nairobi City County Assembly

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Mr. Alex Sanaika Ole Magelo): Good afternoon Hon. Members, concerning the allegations of the arrest of the Hon. Member for Kwa Reuben (Mr. Elkana Omogi Mauti) on 13th April 2013, I wish to point out that there is no ground on which the Hon. Speaker shall take action. The accused herein has neither been convicted nor has his election been nullified by the court and as such my hands are tied until I hear otherwise.

Hon. Members, I have another correction to make. It has come to my attention that several Hon. Members are absenting themselves from the Assembly without following the procedure established, that is, without the written permission of the Speaker. I wish to refer you to the provision of Standing Order number 230(1);

“if during any session a Member is absent from eight sittings of the County Assembly without permission in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to the Committee of Privileges for hearing and determination. Standing Order number 230(6) states that on conclusion of the debates on a motion under paragraph (4) a speaker shall

not put a question but shall declare, that pursuant to Article 103(1)(b) of the Constitution, the office of the Member concerned has become vacant. Article 103(1)(b) of the Constitution further states that if during any session of Parliament the Member is absent from eight sittings of the relevant House without permission in writing from the Speaker and is unable to offer a satisfactory explanation for absence to the relevant Committee”.

Therefore members as you have noted from the above provision of the law, failure to attend eight sittings of the Assembly will expose a Member to the consequences of losing his seat. The Serjeant-At-Arms shall take the attendance of the Members.

Hon. Members as you are aware, with regard to the discussion on Public Policy contained in the address of the Governor, laid on table of the Assembly on Thursday 18th April 2013, the Hon. David N. Kairu (Woodley/Kenyatta-Golf-Course Ward Representative) raised concerns on the rehabilitation of health centres. The Hon. Member further sought clarification on the total number of health centres under the management of the County of Nairobi. I have since done my research and ascertained that there are 700 Nairobi City Council health facilities in various locations and they provide respective services. The list is available from the Clerk at the table. Thank you very much. Good afternoon.

NOTICE OF MOTION

Leader of Majority (Mr. Elias Otieno): Mr. Speaker sir, I beg to move the following motion; that this House adopts the first report of the Committee on Procedure and Rules on the Standing Orders of the Nairobi City County Assembly laid on the table of the House today Tuesday 30th April 2013.

ELECTION OF THE CHAIRMAN OF COMMITTEES

Hon. Speaker: Hon Members, the Chairperson of committees; the Chairman of Committees of the whole County Assembly: This is Standing Order number 14(1). As soon as practicable after the election of a Speaker following a General Election, a Chairperson of Committees shall be elected. The Chairperson of Committees shall be the Chairperson of Committees and shall preside over all Committees of the whole County Assembly but in absence of the Chairperson of Committees, a member elected by the County Assembly for that purpose shall preside. If the office of Chairperson of Committees falls vacant at any time before the end of the term of County Assembly, the County Assembly shall, as soon as practicable, elect a Member to that office. The procedure for electing a Chairperson of Committees shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. If the Chairperson of Committees considers that it is desirable that he or she should take part in any proceedings in Committee otherwise than as the person presiding, the Speaker shall take the Chair. Hon. Members there are two candidates for the position.

The Clerk (Mr. Jacob Ngwele): Hon. Members the Clerk has received two papers for Kennedy Ng'ondi and Peter Wahinya Kimuhu. The said Members are not eligible to vote, so we request them to step out as we conduct the elections.

Hon. Speaker: Yes Chief Whip

Chief Whip of Minority (Mr. Athman Kamau Hashim): Sorry, Mr. Speaker the section you have just read, section 14 (2) states that *“the Chairperson of Committees shall be the Chairperson of Committees of the whole County Assembly but in the absence of the Chairperson of Committees...”*...now my issue is on this one.... *“...a member elected by the County Assembly for that purpose shall preside.”* Are we electing two people? Because in this statement here, a member is elected by the County Assembly, may be the deputy. This deputy, is he going to be elected by the County assembly?

Hon. Speaker: Yes Hon Member

Hon. Member: Thank you Mr. Speaker sir I would like to answer the Hon. Member who just stood up.. (*Interruption*)

Mr. Speaker: Order Member! Hon. Member I don't think under the Standing Orders you can reply to a Member unless you are on a point of order or something else.

Hon. Member: Sorry Mr. Speaker sir, I never mentioned the order number but I am on a point of order number 80. I would like to inform the Hon. Member, I believe Order number 14, if he goes through it again, reads it and understands, it is only talking about the absence of this Chairperson of Committee whereby if we do not have this Hon. Member in the House, the Assembly can within itself do an election of someone to preside over the activities of the House. And I believe that what this particular Order is talking about Hon. Member is a scenario where we do not have both the Speaker and the Chairperson of Committees. We need the Chairperson of Committees in the Committee known as the whole House. If you go to your Standing Orders and read it again you will find there are situations where the Speaker will not preside over the proceedings of the whole House. And we would need the Chairperson of Committees to preside over that and when he is not there among ourselves we will be able to elect somebody to guide us through. Thank you.

(*Applause*)

Hon. Speaker: Hon. Members, can we proceed? The two members will not participate in the elections and therefore the norm is they step out. Hon. Members.

(*Loud consultations as the two Hon. Members leave the House*)

Hon. Speaker: Order Members! The Clerk is trying to.....Bwana Clerk do that exercise once more. Order Members! Hon. Members I have received information about a Hon. Member who has just come from medical attention and he would like to have his votes on the table so that they can be dropped in the ballot box either by the Speaker or by anybody else and I don't think that is a problem. Do you have a problem with this? Hon. Members do you have a problem with this arrangement? Members do you have a problem? Proceed.

Hon. Chief Whip of Minority: The Member can with your permission proceed and we are sorry about your ailment. We wish you quick recovery.

(The Clerk reads out names as members cast their votes by secret ballot one after the other)

Mr. Speaker: Order Member! The Member on the phone please step out. The Hon. Ochola please you may take leave.

(The Hon. Ochola leaves the House. The Clerk resumes the calling of names as the voting comes to an end)

The Clerk: Hon. Members, those are the members who voted. I am asking you to count the votes from both sides and tell us the results.

Hon. Speaker: Election of the Chairperson of Committee of the whole House: Hon. Peter Wahinya Kimuyu 39 votes, the Hon. Kennedy Ng'ondi 41 votes. Now I ask the Sergeant-at-Arms to fetch Kennedy Ng'ondi.

(Interruption)

Order Members! The Sergeant-at-Arms to fetch the Hon. Kennedy Ng'ondi...*(consultations)* Hon. Leader of the Minority step forwards

Leader of Minority: Mr. Speaker sir, the election of the Chairman of the whole House is supposed to be like that of the Speaker, so no one has gained the two-thirds majority. We should go for the second round, Mr. Speaker sir.

(Applause)

Hon. Speaker: Hon. Members order! I will ask the Clerk to proceed with the second round *(Applause)*. Yes Olango?

Hon. Member for Kitisuru Ward (Mr. Alvin Olango Palapala): Mr. Speaker, according to the Standing Orders: Voting and Divisions; Voting in the County Assembly, it states very clearly that *"unless otherwise provided under the Constitution, a question arising in the County Assembly shall be decided by a majority of the members in the County Assembly present and voting."* So there is no issue of voting again.

Hon. Speaker: Hon Members, part three, Chairperson of Committees; Standing Orders number 14(4) states that *"the procedure of electing a Chairperson of Committees shall with necessary modification be the same as prescribed for election of the Speaker"*

(Applause)

Hon. Members, order Members! Can we now proceed? Order Members! We would like to proceed now.

(The Assembly Clerk calls out names of Members for the second round of voting)

(Loud consultations)

Hon. Speaker: Hon. Members there is a Member who took the Clerk's pen, can you please return it?

(The Clerk continues to call out the names as Members vote)

(A Member interrupts the process)

Hon. Speaker: Yes Kennedy

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru Nyarumba): Mr. Speaker sir we would like direction from the Chair. One Member was...let me quote the Standing Orders for the benefit of that Member, 94(2) states that "when a Member is dismissed he should leave for that day", 'Bwana' Speaker we want your direction.....*(Interruption)*

Hon. Speaker: Hon. Member, I did not send the Member out for the day. I told him to step out to attend to his telephone call. *(Applause)* Hon. Members with due respect of an election process in the House there is a member...members who are not properly dressed and I have condoned that for the motto of an election. So, Hon. Members proceed.

(The Clerk reads out more names as voting resumes)

(A Member interrupts)

Hon. Speaker: Order Members! A point of order from the Chief Whip

Hon. Chief Whip of Majority (Mr. David Mberia): Mr. Speaker I am standing on a point of order number 80; a member by the name Kados Kiguathi had permission to go out. He voted during the first round and we are seeing a scenario where he is supposed to vote twice yet he has not graced this House. We want to know which Standing Order or which law or which precedence will be set in the County Assembly that a member can vote in anticipation that there will be a second round of votes Mr. Speaker sir.

Mr. Speaker: Yes Hon. Chege

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Mr. Speaker, I think it was well discussed and it was agreed. First and foremost, Standing Order number one gives you the permission and power to rule where there is no specific express Standing Order discussing on a specific issue *(Applause)*. So, based on that, the first vote was cast by Hon. Kados through the pledge. Secondly, the Standing Order number 80, that my good friend and Whip is quoting makes him grossly out of order because the Standing Order talks about personal statements. What Hon. Chief Whip is asking is not a personal statement. So, if the first vote that Hon. Kados cast by proxy was accepted, then definitely by common sense, the second vote by Mr. Kados must be accepted.

(Applause)

Hon. Speaker: Order Members! May the Leader of the Majority and Minority approach the Speaker?

(Loud Consultations)

Yes Hon. Ochola

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Yes, thank you Mr. Speaker sir, I would like to say this; it is not right when a Member of Parliament or County Assembly is not inside the House and someone somewhere casts a vote on behalf of the Member. If therefore, we are voting to elect a Member I think we should dismiss this election and wait until all the Members, both Minority and Majority are present, because this is not right. Thank you Mr. Speaker sir.

Hon. Speaker: Nyang'wara Nyang'wara

Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara): Mr. Speaker it is the tradition of any August House in this country, to take roll call of the Hon Members before an election. When we took the roll call the first time, the Hon member was present. The second round as we took the roll call he was not present. The first time we gave him permission to go out and that is Standing Order number 69 Mr. Speaker sir.

Hon. Member for Woodley/Kenyatta Golf Course Ward (Mr. David Kairu): Thank you Mr. Speaker, I think everybody was present when the Speaker asked if he could excuse Mr. Kados and there was no objection from this side of the House. I think raising the issue now is being dishonest. Honestly you are being dishonest right now. Kados is not far away, he is just a phone call away. We could call and wait for him. While we wait we can continue voting. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Kairu, please

Hon. Kairu: There was no objection at all from the House when you excused him and you asked if it was okay with the Members and they agreed. If his vote will not count we need to give him a call and tell him; please come back they have rescinded on their promise. Thank you very much.

Mr. Speaker: Hon. Warutere, sorry, Hon. Kairu please, I beg your pardon. Order Members!

Hon. Kairu: Thank you very much I think the matter on the floor.....Mr. Speaker you really asked us whether we would allow Mr. Kados to vote by proxy and we accepted, that is when Kados wrote two papers. When Kados gave you the two papers, you did not object. You took the two because you assumed we were going to the second round. *(Applause)*

Hon. Speaker: Order Members! As we discuss this important issue remember where we started. I want another four members so that I can make my ruling. Order Members! Information please

Chief Whip of Majority (Mr. David Mberia): Mr. Speaker as far as I am concerned 'Mheshimiwa' Kados got permission to vote first, during the first round of voting. He was then given permission to leave.

We didn't know whether he was supposed to be helped by somebody else if he anticipated there would be a second round.

Hon. Speaker: Order Members! Hon. Members, discuss the babies without emotions and I want to call upon you when you come forward to speak, give us your proper point of orders.....(*Applause*) order Members! You use that language, again, I will throw you out for the rest of the day. (*Loud consultations*) Order Members! It is important that we behave with decorum and any member who utters in a language that does not conform to the Assembly of Nairobi County, I will not hesitate; I will send you out for the rest of the day. Order Members! We proceed.

(Hon. Paul Kados enters the House)

Hon. David Mberia: Mr. Speaker I am still standing on a point of order number 69 and the tradition of this House is that the House is supposed to be locked. We don't know under which Standing Orders the doors have been opened and one Hon. Member has just gotten in when we are still involved in an election process.

The Clerk: Kados Paul Muiruri (*Applause*), George Maina Njoroge

Mr. Speaker: Order Members! Point of order Hon. Obonyo

Hon. Member for Gatina Ward (Mr. Mike Obonyo): So Mr. Speaker, tell us that Kados did not vote at the first instance. We want a confirmation from the Clerk, the first ballot paper, who voted on behalf of Kados?

Mr. Speaker: Order Members! This is what we begun with and Hon. Members let us proceed with the election of the Chairperson

Hon. Member for Nyayo Highrise (Mr. Maurice Omondi Akuk): Thank you Mr. Speaker the point of order that I am standing on is not only to ask whether Kados should vote or whether he should not vote. My point of order, which I would like Members to reflect on, is a question that pertains to the precedence we are going to set in this House. The Standing Orders are quite clear that when the doors have been locked, the bars drawn and the names of the tellers have been announced the Speaker shall put the question again and direct the Clerk to call out the names of the Members. The doors have been closed, once the doors have been closed, it is my assumption that nobody, whether a voter or not should be getting in. If we are going to let Kados vote, what kind of precedence are we going to set. It is all about the Standing Orders.

Hon. Speaker: Order Members! Referring to Order number 68, 69, roll call on voting; it is only done in division, only when the doors are closed following a division, during voting on a motion and not an election of a Speaker or Chairperson (*Applause*) let's proceed members. Go on.

The Clerk: George Maina Njoroge

Hon. Speaker: Order Members! Hon. Manyala

Hon. Member for Kayole South Ward (Ms Elizabeth Manyala): I rise on a point of order number 65 that states that unless otherwise provided under the Constitution a question arising in the County Assembly shall be decided by a majority of the Members in the County Assembly, present and voting. So voting in absentia is not taken into consideration. (Loud Consultations)

Hon. Speaker: Information on what? Order Members! Members, can we proceed (*Interruption*)

Hon. Member: Mr. Speaker on the point of order number 65, it talks about division during the motion. It is not voting and this particular time we are voting. It does not quote whether it is voting for a Chairman or Speaker or a motion. Kindly Mr. Speaker, I would like you to guide us.

Hon. Speaker: Hon. Members I refer you to Standing Order number 69 (1) "*When the Speaker directs a roll call voting to be taken, the Division Bell shall be rung for ten minutes. (2) The names of one teller for the "Ayes" and one teller for the "Noes" shall be submitted to the Speaker and the Speaker shall direct the tellers to take seats at a designated place*" - That is when the doors are closed and the bell is rung. Divisions are in motions not in elections (*Applause*)

(The voting resumes as the Clerk calls out the remaining names)

(Vote Counting /tallying commences)

(Applause)

Hon. Speaker: Order Members! Hon. Members I want to thank you most sincerely for the democratic way you have just voted in the election of Chairperson of Committee of the whole House Nairobi City County Assembly. Peter Wahinya Kimuhu 41 votes, Kennedy Ng'ondi 42 votes (*Applause*). Order Members! I just want to remind you once again, let me not be seeing you out because of unnecessary indiscipline. I am calling on all Members to observe discipline when you are in this house. It's in fact a communication on Tuesday 2.30 pm in regard to telephones in the Assembly, so that we don't have any more confusion in future. And I thought we discussed the dress code. I want to call on the Sergeant-at-Arms to fetch one Kennedy Ng'ondi.

(Hon. Kennedy Ng'ondi and Hon. Peter Wahinya enter the House)

(Applause)

(Hon. Kennedy takes the oath of office)

Hon. Member for Kware Ward (Mr. Kennedy Ng'ondi): I Kennedy Ng'ondi having been elected as the Acting Speaker of the County Assembly of Nairobi County do swear, solemnly affirm, that I shall always and truly, diligently serve the people and the Republic of Kenya in the office of Acting Speaker of the County Assembly in Nairobi County. That I shall respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya and shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and convention of Parliament without fear, favour, affection or ill shall. So help me God. (*Applause*)

MOTION

MOTION – ADOPTION OF AMENDMENTS TO THE INTERIM STANDING ORDERS

Leader of Majority (Mr. Elias Otieno Okumu): Mr. Speaker sir, I beg to move the following motion; the Committee on Procedure and Rules is established under Standing Order number 188 to among other functions:

1. Consider and report on all matters related to this Standing Orders
2. Propose amendments to this Standing Orders and any such amendments shall upon approval by the County Assembly take effect at the time appointed by the County Assembly
3. The Committee may propose rules for the orderly and effective conduct of Committee business and any such rules shall upon approval by the County Assembly continue in force until amended or repealed by the County Assembly
4. Any rules approved under paragraph five shall be annexed to the Orders and shall be binding upon the Committees to the extend as these Standing Orders

Committee Membership:

The Procedure and Rules Committee comprise the following;

- a) The Hon. Alex Ole Magelo MCA Speaker, Chairman
- b) The Hon. Elias Otieno MCA,
- c) The Hon. Joash Omwenga, MCA
- d) The Hon. Martin Karanja Kingethu MCA

Mr. Speaker sir, the matter before the Procedure and Rules Committee relates to the adoption of the Standing Orders of the Nairobi City County Assembly.

Acknowledgements

The Procedure and Rules Committee wishes to thank the offices of the Speaker and the Clerk of Nairobi City County Assembly for the support extended to it in the execution of its mandate.

Scrutiny of the County Assembly Interim Standing Orders:

1. The Procedure and Rules Committee scrutinized the County Assembly Interim Standing Orders which the Assembly Clerk had availed to the Members
2. Upon scrutiny of the County Assembly Interim Standing Orders, the Procedure and Rules Committee identified the following areas of key concern that will require the examination and amendments by the County Assembly.

Key issues of concern identified by the Procedure and Rules Committee;**Interim Standing Orders:**

The Standing Order number 27;

- That the County Assembly starts at 2.30 pm on Tuesday, Wednesday and Thursday and ends at 5.30 pm
- That the County Assembly do away with the morning sitting of the County Assembly on Wednesday morning at 9.30am to allow Members to attend Committee meetings
- The County Assembly adjourns its sittings at 5.30pm

Mr. Speaker it is our pleasant duty and privilege on behalf of the Procedure and Rules Committee to present and commend this report to the whole House for Standing Order number 188. Mr. Speaker sir, allow me to ask one of the Committee Members of the Procedure and Rules Committee to come and second; Mr. Joash Omwenga

Hon. Member for Utawala Ward (Mr. Joash Omwenga): Mr. Speaker I hereby second the motion.

Hon. Speaker: Hon. Members, I now propose a question. As many as are of that opinion say 'aye'. As many as are of the contrary opinion say 'no'. Hon. Members I beg your pardon, I looked at your 'ayes' I now call upon the mover of the motion to reply.

Hon. Members I now put the question; it is open for discussion. Hon Members is there any Member who wishes to interrogate the motion? Hon. Members I now put the question, as many as are of that opinion say 'yes' as many as are of the contrary opinion say 'no'. The 'yes' have it.

(The amendments to the Interim Standing Orders were approved)

The Hon. Pius Owino Otieno, you may take the floor pursuant to Standing Order number 30; adjournment on defined matter of urgent County importance. The Hon. Pius Otieno, order Members!

**MOTION - ADJOURNMENT ON A DEFINATE MATTER OF URGENT COUNTY IMPORTANCE
(THE DEATH OF SENATOR MUTULA KILONZO)**

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker sir, Hon. Members, I am standing pursuant to Standing Order number 30; adjournment on definate matter of urgent County importance. Hon. Members, as you are all aware, on Saturday this Country lost a Hon. Member, the late Senator Mutula Kilonzo. Senator Mutula Kilonzo was the Senator of Makueni County. As I stand here today the entire Country is in a somber mood.

All of us across the party divide, the Country and specifically Members of the Senate where Hon. Mutula happened to be sitting as a member, are mourning. I ask you Hon. Members to support this motion. This adjournment will provide time for us to pay tribute to the family and the rest of Kenyans.

Hon. Mutula Kilonzo was a great statesman who immensely contributed to the development of the department of law in this Country. It is not only in the development of law, his prowess was awesome and it is in that regard that I also call on all legal scholars and practitioners in this Country to emulate the spirit of Mutula Kilonzo.

Mr. Speaker, it is worth mentioning that, I salute his hard work and his tireless effort in the process of discharging his duties especially when he was the Minister for Justice and Constitutional Affairs and later as Minister for Education. I call upon Hon. Imwatoke to second this motion that seeks for the adjournment so that we can also pay tribute as Members of this House. Hon. Imwatoke

Hon. Member for Makongeni Ward (Mr. Peter Imwatoke): Mr. Speaker, my fellow Hon. Members, I stand to second the motion. That's why I was standing on a point of order before. I wanted just to say it is not well with us because we have lost a great man of this Country, a man who taught some of our friends, our business colleagues, Senators, and MPs. It is prudent for us as a House to pay tribute to our fallen hero, Senator Mutula Kilonzo. I beg to second the motion. *(Applause)*

Hon. Speaker: Hon. Members I will open the floor for four more Members; two from this side and two from the other side. Hon. Members. The Hon. Nyang'wara Nyang'wara

Hon. Nyang'wara: Mr. Speaker I stand to support this motion. It is a very important motion in that we have lost, more specifically from the fraternity of CORD, this great man by the name Mutula Kilonzo. First and foremost I want to send condolences to the family of the late Senator Mutula Kilonzo from my family and the people I represent from Viwandani Ward. We are in a sad mood and nothing much can be expressed. Thank you, Mr. Speaker.

Mr. Speaker: The Hon. Wahinya

Hon. Member for Ngando Ward (Mr. Peter Wahinya): Thank you very much Mr. Speaker for giving me this opportunity. I would like first of all, before I make my comments in respect to that particular matter, to congratulate my worthy competitor Mr. Kennedy Ng'ondi for winning that position of the Chairperson of Committees.

I think it is in order that I personally support the motion that is being presented this afternoon because in my opinion even though we have our differences..... democracy is a competition, politics is competitive and politics is democracy. When it comes to a situation in which we are looking at a scenario where someone has left us, as far as I am concerned it is in order that we come together as both political parties or rather the political divide and be able to mourn together.

You will recall that recently one of our colleagues, Mr. Obonyo, lost his wife and the manifestation on the ground is that we all came together and we all travelled to Kisumu, specifically Homabay and we were able to mourn together with our bereaved colleague. So in the same breadth I personally would like to propose that we support this motion so that we can mourn in unison. Thank you very much.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Kwa majina kamili naitwa Bw. Masiga. Bw. Speaker, kwanza, nakushukuru kwa kunipa fursa hii. Mimi ningependekeza tuweze kushikana sako kwa bako na wenzangu tuweze kujumuika na wakenya wenzetu katika simanzi hii ya huzuni ambapo tumempoteza kigogo ambaye ameweza kulea wengi na ameweza kuzalisha matunda mengi kupitia kwa ujuzi wake. Basi ningependa kuunga mkono. Shukurani Bw. Speaker.

Hon. Kairu: Thank you very much Mr. Speaker sir. I am standing here to oppose the motion and the reason why I am opposing the motion is not that we are not mourning Hon. Mutula Kilonzo, but Mr. Speaker, we cannot suspend the business of the House just because a Member belongs to a certain affiliation. Let us suspend the business of the House just because he is a Kenyan, he is a hero and we love him. Therefore, we are not suspending the business of the House just because he is called a Member. Thank you, Mr. Speaker.

Hon. Member for Kwa Reuben (Elkana Omogi Mauti): Thank you Mr. Speaker. In fact it is a very wonderful moment. We are not here to laugh but we are here to cry. Assume you were the person who has passed on. In sincerity, I thought even the sessions of the Assembly were not to continue. However when I got here I found the sessions on. It is very terrible. We were even supposed to observe a ten minutes silence in honour of the departed, but we did not, yet it is the norm in Kenya. Remember we cannot think of Mutula Kilonzo in terms of politics. He is a hero; the Constitution we are now implementing was part of his works. You are here enjoying some of the fruits of Mutula's labour and yet you do not even consider. Sincerely....

Mr. Speaker: Hon. My friend, Chege..

Hon. Member of Ngara (Mr. James Mwaura Chege): Thank you Mr. Speaker for giving me this opportunity. You know Mr. Speaker I was on my way out. I stand here to oppose the motion in principle. I condole and I want to express my heart-felt sympathy with the family of the late Mutula Kilonzo but I am opposing the motion because it is wrong. The late Hon. Mutula Kilonzo has done service for this Country and that we have no doubt about. But as an Assembly we have honestly no jurisdiction. We have no reason to close the sessions of this House so as to attend.... If it was something about which we could agree that as an Assembly we specifically set a date in future, a date for the Assembly to go to the Late Hon. Mutula's house and be able to express our sympathies commonly together, I would be for it.

But I have been informed by my good friend that there is a Committee business coming after this session. So in actual sense even though we would be able to break-off, we would not be able to express the same condolences to the family. Secondly, I also want to urge members.....we were here less than half an hour ago when we were debating about Hon. Kados who is amongst us and who is sick and that matter really tore into me.

I remember the Speaker reprimanding us yet that was a Member, he is one of our Members, he was sick and we agreed in principle to let him pass. Anyway that is an issue. But we want to be very sorry, very contrite when somebody dies. I think that is wrong. We should be able to express the same sympathy if one of our own is taken ill. I want to go on record as saying that, I know it is not the right time to say, but I

have to say I was ashamed that we could refuse a member to vote yet was unwell. Yet the decision to let him vote had already been passed by the Speaker. Let me say that I stand to oppose the motion.

Hon. Speaker: Members, two more Members, the Hon. Leader of the Majority

Leader of the Majority: Thank you Mr. Speaker sir, first may I take this opportunity to congratulate Hon. Kennedy Ng'ondi for winning the Chairperson of Committees. I also thank the looser because in this House we have perennial losers. Let me take this opportunity to also thank my CORD Members for standing firm with me. I thank you and love you all.

I support the motion for adjournment because Mutula was not just an ordinary Member in this Country; but a hero. Let us not just oppose the motion because it is not geared towards a certain party. Let us be sober enough. You should not be negative in everything all the time. You just oppose everything, even the Standing Orders. *(Laughter)* You people, I don't know what is wrong with you. Mr. Speaker sir, lets....just control and we adjourn this House.

Mr Speaker: Hon. Members one more Member, the Lady please, Hon. Millicent, Order Members!

Hon. Member for Ziwani/Kariokor Ward (Ms Millicent Wambui): Thank you Mr. Speaker. Point of correction we are not 'people' we are 'Honourables'. *(Applause)*. Apart from that I would like to say that I am in support of adjournment of this House because the late Hon. Mutula Kilonzo was my role model.

He fought for us and he is just not a nobody. It wouldn't cost us much if we could just adjourn this sitting today and support the family in paying tribute to him so that they can know that we are benefiting from his hard work and we are with them in prayers.

Secondly Hon. Mutula's death leaves a lot of questions; which brings me to the issue of our security which we have been insisting on and which I believe, Mr. Speaker, you should look into *(Applause)*

ADJOURNMENT

Hon. Speaker: Order Members! First of all I would like to thank Members for their contribution. Hon. Members the House Business Committee will meet now after this session at the Committee room. The Selection Committee will meet on Monday to fill all the slots. The Clerk will give direction on the location of the place for the meeting. Hon. Members ...and this is very important to you all, the Kamkunji for Hon. Members is on Thursday at 11.00 o'clock. It will be in the Assembly here, as you are aware we still have no room for ourselves. There being no other business we adjourn until Thursday 2nd May 2013, 2.30 pm. Thank you.

(The House rose at 4.55 pm)