



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Wednesday, 3rd July, 2013

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

STATEMENTS

STATEMENT ON USAGE OF EMBLEMS AND SEALS

Hon. Speaker (Mr. Alex Ole Magelo): Hon. Chairman Legal committee, Hon. Jeffer Kassam.

Hon. Member for Parklands Ward (Mr. Jeffer Kassam): Mr. Speaker sir, thank you. It was a follow up to your directive yesterday on the usage of emblems and seals among others. I have additional statements today which I would like to make with your permission Mr. Speaker. It is a brief on the use of National Government logo on business cards by the Members of the County Assembly.

It is international practice that business cards bear the logo of their respective organizations. The Nairobi City County is yet to unveil its emblem from which the logo will be founded. It is indeed time that Members business cards were made. However there has been a practice whereby may Counties use the National logo which is illegal. I think the Counties are taking advantage of the transition period.

The advice from our legal director is that the Members wait for the unveiling of the symbol whose process, as I said yesterday is at an advanced stage, to avoid unnecessary expenses because they will have to abandon the cards for the new ones when the emblem is unveiled. As for the public seal, it is for use exclusively by the National Government. County Governments shall use their own County public seals as provided by the County Governments Act, County flags and emblems Act, Chapter 99 of the laws of Kenya. Legal documents, however, during the transition period may be executed by the Interim County

Secretary, provided that his or her name is witnessed within such template. The County by the said legislation provides for the specific officers for the purpose.

Mr. Speaker sir, I would wish to table the response. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Hon. Member who had requested for the clarification, I hope you are satisfied with the answer.

Hon. Chief Whip of Minority (Mr. Hashim Kamau): Thank you, Mr. Speaker. I want to thank the chair once again, for the report and for the information that he has brought to the House at my request. Again I maintain that we continue to follow up to make sure that, that is done in good speed so that we can be able to operate as required. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, Hon. Member. I think once again the chairman of the Legal and Justice committee you need to go back and ask them to bring the logo and seal as fast as possible to the House to avoid what you said is illegal because this is from the governors' office and what we are using in most of the correspondents is this, the national coat of arms. So it looks like we are doing the wrong thing. So I would request you to again move with speed and have those tools presented to the Assembly for deliberation because we really need them as they will be used to seal the documents of the County Government. Because if you use the seal which is not recommended, then one can take you to court and did I hear you say that the County Assembly will also make its own seal?

Hon Jeffer Kassam: Mr. Speaker sir, they said it will be for the County Government of which the County Assembly is part of. So we will have a common seal, emblem and flag that we shall be use for of course the executive and legislature arm. But further to what we said yesterday it is at the drafting stage and when we are back during the next session, we will have the legislation.

Thank you, Mr. Speaker.

Hon. Speaker: Hon. Nyang'wara

Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara): Mr. Speaker, I want to thank you, but I would like to ask Hon. Kassam a question. The Hon. Members of this House are state officers, their positions and pay slips still contain that National logo. We understand, Mr. Speaker, that they are paid by the exchequer which is the National Government, can he clarify, whether we as the Assembly will use the same logo as the National Government has provided us to use?

Hon. Speaker: Hon. Chairman

Hon. Jeffer Kassam: Thank you, Mr. Speaker. It is very clear that we are in the period of transition and as per the legal department's advise, we can use that one until and when we have our own and which should be very soon. But the illegality comes in the use of the seal; but once our logo will be in operation we will not be able to use the National one despite being state officers because we fall under the County

Government and the County Government Act clearly spells the conditions for use of emblems and logos'. Thank you, Mr. Speaker sir.

Hon. Speaker: Thank you very much. Hon. Nyang'wara. Yes please?

Hon. Samwel Nyang'wara: This chairman is actually misleading the House. I have clearly indicated to him that we are state officers. Hon. Members of this House are state officers and it is well indicated in the Constitution and County Government Act. Can he clarify further whether we are state officers or not? We want to know. We want to know whether we are working for this particular Government or National Government and what is supposed to be done if we are being paid by the exchequer? Because, as far as I understand, Mr. Speaker, we draw our salaries from the National Government.

Hon. Speaker: Hon. Jeffer

Hon. Jeffer Kassam: Thank you, Mr. Speaker. On the question of being state officers or not, I am not in any doubt that we are state officers but I will ask for a little more time so that I can consult our team of lawyers on this issue and come up with an answer as soon as possible. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, agreed and Hon. Nyang'wara, please we wait for further clarification from the- (*Loud consultations*) Order Members!

Hon. Chairman of Chairmen (Mr. Kennedy Ng'ondi): Hon. Speaker, this is really a weighty matter and issue. I believe our able chairman should not only consult the lawyers but he needs to communicate to the office of the Attorney General so that we become law abiding citizens. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, point taken from Hon. Ken. It is important. (*Interruption from Hon. Nyang'wara*) Order! Order!

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker. It clearly indicates that the Hon. Chairman went to look for the information alone. Can he involve the whole committee so that they can do this particular work together?

Hon. Speaker: Order! Order Member! Okay, we can take one more and then we move to the next business. Actually, Hon. Members, you should be thanking the chairman, at least he brought detailed information.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. I have to help my chairman. I want to say categorically that the Republic of Kenya is initially one state but we have forty-seven Counties, and out of the forty-seven Counties we have one state which is not a federal government. Mr. Speaker sir, this is a unitary state which is composed of forty-seven Counties, where Hon. Members of this City County of Nairobi belong. So, Hon. Nyang'wara must understand that this is not a federal state; it's a unitary state, which is devolved down to the Counties. Mr. Speaker sir, I can also say that there is a Hon. Member who is not properly dressed in this House! Can we get him out of the House, Mr. Speaker sir?

Hon. Speaker: Thank you very much, Hon. Ogeto. There is a Member who is not properly dressed. Please! Order! The Member who is not properly dressed! Who is not properly dressed? (*Laughter*)

Hon. Nyang'wara, I thought you rested your case with that one.

Hon. Samwel Nyangwara: Mr. Speaker, it looks like Hon. Ogeto was trying to joke around with my mind, but the Standing Orders are very clear, and the Kenyan Constitution is very clear that we are state officers. Remember, Mr. Speaker, we are going to have business cards, which logo are these business cards going to have? It is better he tells us. Does it mean that when we are a unitary state, everything must be done the way other people would like it to be done and not exactly what the Constitution states? (*Loud consultations*)

Hon. Speaker: Okay Hon. Members order, we can close that chapter. Let us give the chairman time just as the Deputy speaker said, to move another step to the office of the Attorney General who has all these Articles in his custody. I am also sure that in a short while we will have our flag, logo and emblem in place.

Hon. Member for Mukuru kwa Reuben Ward (Mr. Elkana Mauti): Thank you, Mr. Speaker sir. Standing Orders clearly state that we have forty-seven Counties whereby every County has to come up with its own logo, flag and emblem for their identification. So there is no need for enquiries, it is self explanatory from the Standing Orders. We have the National Government- (*Loud consultations*) defend me Mr. Speaker!

Hon. Deputy Speaker: Can you sit down, Hon. Member. Mr. Speaker is it in order for the Hon. Member to give blank references by way of quoting Standing Orders? We are not talking about Standing Orders here, Hon. Speaker. We are talking about the Act and the Constitution of Kenya so I don't know where the issue of Standing Orders arises from. In any case if there is a Standing Order in reference to the same, can the Member quote the exact Standing Order he is referring to? Thank you, Mr. Speaker.

Hon. Speaker: Clerk, call for next order.

Interim Clerk (Mr. Jacob Ngwele): Order number 8; motion.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker sir. Yesterday I was moving a motion, but the House was hit by lack of quorum, so, Mr. Speaker sir, I wish to move this motion today: **WHEREAS** the defunct City Council of Nairobi, through the LASDAP kitty allocated Ksh1 million per ward every year as bursary, towards secondary school education for students from poor backgrounds and **WHEREAS** the establishment of the County Governments has abolished the LASDAP bursary kitty, thus negatively affecting the secondary school students of the destitute; **AWARE** that the infrastructure development of the primary and secondary schools has since been delinked from the county government, and the consequent introduction of free secondary school education; **CONCERNED** that the number of public secondary schools available is less compared with the number of students graduating from primary schools; **AWARE** that many students are compelled to learn in private secondary schools which do not have the benefit of free education facility thereby making it impossible for the needy students

to access basic education; this House urges the County Government to urgently establish a County bursary programme and allocate an amount of Ksh1, 500, 000 per term for the subsequent financial years.

Mr. Speaker, as you know we are living in a country whereby we have a lot of problems. Most of the people in this country, Mr. Speaker sir, are living below one dollar a day and this puts the parents in a very difficult situation, whereby one cannot even manage to take a child to a secondary school. Here we are told that we have free secondary school education, but we are all parents and we know very well that we pay a lot of money. I as one of those parents, for instance, my child is in a provincial secondary school student and I pay more than Ksh60, 000 per year.

This means that, although we are being told by the National Government that secondary public schools are free, they are not free, because the National Government only pays Ksh10, 000 per child, while the rest is the burden of the parents. If by bad luck you are not in a good financial position to take your child to secondary school, then your child will not go to school, as is the case in my Ward.

In Korogocho, we don't have even a single public secondary school. We have about 4 to 6 private secondary schools. So, the students who are graduating from primary schools will end up in those private schools. The private schools are expensive and now we have to labour with this situation because we don't have an alternative. The reason is not that we are coming from a slum area where people are not learned. I can tell you of a case I know, which I would like to use as an example.

There is man, who is a graduate living in poverty due to lack of a job. He is frustrated, but he has to live his life in full, so he has to marry, bear children in that pathetic state of his. He's well aware of his might since he is educated but owing to his unemployment status, he doesn't take his children to school. However, this doesn't mean as leaders we should turn a blind eye to such situations in our environs. This is why I am calling upon this honorable House to pass this motion so that such people are helped. They will be happy that their County administration cares for them and is interested in improving the living standards of their children. I will now call upon Hon. Isaac from Mwiki to support the motion. Thank you.

Hon. Member for Mwiki Ward (Mr. Isaac Njoroge Ngige): Thank you, Mr. Speaker. I would like to thank Hon. Maxwell for a well thought out motion that concerns the bursary in the City County of Nairobi. One thing I would like to thank him for is the experience that I know he has in managing bursary kitties and I feel that he has the interest of the kids in Nairobi and parents as well who are unable to pay school fees.

As I rise to support this motion probably I want to make a comment on the motion itself because I have had a word with Hon. Maxwell and I know that his intention on the last paragraph of that motion was for the amount to be allocated be Ksh1, 500,000 and I believe the word 'thousands' was omitted.

So if that is corrected and the Member confirms that that is the intention that the amount be increased from Ksh500,000 per term which is being allocated currently to Ksh1, 500, 000 I think Hon. Members as managers of our Wards we will be able to at least help a good number of poor students in our Wards. So, I will be able to at least help a good number of poor students in our Wards so I would like and

want to appeal to Members to support this of course, noting keenly that it should be Ksh1.5 million and not Ksh1,000 500. I second the motion.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir. I beg to support this motion on the basis of our young people who are growing up, since even this education is what is making us to communicate in this Assembly sir.

Hon. Speaker: Hon. Members, I now propose the question that; **WHEREAS** the defunct City Council of Nairobi, through the LASDAP kitty allocated Ksh1 million per ward every year as bursary, towards secondary school education for students from poor backgrounds and **WHEREAS** the establishment of the County Governments has abolished the LASDAP bursary kitty, thus negatively affecting the secondary school students of the destitute; **AWARE** that the infrastructure development of the primary and secondary schools has since been delinked from the county government, and the consequent introduction of free secondary school education; **CONCERNED** that the number of public secondary schools available is less compared with the number of students graduating from primary schools; **AWARE** that many students are compelled to learn in private secondary schools which do not have the benefit of free education facility thereby making it impossible for the needy students to access basic education; this House urges the County Government to urgently establish a County bursary programme and allocate an amount of Ksh1, 500, 000 per term for the subsequent financial years.

Members, this is what I call your own baby. As elected leaders, it is important that in spite of the LASDAP being abolished by the County Government, you as the Assembly have an equivalent to what was LASDAP established. Thank you. Hon. Members.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you, Mr. Speaker sir. I beg to support the motion. Hon. Members, the reasons are as many as possible. We are elected and what we are after is the benefits for our electorates. So, we have to put this into consideration, because there are several parents in the Wards who are unable to get school fees. Since the introduction of this is to support our electorates, the half a million that was passed towards this kitty, would not be enough for our Ward members.

So, I suggest that it is very important that it should be increased as stated here or as proposed by the mover of the motion so that even when we divide amongst our people they can be a little bit contented with our work because our work is to support them.

The other reason is that most of the people are jobless and in fact, Hon. Members it was just this morning that several people from my Ward, who are out of school not because of the strike but because of not paying school fees, came seeking my assistance. So, for us to be able to assist our people, it is very necessary that we pass this motion.

Hon. Speaker: Hon. Members, a point of information.

Hon. Elkana Mauti: Mr. Speaker sir, I want to inform the Hon. Member that we are here to lay out how this money is going to be distributed because we have been using LASDAP, now we want to come up

with our formula where the money is going to be switched and then distributed to the Ward. So, if a member will come up, let him discuss or tell us the formula to apply in distribution of the funds and not continue telling us that we are in need. (*Loud consultations*)

Hon. Speaker: Order! Order!

Hon. Elkana Mauti: Here we are saying instead of LASDAP which you have been using, now we want to come up with a new system. (*Loud consultations*)

Hon. Speaker: Let the Member continue with the contribution.

Hon. Kennedy Onduru: Thank you, Mr. Speaker, once again. I do not think that was the way we were supposed to go because, it is well written here and we are required to either support the motion or oppose it. I am supporting the motion with reasons. This is what we are supposed to stick to and not how we are going to get or disburse the money! What is required is either you support or not! So I am totally in support of this. Hon. Members, let us support this and have this bursary kitty in place. Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Shukrani Bwana Spika, kwanza mie nataka kurudisha shukrani kwa yule ameleta mswada huu. Kwangu, naamini elimu ni nguzo ya maisha. Na ikiwa elimu ni nguzo ya maisha, basi sisi sote tunafaa kukubaliana kuweza kuupitisha mswada huu. Nikieleza kwa kifupi tu, nitasema hivi kwa mfano; mwaka uliopita tulikuwa na takriban laki nne ya wanafunzi ambao waliweza kutoka katika shule ya msingi wakitarajiwa kuingia katika shule ya upili. Baada ya miaka minne tunapata ya kwamba ni takriban laki mbili ya wanafunzi pekee ambao wameweza kuhitimu, kutoka katika shule ya upili. Swali ni hili; laki mbili walienda wapi? Wale wanafunzi laki mbili walienda wapi? Ni kwa sababu waliweza kufuzu lakini walikosa karo ya kuendelea na masomo yao, Vile vile, waswahili husema hivi; ukitaka kuwekeza kwa miezi mitatu, panda mpunga, ukitaka kuwekeza kwa miaka kumi panda miti, na ukitaka kuwekeza kwa maisha ya abadan au milele na milele amina, basi elimisha jamii. Mimi naunga mswada huo. Ahsante, Bwana Spika.

Hon. Member for Kayole South Ward (Ms Elizabeth Manyala): Mr. Speaker sir, I rise to support this motion because one of the proponents of the millennium development goals is education. Education cuts across from the National level and we are the ones at the County level who are bearing the big brunt if you look at what we are witnessing at the moment. If you check even the fourth schedule of the Kenyan Constitution 2010, we still have all the matters which are related to pre-primary and this calls for transition from pre-primary to primary and for a child to move from pre-primary that is Early Childhood Development Education (ECDE) they are required to pay money to transit to primary school, and some poor parents or Orphans and Vulnerable Children (OVCs) cannot afford to pay this. Secondly- (*Loud consultations*)

Hon. Speaker: Hon. Member!

Hon. Elizabeth Manyala: Thank you, Mr. Speaker for protecting me. Secondly, at the village level, we will be having village polytechnics at the County level and I don't know how we are going to tackle this, if we do not have money for our constituents at the Ward level. So, I support that we get money that will help children because one of the- actually Kenya ratified the UNCRC- and one of the focus of UNCRC is development and how does a child develop? Through education. So education must be the key. We need to be given these bursaries at the Ward level. I support this motion. Thank you, Mr. Speaker sir.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Thank you, Mr. Speaker for this important motion and I would like to support this motion. If I would stand here and define education, I think there are so many important words we can use to define what education means. I myself know what it has done to me and Mr. Speaker, if I would see a child not going to school because of lack of school fees my heart will not feel good. If I look back, when we were being educated long time back, we used to struggle so much but eventually got assistance until we cleared our secondary education and succeeded and went maybe to university levels.

We can say most of us are where we are because at least we have some education that we can rely on to survive especially in Nairobi. Today in this city, unemployment is very high. You find that most parents find it an uphill task to pay their children's school fees. I remember the case of a parent who was telling me about a child who had cleared her primary education last year and to date the child has not joined form one due to lack of fees.

The likes of this child turn to drug abuse and immorality in the society. You find out that when you educate a child, you bring more ideas into that child's mind, so that instead of us having job seekers, we get job creators. For instance, the way we have many openings in Information Technology (IT) sector; an educated population, will be able to create jobs for the society. So, I would say that- (*interruption*)

Hon. Member for Laini Saba Ward (Mr. Bonface Kitavi): Thank you, Mr. Speaker for giving me this opportunity. I stand on a point of order. We are debating on a very important motion, however, we have noted with great concern, that there were typographical errors in terms of the allocation of money. I am standing here to enquire for guidance, when it comes to repercussions, what's the guidance on that as we continue to support this motion?

Hon. Speaker: Hon. Members, I think we should make the corrections instead of deferring the motion. It is actually Ksh1.5 million; one million, five hundred thousand. Is that okay, Hon. Kitavi?

Hon. Bonface Kitavi: Mr. Speaker sir, since this is a motion, I would suggest we make the corrections and then we can debate on it properly. Otherwise if we pass it like this, somebody can seek some redress on the same, and there is no way we can be able to support ourselves that we passed the motion the way it is. So the only ideal situation would be to go and rectify and bring it back to us.

Hon. Speaker: Hon. Members, it is already captured in the Hansard, that we have made corrections and it is Ksh1.5 million. So I would plead with you, we don't take it back, but we can continue because it has already been captured. Hon. Kagiri.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir. Hon. Kagiri will come on the floor after this. Through the chair, I wanted to enquire if Ksh1.5 million is given per term, we have three terms, that is Ksh4.5 million per year. Can the mover of the motion through your guidance be able to tell us more because the approved budget was Ksh200 million? When I calculate this I can see an over-estimate of over Ksh182.5 million. Mr. Speaker sir, can I get these facts right? Thank you.

Hon. Speaker: Hon. Member, before you leave; the projected was Ksh200 million?

Hon. Moses Ogeto: Yes. But the motion has Ksh382.5 million?

Hon. Speaker: Ksh302?

Hon. Moses Ogeto: Ksh382.5 million, Mr. Speaker sir.

Hon. Speaker: Hon. Deputy Speaker

Hon. Chairman of Chairmen: Mr. Speaker, allow me on a point of information to let the House know that the budget for 2013/2014 is behind us and maybe Members what we are discussing here is 2014/2015. So, if this House sees the necessity of passing this motion then this will be captured in the 2014/2015 budget. We are not talking about Ksh200 million for 2013/2014. Thank you, Mr. Speaker.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir, for such good information from my able Deputy Speaker. But, Mr. Speaker sir, I still insist, is it realistic that this House will be able to raise Ksh382.5 million?

Hon. Speaker: Hon. Members, for clarification, when you read the last paragraph, “1.5 million shilling per term, for all the subsequent financial years”, subsequent- (*Loud consultations*) Order Members! The mover reads that “*this House urges the county government to urgently establish a County bursary programme and allocate an amount of 1.5 million shilling per term, for all the subsequent financial years*” 2014/2015 if that is the correction you would like made.

Hon. Ken Ng’ondi has just notified this House that the budget for 2013/2014 is behind us, so what we are discussing is the subsequent year and I was thinking that it is good to have our eggs hatching, so that we can have a product of this motion in years to come. You may look at it as not an important thing but eventually in subsequent years, you will be looking for this paper somewhere to bring it back to this House. Hon. Kagiri and make it clear.

Hon. Samuel Kagiri: As I finish- (*Interruptions*)

Hon. Speaker: Hon. Members, let us finish with this so that we can tackle other important business. We had other orders that are pending since yesterday. Hon. Kagiri.

Hon. Samuel Kagiri: As I make my final comments, Mr. Speaker, I would like to say that our fore fathers had huge parcels of land to allocate to their children. You will find that in those days, they didn’t know the importance of education, but today we don’t have enough land for allocation. I believe that

education is what now can replace land and with the education that these children are getting, they can be able to buy their own land and live a good life. So, Mr. Speaker, I believe that it is possible to get the Ksh1.5 million per term, which will total up to Ksh4.5 million per year in the years to come to give education which is very vital to the children. Thank you, Mr. Speaker.

Hon. Speaker: Two Members from each side to contribute to the motion. Hon. Milare

Hon. Member for Harambee Ward (Mr. Ronald Milare): Mr. Speaker sir, I rise to seek clarification and I know the spirit of the motion is to assist needy students across all levels from the Early Childhood Development through primary and even secondary school and just for avoidance of doubt; the drafting of this motion might leave us hanging somewhere. Mr. Speaker, because it expressly talks of private secondary schools as a whole I know the spirit is to assist needy students across all levels and it is in order. Mr. Speaker, so that we do not have may be challenges in the future shouldn't this motion be withdrawn and redrafted so that all the typos which are there in the draft are rectified and it is brought back and can be debated further because if you look at the motion it talks of private secondary schools and does not mention anywhere the ECDEs, primary or post secondary can we make a clarification on that.

Hon. Speaker: Order Hon. Member! I see very clearly the intention of the mover of the motion and can we read the motion again- (*The Speaker reads the motion aloud once again*)

Order Member! There is no where the mover is asking for money to be given to private schools. Just read it; he is drawing your attention to the fact that parents are digging deeper into their pockets to take children to private schools, if I understand the basic English that is here. Members.

Hon. Chairman of Chairmen: Mr. Speaker, we sincerely have the spirit of adopting the motion, but Mr. Speaker, this motion is not properly drafted. I think we have the necessary time; a lot of time, may be through you chair, to grant the Hon. Member an opportunity to go and develop a new motion which can be addressed properly to this House. Mr. Speaker, thank you very much.

Hon. Speaker: Hon. Members, to avoid the Members motion being mutilated; it is only fair if we agree to help the Member and the Clerks department to restructure the motion. However, this can only be done if the Member feels that the motion is in order then he withdraws the motion so that it can come at a later time. The Hon. Maxwell Ochar, Member for Korogocho Ward.

Hon. Maxwell Ochar: Mr. Speaker sir, if you read my motion very clearly I talked of all secondary schools; that is the theme. I gave an example of those people who are in private schools as the most needy now and again in my speech I gave an example of a provincial school where one of my children is learning and I am paying more than Ksh60, 000 per year and the Government is telling us that there is free secondary school education. This means I cover all the children of this County.

Hon. Speaker: Order Member! The Hon. Member, the Hon. Maxwell, the concern by the Members is do you want to withdraw the motion or you want us to go ahead as it is? I understand you clearly.

Hon. Maxwell Ochar: Mr. Speaker, I want the motion to go on.

Hon. Speaker: Allowed. Hon. Mbau.

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Thank you, Mr. Speaker. This is one of the best motions that has come up this year, but I am of the opinion that it should be a very comprehensive motion. The fact that in the past we have dealt with bursaries, I strongly feel that Ksh1.5 million is a lot of money and should not only be allocated for secondary schools. The likes of us who come from the ghettos, have a lot of needy cases of boys and girls who stopped learning at class eight and did not continue with high schools and these are the people who want to get into apprenticeship skills like knowing how to drive, masonry and many others. We should also care for these people. We have got also a large number of students in tertiary colleges and they are not catered for in this motion.

I propose that the maker of this motion redraft it. We come up with rules such as in the past otherwise you will get cases whereby someone gets bursary funds from you and other people as well to the extent that you find a kid getting almost Ksh100, 000 from different councilors. We should come up with rules such that no student will be allocated more than Ksh10, 000 because we have so many needy cases. This should not be a question of paying everything for somebody. It is not a scholarship but a bursary to supplement what the parents have.

So, I strongly feel we need to come up with strong rules like the amount which every kid should get, may be the maximum limit. We should have a curtain, the staff dealing with the preparations of bursary cheques should be in a picture as to how much every kid gets. What I am saying is that there is a parent who will come to me and out of philanthropic spirit and you know politicians are very good at giving, I will give him a bursary. At the end of the day he will come to Hon. Otieno and Otieno will give him another bursary and because these are people we meet every other day, you should not be surprised to get a case whereby one student is allocated Ksh100,000. How do we avert such cases? So that is the reason as to why I feel the maker of this motion should redraft it and we will support it 100%. We should come up with rules and regulations to implement it.

Hon. Chairman of Chairmen: Mr. Speaker, I do stand and propose that- (*Interruptions*) On Standing Order no. 93. I am on the floor on adjournment of the motion, so that when the motion comes back to the House it will be in at least a good form. Mr. Speaker, Standing Order number 93; the adjournment of motion.

Hon. Speaker: Hon. Members Standing Order number 93; “A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned”, or, in Committee of the whole County Assembly “That, the Chairperson do report progress”. This is as the Chairman of the Whole House Committee moved; the adjournment of this debate. So we need to move, I now propose that pursuant to adjournment of a debate a Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from a chair may claim to move that now the debate is adjourned in the committee of the whole House and there the chairperson do report the progress. Hon. Ken Ng’ondi, the chairperson of chairpersons.

Hon. Chairman of Chairmen: Thank you, Hon. Speaker. The Hon. Speaker, allow me to call the Hon. Warutere to come and support the motion of adjournment. Thank you. *(Loud consultations)*

Hon. Speaker: Order Members! Hon. Ken Ng'ondi, Hon. Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you. I rise again here to support that very, very important cause because while I was seated here, I noted a lot of flaws in the motion and that informed the reason for my lack of contribution to it. When you look at the motion there are several flaws.

When you talk about destitute children, there lies a big problem. We don't have destitute children that we want to support at this level. When we look at this motion as it is, again it is flawed and we are not here to oppose the motion but what we are all saying is that let the Member who brought this motion get down to properly draft this important motion so that it can see the light of day and we will still support the same. With this I second the adjournment. Thank you.

Hon. Speaker: Hon. Members. I now call the mover to make his remarks.

Hon. Maxwell Ochar: Mr. Speaker, if you read the mood of the House, they are totally in support of the motion and they want a few changes to be done. So, I think that it is in order to agree with the changes so that the Members can have what they want. Thank you.

Hon. Speaker: Hon. Members, I now put the question that the motion by Hon. Maxwell Ochar, be brought back at another sitting of the House. As many as are of the same opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

(The motion was adjourned to be brought back at a later sitting)

Hon. Speaker: Next order! I will just, humbly, at this particular point request that the Hon. Maxwell as soon as the House rises you meet the chairperson of Committees, Hon. Ken Ng'ondi so that you can put the motion in order. Thank you, Hon. Members. Next order.

Interim Clerk (Mr. Jacob Ngwele): Order number 9: Motion.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. **AWARE** that refuse, dumps and solid waste disposal in the Nairobi City County remains a serious issue and poses serious environmental and health hazard to the people of Nairobi City County; **NOTING** that refuse collection is an employment and investment opportunity to huge refuse collectors; **ACKNOWLEDGING** that Nairobi City County produces huge chunks of solid waste and refuse coupled by incapacity and inadequate manpower to effectively handle refuse and solid waste; this Assembly urges Nairobi city County Government to remove all the bottlenecks existing in the solid waste management industry and ensure that there is an enabling legal framework to facilitate youth groups initiatives and companies managed by the youth in solid waste and refuse collection to be contracted alongside the private collectors.

The reason as to why I have brought forth this motion, Hon. Members, is because garbage collection is a lucrative business within the city and this sector has been monopolized by a few cartels who have made

exorbitant profits out of the same initiative. Mr. Speaker, some of the bottlenecks that I want this Assembly to consider are among others lack of capital that has hindered young people to engage in this business.

To participate in the tendering process for prequalification bids, one actually should be having Ksh1million and above so that you can qualify. For one to participate in this garbage collection business one must first have not only a truck but trucks and we come from these Wards where it is the youth groups which engage in garbage collection. These youth groups do not have capital that they would inject to buy trucks or even a truck.

Secondly, if you look across all these Wards, be they informal settlements or the affluent, you will realize that there is no garbage collection. What is done by the private collectors is not collection because you will find heaps of garbage somewhere. What they do is collect garbage heaps from the heaping sites. They do not do garbage collection. Members of the public dump their waste somewhere and the private collectors simply collect. So by contracting young people to collect, we shall actually be complementing the sector. It is also important that we understand that the companies that have been contracted are very few. This motion also seeks to provide young people with companies and also youth groups and community based organizations because if they are registered with the Ministry of Gender, Social Development and Youth Affairs it will also be an opportunity if they can be recognized alongside other companies providing these services.

It is also important that the county Government of Nairobi puts a ceiling and I am proposing 30% be reserved for youth groups so that even if 70% will go to the private contractors at least 30% will be set aside for the young people to have chance to participate in this business. I call upon Hon. Maina G. Karanja to second the motion.

Hon. Member for Umoja I Ward (Mr. Njoroge G. Maina): Thank you, Mr. Speaker, for giving me this opportunity to second the motion. Hon. Pius Otieno, my name is Njoroge G. Maina, for future purposes. Make sure it is captured right. I rise to second this motion. First and foremost I like it when you say we are facilitating the youth groups to manage the solid waste. Actually as a youth, besides my Ward people, those are the persons I represent in this House and so without further ado I second the motion.

Hon. Speaker: Hon. Members, I would like to call upon the Hon. Pius Otieno, to consider coming up with a Bill, for this motion to have clarity and action. Because what you have come up with here is to plead with the County Government, but what I would have wished you to come with is a Bill to be tabled on the floor for debate and decision especially when you say one has to have a million or trucks to move. That means that the youth will never be near solid waste management programmes unless they only collect the waste and put them on their backs. So I will humbly request you, if you are in agreement, to as quickly as possible bring a Bill to this House and that is the only way you can help the youth to participate in solid waste management. A Bill will protect them to have access to financial support from financial institutions.

Secondly, the entire community will have a more solid support because they are protected by the Bill that you will bring to the floor if that is in order. Hon. Pius Otieno.

Hon. Pius Otieno: Mr. Speaker, while I appreciate the concerns that you have raised, for the first stage, I feel that it will be wise that this Assembly urge the County Government. As we do so it will be upon the Members of the Assembly while debating to enumerate the manner in which they will be doing so and whatever

they will urge the Government to do is going to be captured in the Hansard. Once we dispense with this motion, it will be upon the implementation committee to do a follow up to ensure full compliance and if there are obstacles they will be brought in form of a Bill. (*Loud consultations*)

Hon. Speaker: Order Members! Hon. Ogeto.

Hon. Moses Ogeto: Thank you. Although you wish that we dispense with this motion, there is no quorum.

Hon. Speaker: Clerk, do the physical counting. (*Clerk confirms the House Quorum*). Hon. Ogeto, you did not count properly. There is quorum.

Hon. Pius Otieno: What I was saying, Mr. Speaker, I do not know if the Members are in the know; or they are in the mood of going for recess, but I appreciate your concerns. The reason as to why I am moving this motion is to basically urge the Government to start considering this matter that we are conversing. But if it will prove difficult and through the implementation committee we find that there are a number of things that cannot be implemented without a Bill then definitely I will be tabling a Bill once we come back from recess. I want to give it a try, through this motion, so that we can see what we are doing. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, the floor is open. I now propose the question that- (*The Speaker reads through the motion again*) **AWARE** that refuse, dumps and solid waste disposal in the Nairobi City County remains a serious issue and poses serious environmental and health hazard to the people of Nairobi City County **NOTING** that refuse collection is an employment and investment opportunity to huge refuse collectors **ACKNOWLEDGING** that Nairobi City County produces huge chunks of solid waste and refuse coupled by incapacity and inadequate manpower to effectively handle refuse and solid waste; this Assembly urges Nairobi city County Government to remove all the bottlenecks existing in the solid waste management industry and ensure that there is an enabling legal framework to facilitate youth groups initiatives and companies managed by the youth in solid waste and refuse collection to be contracted alongside the private collectors.

Hon. Members, '*to remove the bottlenecks, existing in the solid waste management and the contractual systems to enable the youth to fully participate in this lucrative business*' if I may say so. Therefore I would like to add a rider at the eventual bottlenecks; we will call upon the County Government of Nairobi to zone areas as the Member rightfully put it. What you see in the solid waste management is only within the Central Business District but out in the Estates it is an eyesore. So I quite agree with the motion and I hope the message will go clearly to the County Government. Hon. Nyang'wara.

Hon. Samwel Nyang'wara: Thank you for the good work which has been done on this sound system. I wish to request that the County Assembly employs a sound technician because the people handling the system do not have the technical know-how in sound issues.

I really wanted to support the motion and the Hon. Pius Owino Otieno knows about it. But, Mr. Speaker sir, the motion needs to be referred to the relevant committee to be worked on, because I really do not get the last bit of it where it states; "*this Assembly urges Nairobi city County Government to remove all the bottlenecks existing in the solid waste management industry and ensure that*" just underline that, "*that there is an enabling*

legal framework to facilitate youth groups initiatives and companies managed by the youth in solid waste and refuse collection to be contracted alongside the private collectors.”

This bit of the motion, does not auger well. We know very well that when the Governor was giving his speech, he had indicated that 30% of the tenders in the City will be reserved for the youth. I really need your guidance, may be from even the Clerk about this particular motion. *(Loud consultations)*

Hon. Speaker: Order Members! If I were the Hon. Member for Sarang’ombe, I would have listened as I have just confirmed from the Chairman of all House Committees, there is a lot of by-laws involving this particular motion. A lot of laws need to be changed here, as you are aware, there is a Bill coming in for the Members with regard to the banning of plastic bags and I had expected Hon. Pius Owino Otieno to bring a Bill notwithstanding the fact that he wanted it debated. You have the support of the Assembly Hon. Otieno but I would have wished you brought it as a Bill through the parent department so that we could be able to effectively have it as our own to enable the youth to effectively be in this lucrative market. Hon. Ken Ng’ondi.

Hon. Chairman of Chairmen: Thank you, Mr. Speaker. If you can be keen enough on the said motion, just as a reminder to the Member, there is no Nairobi City County Government without the Assembly. So Mr. Speaker, for the Member to urge the Nairobi City County Government, it is only in order by way of inclusion that the Hon. Member ought to have addressed the Nairobi City County Assembly but not by way of exclusion of the Assembly in this.

For that reason I would urge my friend Mr. Otieno to do some adjustments on the said motion. It involves repealing of a lot of by-laws and touches also on National laws. So, I do not find it necessary for this motion to be debated in this particular order but to come in form of a Bill. Thank you.

Hon. Speaker: Come forward, Hon. Adow, on a point of order.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Speaker, just like the previous motion, this is a brilliant idea but not properly drafted. I wish also to bring to your attention that we have lack of quorum in the House.

Hon. Speaker: Hon. Otieno

Hon. Pius Otieno: Thank you, Mr. Speaker. Allow me to note that it is the role of the Assembly to make legislation and therefore urge the County Executive to implement. The County Government of Nairobi only takes instruction from us, the Assembly. That is why I have written that this Assembly urges Nairobi County Government because it is the work of the County Government to implement. Ours is only to legislate; make policies. Once we have done that, now we urge the Government to take note of what we have said. They cannot take note on what we have not said.

Then, secondly the Government is the executive. We should not hide below or under these many Bills that we are talking about, in as much as it is our responsibility. To me, this motion is right and properly presented before this Assembly.

I wish it would be defeated or see the light of day. As a parliamentarian, when I brought this motion, I was prepared for two things; either it sees the light of day or it is rejected by Members, but as far as I am concerned it is properly before this House.

Hon. Speaker: Hon. Kairu

Hon. Member for Woodley Ward (Mr. Njoroge Kairu): Thank you. I do not know whether to oppose or support. The reason being the way the motion is drafted. It sounds good but I would like to know the bottlenecks being referred to and again even if we have mercy for our youth and want to create employment for them, we need to have some considerations and we cannot open garbage collection to everybody. The reason being if you look at areas where these youths- (*Interruption from the Chair*)

Hon. Speaker: Are you opposing or supporting the motion?

Hon. Njoroge Kairu: I am opposing the motion. The reason being we need to know the bottlenecks and again when we are passing this motion, we need to have consideration of the kind of work the youth used to do because if you allow our youth to be collecting the garbage without a proper place where they will be disposing it, we are going to mess our city. I do have some youths from informal settlements like Kibra who once they collect these garbage they dump it on roadsides. Although we want our youth to benefit from what we are doing, let us put into consideration that we want a clean city and before giving them that opportunity we establish dumping areas. Thank you.

Hon. Speaker: Hon. Members. Hon. Nyang'wara, please.

Hon. Samwel Nyang'wara: I am standing to oppose the motion. I would wish that the motion be taken to the relevant committee, that is the committee on Environment which should come up with this motion because there are issues. His Excellency the Governor actually considered the youth in this County in awarding them work to be done and gave them 30%. I think the legal framework that the Member is trying to talk about here, has actually been captured by the Governor's speech and I think that will be taken care of.

That is the reason why I am opposed to this motion as it is a duplication of what has been passed. We did pass the budget the other day and it captured well the policy of the Government with regard to 30% of tenders going to the youth of this County. Thank you.

Hon. Speaker: Hon. Peter.

Hon. Member for Makongeni Ward (Mr. Peter Imwato): Hon. Speaker, with my height, I must adjust this- (*Adjusts microphone stand*) I was hurrying to come to contribute to this motion and in particular to support it. Being a Member of the Environment Committee, we had issues with the tenders for waste management and youth in Nairobi. Other Members have stated that one can notice a few issues and as a committee we had gone to an extent of recommending that the so called tenderers for garbage collection should not be incorporated in this aspect of waste management.

I want to put across to this Assembly that garbage collection and waste management is a very lucrative business in this city and most people have taken advantage of this. This City is very dirty and not because garbage collection is difficult. The so called garbage collectors, transport the garbage and do not collect it and

that is why in the Environment committee we proposed that in this first financial budget, out of five hundred and twenty million shillings which had been allocated, we reduce that budget to Ksh320 million and the Ksh200 million be re-allocated to the youth in every Constituency.

Our proposal was very simple; that we engage youth in these Wards on a daily basis to do garbage collection and put the garbage on roadsides. In our budget we allocated every Ward Ksh100, 000 every month for these young men so that we can empower our people to bring these garbage to the collection centres. We proposed to build cubicles in all the 85 Wards so that we have collection centres for the garbage. Mr. Speaker, when a Member speaks and says that it is not a worthy cause for this County, I do not feel good because as you can see we are struggling with the need to have a new dumpsite. The new dumpsite requires funds for its development.

So the only way we can manage in the meantime is to support this motion and ensure that our young people are involved in garbage and waste management. I beg to support this motion without any contradiction or fear. We really need this motion to elude the issue of those guys who have been purporting to do garbage collection while they are fleecing the County money into their pockets. As you know one ton of garbage collection in Nairobi is paid for by the City County Government to the tune of Ksh990 plus VAT. But you find a tenderer who won this tender has only one driver and one loader. We feel the service delivery on this aspect is so low and we need to inject in more energy through the young people from the 85 Wards.

That is why our committee recommended considering every Ward, every month. What we should talk about in this motion, if I may say is to see what mechanism we are putting across so that the service is realized. For instance, in my Ward I have 3 estates, Makongeni, Mbotela and Kaloleni, how is this Ksh100, 000 going to bring service delivery in form of garbage collection? But all in all we need to support this motion so that the mechanism will come afterwards when we have consultations with the executive Member concerned. Thank you, Mr. Speaker.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir, for such a good opportunity. I wanted to stand on a point of order, that the Hon. Member, Imwatok, has categorically said that he is from the Department of Environment, is he in order to support the motion instead of giving us direction? He said very well, there were some amounts which were allocated so that they can ensure that all these bottlenecks have been removed. Is he in order to support the motion or is he supposed to oppose this motion so that they can bring the motion from the Department?

Hon. Peter Imwatok: Thank you, for that. Mr. Speaker. I said categorically that I was trying to bring an aspect to this motion; an attention to what we have done as a committee on Environment, so that when we discuss we should know that there are some issues which are already in the pipeline. We need to support this motion, so that when we pass it, it also encompasses other things we have done on the budget we just passed on Friday; then we add some flesh during the next budget, Mr. Speaker.

Hon. Elizabeth Manyala: Mr. Speaker sir, I rise to support the motion because youth falls under our docket as the County Assembly and if it is anything to go by, recently you saw what is happening in Dandora with the youth. Why? Because they have been marginalized and we need to empower the youth, and how will we think **out of the box to empower the youth? Through-**

Hon. Speaker: Hon. Manyala, there is a point of order.

Hon. Member: Thank you Mr. Speaker, I believe the House does not have a quorum.

Hon. Speaker: Order Member! It has a quorum. Manyala

Hon. Elizabeth Manyala: Thank you, Mr. Speaker. Youth are part of the marginalized groups and if provision of services to the County is by tender, they are disadvantaged. There are requirements for tendering such as; one must have operated a bank account for the last four years and they have to look into your capacity and capability to deliver the services. Youth who have just left school cannot afford to even have a bank account. So, how will we ensure that we empower these youth?

We have to think out of the box and thinking out of the box, there are other ways and means that the County Assembly can provide avenues of empowering the youth in solid waste management. We have to make sure we involve them in the day to day activities by sensitizing them to take advantage of the available opportunities, so that at Ward level they get something to do. Remember the saying that 'an idle mind is the devil's workshop'. So if we keep them busy, these youths will become good citizens and they will contribute to building the nation. Thank you, Mr. Speaker sir. *(Loud consultations)*

Hon. Speaker: Order Members!

Hon. Peter Warutere: Thank you, Mr. Speaker. I am rising on a point of order number 80. As you can see right now, I want to raise an issue or make a personal statement on the issue of quorum. This is the second day this House is trying to transact its business, but then we realize that for the third day, I think, the issue of quorum is becoming a big issue. On either side of the House we don't have the Chief Whips, we don't have the Leaders of Majority and Minority and therefore we need to whip the Whips because they are not doing their jobs the way they are supposed to.

I have an issue with the Jubilee side. We are barely fifteen and I think my brothers on the other side have met the quorum today. I think this is an issue that needs to be addressed at some point in time. The quorum at any given time is supposed to be 28 Members and I don't think we have that number as we speak right now.

Hon. Chairman of Chairmen: Mr. Speaker, with due respect I am afraid this issue of football is going to kill this House. Each and every Member has just walked out. When you ask them why they are leaving, they say they are going for practice- *(Loud consultations)*

Hon. Speaker: Order Members! Order!

Hon. Chairman of Chairmen: If this issue is not looked into, it will affect the business of the House. They need to give a schedule of when they are supposed to go for practice- *(Loud consultations)*. Thank you, Mr. Speaker.

Hon. Speaker: Order Members! Hon. Members order! Members, this is for your own good and I want to warn you that we have a gallery and the question is; are the County Hon. Members serious in their business? I will say no. Before us, yesterday, we had very important statements made by your own chairmen, after they

had done some thorough research and today we cannot transact business because they are not here. It is sad. I don't want it to look like we are witch-hunting. Remember the facts you requested and the Hon. Hashim Kamau says; 'give me more time to go through the statement'. He did not come today. Another one is the legal statement which was done and I am happy. There is the other one that was to be discussed today; the Transport report on parking spaces which belong to you. You want them now; you don't want them! What does that present? What is the message you are sending to the public? There is another one also, the leadership; this is a statement requested from the committee on Labour with regard to the Chief of Staff. So, let us not look like we don't understand.

Were we asked to provide this information for the sake of it or so that we deliberate on it and address the serious issues? Somebody would say we did not want to undertake the task; would you not agree with me Hon. Members? Because why don't we dispense with these tasks? Why can we not? I agree with the Hon. Warutere and if I find out that it is football that is going to derail this House, I am sorry I will be very unpopular and I will be really happy to put a stop to this. Thank you. Hon. Kairu.

Hon. Njoroge Kairu: Thank you very much, Mr. Speaker sir. It is really very disappointing to see that the House has no quorum, but I want to exonerate the football club from this issue, because I am the team manager and I am in the House and the fact is that today we don't have any match. So, I think that the problem members have is that the money they are given is not enough and so they are going to work somewhere else. *(Loud consultations)* That's true! That's the fact!

Hon. Speaker: Order Member! Can you repeat what you said?

Hon. Njoroge Kairu: I want to say, Mr. Speaker sir, that I exonerate the Members of the football club from blame. I am the team manager and today we don't have any match. We normally start our match practice between 5.30pm and 6.30pm and by that time we are not in the House. May be Members have some other issues but not football. So, let us not flog the football club. I know Ken is a bit bitter because we left him when we went to Mombasa and some few Members here, that is why they have-

Hon. Speaker: Order Member! Order!

Hon. Njoroge Kairu: -formed a cocoon to fight the-

Hon. Speaker: Order Member!

Hon. Njoroge Kairu: Thank you. *(Loud consultations)*

Hon. Speaker: Order! Order Members! I want once again to call upon decency, decorum and respect always. I want to say that what you are saying here is captured in the Hansard over there. What you say is captured in the Hansard and may be your son or daughter will be seated where you are and will see what the father or mother did. Please let us be very careful in what we say. But as I have said, if it is soccer that will disrupt the smooth running of this House, I will be very unpopular but you will have to forgive me because duty calls. All these that is before us, provides reason why you woke up at 5.30am today. This is the business that has brought us here. Hon. Members I want to call upon the Clerk to count and see if there is quorum. Order Members! Okay Members! You had a point of order?

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you, Mr. Speaker, for granting me this opportunity. I am standing here on a point of order number 80. It was stated by the Deputy Speaker, that the soccer people are the ones causing lack of quorum. I would like to tell the whole House that it is not true. I am the treasurer of that club and most of the people present here today are soccer team members. How come? You have even noted that even the chairpersons of sectoral committees who do not belong to soccer are not here. It is not therefore the issue of soccer but something else. Let us not put blame where it does not belong. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Millicent.

Hon. Member for Kariokor Ward (Ms Millicent Mugadi): Thank you, Mr. Speaker. I would just like to stand on the same point of order number 80. I remember there was a time we were discussing a Bill and I asked what happens when Members do not come to the House; because it is very sad for me to come to an empty House, knowing very well that we have many serious issues to tackle; serious Bills, statements and motions to clear, yet the Members are not here. It is not fair because the people of Nairobi want us to work.

Secondly, I want to suggest a way of ensuring that every Member comes to the Assembly. Let punishment be meted out on those who do not come. For instance, for a sport like football, I am a football player and one of the founders of Mathare United. If it is football that is going to stop the County from running its business, I prefer or suggest that we have professional players who would like to play for the County Assembly and the County Representatives can go on with their business. Thank you.

Hon. Speaker: Hon. Manoah Mboku.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Mr. Speaker sir, thank you for this opportunity. I am equally dismayed by the quorum in the House. What is happening is that Members are bored and most of them come, sign and disappear. I am suggesting that that list down at the entrance be signed only after every Assembly instead of before, so that we can catch those who sign and go. The issue of football cannot arise. I am number one. I am the goalkeeper. I am wondering who is in the field right now yet Manoah Karega Mboku is in the Assembly? Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Manoah Mboku. Hon. Imwatok.

Hon. Peter Imwatok: Thank you, Mr. Speaker. As a sole striker for the team, I want to rise and say, let's face the knife as it is. I want to support Mheshimiwa Karega that sports should not be an excuse for Hon. Members not to come to the Assembly. We cancelled our practice because of the agenda of the House today. We are not on practice as a football team. As you may confirm, Mheshimiwa Mike is here. He is our defender. Mheshimiwa Karega our goalkeeper is here; Mheshimiwa Rona our midfielder is here; Mheshimiwa Otieno is here. They are all here. All our players are here. Of the 29 Members present, 17 are our players. We don't want to be victimized for a reason not ours. We believe this House must find modalities of dealing with unscrupulous business men who purport to be MCAs in the House.

Hon. Speaker: Hon. Member, thank you very much for clarification that both of the strikers, the goalkeeper and most of the players are in the House. But there is something else I would like to tell the Hon. Member, my good old friend, Hon. Kairu, concerning the Deputy Speaker. The claim that he did not go to

Mombasa and therefore has a vendetta against the football club is uncalled for. I want to tell you that the Deputy Speaker can go to Mombasa anytime without funding from the Assembly or Government. However, thank you guys, but take the House business seriously. We all have businesses to attend to out there. We all have. You guys have businesses out there to attend to. Hon. Members, since I can read your faces, I can see it all, but what I am saying once again, is that we have to go on recess without having scrutinized our documents and it is wrong to leave some of these things hanging. It is very wrong especially when the name of an officer in the Government is left hanging! For me, it implies negligence.

When you bring a query and the statement is read, please dispense with it. "Ina uongo sana". If the gentlemen are not in, then we will dispense with it tomorrow, but an item like the one we are discussing, surely gentlemen, does it not belong to you people? Doesn't it belong to you? Hon. Deputy Speaker, I would like you to take charge of the issue and track the case under Public Works. Trace it through the Clerk, find out someone's intention even in the absence of Hon. Hashim, because I do not want a situation where you leaders, chairmen or chairpersons delay issues from coming to the floor.

So, I would request the Deputy Speaker, the Committee on Transport and Public Works and the Clerk to find out how we can move on this ownership of parking spaces and all the other relevant things. Hon. Members, I now call the mover of the motion to reply. Order Member! I call the mover of the motion to reply.

Hon. Pius Otieno: We share the same sentiments with you as far as the business of the House is concerned. I want to appreciate all the Members who gave their input in one way or other, either by supporting or opposing. While they were doing so, they were actually responding to their duties that they have been called to execute. But again, allow me to say that this motion was actually before the House Business Committee. Issues of environmental degradation are in public domain. This County has a role to play in the protection of the environment.

It is important that I remind you that we are all equal. But being equal, I appreciate the justice that you have accorded the motion. What you are going to relay to the public, after we pass this motion, is that it is now upon the Assembly to ensure that whatever has been captured in this motion is what is going to determine the way the Government is going to implement it. In the other motions that are brought by the Government, we are not conducting the Government to bring them. I also want to say that it is not a must that a motion like this comes from the Sectoral Committee on Environment. It is upon Members to scratch their heads and come up with issues that are affecting the electorate and the County at large. I cannot sit back watching things go wrong as I wait for the Committee to take action. I have, like, ten motions, but I am afraid people will say that they are not coming from their Sectoral Committees. So, should I sit back and wait for the Sectoral Committees? I say no! If it concerns the welfare of the people I represent, I will say it. Thank you.

Hon. Speaker: Hon. Members, I now put the question that aware that (*reads the motion again*). Hon. Members, as many as are of the same opinion say 'yes'. As many of the contrary opinion, say 'no'. The 'ayes' have it.

(Applause)

(Motion on the youth and garbage collection was passed)

Next item. (*Hon. Moses Ogeto seeks a point of order*) Order Member! I will give you chance. Sit down. Hon. Nyang'wara Nyang'wara. (*Laughter*)

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker. With due respect, the speech by the Deputy Speaker who is also the Chairman of Chairmen was captured in the Hansard and simply because, as you have witnessed quite a large number of Members present in the House are footballers, it clearly indicates that nobody is in the field. I beg that he withdraws those remarks so that they are not captured in the Hansard, Mr. Speaker.

Hon. Speaker: Hon. Member! Hon. Nyang'wara, the best thing you are telling us, is to expunge those words that were used by Hon. Kairu and the Hon. Chairman?

Hon. Samwel Nyang'wara: That is what I wanted. But it could have been good riddance, Mr. Speaker, since the Chairman is not on the chair; he is an ordinary Member when he is just seated here, he stands up and withdraws those remarks, Mr. Speaker.

Hon. Chairman of Chairmen: Mr. Speaker, I think the Member is wrong to refer to me as an ordinary Member. The standing Orders clearly state that when the Speaker and the chairperson of Committees are on the floor, then everybody else remains seated.

Hon. Speaker: Hon. Imwatok and then Hon. Nyang'wara, very quick.

Hon. Peter Imwatok: Mr. Speaker, the Deputy Speaker is very right on the Standing Order, but what we are asking is just an apology for the football club.

Hon. Chairman of Chairmen: Mr. Speaker, I think the Member did not get me very clearly. I was outside there and saw Members leaving the House. When I asked them the reason why they were leaving the House, they told me they were going for football exercise. On that point, Mr. Speaker, I asked your chair, may be to think about this issue of football and allocate time when the footballers can do their exercises.

Hon. Speaker: Hon. Elizabeth Manyala.

Hon. Elizabeth Manyala: Mr. Speaker, I am just concerned about the chairmen and deputy chairmen that were elected in this House, because in real sense they are the ministers in this House and if they can abscond and leave important duties unattended it leaves a lot to be desired. I don't know what can be done. For example, now you can see what is before us, which we need to work on and both the chairmen and the deputy chairmen are not present. A mechanism needs to be put in place so that we deal with this. Thank you, Mr. Speaker.

Hon. Speaker: Chairman of Chairmen. (*Loud consultations*) Order Members! Order!

Hon. Chairman of Chairmen: Mr. Speaker, I think-

Hon. Speaker: Hon. Members, that is as a result of the sentiments expressed by Elizabeth Manyala.

Hon. Chairman of Chairmen: Mr. Speaker, there is nothing to apologize about. It is common knowledge that there is no quorum in this House. I am saying that I enquired of the Members who were leaving the House and they told me categorically that they were going to the field. So, there is nothing to apologize about, Mr. Speaker. *(Loud consultations)*

Hon. Speaker: Order Member! Order! Order Members! Hon. Chairman of Chairmen- order Members! Please! The House Ministers are not here, the chairmen are not here, the Assistant Ministers are not here, according to Elizabeth Manyala; what are you going to do about that, because you are the one charged with that?

Hon. Chairman of Chairmen: In response to the concerns of the Hon. Member, it is very wrong and for that reason, Mr. Speaker, at the earlier stages I had communicated to you may be after the Assembly we convene a meeting for Liaison so that we can address this issue of quorum and this issue of chairpersons and their deputies not performing in the Assembly. So, may be after the adjournment of business or tomorrow at 2.30pm I will give a categorical answer about that.

Hon. Speaker: Hon. Members after the rise of the House, the Liaison Committee will meet, Labour- order Members! Order! Labour Committee meets after the rise and also the Committee on Justice and Legal Affairs. Hon. Members, I will be giving you communication tomorrow with regard to the attendance of the Assembly. I can tell you, it will not be good at the end when you get your pay slips. Do not be happy. But tomorrow, 2.30pm, you will receive details in regard to the attendance of this House. Hon. Members, the House is adjourned to Thursday, 4th July 2013 at 2.30pm.

(The House rose at 5.15pm.)