



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Wednesday, 4th September, 2013

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

STATEMENTS

Hon. Speaker (Mr. Alex Ole Magelo): The Hon. Diana Kapeen, chair for Transport and Public Works.

STATEMENT ON RIPARIAN LAND

Hon. Member for South C Ward (Ms Diana Kapeen): Mr. Speaker sir, I rise to give a statement on the Utility City Gates Mall and West Gate parking areas. On 2nd August 2013, pursuant to Standing Order No. 41(2c), Hon. Peter Imwatok, MCA, requested for a statement from the Chairperson of the sectoral committee on Transport and Public Works on the following:

- a) Whether the Utility City Gates Mall and Westgate Shopping mall areas are built within the riparian land;
- b) Who authorized the use of the said parking areas for commercial use by the two commercial centers?
- c) What revenues the commercial entities are contributing to the County?
- d) What is the department doing to correct the mistake and grabbing of the riparian areas by unscrupulous investors who do not care about the environment?

The committee wrote a letter to the Interim County Secretary requesting for a statement on the above.

The Interim County Secretary in a letter dated 2nd September 2013 gave the following response:

- a) The Nakumatt Westgate parking lot and Nakumatt Ukay shopping mall and parking lot are built on riparian area (river and wetlands system), according to the Ndung'u report.
- b) The Title Deeds to the properties were issued without regard to the consequences leading to general degradation of the environment. The defunct Nairobi City Council via the City Planning Department approved the subsequent development.
- c) When the car park section moved in to charge parking fees on the parking lot, they were served with a court injunction. Later, it was ruled that the Nairobi City County was trying to reap where it had not sown by charging fees in an area developed by a private property developer.

On way forward:

- The county should table evidence to support the claim that the plots in contention are wetlands.
- The county should nullify the Title Deeds of the said properties if they are on wetlands.

I will attach in my recommendations a ruling from the High Court and an order throwing out the Council from the said riparian land which is purported to be private property. I also have another statement to make in regard to the ownership state of matatus normally parked... *(Interruptions)*

Hon. Speaker: Hon. Members, can we dispense with the first statement first?

Hon. Diana Kapeen: Sorry, thank you sir.

Hon. Speaker: Hon. Members, the chairlady of the sectoral committee on Transport and Public Works has a very comprehensive report. It is now your turn to interrogate this report.

Hon. Member for Makongeni (Mr. Peter Imwatok): Mr. Speaker, in reference to the said report given by the chairlady of the sectoral committee, I have just received the report and I beg to be given time to go through it to interrogate and analyze it, Mr. Speaker.

Hon. Speaker: Hon. Imwatok, you have time to do that. We can then go to the next business.

STATEMENT ON MATATUS NORMALLY PARKED OUTSIDE CITY HALL ANNEX

Hon. Diana Kapeen: On a question asked by Hon. Hashim regarding the ownership status of the matatus parked in front of City Hall Annex. The owners of the matatus are Bizcan Transporters and the status is contractual. The above company has been awarded contract to provide transport and towing services to the County “as and when” need arises basis as per the attached letter. It expires on 30th September 2013. The amount of revenue generated cannot be quantified by Car Park as we use them to transport attendants to and from their duty stations. The treasurer could clarify more as other sections i.e. Debt Collection Unit (D.C.U), Licensing and Public Health also use them in a manner that can attach monetary quantification.

We could not quantify the amount collected as in regard to the contract. We could not get a complete contract from the officers in charge. All that we were given was the contract number and the expiry date and I am going to table the same in the House.

Hon. Speaker: Thank you, Hon. Chairlady. The Hon. Hashim Kamau, what did you say? Until tomorrow, morning or in the afternoon? Okay, we can go to the next business.

**STATEMENT ON THE PARKING LOTS BEHIND NYAYO HOUSE AND
INFRONT OF DEPUTY PRESIDENT’S OFFICE**

Hon. Diana Kapeen: Mr. Speaker, I also have a statement on the parking in front of the former Prime Minister’s office and the one behind Nyayo House. The parking behind Nyayo House LR no 12748 is owned by Williesden Investment Ltd. It is for the purpose of multi-storage parking. It was granted by the government in October 1995 and in September 2004 the defunct Nairobi City Council with knowledge that the area was public land (road reserve) took over the area and started charging parking fees. Meanwhile the ownership of the area had already been determined by the courts – HCCC NO. 367 of Williesden Investment Ltd vs. Kenya Hotel Properties Ltd.

The Nairobi City County made spirited efforts to ensure recovery of property through KACC and a suit was filed by KACC NO. 35 of 2010 and Nairobi City County was enjoined as an interested party to have the Title Deed nullified because the land belongs to the Council as a road reserve. The suit was struck out. The Council also wrote to the Commission of Lands to revoke/cancel the Title but the commission never responded neither did it take any action. Attached is a Communication from the director Legal Affairs on the whole matter. No staff from the City County are allocated duties here as the private firm is operating from there.

Hon. Speaker: You shall need to add also a copy of the directors with regard to the ownership of the land; that is the owning company. Bring the names of the owners of the so called Hotel Ventures.

STATEMENT ON THE RUNDA ESTATE BARRIERS

Hon. Diana Kapeen: Mr. Speaker, I rise again to answer a question put by the Hon. Member for Karura. The committee has considered the issue and we had some miscommunication on the side of the Clerk and therefore we could not do much. We have requested that we visit the site so that we can be better informed about the barrier and we are also trying to get the engineer from City Council who has become almost impossible to find. So, through the advice of the Clerk, a reminder has been written to the city engineer with regard to the Karura road block. We expect him to actually take action on the reminder so that we can give the Hon. Member a comprehensive report, next week.

Hon. Member for Karura Ward (Mr. Kamau Thuo): Thank you Mr. Speaker, I want to bring to your attention that yesterday, you made a ruling on the same. I don't know whether your ruling stands on the same matter? It does? Thank you. Through the Speaker, the ruling was that that question should be answered tomorrow afternoon, which is today. That was the ruling. Now it is taking three weeks to answer the question and Mr. Speaker, I also want to bring to your attention that the barrier at the moment is hanging in a dangerous way.

Hon. Speaker: Thank you, Hon. Member. The Hon. Chairlady, if you have any difficulty in getting the city engineer, could you bring it to the attention of the Speaker so that we can summon the engineer in regard to the business of the House. Thank you.

Hon. Diana Kapeen: Mr. Speaker sir, as I had stated earlier in my statement, we had gone through the office of the Clerk and a reminder has been sent to the city engineer and yes we shall do what is expected of us.

Hon. Kamau Thuo: So when will the question be answered? That is my concern.

Hon. Diana Kapeen: Due to the magnitude of the question and I believe the urgency of the question, the Clerk has just reminded the city engineer of the importance of the document and the importance of the work, which requires that we visit the site for us to give you a proper briefing, therefore, we have to visit the site after receiving information from the engineer's office and I believe that will be tomorrow. We will give you a proper detailed report next week, Wednesday, kindly.

Hon. Speaker: Thank you very much, Hon. Member, the ruling is tomorrow at 2.30 pm. Mr. Clerk, could you kindly move to have the committee visit the site? It is only 40 minutes drive to the site during traffic hours. So we need the report in this House tomorrow, strictly, Hon. Kapeen.

Hon. Diana Kapeen: Most obliged, Mr. Speaker.

Hon. Speaker: Very well, next order please, Hon. Member, Kathundo

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Mr. Speaker, I stand to seek your direction as far as the discipline of the Members is concerned, because when a chairman of a committee comes here and issues a statement that is not provided to Members, it denies Members the chance to contribute. Once a statement is given on the floor of this House, it deserves justice and every Member has

the right to be able to interrogate that report, analyze it and internalize it. It is very important, Mr. Speaker, that you give direction as far as that is concerned. Thank you.

Hon. Speaker: Thank you very much Mheshimiwa I think I will take note of that and coordinate with the chairmen and chairladies of the sectoral committees in regard to their providing their statements before they read them before the House. Yes Hon. Diana.

Hon. Diana Kapeen: Mr. Speaker, when you look at the document, it is dated 2nd September 2013. This document needed a lot of work to be done and we have been doing it with the assistance of the clerk to the committee. It came to us late and we felt that it was short notice and therefore in future, when we answer a question Hon. Members, you will have some copies provided.

Hon. Speaker: Thank you chairlady. I think that should be taken note of by the chairman of the Liaison committee in regard to problems facing the chairmen of committees in getting what they want. Thank you, and point of information from Hon. Hassan.

Hon. Leader of Minority (Mr. Abdi I. Hassan): Thank you, Mr. Speaker sir, if I am not wrong, yesterday, there was a motion on the floor and we had not exhaustively debated the motion.

MOTION ON MATTER OF COUNTY IMPORTANCE

COUNTY STAFF SALARY NEGOTIATED BY COLLECTIVE BARGAINING AGREEMENT

Hon. Speaker: Thank you very much, Hon. Hassan, Leader of Minority. This is in regard, Hon. Members to the motion, pursuant to standing order number 30, issue of important matter to the County and reference is made to the above subject matter. We are hereby sitting in the House to discuss the welfare of staff in relation to the salary negotiated by the collective bargaining agreement ordered by the industrial court.

Hon. Members, that was on the order paper, yesterday and I would like to inform the House that this matter cannot be discussed now because it is effectively now in court. But anyhow in the morning, we started hearing and I also got information from the executive that the matter was indeed in court. So, you will bear with us, we will keep it pending because it is important for us to discuss, but the case goes back to court on the 9th of September 2013. The issue is therefore referred to the Members of the House Business Committee. Thank you. Hon. Members. I think there is a statement from the chairman of Agriculture.

STATEMENT ON GARBAGE COLLECTION

Hon. Member for Upper Savanah Ward (Mr. Benson L. Amutavi): Thank you, Mr. Speaker sir. I rise to give a statement pursuant to the question by the Hon. Member who requested to be informed about what is happening to garbage collection and how we are going to maintain cleanliness in the County or in the City. I believe the Member is present because I will not repeat.

In his first question, he wanted the children in kindergarten to be trained on a clean and safe environment. This is the response: Environmental education with a persistent focus on a clean and safe

environment requires a holistic approach targeting all age groups. While it would be prudent to introduce a compulsory subject on environmental education from kindergarten stage, the mandate for development of this curriculum is outside our scope.

On his second question; what businesses charge should an under polluter pay principal to ensure that their waste is collected, transported and finally disposed off in a sanitary manner- (*interruptions*)

Hon. Speaker: Order chairman! You deal first with the question that you answered about the kindergarten. Can you exhaust it first?

Hon. Benson Amutavi: Mr. Speaker, I had already answered the question on kindergarten thank you. I was on the second question, whose response is that, this should be a pre-licensing condition which needs enforcement of the County laws, both the licensing arms should ensure full compliance of this requirement to avoid illegal dumping along road reserves.

Question 3; designing of a clear and healthy environment in the neighborhood: Designing and implementing awareness campaigns on clean and safe environment neighborhoods is one of the hallmarks of the integrated solid waste management programme and under programme number 8 integrated solid waste management plan and action, there is a provision on community participation and involvement to increase the level of awareness in this City. The implementation of this programme has already been started with a pilot case in Soweto West, Sarang'ombe Ward and Mukuru. Also Sinai and Viwandani Wards. A budgetary provision will be required to upscale the initiative to city wide level. On the front, already the department is undertaking monthly clean ups whose objective is to create environmental awareness as well as recruit public participation in such initiatives.

The 4th answer to the question the Hon. Member asked about the provision of litter bins in public places, in malls, bus stops and parking. Provision of litter bins in schools, shopping malls, bus stops and parks, may only be undertaken through involvement of the private sector because of limited budget allocation for the environment management. However, schools and other institutions may be assisted with the specifications indicating the design details of the litter bins to enable them fabricate the same for their own use.

The last question with regard to targeting drivers on littering and illegal dumping of waste on roads and parking: targeting of drivers on littering of solid waste and dumping on roads and parking spaces is worthwhile, however this is better realized through the wider environmental awareness action plan under the YSP, whose implementation is being done in phases. Thank you, Hon. Members for paying attention. May I have a seat?

Hon. Speaker: Clerk, next order. Point of order please?

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Mr. Speaker, I rise on a point of order number 84 which requires that a Member can address you on a matter of concern. I rise on a point of order raising the issue with regard to these Member's health cover and I want to quote from the- (*Interruption*)

Hon. Speaker: Order Members!

Hon. Samuel Kagiri: Allow me, Mr. Speaker to-

Hon. Speaker: Order Member! Before you do that, let Adow, after the statement, stand up to finish the business of responding to the answers provided to his questions. Hon. Adow.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): I think that the chair of the committee that was answering the questions-

Hon. Speaker: Point of order on? Can't you let him finish?

Hon. Member: Mr. Speaker, I am rising on a point of order number 80. We are finding it difficult with this sound system because we are not getting anything spoken by Members when they stand here to address us. Please, Mr. Speaker.

Hon. Speaker: Hon. Members, I think surely this has been a pain to Members and I will give a report on these machines on Tuesday 2.30pm. If they are not working, I will tell you what we need to do.

Hon. Osman Adow: On that note, I will be looking for a job to supply these items. Mr. Speaker, I think the statement given by the chairman of the environmental committee falls below the standards on question number 1. He says it is outside his jurisdiction. But did he contact the people who are responsible and did he get any response from them whether they can do it or not?

That is what he should have answered. Number 2, he said that the people concerned should; we all know that they should, but they don't do it so what are they doing about it? That is the situation. He has not answered that question. On the private sector, I do not think it is the responsibility of the private sector to put garbage bins in public places. It is the responsibility of the County Government and on that he has also fallen short. Can he give us a substantive answer on that? I think on overall, it was not an answer that we required in this House. Thank you very much.

Hon. Benson Amutavi: Thank you, Mr. Speaker sir. I am very happy that the Member knows that he directed the question to the wrong committee. It was supposed to be directed to the committee on Education, the Hon. Kitavi, chairman of the committee on Education, thank you for accepting to take over that question.

Question number 2 about the issue of roadside businesses, we as a committee, we have been trying to come up with more laws and we have been urging the executive to deploy more staff from the inspectorate department so that they can deal with the issue of roadside businesses because they have become notorious and I may urge all Hon. Members to assist us. You should talk to traders in your areas, try and educate them on environmental issues because I believe we must come up with a performance contract of our own as Members. We will see at the end of every year which Ward will be the cleanest in Nairobi City County. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, Hon. (*Laughs*) chairman of Agriculture. The Member did not ask you about the contracts. We wanted to know what you are doing about the 'taka taka.' I think what you need to do on Tuesday, 2.30pm, for the benefit of Members, is to please research and bring us a proper answer in regard to environmental degradation. Thank you, Hon. Member. Order! Next order!

Hon. Speaker: Hon. Maxwell, Kagiri was on the floor last time.

Hon. Samuel Kagiri: Thank you, Mr. Speaker, let me continue with my issue to be addressed as a matter of urgency because it is of grave concern to the Members and I want to quote a letter written to us; to all Counties by the Sarah Serem Commission and the issue was remuneration and salaries of state officers in the County government. I want to specifically quote on an area that concerns us: that the Members shall have a medical scheme, an annual medical cover that shall provide for family, for self, for spouse and up to four children below 25 years who are fully dependent on the County state officers as follows:

Inpatient one million Kenya shillings, that is for us

Outpatient and maternity Ksh20, 000

Optical and dental Ksh20, 000

There are others like gratuity; a state officer shall serve on a contract to be paid a service gratuity at the end of the term of 31% of the annual basic pay for every year served. Property assurance: the officer shall be covered for a value equivalent to three times annual basic salary. Work injury benefit: work injury benefit shall apply. Group personal accidents: state officers in County governments shall be covered for value equivalent to three times annual basic salary.

My issues are these, Mr. Speaker, that we are not clearly aware of our insurance cover and Members have been travelling up and down, in and outside of the city without clear knowledge about our cover. So my questions are: Are these Hon. Members in this House, who represent millions of people in this city, covered as up to date? If they are covered, which company covers these Members? What criteria have been used or were used to get the company to cover these Members? Mr. Speaker, I will request if you will allow us to get answers to these matters as quickly as possible, it concerns the people we represent.

Hon. Speaker: Thank you, Hon. Members, I want to thank Hon. Kagiri for that question, I will seek answers and give a formal report to the House tomorrow afternoon, Hon. Member are you okay? Are you seeking a point of order, number 80?

Hon. Member for Kayole South Ward (Ms Elizabeth Manyala): Mr. Speaker sir, I rise on a point of order number 80. Going by our mandate in that committee in terms of public health, the status of the facilities we are using here in terms of toilets for the Hon. Members is deplorable. They are never cleaned, there are no toiletries and even for the ladies, we really find it hard because we don't even know how we can open up the sanitary bins where we dispose our sanitary things. On top of that, we do not have water

and the toilets smell. These toilets are also being used by the public which is compromising our security. Thank you.

Hon. Speaker: Honorable members, I stand before you here first of all to offer my apology to you Members, at the same time, when I look at you and I see what is happening in this building in regard to the County Assembly, it is pathetic, shameful and something that is not good for us. Hon. Members, it is not that we don't have money. You just passed the budget a few weeks ago. I can tell you Hon. Members, you have seen people purporting to renovate the office of the Speaker for the last four months.

It is the hardships we are getting across the building. The County Assembly, I want to report to you, is a financially handicapped institution and I want to tell you, I had a meeting the other week together with the Leaders of Majority and Minority with the Minister for Finance, the Chief Finance Officer and County Secretary in my office to let funds flow freely to the County Assembly. But I want to tell you, there is a wall which I need your support to break.

It has come to a time that I must also come to you and tell you that I am stuck on 'tata'; you know what 'tata' is? I am stuck and the leadership of this House will tell you, I am not going to call for a meeting with the executive, I am going to call a meeting with you on Monday, a 'kamkunji' at 10.00 o'clock where I want you to give me teeth so that I can start 'biting' people around (*applause*) because Hon. Members, we need to roll. Funds were released from Transition Authority to construct the County Assembly. I was telling Members yesterday that I think we are the only City in this Country that has no proper Assembly hall. Mombasa has (*Laughs*), our brothers in Kisumu and Nakuru have, Nyeri has. We are the only County that does not have because of some dunderheads in the City County here. Tomorrow at 2.30pm, I will bring you the names of the people who are making life hard for the County Assembly. (*Applause*) (*Loud consultations*) Hon. Pastor please,

Hon. William Abuka (Nominate CORD Member): Thank you, Mr. Speaker for giving me this opportunity. If you will allow me to comment in the same breadth on the security and the integrity of the House, I have seen on two occasions now, when Members are travelling to various locations away from the city, there is kind of; I don't know whether it is a policy.

Mr. Speaker, I am rising on a point of information and I just wanted to be enlightened on whether it is a County Assembly policy that Members be transported in one bus whether they are going to Garissa, Mombasa or Kisumu or elsewhere. I am a pastor, I have been preaching for 30 years. By my own standards, I am an old man and a man of faith, I speak life into people that they should trust in God even when they are travelling, but Mr. Speaker, you may take note of some happenings in the past where state officers were travelling in some aircraft or some buses or using some vehicles and certain things happened to them that chilled this country.

I am not trying to instill fear but I don't think it is wise when two or more than three times a team of 127 Hon. Members can have an opportunity to travel together and that it is by bus, Mr. Speaker. I felt very much concerned and I wanted your advice and direction on this matter. Thank you.

Hon. Speaker: Hon. Members, the Hon. Member wanted to be informed but I can only inform him tomorrow when I have the proper documentation in regard to the answer. Can we go to the motion please? Hon. Maxwell. Point of order from Imwatok? Can we finish and go to the motion please?

Hon. Peter Imwatok: Mr. Speaker, having gone through the order paper, I am rising on Standing Order number 80 that two days ago, there were motions coming to this House, I remember Mr. Speaker, before we went on recess and before you travelled to the United States of America, that your clerks went round the 85 Wards assessing the situation of the Ward offices and what we passed as a House is to have three employees in every Ward office, Mr. Speaker. So, much as we would want to discuss this motion of LASDAP and others, Mr. Speaker, without having the proper structures on the ground, we will be doing things in futility. As you come tomorrow, Mr. Speaker, for us to give you the teeth to bite, bring us the flesh to chew. Thank you.

Hon. Speaker: Hon. Members, when you come tomorrow at 2.30pm, the answer to the issue of your offices which are paramount to the development of the County will be provided. Thank you, the Hon. Maxwell.

MOTION ON LASDAP BURSARY KITTY

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. After making so many steps back and forth, I rise to give this motion; **WHEREAS** the defunct City Council of Nairobi through the LASDAP kitty allocated 1 million shillings per ward every financial year as bursary towards secondary education for the students from poor backgrounds; and **WHEREAS** the establishment of the County Government has abolished the LASDAP bursary kitty thus negatively affecting the learning of the said students; **AWARE** that the administration and management of Primary, Secondary and Higher Learning Institutions had been transferred to the National Government, **CONCERNED** that the number of students joining both private secondary schools and colleges has increased due to a few available public institutions making it difficult for needy students to access them due to their exorbitant fees; this Assembly urges the County Executive Committee to urgently establish a County bursary kitty and allocate an amount of 1,000,500 shillings as bursary per term for both primary, secondary and college going students.

Mr. Speaker, as you are well aware that we are representing people who are able to pay school fees and those who are not able to pay school fees, we find it difficult more so for people coming from informal settlements areas, that each and every day we receive more than one hundred people coming for bursaries and we cannot get the bursary for them.

We want to anchor this issue on the motion in the House today, so that it will be an issue which we are not going to ask or request for. It will be mandatory for the executive to avail bursary to each and every Ward, each and every term without delays. As you know, each and every child needs a teacher and if these children are sent home and they come to me but I cannot not help them yet I am their representative, Mr. Speaker, it is pathetic if we are representing people and we cannot help them.

As you can see, these Hon. Members have brilliant minds and wisdom. They are intelligent and they found an avenue to get into these institutions, which is why you see them here today. Mr. Speaker, I want to take this motion with a lot of intelligence so that they can see the sense of giving these students from poor backgrounds, that are in secondary schools and colleges, a bursary every term. I will reserve some of my time because I want to give the Hon. Members ample time to deliberate on this and I will call upon one who is in that institution, a teacher by profession, none other than the Hon. Member for Kahawa West, to come and second, thank you. Hon. Member for Kahawa West Ward..

Hon. Member for Kahawa West Ward (Mr. Patrick Chege): Thank you. Mr. Speaker, I rise to second this motion. I do not understand why the Hon. Members are not paying a lot of attention to this motion. The motion is very important to Members; knowing very well that this is what is going to make them be elected to the Assembly next time.

If these Hon. Members want to come back to this House, it is upon them to put a lot of interest in this motion, approaching it with a lot of soberness and maturity realizing well what the Hon. Member for Korogocho has said. There are so many children who were sent home from schools yesterday and most of them in sincerity have been sent back home for fees. It is long overdue; this money needs to be disbursed, I don't know how, but first of all Members, this motion should be taken with a lot of seriousness. The other time, the motion had typographical errors not brought about by the Hon. Member, but by the clerks of this Assembly.

I would also wish that the motion be corrected that it reads Ksh1.5 million per term, because what is written there is 1 million and five hundred shillings. You realize that although the Government has free secondary education on paper, what is happening on the ground is different. Many students in high school have been sent home for lack of fees and from the time we were elected in this House, Mr. Speaker, all the time, the parents and guardians have been coming to us to ask us where the bursary went. It is high time this Assembly passed this motion, so that we can see to it that these students or pupils especially from poor informal settlements have access to this bursary kitty.

I therefore rise to second, believing that the Hon. Members will see sense in supporting this motion so that we can be in a position to help. The many slips from schools which we are holding in our files may be dispensed with through assisting the students to settle their fees.

Hon. Chairman of Chairmen (Mr. Kennedy Ngondi): Thank you, Mr. Speaker, for giving me this opportunity to contribute to this particular motion. In as much as this motion- (*Interruption*)

Hon. Speaker: Sorry, Hon. Members, I propose the question that **WHEREAS** the defunct City Council of Nairobi through the LASDAP kitty allocated one million shillings per Ward every financial year as bursaries towards Secondary education for students from needy backgrounds; and **WHEREAS** the establishment of the County Government has abolished the LASDAP bursary kitty thus negatively affecting the learning of the said students; **AWARE** that the administration and management of Primary, Secondary and Higher Learning Institutions has been transferred to the National Government; **CONCERNED** that the number of students joining both private secondary schools and colleges has increased due to a few

available public institutions making it difficult for the needy students to access them due to exorbitant fees; this Assembly urges the County Executive Committee to establish a County bursary kitty and allocate an amount of one million five hundred thousand shillings per term per Ward , for both primary, secondary and college going students. Hon. Deputy Speaker.

Hon. Chairman of Chairmen: This motion is a noble idea for the benefit of the Hon. Members, but the Bill in question regarding allocation of LASDAP funds for the kitty, Mr. Speaker, I find this motion faulty, based on technicalities in areas of financial status. Ksh1.5 million per Ward multiply by 85 Wards is kind of not realistic, Mr. Speaker. Based on this, I would like to request this House to defer this motion to the education committee so that they can scrutinize this motion and maybe consider bringing it back to the Assembly in a manner that can be sustained or realized through the fund allocated towards education. Thank you, Mr. Speaker.

Hon. Member for Ngara Ward (Mr. James Chege): Thank you, Mr. Speaker, I totally agree with the sentiments of the Deputy Speaker, because when I look at today's order paper and what we were doing on April 5th, I realize that there are things that we probably overlooked. So, I don't want to be part of the people who are overlooking motions because this issue is weighty. Looking at the merits, of course the mover and the seconder are my good friends and without being malicious, this motion needs to be made better, because you will find that already the government is highly subsidizing primary education.

In fact it is free in public schools. Secondary school education is also highly subsidized; in fact, the biggest consumer of the financial budget is the education department. So we cannot again, with the smallest amounts going to the County, overlook other things for example roads, and continue pumping money into education. I am saying this with a lot of respect.

Secondly, I can see they are talking about private primary, secondary and colleges, when we extend this bursary scheme to private institutions, while it is a noble thing, for those needy children but it is open to abuse because I could want to take my children to Braeburn school and get money that is meant for the poor to subsidize private education. So, lastly, as the Deputy Speaker has said, this is a monetary motion (*Loud consultations*) protect me, Mr. Speaker, so that I can finish my point.

This is a monetary motion and monetary motions have a consequence. If we force the County Government to cough out this amount of money, what happens when the County Government does not have that amount of money? So I would wish that the motion would be taken to the education committee, where 'mwaliimu' here is a senior member, the committee will re-look at it, make it and bake it and of course we will not have a problem with it. Otherwise as it is now, I will stand to oppose it. Thank you.

Hon. Speaker: Hon. Njoroge Kairu.

Hon. Member for Woodley Ward (Mr. Njoroge Kairu): Thank you, Mr. Speaker sir. Allow me to support what the Deputy Speaker has said. In fact in the last budget that we had, we had allocated Ksh200 million for the bursary. It could be prudent if the education committee can come up with a policy to disburse

the already allocated money. We have already put Ksh2 million in every Ward and Mr. Speaker sir, that money is lacking a policy to guide its distribution in the Wards. Thank you.

Hon. Speaker: Order! Hon. Elizabeth Manyala.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker sir. I just wonder why the Hon. Members are opposing this motion, yet it is like killing a child. The child has a right to education; we are mothers and the children are looking up to us. In as much as we are mandated with early childhood education, we have to also ensure the smooth transition of children from early childhood to primary, to secondary and to colleges. In other allocations like roads, you can get partners, you can get philanthropic organizations that can agree to make even roads for you, but for education, you cannot gamble with it. Sorry again, the microphone is failing us. Hon. Members, I am looking up to you and you are consulting. Hon. Members who are opposing; you are living in a glass House and you are throwing stones. I want to tell you Hon. Members that out there, children are stranded and they are looking up to us. Kenya ratified the UNTRC in 2000 (*Loud consultations*)

Hon. Speaker: Order Members!

Hon. Elizabeth Manyala: Thank you, Mr. Speaker for protecting me. The Kenya government domesticated the UNTRC through an Act of Parliament in 2003 and one of the key pillars is education. Education is key. We need to get this allocation as soon as possible. So, with those remarks, I support the motion that every Ward be allocated Ksh1.5 million so that we can make sure that these children benefit through a worthy cause, Mr. Speaker.

Hon. Speaker: The chair of education, the Hon. Kitavi,

Hon. Member for Laini Saba Ward (Mr. Bonface Kitavi): Thank you, Mr. Speaker for giving me this chance to contribute to this motion. I would like to bring to the attention of the House that the Members are not against this motion but what they are saying is this; that most Members of this House have got experiences from our backgrounds and everyone is entitled to bring a motion to this House, but it is prudent that before a motion is brought to this House, wide consultations are done to establish the position.

This is a very important issue that in our Wards, parents are crying out for bursaries; it is true, but we cannot do things in haste and pass a motion for the sake of just passing it. We need to pass motions in the correct way. The Committee on Education as at now is at very advanced stages in terms of issues of bursaries. We have even gone ahead and made commitments to meet the Executive Director of Education so that this matter of bursaries can be discussed with them.

My plea to the Member who has brought this motion to this House is that he consults with the Education Committee, not that we want to own this motion but for us to consult with him properly so that this motion can be reconstructed afresh and brought to the House and it will be passed unanimously. As it stands right now, we are all aware first of all that it has typographical errors and if we pass it like this, these typographical errors may have implications on us.

So, please let this motion be withdrawn by the Member and be brought to the Committee on Education so that even the Committee on Education can brief the Member on how far we have gone in regard to this motion. Again yesterday, Hon. Chege requested for a statement basically on issues of bursaries; we are working tirelessly to make sure that this issue is addressed as soon as possible so that the bursaries can be distributed. We are saying again that we are urging the County Executive to give us this money. Sometimes when we have something that belongs to us, we don't need to beg, we need to compel them to give the money to the children. So, in this regard, we are aware of the Ksh200 million that was in the Governor's budget and our intention is to consult with the executive so that we can have a substantive allocation to be disbursed. So, the Member should recall the motion.

Hon. Speaker: Thank you very much, Hon. Kitavi, the chair of the Education Committee. Hon. Members as it has been rightfully said here, education is key; indeed that is why you are sitting here to give direction to the youth in regard to education, I stand here to ask Hon. Maxwell to allow his bill to go to the Education Committee for it to be baked as one Member said here, so that we can have an articulate motion before the House. If need be, get some advice from the Budget and Appropriations Committee and if I am allowed, that is the direction I would like this motion to take.

Thank you, Hon. Member and since the Hon. Member has allowed, now I ask the chairperson of the Education Committee to immediately take over this bill for further consideration by the House. Thank you.

(Motion on LASDAP bursary funds was referred to the Committee on Education)

Hon. Otieno, what are you rising on?

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): I also want to inform the Committee on Education, that while we are aware that an allocation and in fact sufficient allocation has been put in the budget, it is important that the Committee on Education and even this House comes up with a policy that is going to make Hon. Members make wise decisions while disbursing these bursaries.

If it is a policy of the County Government, we want to have a policy document that will inform the residents so that when a Member of this House will be distributing the bursaries, let the Members of this County know that if it is 150 bursaries, it is 150 across the board; so that a member of a given Ward will not be lynched by members of the Wards and questioned with regard to X getting 300 bursaries while Y gets only 100 bursaries.

This is so that we have a checklist to ensure that the process does not end up being politicized; that this student has scored this, he is an orphan or semi-orphan so that at the end of the day, we rank it all with marks that a student or a parent has scored. That is what I would wish the Education Committee to develop so that there is no conflict of interest. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Otieno, what is a semi-orphan?

Hon. Pius Otieno: A semi orphan is a partial orphan, a child who has lost one parent either a father or a mother and is living with the remaining parent. A total orphan is one without a parent.

Hon. Speaker: Thank you, Hon. Zulfa.

Hon. Zulfa Hakim (Jubilee Nominated Member): Thank you, Mr. Speaker, good afternoon Hon. Members. My issue is, in as much as we want to support this motion, we have also to consider the Members of this House who have no Wards and we do really represent children and women of Nairobi. So, it will be very important for the Education Committee to consider these women and a few youths who have just come in because they can also play a part in this process. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members order! We made a ruling. Okay, order Member! Hon. Members, I want to thank you. I want to thank you the Hon. Maxwell Ochar, for accepting the Bill to go to Education and I hope we shall get a more refined and articulate motion. Hon. Members, good afternoon.

(The House rose at 4.35pm)