



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Thursday, 12th September, 2013

The House met at 2.30 p.m

(Deputy Speaker in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Hon. Members, I have a communication in regard to an invitation to a consultative forum for all Members of the County Assemblies. This letter has originated from the office of the Speaker, Dr. Noor Hashim Abdi, who is the chairperson of the Speaker's forum and it reads;

“Following the successive meetings of the County Executive Leadership, the Executive Committee of the County Assemblies Speakers Forum invites all County Assembly Members to a one day consultative conference on Saturday 14th September 2013 at the Bomas of Kenya in Nairobi from 8.00am in the morning. This is expected to be the first forum to bring together all the County Assembly Members of the Republic and the theme of the conference will be the role of the County Assemblies in devolution and the way forward. Kindly facilitate, your Members to attend. Yours faithfully, Hon. Noor Hassan Abdi, Speaker and Chairman, County Assemblies Speaker's Forum.”

This letter is copied to all the Clerks of the County Assemblies in the entire Country. Thank you.

Interim Clerk (Mr. Jacob Ngwele): Notice of motion.

NOTICE OF MOTION

NOTICE- MOTION ON LASDAP KITTY

Hon. Member for Kahawa West Ward (Mr. Patrick Chege Ngaruiya): Thank you, Mr. Speaker sir. I beg to give notice of the following 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 1,500,000 shillings as bursary per term for both primary, secondary and college going students.

Interim Clerk: Statements

STATEMENTS

Hon. Deputy Speaker: I am meant to understand that the Chairman of the Budget and Appropriations Committee was to make a statement, is he present in the house?

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you, Mr. Speaker. I beg to ask for more time because I was supposed to get a write up from the Governor, but taking into account what has been happening throughout the week, the Governor was not able to provide me with a write up. They have promised to give me a write up tomorrow So, Mr. Speaker, if you can give me more time, I can present the statement on Tuesday.

Hon. Deputy Speaker: Thank you, chairman. Hon. Hassan, in regard to the statement made yesterday by the chair of Planning; you are supposed to reply. Hon. Hassan is not present in this House? Hon. Masiga, statement from Hon. Masiga? Statement from Hon. Isaiah? It seems they are not in the House. There is a procedural motion, Hon. Isaac, you were to give a statement, that is subject to confirmation. Ooh, Hon. Isuha

Hon. Member for Kangemi Ward (Mr. Peter Vukindu Isuha): Thank you, Mr. Speaker sir. I requested a statement from the chairman of Justice and Legal Affairs Committee concerning the demolition which took place in Kangemi and considering that it was very serious and up to now, those goods which were supposed to be returned to Kangemi people have not been returned up to now. I have not been told anything concerning the same.

Hon. Member for Parklands Ward (Mr. Jeffer Kassam): Thank you, Mr. Speaker, as for the statement requested by Hon. Isuha, Member for Kangemi, Mr. Speaker, we have a statement which was brought to us at around 2.30pm. There are some formalities which have to be observed, I want to assure the Member that today we had a very detailed discussion with the cabinet minister of Environment and Director of Inspectorate, so I believe I will be able to give a very conclusive statement on Tuesday. Thank you, Mr. Speaker.

NOTICE- MOTION OF ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, I have before me a procedural motion Standing Order 25(3) and I read on a day when the County Assembly is set to adjourn on a day other than its normal sitting day in accordance with the County Assembly calendar, the leader of the majority party or the leader of the minority party or another member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without questions put, so leader of majority.

Hon. Leader of Majority (Mr. Elias Otieno): Thank you, Mr. Speaker for giving me this opportunity to ask; pursuant to Standing Order number 25(3) that I request the adjournment of this House sitting for two weeks. We have so many meetings of committees so at least, Mr. Speaker, we want to have time with those committees at least twice in a day. So, if this House accepts my request I will be very grateful and I ask if I can be seconded by my counterpart on this adjournment.

Hon. Leader of Minority (Mr. Abdi I. Hassan): Thank you, Mr. Speaker, I beg to second the motion of adjournment and urge the house to support it sir. *(Applause)*

Hon. Deputy Speaker: Hon. Members, I will allocate time for discussion of the same, the adjournment, after motion number 8. Clerk, proceed.

Interim Clerk: Order number 8, motion.

Hon. Deputy Speaker: Hon. David Kitavi. Hon. Members, we are on a motion.

Hon. Member for Laini Saba Ward (Mr. Bonface Kitavi): Thank you, Mr. Speaker for giving me this-

Hon. Deputy Speaker: Hon. Members, please! The Majority Leader!

MOTION**MOTION ON ESTABLISHMENT OF A COUNTY MEDIA CENTRE**

Hon. Bonface Kitavi: Whereas section 95(1) of the County Government Act mandates each County Government to formulate a communication framework-

Hon. Deputy Speaker: Hon. Members, I am made to understand that the motion in question has already been read out and the debate is just resumption and it was interrupted on Thursday afternoon, so may Hon. Ngaruiya, who was supposed to second the motion proceed? Ngaruiya.

Hon. Member for Kahawa West Ward (Patrick Ngaruiya Chege): Thank you, Mr. Speaker, I rise to second the motion that we need a County media center-

Hon. Deputy Speaker: Hello! Hon. Members, the member is on the floor, please get seated.

Hon. Patrick Chege: Mr. Speaker, I rise to support this motion that has been long overdue because this Assembly requires a media center so that at least we can have our sessions either being covered live or being covered partially at least to show the seriousness of these Hon. Members.

Mr. Speaker, if you look at the conduct of the Hon. Members right now. They are making a lot of noise. If we had a media center, I assure you, Mr. Speaker, they will be complying with whatever information you want to give to this House and they will be listening to the Member who is contributing to the motion. Mr. Speaker, I want to say that the other day I heard that this is a digital County, I want to disagree with that, reason being up to this particular point, we don't have an ICT center and the reason as to why we are facing all these problems nobody understands.

It is us, the Hon. Members, who need to establish this particular center so that we can have our own way of addressing our issues. The other day as we were contributing to the motion of his Excellency, the Governor, I raised a point whereby we need to have at least Information and Technology gadgets. Up to now, Mr. Speaker, that has not been taken care of. We need to move with speed and I urge the Hon. Members to support this motion so that this center can be established as quickly as possible. I also believe the committee on Budget has already set aside some money for this job. Thank you, Mr. Speaker, I rise to second.

Hon. Deputy Speaker: Okay, Hon. Members, we are in plenary, Hon. Imwatak.

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): Mr. Speaker, thank you for giving me this opportunity and I must say I am honoured to be the first one to contribute to this motion. I think the Devolution Act is very clear on what every County must develop. It must have its own gazette and it must have its own Media Center. It is only Nairobi County, I think, which is behind but we are not very much behind. We must develop our own media center as a County.

This will also change the mind-set of the Hon. Members from their thinking as the City Council to Hon. Members, by the time Citizen will airing live the sittings of this Assembly. I believe others and in particular the issue of dress code will be addressed through the media once and for all. It should be hastened so, that when we come from adjournment, the media center will be under construction. I beg to support.

Hon. Deputy Speaker: Hon. Ogeto

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. I beg to support this motion since the media center will give freedom- (*Loud consultations*) Mr. Speaker sir, I need you to protect me, the Members are making so much noise in this House.

Hon. Deputy Speaker: Okay, Members, can you converse in low tones please? Low tones.

Hon. Moses Ogeto: I beg to support this motion because as you may realize, article 35 of the Constitution gives freedom of the media-

Hon. Deputy Speaker: The Hon. Leader of Majority, please concentrate on the business of the day.

Hon. Moses Ogeto: Mr. Speaker, Article 36 gives also freedom for Members to access all information which is within the precincts of the state especially in the Assembly and other materials which are relevant for them. Mr. Speaker, I would also wish that this Assembly to have, especially our motions, put in the media because the people of Nairobi need to see us and how we are debating these motions, and how we are representing them in this Assembly. I beg to support.

Hon. Deputy Speaker: Thank you. Okay Members, it seems that the House has gone silent. This means that you are all in agreement that this motion should be passed immediately. This makes me put the question that **WHEREAS** section 95(1) of the County Government Act mandates each County Government to formulate a County Communication Framework in order to facilitate public communication and access to information in the form of media with the widest public outreach in the County; **AWARE** that our Standing Orders also provide for the establishment of a County Assembly Broadcasting Unit for purposes of broadcasting the County Assembly proceedings; **ACKNOWLEDGING** that public participation which is an essential element of governance as enshrined under Article 10 and 17 of the Constitution has not been actualized due to lack of a County Communication Framework; **CONCERNED** that to date , no media house covers the proceedings of this Assembly or affairs of the County Executive leading to information “gaps” and distortion of facts; this Assembly urges the County Executive Committee to immediately formulate the County Communication Framework and establish a County Media Center/ Station. And I now ask; may as many as are of that opinion say “aye” and as many as are of the contrary opinion say “nay”. The ‘ayes’ have it.

(Motion on establishment of a County Media Centre was passed)

Thank you, now we are on the motion of adjournment. Plenary, but before, plenary remember please, I need to propose the question. Okay Majority Leader had given the notice of motion of adjournment, now he needs to come back and move the motion. Can you move the motion and ask for a seconder?

MOTION OF ADJOURNMENT OF THE HOUSE

Hon. Leader of Majority: Mr. Speaker, I think you are taking me back because the motion had already been seconded by the Leader of Minority.

Hon. Deputy Speaker: I am sorry for that, so can you build on it?

Hon. Leader of Majority: Mr. Speaker, pursuant to Standing Order 25(3), I beg to move a motion of adjournment for two weeks and I beg my counterpart to come and second.

Hon. Deputy Speaker: No! It was a notice of adjournment. This is now the motion!

Hon. Leader of Minority: Mr. Speaker sir, I beg to support the motion.

Hon. Deputy Speaker: Thank you, now I propose for the adjournment plenary. Hon. Mauti.

Hon. Member for Mukuru Kwa Reuben Ward (Mr. Elkana Mauti): Thank you, Mr. Speaker sir. I hope today, we will agree. We want to go for adjournment of the Assembly simply because for one, I have seen some of the nominated Members have not been settled into some of the committees. We also need to reconstitute some committees so that clerks can have an easy time. Besides, the Clerk with his team needs to resettle because we have seen them moving up and down. We need to give them time to adjust to suit the music. Finally we are even travelling to Mombasa this weekend so we can even extend because I have got that opportunity to extend and even enjoy in that area, *(The Assembly bursts into laughter)*. Thank you, Mr. Speaker. *(Loud consultations)*

Hon. Deputy Speaker: Excuse me. Point of correction Hon. Members; we are not adjourning because of the issue of clerks because the committee sittings are still on, and as the chair, first of all the major reason why we think the House is supposed to go on adjournment is one, that the House Business Committee is about to travel to Malindi. The House Business Committee under the chairmanship of the Speaker and the membership of the Deputy Speaker, membership of Minority and Majority leaders and other Hon. Members, so we will not be able to officiate the happenings in the House. Hon. Chief Whip.

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker. I rise to support the motion *(Laughs)* Mr. Speaker, I beg to have your ears. I rise to support this motion because I don't think there will be any business to conduct in the House. Mr. Speaker, the Members of the House Business Committee will be in Mombasa and I know there are several other committees, around four committees, which will be out of Nairobi for the next two weeks. Mr. Speaker, so I rise to support this motion of adjournment.

Hon. Deputy Speaker: Hon. Millicent.

Hon. Member for Kariokor Ward (Ms Millicent Mugadi): Thank you, Mr. Speaker. I rise to support this motion on the grounds that our Chief Whip has said that some of us are going to Mombasa and we are going to be taught our mandate especially in the committees. So, I feel it is very important that we be given enough time to understand the mandate of our committees so that we can come back and work efficiently.

Hon. Deputy Speaker: Hon. 'sangalewa' *(Deputy Speaker and the Members burst into laughter)*

Hon. Member for Karura Ward (Mr. Kamau Thuo): Thank you, Mr. Speaker. My name is Kamau Thuo from Karura; I am not 'sangalewa'. *(Laughter)*

Hon. Deputy Speaker: You can see the House is lively now.

Hon. Kamau Thuo: Thank you. I rise to oppose this motion, I see no reason for adjourning this House, Mr. Speaker. So, with those few remarks, I oppose the motion.

Hon. Deputy Speaker: Thank you very much, Hon. Jeffer Kassam

Hon. Jeffer Kassam: Thank you 'Bwana' Speaker, I stand here to support the motion. The committee for Legal and Justice will be travelling for a retreat to discuss the Bill on emblems. We will be away for a week so I think this will give us time to concentrate and come back with a proper amendment or the Bill as it is. So, I support. Thank you, Mr. Speaker.

Hon. Deputy Speaker: The Hon. Member for Kasarani.

Hon. Member for Kasarani Ward (Mr. Martin Waweru Gichohi): Asante Bwana Spika. Nasimama kuunga mkono mswada huu, nikiuliza Bwana 'Whip' atuambie kama 'House Business Committee' wanaenda likizo kwa wiki mbili ndio tuhairishe vikao vya bunge kwa wiki mbili.

Hon. Deputy Speaker: Thank you, Hon. Kagiri, 'utajibiwa'.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Thank you, Mr. Speaker. I rise to support the motion, but as we go on recess I request that, please, let the issue of our offices be handled as a matter of urgency. Please we need offices where we can operate from. Thank you. (*Loud consultations*)

Hon. Peter Imwatok: Point of order, Mr. Speaker.

Hon. Deputy Speaker: Order! Order Hon. Imwatok! Order Hon. Members! Hon. Jacqueline.

Hon. Jacqueline Awino (CORD nominated Member): Thank you, Mr. Speaker. I want to support the motion and I would like to urge the Clerk that during the two weeks that we are in recess, please let the clerks get organized or we can get additional new clerks that we have been waiting for, because there is a lot of disorganization in the committee meetings. The clerks sometimes have got two meetings at the same time, so we hope that when we come back we will be more organized. Thank you.

Hon. Deputy Speaker: Mr., Hon. Ogeto and that marks the last of our contributions.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir. I can see that you are very gender and youth sensitive. Mr. Speaker sir, I beg to support this motion because even me, I am on my studies. I need (*Laughter*) to get this break and I need also to revise for my exams, Mr. Speaker sir. I really congratulate the Majority Leader for such a motion because it is catering for my interests. Mr. Speaker sir, as you may have realized that other Members have been straining too much and they need to have a rest. I beg to support, Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Members order! Order! Hon. Members, on the procedural motion Standing Order 25 (3), I now put the question; on the day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in the County Assembly business calendar, the leader of majority or leader of minority or another member from the House Business Committee shall move the adjournment motion which shall be debated for not more than three hours after which the County Assembly shall adjourn without questions put, for that reason Members the House stands adjourned until Tuesday 1st October 2013 at 2.30pm. Thank you.

(*The House rose at 4.45 pm*)