



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Second Session

Tuesday, 11<sup>th</sup> November, 2014

The House met at 2.30 p.m.

*(Mr. Speaker in the Chair)*

### PRAYERS

### MESSAGES

**Hon. Deputy Speaker** (Hon. Kennedy Ngondi): Honorable Members, I have a message to convey from Governor of Nairobi Dr. Evans Kidero: Hon. Members, Standing Order No.39 (1), relating to messages from the Governor provides that; the Speaker shall read to the Assembly any message from the Governor or the Senator of the county delivered to the Speaker for communication to the County Assembly. In this regard, I wish to report that I received two communications on 31<sup>st</sup> October 2014 from the Governor via two letters, both dated 30<sup>th</sup> October 2014. The messages regard the nomination of Dr. Bernard Maina Mongenyo as the chief officer; Agriculture, Livestock Development and Fisheries and the nomination of Dr. Bernard N. Muya as a member of County Executive Committee responsible for health services.

Nomination of Dr. Bernard Maina Mongenyo as the chief officer; Agriculture, Livestock Development and Fisheries: Article 45 (1) of the County Government Act provides that, Chief Officer shall be appointed by the Governor with the approval of the County Assembly from among members who are competitively sourced and recommended by the Public Service Board pursuant to article 45 (1) (a) of the County Government Act. I hereby nominate Bernard Maina Mongenyo as the Chief Officer; Agriculture, Livestock Development and Fisheries. This is therefore to request the Assembly to approve him.

Nomination of Dr. Bernard N. Muya as a member of County Executive Committee responsible for health services: Article 179 (2) (b) of the constitution provides that, members of the County Executive

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Committee shall be appointed by the County Governor with the approval of the County Assembly from among persons who are not members of the Assembly. Pursuant to Article 179 (2) (b) of the constitution and section 35 of the County Government Act, I hereby nominate Dr. Bernard N Muya as a member of Nairobi City County Executive Committee responsible for health services. This is therefore to request the Assembly to approve him.

Honorable Members, I now direct the relevant sectorial committees to proceed with the vetting of the nominees. The Chief Officer responsible for Agriculture will be directed to Agriculture, Livestock Development and Fisheries Committee. The nominee for County Executive committee responsible for health services will be directed to the Appointment Committee.

### PETITIONS

**Hon. Member for Nyayo Highrise** (Hon. Maurice Akuk): I stand before you Mr. Speaker sir to present a petition about procedures that has been signed by over 68 members of the County Assembly. It is the petition for the legislators to follow the law. It is the procedure that we failed to undertake sometimes back and all that we are requesting through this petition that has been signed by 68 members is that the procedure should be followed.

As I read the petition I quote from the constitution and the County Government Act section 13(1) which says "there shall be a Clerk of the County Assembly appointed by the County Assembly Service Board". That has to be done Mr. Speaker, with the approval of the County Assembly, but that has not been done. That's what we are requesting for.

The Local Government Act Section 15(1), states that, 'A person has a right to petition a County Assembly to consider only matters within its authority including enacting, amending or repealing any of its legislation.' It is only prudent that you give us a date on when this petition that we have stated here. It is in the above matters that the 68 members of the County Assembly of Nairobi City County do petition the County Assembly Service Board to avail the name of the County Assembly Clerk to the Assembly for approval.

Mr. Speaker Sir may be it might be interpreted differently but what we are asking in this petition is quite simple, a procedure was not followed. As legislators we are asking that instead of breaking the law, let's be participating in making the law. If we are not the ones making these laws and not following procedures how then do we expect the people of Nairobi to follow the laws that we legislate on. Word has gone round that we probably dislike him. We are asking for that name to come here so that we approve it and that does not mean that if the name is brought to the Assembly it will fail. It might pass or it might fail but it is a procedure required of this Hon. Members to perform their duties.

My biggest example to Hon. Members is when you were elected or nominated, before you were sworn in as Members, you were not known as MCAs because there was a procedure. The procedure was, after the elections you needed to be sworn in so that you are known as members of the County Assembly.

For our ladies in this Assembly it took them six to seven months to be sworn in. As much as they were nominated, the Constitution required that they have to be sworn in to become MCAs.

I am reminding the House that the same Constitution requires that, the Clerk as much as he's a public officer the first process was done, the second process needs to be done by bringing the name to this honorary House for approval. Thank you Mr. Speaker Sir and I lay the paper which had already been served to the Speaker's office by the Clerk of this County Assembly.

**Hon. Deputy Speaker:** What is it Hon. Member?

**Hon. Thuo Kamau:** Indeed you cannot debate petition and I have no intention of doing the same but as the eloquent Hon. Member read out the petition, you need to guide us Mr. Speaker and we need directions because there is nowhere in the County Government Act, in the Standing Orders or in the Laws of Kenya that the law envisages, protect the Member. What the Member is agitating for is right but is not right before this particular House. So what the Member is asking is OK, the confirmation of the Clerk but it must be brought to the House through a proper channel. You must do it in a right way, not through the petition Mr. Speaker.

**Hon. Maurice Akuk:** Point of Order Mr. Speaker.

**Hon. Deputy Speaker:** Granted

**Hon. Maurice Akuk:** Mr. Speaker Sir I believe that the Member that just stood before the House is not quite familiar with my petition. I would like to remind him that in my petition, I am not petitioning the County Assembly but the County Assembly Service Board. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Wahinya

**Hon. Member for Ngando** (Hon Peter Wahinya): Thank you very much Mr. Speaker for giving me this opportunity to state a point that's also of paramount importance. I do not stand here to necessarily support or not to support because that is not provided within this section of the statements but I would like to bring something to your attention so that you can guide the House.

**Hon. Deputy Speaker:** Order Hon. Ngaruiya.

**Hon Peter Wahinya:** Mr. Speaker the County Government Act section 71 categorically states that, if the relevant authority, that is the authority that appointed the Clerk of the Assembly on a temporary basis or what we could call on a probationary terms fails to confirm an appointment of a public officer initially appointed on probationary terms and it has lapsed without extension, the officer in question shall stand confirmed. The County Government Act, Section 13(1) or rather the employment Act Section 34, the probation period of a public service officer is six Months.

Am bringing it to your attention so that you give us guidance, I have no quarrel with which direction this matter proceeds to but as my colleague behind me here said, it's necessary that of course we follow

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the Law. So my biggest concern is that section 71, I know that the Speaker was appointed by the County Assembly Service Board and was supposed to come to us for authentication and confirmation but unfortunately six Months elapsed which are the months that are provided for by the employment Act Section 34. So I seek for your guidance Mr. Speaker so that we can make the right decision as we move ahead.

**Hon. Deputy Speaker:** Not really, Order Members! we've not opened this for debate Members. OK fine, proceed.

**Hon. Maurice Akuk:** Mr. Speaker, I beg to reply on that because the petition is mine. Let Members not confuse the Constitution by reading different sections and not understanding them. Section 71 of the County Government Act, does talk about the probationary period; our Clerk is no longer in probation but was confirmed by the County Assembly Service Board. When you go to the Labour Act that you keep on quoting for us, the six months are about probation, He's no longer in probation, and we're not suggesting or insinuating that our colleague is being fired, please take it from me that what we are actually bringing here is a procedure that was not followed and we are requesting the County Assembly Board to kindly follow it Mr. Speaker. Thank you.

**Hon. Deputy Speaker:** Finally, Hon. Kamau Thuo

**Hon. Member for Karura (Hon Kamau Thuo):** Mr. Speaker, we are continuing with an irregularity I am not going to sit down Mr. Speaker---

*(Loud consultations)*

**Hon. Deputy Speaker:** proceed. Order Members! Order!

**Hon. Kamau Thuo:** This particular petition is out of Order Mr. Speaker.

**Hon. Deputy Speaker:** Order! Hon. Members Order!

**Hon. Leah Manyala:** Point of information Mr. Speaker.

**Hon. Deputy Speaker:** Granted.

**Hon. Leah Mumo:** Thank you Mr. Speaker. I want to tell the Hon. Member we cannot discuss the petition. It is not in order, so what he's doing is misleading this House. Thank you.

**Hon. Leah Mumo (Nominated Member):** Tell the Hon. Member we cannot discuss the petition because it is not in order so what he is doing is that he is misleading this House thank you.

**Hon. Deputy Speaker:** Order Members! Under Standing Order 201 on petitions; "*The Speaker may allow comments, observation or clarifications in relation to petition presented or reported and such total time that shall not exceed thirty minutes*", which I have not given.

So the Member has petitioned the Assembly and under Standing Order 200 (4) "A Member having presented a Petition shall, without question put, lay the Petition on the Table of the County Assembly". So it has not been adopted but it has been laid. Proceed Clerk, Order Hon Gari

Order Members! After the report has been laid... allow me to take you through Hon. Members!, whenever a Petition is committed or reported pursuant to this part it stand committed to relevant Sectoral Committee. Order Members!

*(Loud consultations)*

Order Members! OK you need directions, now allow me know just to take you through Hon. Members first of all am not against the petition presented before the House but this is a House of rules and procedures. Therefore, allow me just to take you through the Standing Orders so that the next time whatever move you are going to make it's correct, is that OK Members?

Under Standing order 195 about the submission of Petitions;

*(1) A Petition to the County Assembly shall be:*

- (a) Submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker; or*
- (b) Presented by the Member on behalf of a petitioner, with the consent of the Speaker:*

*(2) Notwithstanding Paragraph (1) (b) a Member shall not be eligible to present a petition on his own behalf.*

*(3) The Clerk shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition, review the petition to ascertain whether the petition meets the requirements of these Standing Orders and of the law.*

*(4) Where the Clerk considers that a petition does not comply with paragraph (3), the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that paragraph.*

*(5) The Clerk shall be satisfied that if the petition meets the requirements under paragraph (3), forward the petition to the Speaker for tabling in the County Assembly*

Now on the Notice of Intention to present petition: A Member shall give the Clerk two sitting days' notice of intention to present a Petition and the Clerk shall examine such Petition and ensure that the Petition is presented in the manner, form and content required by these Standing Orders.

Then now Hon. Members we come to the form of Petition that you need to understand.

**Hon. Member for Nairobi West Ward** (Mr. Maurice Gari): Mr. Speaker sir, how can you petition somebody and it is the same person to confirm the petition and table it in the Assembly? Is it in order really and we don't have a second Clerk? How will we work on it?

**Hon. Deputy Speaker:** Hon. Members I am still taking you through the Standing Orders. Hon. Members under Standing Order 198, on the form of Petition, a Petition shall be in the form set out in the Third Schedule and shall-

- (a) *Be handwritten, printed or typed;*
- (b) *Be in English or Kiswahili and be written in respectful, decorous and temperate language;*
- (c) *Be free of alterations and interlineations in its text;*
- (d) *Be addressed to the County Assembly;*
- (e) *Have its subject-matter indicated on every sheet if it consists of more than one sheet;*
- (f) *Indicate whether any efforts have been made to have the matter addressed by relevant body and whether there has been any response from the body or whether the response has been unsatisfactory;*
- (g) *Indicate whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body;*
- (h) *Conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;*
- (i) *Subject to paragraph (m) contained the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;*
- (j) *Contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;*

Hon. Members I still go back Standing Order 200 (4) A Member having presented a Petition shall, without question put, lay the Petition on the Table of the County Assembly;

The Petition has been laid in the County Assembly, so just wait for a Communication from the Chair. Proceed

## PAPERS

**Hon. Deputy Speaker:** Hon. Members, the 9<sup>th</sup> Report on Sectoral Committee on Health Services, Chairperson of Health Committee.

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you Mr. Speaker pursuant to Standing Order 180 (6) I beg to lay the paper on the table of the Assembly today Tuesday, 11<sup>th</sup> November, 2014. That is the ninth report of the Sectoral Committee on Health Services on a Study tour to Belfast Northern Island 27<sup>th</sup> May to 22<sup>nd</sup> June, 2014. Thank you Mr. Chairman.

### NOTICE OF MOTION

**Hon. Manoah Mboku:** Thank you Mr. Speaker, I beg to give a Notice of the following Motion, that this Assembly adopts the report of Sectoral Committee on Health Services on a Study tour to Belfast Northern Island laid on the Table of Assembly today Tuesday 11<sup>th</sup> November, 2014. Thank you.

**Hon. Deputy Speaker:** Thank you.

### STATEMENTS

**Hon. Member for Pipeline Ward** (Hon. Samuel Kagiri): Thank you Mr. Speaker. I have a request for statement. Pursuant to Standing Order 41 2(c), I wish to request for statement from the Chairperson of Select Committee on Budget and Appropriation regarding the status of the Ksh.5 billion loan obtained in March 2011 by the defunct Nairobi City Council. The foresaid loan was obtained by the council from the Equity Bank at a transaction fee of 50 million to pay statutory debts which attracted huge interest charges. The loan was to be repaid in 60 months in installments of Kshs.333, Kshs.333, and Kshs.334 in quarterly at an interest rate of 10% per month. Hon. Speaker the loan had attracted interest totaling to Kshs 1,675,255,538 as at 30<sup>th</sup> June 2013 and it is alleged that at some point the loan was assigned to another bank. In the statement, the Chairperson should inquire and report on;

1. Which bank was the loan transferred to?
2. The reasons that led to the transfer of the loan and the terms?
3. The date when the said transfer took place and the outstanding amount as at that date?
4. Provide the documents consenting to the transfer
5. Criteria used to arrive at that other bank
6. Provide details of the current status of the loan.

Thank you Mr. Speaker

**Hon. Deputy Speaker:** Welcome Hon. Member

**Hon. George Maina:** Thank you Mr. Speaker. I had requested for a statement sometime back dated 14<sup>th</sup> last month. I continue?

**Hon. Deputy Speaker:** Continue but please, do we have the Chairman Budgeting? Can you give an undertaking?

**Hon. David Kairu:** Thank you very much Mr. Speaker sir. My committee will undertake it in three weeks to report

**Hon. Deputy Speaker:** Hon. Members Order! Hon. Njoroge can you take this House seriously? Hon. Kagiri please take your seat. Hon. Njoroge please

**Hon. Isaac Njoroge:** Thank you very much Mr. Speaker. On my view I thought three weeks are enough but if the House demands of it quickly, it will come after two weeks.

**Hon. Deputy Speaker:** Hon. Hashim

**Chief Whip Minority** (Hon. Hashim Kamau): Mr. Speaker I just want to inform my *Mheshimiwa* Kairu that the Public Finance Management Act section 122 says that the County treasurer shall maintain a record of all loans made to the County Government and make the record available to the County Assembly within seven days of request.

**Hon. Deputy Speaker:** So Hon. Member can you confirm with the Constitution?

**Hon. David Kairu:** Mr. Speaker I do agree with what they are saying and the Committee will try their best to bring it but I do not think whether it is possible for 7 days Mr. Speaker sir.

**Hon. Deputy Speaker:** Hon. Member Kagiri please. It is as if you want to question the credibility of the Constitution of Kenya. So I am making a decision that you produce the undertaking in the House within the span of the required days. That is seven days. Thank you. Proceed.

**Hon. George Maina:** Thank you Mr. Speaker. Sometime back on 14<sup>th</sup> of last month I requested for a statement from the Committee on Health and today they gave me an answer but I am not satisfied with the answer. Protect me Mr. Speaker. *Daktari* warm your seat, you will have your time. Now Mr. Speaker, the answers they are giving me first and foremost are not satisfactory. I beg for your indulgence.

**Hon. Deputy Speaker:** OK. Order! Hon. Member. I am made to understand that you were given the report yesterday, so it has not been officially tabled and it is not with the Assembly. Now you are discussing nonentity. Can you wait until the Chairman is through with the report that is when you can comment on it.

**Hon. George Maina:** Thank you Mr. Speaker but I have read this report ---



**Hon. Deputy Speaker:** No. you are not able to comment on it until it becomes the property of the Assembly.

**Hon. George Maina:** and it is contradictory –

**Hon. Deputy Speaker:** We still do not have it

**Hon. George Maina:** and it has a lot of lies ---

**Hon. Deputy Speaker:** Order! Hon. Members.

**Hon. George Maina:** and instead of taking the House on rounds and what have you, you see

**Hon. Deputy Speaker:** I am not able to comment on something I have not received. You have received it but I do not have the report with me Hon. Maina. Order! Maina

**Hon. George Maina:** I --- thank you Mr. Speaker.

**Hon. Deputy Speaker:** Proceed Hon. Manyala

**Hon. Elizabeth Manyala:** Mr. Speaker can you give direction because for a Hon. Member to come up and pre-empt a report which has not been tabled. It means he got it in a ---

**Hon. Deputy Speaker:** Hon. Manyala I have already given direction that the report has not been tabled in the Assembly. Thank you. Hon. Maina. Hon Ochola

**Hon. Wilson Ochola:** Thank you Interim Speaker.

**Hon. Deputy Speaker:** What have you just said?

**Hon. Wilson Ochola:** I have said thank you Mr. Speaker. Can I proceed?

**Hon. Deputy Speaker:** Order granted.

**Hon. Samuel Nyangwara:** Mr. Speaker as much as he can correct himself I really want him to withdraw because it has already been captured in the Hansard. He said Interim Speaker. He must apologise and withdraw Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Ocholla.

**Hon. Wilson Ochola:** Mr. Speaker I withdrawn the statement

**Hon. Deputy Speaker:** What have you withdrawn?

**Hon. Wilson Ocholla:** I have just said Mr. Speaker, Interim Speaker

**Hon. Deputy Speaker:** So what do you withdraw?

**Hon. Wilson Ochola:** I withdraw Interim. I have added the word Speaker.

**Hon. Deputy Speaker:** Proceed.

**Hon. Wilson Ochola:** Mr. Speaker sir I beg to respond as follows. On Tuesday 14<sup>th</sup> - and remember this report was here sometimes back and thank God Akuk is back well from home - Akuk welcome, listen to your report. On Tuesday 14<sup>th</sup> October, 2014 the Hon. Maurice Akuk MCA rose on the floor of the Assembly pursuant to Standing Order number 41 (2)(c) and requested the Chairperson of the Labour and Social welfare committee for a statement regarding the alleged illegal presence of the County fleet manager in the office. According to the Hon. Member, it is alleged that the County fleet manager Lucy Muntai number 088345 was interdicted from exercising the duties of her office on gross misconduct but to date the said officer is still in office. The Member further asked the Chairperson to inquire into and report on;

- a) The conduct of Lucy Muntai MAN number 088345 with regard to the vehicle KBQ 123D assigned to the Governor's office
- b) The alleged illegal presence of Lucy Muntai number 088345 as a fleet manager despite being interdicted from her duties.

Mr. Speaker sir, the committee wrote to the Nairobi City County Secretary on 15<sup>th</sup> October, 2014 in a letter Ref: LSW/STM5/2014, requesting to be furnished with the written response to the statement by Hon. Member Maurice Akuk. In this regard, I wish to report to the assembly as follows. That:

The conduct of Lucy Maitai Man number 018345 with regard to the vehicle KBQ 123 that was signed to the Deputy Governor's office. Mr. Speaker sir, the Nairobi City County Secretary responded via letter Ref: HRM/D09/2014 dated 21<sup>st</sup> October 2014 on the matter stating that on 2<sup>nd</sup> September 2014, the following cases of misconduct were reported against Lucy Maitai:

On a number of occasions, the Deputy Governor's office had not been able to use its assigned motor vehicle registration number KBQ 123D since the officer has assigned it to the other duties. This happened

despite receiving verbal instruction not to assign the vehicle to any other duties as doing so inconveniences H.E. the Deputy Governor.

On Saturday 30<sup>th</sup> August, 2014, the vehicle was not available for use by H.E. the Deputy Governor leading to much inconvenience and embarrassment to him

Mr. Speaker sir, on 3<sup>rd</sup> September 2014, she was addressed a show cause letter and interdicted from discharge of her duties pending the conclusion of her discipline cases and was required to hand over her duties to her immediate deputy. The officer responded to the show cause letter on 4<sup>th</sup> September 2014 and denied any wrong-doing. Her case was deliberated by the County Human Resource Management committee meeting which was held on 8<sup>th</sup> October 2014 which recommended lifting of her interdiction and admission of a warning letter.

The minutes according to the County Secretary will be confirmed in the next meeting of the advisory committee to be held on 5<sup>th</sup> November 2014 and thereafter the minutes would be tabled at the County Executive Committee for approval before implementation. Meanwhile, Lucy Muntai Man number 088345 remains on interdiction until final decision is made. Mr. Speaker, currently, Mr. Victor Birundi Engineer IP number 200233 is discharging the duties of county fleet manager. I beg to respond. Thank you Mr. Speaker, I am through.

**Hon. Deputy Speaker:** Order Imwatok! What is it? Can you wait?

**Hon. Peter Imwatok:** Mr. Speaker, I have a statement I was told I am supposed to read.

**Hon. Deputy Speaker:** OK Proceed. Order Imwatok. Hon. Akuk.

**Hon. Maurice Akuk:** Thank you Mr. Speaker sir. I do appreciate the report but again as many members do put it, I am not satisfied. The reason why I am not satisfied, if you look at the response, is that there was an intention to hold a meeting of the advisory committee on the 5<sup>th</sup> of November and today we are on the 11<sup>th</sup> of November, and I believe there should have been some answers coming from this advisory committee by today to at least guide us on exactly what is happening because I am privy to information that this lady is still working with us. This lady is still reporting to work every day. And this report is not conclusive. Thank you.

**Hon: Deputy Speaker:** Hon. Chairman.

**Hon. Wilson Ochola:** Thank you Mr. Speaker. I think the member is irrelevant. If she sees someone along the corridor, that does not mean she is on duty. And we must accept that. You cannot see somebody passing through City Hall and you start saying that that person is on duty. I, as the chairman, confirm that. And there is no more report we are going to give on this. Thank you.

**Hon. Deputy Speaker:** Hon. Akuk, maybe you do your own underground investigation and if you so happen to ascertain that the officer in question is working, then you are able to raise this with the assembly. Thank you. Hon. Dianah, what is it? Can you hold a bit at least we get the statement from Imwatok? You wait a bit.

**Hon. Peter Imwatok:** Mr. Speaker, I believe everybody knows, including my pretty sister Mumo, that when I stand, Makadara is standing. I can rewind that. I believe my beautiful sister Mumo knows that when I stand, Makadara is talking. So, I expect silence from Nyangwara for the Speaker to listen to this statement. It is a very heavy statement. I know the media will capture Nyangwara interrupting the Speaker.

Mr. Speaker, I request for the statement and I am ready to read the preamble of the statement. Pursuant to Standing Order number 41 Cap. 2C, I wish to request for a statement from the Chairperson of Sectoral Committee on Budget and Appropriation, regarding revenue collection in the county over the last financial year. Hon. Speaker, the County Assembly is provided for, in the law, to pass the Finance Bill 2013, to enable the executive to collect revenue. The executive should forward detailed proposals on areas of revenue collection and how it can bolster county finances. Hon. Speaker, in a statement, the chairperson should inquire into and report on:

- 1) Revenue collection per month per fiscal year 2011 and before the passage of the Finance Bill 2013.
- 2) Increase in revenue collection after the passage of the Finance Bill 2013 which increased the revenue base for the county government.
- 3) Revenue collection from the increase in charges of parking within the county compared to the previous years. Thank you.

**Hon. Deputy Speaker:** Ogada. Hon. George, The Chairperson for Budget and Appropriation, deputy...

**Hon. George Ochola:** Thank you Mr. Speaker. We will give a response within one week.

**Hon. Deputy Speaker:** Thank you. Hon. Dianah.

**Hon. Dianah Kapeen:** Thank you Mr. Speaker. Mine is on Point of Order number 80. Mr. Speaker, as a concerned Member of this Assembly, a member has just raised a petition and it is not right and fair for us to go without a commitment from the chair. We need to know when the petition for the Hon. Maurice Akuk will be debated in this Assembly. It is of great importance to the people of Nairobi, to this county, to service delivery of everybody who lives and own part of Nairobi. Therefore, Mr. Speaker sir, I hope you are going to give a ruling on the petition. Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Member.

**Hon. Leah Mumo:** Thank you Mr. Speaker. A while ago, I had requested a statement from the Labor Committee about wages and salaries. And now it is like I am meant to understand by

tomorrow the workers are going to have a strike. So, I need direction from the Chair of Labor Committee.

**Hon. George Ochola:** Thank you madam. We are supposed to respond tomorrow and before we respond, Mr. Speaker, I think something has to be done to the Public Service Board of Nairobi County. As a chairman, I am not a happy man. Therefore, I think members of the Labor Committee are here and we are soon going to call a press conference to do away with the Public Service Board. Before that I would like to argue that the Chair will not be there as the Chairman of Labour. We were with the Union today and therefore there is no strike. Be cool.

**Hon. Deputy Speaker:** Hon. Nyangwara.

**Hon. Samuel Nyangwara:** Mr. Speaker, I am standing on a point of order number 74. I hope, Mr. Speaker, you have granted me that permission to address you.

**Hon. Deputy Speaker:** Granted.

**Hon. Samuel Nyangwara:** Thank you very much. Mr. Speaker, all is not well in this County Assembly. Imagine Hon. Members getting their salaries on the 11<sup>th</sup> of the month. Mr. Speaker, some Members houses were closed for having not paid their rent. *(Applause)* It does not augur well when we go to queue in our respective bank premises to ask whether our salaries have actually been forwarded or not.

Mr. Speaker, I fail to understand why it is only Nairobi. Other County Assemblies get their salaries as early as 28<sup>th</sup> of every month. There is a serious problem that needs to be addressed and I fail to understand why every end of the month we have to stay until 8<sup>th</sup>, 9<sup>th</sup> or 11<sup>th</sup> of every month so that we can get our salaries. Mr. Speaker, are we begging for these salaries?

We want to know who is responsible for paying our salaries. We want to know who is responsible for not remitting our salaries to our respective Banks. Mr. Speaker, we cannot be told now and again that Cooperative Bank has not remitted our salaries through Family Bank or National Bank.

Which is this bank going by the name of Cooperative Bank that does not remit our salaries for the consecutive 10 days? Mr. Speaker, we need direction from the floor and from your Chair and I know your ruling will be binding and we will be getting our salaries on time. Thank you very much.

**Hon. Deputy Speaker:** Thank you, Hon. Nyangwara. Hon. Members, the concern of the Member is in line with the welfare of the Members. It is your constitutional right to get remuneration towards the job befitting on you. So, I am making a Communication and this should go directly to the County Assembly

Service Board. That they should be doing the necessary within their reach and find out whether it is possible or not possible.

They should make sure that Members salary hits their accounts in good time so that they are not charged interest upon the lapse of the 7 days as per the requirements of the bank. It is now hitting Members so much that you are servicing the loan and then after every 7<sup>th</sup> day of the month then it attracts interest.

So, the Clerk of the Assembly, you need to communicate this to the County Assembly Service Board that they must make sure that the salaries of the Members hit the bank account in good time. Thank you. I am made to understand that the County Assembly Service Board received money on Friday from the other side, the Executive. There was nothing much they could do about it. However, they may have to engage the County Executive in good time so that this does not happen again. Thank you. Hon. Hashim.

**Hon. Chief Whip Minority:** Yes, I have got his message, Hon. Speaker and he has reliably informed me that today is Men international day and we are boycotting everything, even contact with women. *(Laughter)* Mr. Speaker, on that note as proclaimed in the Bible and the Koran, God has said that the man is the head of the family. However---

**Hon. Elizabeth Manyala:** *(Inaudible)*

**Hon. Chief Whip Minority:** Mr. Speaker, you have to protect me from Mweshimiwa Manyala.

**Hon. Deputy Speaker:** Granted.

**Hon. Chief Whip Minority:** Mr. Speaker, we are facing serious competition from the women who want to take the covenant position that we have been given by God---

**Hon. Deputy Speaker:** Hon. Hashim, I think you rose on Order Paper number 8. Please, can you proceed with the business?

**Hon. Chief Whip Minority:** Just information to the Members.

**Hon. Deputy Speaker:** Not accepted.

**Hon. Chief Whip Minority:** I thought I had a personal privilege, Mr. Speaker.

**Hon. Deputy Speaker:** Proceed to Motion number 8.

**Hon. Chief Whip Minority:** OK, pursuant to Standing Order number 48(1) and 85 we are withdrawing our Motion as listed in the Order Paper. Thank you.

**Hon. Samuel Nyangwara:** Point of Order.

**Hon. Deputy Speaker:** Granted.

**Hon. Samuel Nyangwara:** Mr. Speaker, this particular Motion was supposed to be read out by the Leader of Minority. There is no communication yet to your office on whether he has given the Hon. Deputy Minority a chance to represent him as far as this Motion is concerned. Mr. Speaker, secondly, he must give reasons as to why this Motion should be withdrawn. *(Applause)* Mr. Speaker, you remember well that the same Hashim and the Minority Leader were at loggerheads with the House Business Committee to prioritize this particular Motion and that is why it appears as number 1 in today's programme. I fail to understand as to why they are withdrawing the Motion without giving us a proper explanation, Mr. Speaker.

**Hon. Elizabeth Manyala:** Point of Order.

**Hon. Deputy Speaker:** Granted.

**Hon. Elizabeth Manyala:** Mr. Speaker, I think it is a precedent that this Hon. Member is setting upon this House. The other day he brought a Bill on plastic which he actually mutilated from my Motion. After it came to the floor of the House he withdrew it. Now, again with the House Business Committee of which I am a member, this was a thorny issue. He was so agitated that he said, we have to slot it on the Order Paper which appears today. Was this Member taking us for a ride in the House Business Committee and we had other important Motions and even Bills that we need to present before the year ends. Is he trying to derail the business of this House? Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Members, the Communication in regards to the withdrawal of the Motion in question was received on 11<sup>th</sup> in the Office of the Speaker and on the same date of 11<sup>th</sup> in the office of the Clerk and the same was approved by the Speaker for withdrawal. Thank you

**Hon. Member for Viwandani, (Samwel Nyangwara):** My concern is very clear, Mr. Speaker, that this Motion, as much as they might be writing letters for approval, it must be withdrawn at the Assembly with the leave of the Members and who is supposed to do that? The Standing Order that he quoted, 48(1), states very clearly that the owner of the motion is the same person who is supposed to withdraw. The Standing Order he quoted is very clear but who has given that Standing Order! To withdraw the Motion is a very different thing from what is in the Standing Order...

**Hon. Deputy Speaker:** Thank you. Hon. Hassim. Hon. Zulfa

**Hon. Nominated Member** (Hon. Zulfa Hakim): Thank you Mr. Speaker Sir. I rise on a Point of Order, Standing Order number 48. A notice of Motion may be withdrawn by the Member who gave the Motion but the notice of the same Motion may be given again either by the same or by any other Member. Pertaining to this Motion, we are all aware that the owner of the Motion is unwell, he was hospitalized and all the same he has delegated the same Hon. Hassim and it is at his discretion to bring a Motion and still it is at his discretion to withdraw it. Since this particular Motion was to be discussed but the Member is unwell and he has delegated, I do not see any problem with same.

**Hon. Deputy Speaker:** Nyagwara hold on.

**Hon. Zulfa Hakim:** I have not even finished. Mr. Speaker please protects me.

**Hon. Deputy Speaker:** Hon. Members can you hold your horses.

**Hon. Zulfa Hakim:** So Mr. speaker it is my kind request to your able office to please consider this withdrawal because it is not a matter of debate.

**Hon. Deputy Speaker:** Thank you. Hon. George Ochola.

**Hon. Member for Hospital**, (Hon. George Ochola): Thank you Mr. Speaker Sir. I would wish to borrow some words from some of our learned friend and we want to state categorically that we are not here to joke. We need to behave here with a lot of decorum because we will not be bringing Motions every now and then and the they get withdrawn. Mine is very simple. If the Minority Leader is unwell, we are very sorry for this but now we need to follow the protocol. If he is unwell, he would have delegated to his deputy but not the Whip. Thank you.

**Hon. Deputy Speaker:** Thank you. Granted.

**Hon. Member for Umoja I ward**, (Hon. George Maina): Mr. Speaker I think our friends on the other side are becoming ridiculous, in that ...

**Hon. Deputy Speaker:** Order Member can you withdraw that.

**Hon. George Maina:** I have withdrawn the word ridiculous. I am very sorry.

**Hon. Deputy Speaker:** Hon. Ochar.

**Hon. George Maina:** As you remember very well this is a party sponsored Motion, right. It is the party that is withdrawing. Now there is one more thing that you should know. Let me finish.



**Hon. Deputy Speaker:** Let him proceed.

**Hon. George Maina:** Let me finish. Manyala you are going to have your time.

**Hon. Manyala:** I was not interfering.

**Hon. Deputy Speaker:** Proceed.

**Hon. George Maina:** Mr. Speaker this is what I was saying before I was interrupted on the same, this matter is in court.

**Hon. Deputy Speaker:** Hon. Ochar can you proceed.

**Hon. Member for Korogocho, (Maxwell Ochar):** Mr. Speaker, let me inform the Member who was on the floor that we have Hon. Manyala in the House and not Manyala. Number two, I am very much disturbed by this Motion. I can remember very well and this one can be taken to bank, that the Leader of Minority was very much in support of this Motion.

I do not know what went wrong so that the Leader of Minority now comes again with the withdrawal of the Motion. We must seek the precedent of this House. In fact the law have it that when you are supporting a Motion, you cannot come back again and ask the House to withdraw the same, same Motion you supported when it was brought in the House, so with this I say that if the Hon. Member is withdrawing the Motion let him withdraw it forever and let it not be back in the House again. Thank you.

**Hon. Deputy Speaker:** Proceed.

**Hon. George Maina:** Before I was even interrupted this is what I was saying.

**Hon. Deputy Speaker:** Hon. Member can you sit down. Proceed.

**Hon. George Maina:** I was saying this; this matter is a matter in court. So we are waiting for the procedures of which we always say that this is a House of rules and procedures. So we are waiting for this matter, first to be decided in court. I think that is the major obstacle and that is why we are withdrawing this Motion. Then Mr. Speaker I do not even understand why...

**Hon. Deputy Speaker:** The Member is on the point of Order.

**Hon. George Maina:** Last time when we were objecting to the same, our friends on the other side wanted it passed, but now when we are withdrawing the same they are crying foul. Mr. Speaker that is why I am saying it is comical relief. This is... like ridiculous...

**Hon. Deputy Speaker:** Order not granted. The Hon. Member is on the floor on a point of Order.

**Hon. George Maina:** Mr. Speaker (*Laughs*), relax, relax guys. Thank Mr. Speaker for protecting me. I was saying this, last time the people who are opposing this, when now we are withdrawing, now they are seeing... the Hon. Member sorry I withdraw it.

**Hon. Deputy Speaker:** Order Member can you sit down.

**Hon. George Maina:** Thank you Mr. Speaker.

**Hon. Deputy Speaker:** Order Members, just sit down Hon. Members. Order Members. Members, under Standing Order 48(2), we are all in agreement that, this Motion in question today originated from a political party. For that reason, it was given a priority as a special Motion. Do we agree? So under Standing Order 48(2) despite paragraph one, notice of special Motion may... not, it is. Ok Hon. Members. Order! Order Hon. Member. Ok fine.

**Hon. Member for Viwandani Ward** (Mr. Samuel Nyangwara): Mr. Speaker it is like these Hon. Members know what they are doing but they are doing it wrongly. This is a House of rules and procedures. This Motion was put on the paper today as the business of the day simply because it was a party supported Motion which makes it so special. Number two Mr. Speaker, the person who supported this particular Motion Hon. Abdi Hassan wrote a letter on 11<sup>th</sup> November and signed and they are now telling us that this particular person is in hospital. Then a question arises here, that is what you said here and the Hansard is here and it was captured very clearly. Mr. Speaker you fail to understand whether he is the person who signed here if he is indeed he is hospital. Secondly, he could have appointed somebody, there is no letter---

**Hon. Deputy Speaker** (Mr. Kennedy Ng'ondi): Order Hon. Nyangwara, under Standing Order No. 48, it is very clear on the withdrawal of a Motion; *A Notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again by the same or by any other Member.* But you--- Hon. Member you want to tell us here that since the Hon. Minority Leader is unwell so we are not even able to move the Motion. Is that what you are trying to imply? I just want your understanding; let us leave it at this point. The Hon. Minority Leader is unwell, he ought to move the Motion, and he is not in the House. Should we forgo the Motion? Waiting and withdrawing is almost the same thing. So can we wait until he gets well? Thank you.

**Hon. Samuel Nyangwara:** Mr. Speaker the Leader of Minority is unwell and the person---

**Hon. Deputy Speaker:** Order Hon. Hashim I will give you time.

**Hon. Samuel Nyangwara:** I am on a Point of Order. Mr. Speaker we are not complaining as to why they are withdrawing this Motion, even if he could be well, he could be here to withdraw the Motion, the issue here even if it has to be withdrawn, it has to be withdrawn orderly. For one, the Standing Orders tell us the person to withdraw this Motion is the same person who brought this Motion. The person to bring it, if it has to appear again in the Order Paper, any other Member can bring it here, that is what the Standing Order is saying and it is very clear.

**Hon. Deputy Speaker:** Order Hon. Manyala under Standing Order No. 48 it is very clear that the Motion can be withdrawn and as member we cannot stop some eventualities; the Hon. Minority Leader is unwell and he has delegated the same and it was received in the office of the Speaker and the Clerk, it was received and we assume that the Motion has been withdrawn. Order Hon. Members, proceed Clerk.

Hon. Members, give me your ears, an issue was raised here in regard to the petition which was read out by Hon. Akuk, allow me now to refer back to Standing Order 195 (5) because I believe the petitioner had given the petition to the office of the Speaker and it is indeed the office of the Speaker to forward the same in the Assembly. So Hon. Members I am making a ruling that the County Assembly Service Board and the office of the Speaker to present and lay the petition in its original form tomorrow at 2.30 p.m.

Hon. Members, members of the Loans and Mortgage Committee to meet at the rise of the Assembly. Hon. Members, also the House Business Committee to meet at the rise of the Assembly. Thank you, the House adjourns to tomorrow at 2.30 p.m. in the evening. Thank you.

***The House rose at 5.00 PM***