



**NAIROBI CITY COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**First County Assembly – Second Session**

Tuesday 15<sup>th</sup> July, 2014

The House met at 2.30 p.m.

*(Mr. Speaker in the Chair)*

**PRAYERS**

**STATEMENTS**

**Hon. Speaker:** Hon. Kennedy Oduru.

**REQUEST FOR STATEMENT REGARDING ALLOCATION OF LAND FOR PUBLIC UTILITIES IN LUCKY SUMMER WARD**

**Hon. Member for Lucky Summer Ward**(Mr. Kennedy Oduru): Thank you, Mr. Speaker sir. I have a request for a Statement. Hon. Speaker sir, **PURSUANT** to Standing Order number 41(2c), I wish to request for a Statement from the Chairperson of the Sectoral Committee of Planning and Housing regarding the allocation of land for public utilities in Lucky Summer Ward. Hon. Speaker, Lucky Summer is a highly populated Ward in Nairobi County and most of the land is occupied by buildings there is no land left for schools, hospitals, markets, social halls or recreational centers/playing fields. There are a lot of young and school-going children who have a right to the free primary education provided by the Constitution of Kenya, 2010. Hon. Speaker, the Land Law requires that for any commercial land that has been sub-divided 10% should be surrendered to the Government for public use. Hon. Speaker, in the Statement the Chairperson should enquire into and report on;

1. The land registration numbers of land that was reserved including its actual acreage for public utilities within Lucy Summer Ward.

2. The people sitting on public land in the Ward.
3. Measures being put in place by the County Government to ensure that the grabbed public land is given back.

Thank you, Mr. Speaker sir.

**Hon. Speaker:** Thank you very much, Hon. Kennedy Oduru. The Hon. Chairperson for Sectoral Committee, Planning and Housing to give an undertaking in regards to this Statement.

**Hon. Member for Imara Daima Ward**(Mr. Jairo Atenya): Mr. Speaker, I beg to be given two weeks.

**Hon. Speaker:** Very well. Yes, Hon. Leader of the Majority.

**Hon. Leader of the Majority**(Mr. Elias Otieno): Mr. Speaker, I think it is not a statement instructing people to go and solicit money. Mr. Speaker, I think this time we are going to get a comprehensive statement because every time we ask for a statement on this floor, instead of us getting feedback we are just hearing about some people going to see the developers. So, let it be a warning, Mr. Speaker.

**Hon. Speaker:** Thank you, Hon. Leader of the Majority. I am sure the Chairperson has taken note and I have also seen this in the past, but what we require on this floor is what the Members have asked for, no more and no less. I would like the Chairperson for Planning to do us proud by bringing proper answers to this House. Hon. Members, as you know we have a duty and I want to warn the Members of the County Assembly that we should not take it as our responsibility to go and be lawyers or become people who are going to be surveyors. Let us play our role as mandated by our Standing Orders, we have no other business out there and I have told you Chairpersons, if you have difficulty from the other side come and tell us that you have difficulty so that we can tackle that difficulty from the other side of the divide, that is the County Executive.

If you encounter any problems, Hon. Chairpersons, do not wait for the Members here to lay blame on you, please report it immediately. We have the Chairperson of the Liaison Committee; we have the Leader of the Majority representing the Government so we are fully loaded here to have whatever we want at the earliest time we want. I thank you.

Hon. Diana, you had a something to say but before you do that let us get an undertaking from the Chairperson. You said two weeks?

**Hon. Jairo Atenya:** Mr. Speaker, sir, as you know Lucky Summer is very big so investigating and enquiring then taking the report to the Executive, two weeks is not enough time.

**Hon. Speaker:** So, what do you want?

**Hon. Jairo Atenya:** Just one month.

*(Loud consultations)*

**Hon. Speaker:** Very well, Hon. Members, let the Chairperson---

*(Loud consultations)*

**Hon. Speaker:** We all know where Lucky Summer is. Let him get all that we need for the Member of that area to be satisfied.

**Hon. Jairo Atenya:** Mr. Speaker sir, what you need is a concrete report.

**Hon. Speaker:** Yes.

**Hon. Jairo Atenya:** Yes, so why should I lie that I will bring it in one week or two?

**Hon. Speaker:** Okay.

**Hon. Member for Karen Ward**(Mr. David Mberia): Mr. Speaker, I think the Chairperson---

**Hon. Speaker:** What have you risen on, Hon. Chief Whip? You are on what?

**Hon. David Mberia:** On statements, Mr. Speaker.

**Hon. Speaker:** No, no, you are not on statements. Are you on a Point of Order or what?

**Hon. David Mberia:** Mr. Speaker, can I---

**Hon. Speaker:** Excuse me!

**Hon. David Mberia:** Mr. Speaker, sir---

**Hon. Speaker:** Order, Hon. Chief Whip. Are you on a Point of Order or---

**Hon. David Mberia:** I wanted to give a rider on what---

**Hon. Speaker:** No, no. It has to either be a Point of Order or---

**Hon. David Mberia:** Mr. Speaker, I can't rise during the time of issuing statements?

**Hon. Speaker:** You need to be specific. Just be specific, Hon. Chief Whip, just a Point of Order.

*(Loud consultations)*

**Hon. David Mberia:** Can you protect me, Mr. Speaker, sir.

**Hon. Speaker:** I am protecting you.

**Hon. David Mberia:** Mr. Speaker, when I rose here some two months ago seeking a statement on that land in Karen, I think as the President of this House---

**Hon. Speaker:** Which land, Hon. Chief Whip?

**Hon. David Mberia:** The land which has purportedly been grabbed by PCEA Church in Karen, Mr. Speaker. I think---

**Hon. Member for Njiiru Ward**(Ms. Karen Githaiga): Point of Order.

**Hon. Speaker:** Yes, Hon. Karen, what is the Point of Order?

**Hon. David Mberia:** Mr. Speaker, I think we need to be serious---

**Hon. Speaker:** Order, Hon. Chief Whip.

**Hon. David Mberia:** I want to be told if the statement is not ready, Mr. Speaker.

**Hon. Speaker:** Order! Can you please finish?

**Hon. David Mberia:** Mr. Speaker, What I am saying is that I want to know what happened to the statement I sought on the floor of this House concerning the land which belonged to Karen Health Center.

If the statement is not ready or the Committee is not ready to bring the statement then, Mr. Speaker, I will just forget about it because I do not have any interest in this particular piece of land.

**Hon. Speaker:** Order, Hon. Chief Whip. Order! Now, I do not want to repeat what we said last week before we went on recess. You know, because of these questions coming up or not coming up and not appearing on our Order of Business, I took my time and I called the leadership of the House and we had a meeting with the CECs. I want to repeat that because I gave this information before we went on recess. Hon. Members, I want to repeat here that all the statements apart from one are all with the Sectoral Committee on Planning. The only question that was not there is the one Hon. Vice Chairperson, Hon. Ochar, did not concur with it and that is to do with City Hall Annex. So, because I do not want to open this debate here today, Chairperson you were not here, you have all the answers and I want all those answers by Thursday, 2.30p.m. here on the floor of this House.

**Hon. Leader of Majority:** Mr. Speaker---

**Hon. Speaker:** Yes, Hon. Leader of Majority?

**Hon. Leader of Majority:** Thank you, Mr. Speaker. It is just a rejoinder from the Chairperson of Planning. Mr. Speaker, I think last time you ordered me to bring a statement concerning the wetland in Westlands at around 4.00 p.m. The following day I brought the report so there is no way the Chairperson is going to tell us that he is going to bring the report in two weeks. The report is just lying there with the Executive and he should just go and talk to the CEC member or the Chief Officer in charge of that department then you give us the report even by tomorrow. There is no investigation he is going to do unless they are going to do another investigation which we do not know about. Let him just go and call these people and have a meeting with them and bring us the report instead of that investigation he is going to do in whichever Ward. So, I do not see the reason why it will take two more weeks to get an answer from that department and yet we have the Executive who are working every day in that department. Thank you, Mr. Speaker.

*(Consultation between the Speaker and the Clerk)*

**Hon. Speaker:** Very well. I need to do some corrections. Hon. Members, we have reports from Planning which will be tabled tomorrow at 2.30 p.m. and which include Hon. David Mberia's report. Therefore, my earlier instructions are reversed because I have just been told by the Clerk that the reports are with them so they will be able to bring them. I thank you. Hon. Diana Kapeen, Chairperson, Works and Transport.

**Hon. Member for South C**(Ms. Diana Kapeen): Mr. Speaker sir, I would just like some clarification from the Leader of Majority. He has said statements should not be used to solicit money. I am

a Chairperson and there are several of us here and I have not received answers to my questions because of the slowness of the department. I want him to clarify if he knows something, if he can substantiate what he is saying and if he cannot then he should withdraw because he is also the Chairperson of the Implementation Committee and he is the head of the Chairmen together with the Deputy Speaker.

**Hon. Speaker:** Very well. Hon. Leader of Majority.

**Hon. Leader of the Majority:** Mr. Speaker, you know very well that the person who has just spoken here, nowadays she is not alone *(Laughter)* ...so maybe she has something which is disturbing her---

**Hon. Speaker:** What did you say?

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Leader of Majority! Hon. Karen.

**Hon. Karen Githaiga**(Nominated Member): Mr. Speaker sir, he should explain what he means when he said that she is not alone. We cannot sit here and let people disrespect us. We are mothers of this country and of this County. Can he withdraw if he cannot explain what he is talking about?

**Hon. Speaker:** Leader of Majority.

**Hon. Leader of Majority:** Thank you professional hawker *(Laughter)* Mr. Speaker, I do not think that there is anything to withdraw here because it is just natural for somebody to be two in one, so I do not have anything to withdraw, Mr. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order, Members. I do not know when the Leader of Majority turned out to be a gyno and I think we should now find out whether he has worn another cap of being a gynaecologist. Hon. Jaffer Kassam.

### REQUEST FOR STATEMENT REGARDING APPOINTMENT OF DIRECTOR OF PUBLIC HEALTH, NAIROBI CITY COUNTY

**Hon. Member for Highridge/Parklands**(Mr. Jaffer Kassam): Thank you, Mr. Speaker. **PURSUANT** to Standing Order 41(2c) I wish to request a statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the appointment of Dr. Lucy Wanjiru Musyoka as

Director of Public Health, Nairobi City County. Hon. Speaker, the aforementioned post was advertised in the Daily Nation dated 10<sup>th</sup> January, 2014. A list of the shortlisted persons for various positions was placed including the position of Director of Public Health in the Standard newspaper on 25<sup>th</sup> March, 2014. Dr. Lucy Wanjiru Musyoka did not and does not meet the qualifications needed to qualify for the appointment. Hon. Speaker, in the statement the Chairperson should enquire into and report on;

1. The criteria followed to appoint Dr. Lucy Wanjiru Musyoka as Director of Public Health.

Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you, Hon. Chairperson. This is for the Director of Public Health, so how come it is going to the Sectoral Committee on Labour and Social Welfare?

*(Consultations between Speaker and the Clerk)*

**Hon. Speaker:** Okay, I beg your pardon. Hon. Chairperson, Sectoral Committee on Labour and Social Welfare. Can you put your tie properly please?

**Hon. Member for Utalii Ward**(Mr. Wilson Ochola): Thank you, Mr. Speaker. Am I smart now?

**Hon. Speaker:** Yes you are.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir. According to what he has asked for in his statement, please give us two days to expand on it. We do not have to stay with his statement any longer than that.

**Hon. Speaker:** Very well, Hon. Chairperson. Thursday, 2.30 p.m.

*(Hon. Asha Sosso rises to her feet)*

**Hon. Speaker:** *Mweshimiwa*, you are standing and not saying anything. Can you please approach the mic.

#### **RESPONSE TO STATEMENT REQUESTED ON CLOSURE OF HOUSING DEVELOPMENT DEPARTMENT AND OFFICE OF THE CITY INSPECTORATE IN KAYOLE NORTH AND EASTLANDS**

**Hon. Member for Lindi Ward**(Asha Sosso): Thank you, Mr. Speaker. I want to respond to the statement which was asked by Hon. Member Peter Migwe Gichohi, MCA, Member for Kayole North Ward, from the Chairperson of the Sectoral Committee on Labour and Social Welfare. Mr. Speaker, I beg to

respond as follows. On Tuesday 1<sup>st</sup> April, 2014, Hon. Peter Migwi, MCA rose on the floor of the Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of the Labour and Social Welfare Committee regarding the closure of the Housing Development Department and slum upgrading site and services offices by the Office of the City Inspectorate on 17<sup>th</sup> March, 2014. The Member further asked the Chairperson to enquire into the report on;

1. Reason that led to the closure of the offices.
2. When and where the people from Kayole North Ward and Eastlands in general can access the services from these offices, e.g. property search, transfer and verification of documents.

Mr. Speaker sir, the Committee wrote to the Nairobi City County Secretary on 3<sup>rd</sup> April, 2014 in a letter referenced LSW/12/2014 requesting to be furnished with the written response to the statement by Hon. Peter Migwi Gichohi. In this regard I wish to report to the Assembly as follows;

**a. Reason for the closure of the housing development department**

Mr. Speaker, the Nairobi City County Secretary responded via the letter reference SGD/LS/0013800/PW/ZNR dated 13<sup>th</sup> May, 2014 on the matter stating that the office has been closed to stop fraud and exchange of files.

**b. When and where the people of Kayole North Ward can access the services**

Mr. Speaker, sir, in regard to when and where the residents of Kayole North can assess services like property search, transfer and verification of documents, from the office of the County Secretary in the same indicated that the office has been opened and Mr. Ochola is in charge of the office. This is not Mr. Ochola my Chairman, it is a worker of the County of Nairobi.

Mr. Speaker, as a way of preventing the same from happening, scanning of the documents is being done to secure information. Attached herewith is the letter from the County Secretary. Mr. Speaker, sir, I beg to lay the response. Thank you.

**Hon. Speaker:** Very well, thank you very much.

**Hon. Asha Sosso:** Before I finish, Mr. Speaker, I was told that this message, the Hon. Member has given it to the in-charge of the Minority and I think---

**Hon. Kamau Thuo:** Pass it to me.



**Hon Asha Sosso:** Okay, I did not know that, thank you. Okay, let me just lay it before the Speaker.

**Hon. Speaker:** Thank you very much, *Mweshimiwa*. Hon. Peter Migwi Gichohi.

**Hon. Member for Karura Ward**(Mr. Kamau Thuo): Mr. Speaker, the Hon. Gichohi passed the mantle to the Minority Leader who also passed it to me and for the first time we are comfortable with the answer.

**Hon. Speaker:** Thank you very much. Okay, now it is the---

*(Consultations between the Speaker and the Clerk)*

**Hon. Speaker:** This is the response to Hon. Thuo from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources.

#### **RESPONSE TO REQUEST FOR STATEMENT REGARDING THE RELATIONSHIP BETWEEN THE NAIROBI CITY COUNTY ENVIRONMENT DEPARTMENT AND THE BETTER BEST ENTERPRISE**

**Hon. Member for Kwa Njenga Ward**(Mr. Alexander Mulatya): Thank you, Mr. Speaker. On behalf of the Chairperson of Agriculture and Natural Resources Committee, I have a response for the Hon. Kamau Thuo. On Thursday, 12<sup>th</sup> June 2014, the Hon. Kamau Thuo rose on the floor pursuant to Standing Order 41(2c) and requested the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources for a statement regarding the relationship between the Nairobi City County Environment Department and the Better Best Enterprise. He further asked the Chairperson to enquire into and report on;

1. The terms of agreement between Nairobi City County and Better Best Enterprise.
2. The Signatories of the agreement.
3. Why the matter was never presented to the Assembly for approval.

Mr. Speaker, the Committee wrote to the County Secretary with a copy to the County Executive Committee member responsible for the same on 20<sup>th</sup> June, 2014 requesting to be furnished with a written response to the statement by Hon. Thuo. The County Secretary responded through a letter reference number COEF/1/33/375 dated 24<sup>h</sup> June, 2014. In this regard I wish to report to the Assembly as follows;

#### **A) The terms of agreement between Nairobi City County and Better Best Enterprise.**

Mr. Speaker, the Committee was informed that the Company in question is referred to as Better Best Enterprise and not Betterbest Enterprise as referred to by the Hon. Member. They are one of the Companies contracted by the County Government for solid waste collection and transportation since 2013. It has 19 refuse trucks of 25 tonnes each, 7 heavy equipment machinery and equipment comprising of 2 D\* DZ Dozers, 2 excavators, 1D75S chain shovel, 1 wheel loader and 1 turnbuckle. The refuse trucks are used for refuse collection and transportation from solid waste collection zones in the city. The Company was awarded a 2 year tender on terms as contained in the attached contract agreement dated 10<sup>th</sup> July, 2013.

### **B) The signatories of the agreement**

Mr. Speaker, the Committee was informed that the signatory for a solid waste management contract is the County Secretary witnessed by the Chief Finance Officer and the Director of Legal Affairs on the part of the County Government and the Company Directors for the other party. This can be confirmed by the attached contract agreement.

### **(C) Why the matter was never presented to the Assembly for approval**

Mr. Speaker, the Committee was informed that the solid waste management contract was a product of a competitive tendering process and therefore there was no requirement for approval by the County Assembly. Mr. Speaker, I beg to lay this response.

**Hon. Speaker:** Hon. Thuo?

**Hon. Kamau Thuo:** I am satisfied.

**Hon. Speaker:** Good, things are moving well. Next, Clerk.

**Hon. Wilson Ochola:** Mr. Speaker, can I continue?

**Hon. Speaker:** No, because--- What are you coming to say?


**Hon. Wilson Ochola:** I am coming to respond to the statement, Mr. Speaker.

**Hon. Speaker:** Okay.

## **RESPONSE TO REQUEST FOR STATEMENT REGARDING APPOINTMENT OF WARD ADMINISTRATORS**

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**Hon. Wilson Ochola:** Thank you, Mr. Speaker sir, for giving me this opportunity. Mr. Speaker, I beg to respond as follows. On Wednesday, 2<sup>nd</sup> July, 2014, the Hon. Karen Wanjiku Githaiga rose on the floor of the Assembly pursuant to Standing Order number 41(2c) and requested the Chairperson of Labour and Social Welfare Committee for a statement regarding the appointment of the Ward administrators. In the statement the Hon. Member noted that Ward administrators have been posted to all the 85 Wards. Each Ward had a Ward manager which has resulted in duplication of duties and further, that the Ward managers have contributed much to revenue collection in the Nairobi City County for the last 12 years. She further asked the Chairperson to enquire and report on;

1. Role of the Ward managers since the Ward administrators have already been posted to the Wards.
2. The efforts being made to motivate Ward managers who have shown exemplary performance in raising revenue.

Mr. Speaker, sir, the Committee wrote to the Nairobi City County Secretary on 7<sup>th</sup> July, 2014 on letter reference 19/2014 requesting to be furnished with the written response to the statement by Hon. Karen Wanjiku. In this regard, I wish to report to the Assembly as follows;

#### **a. Role of Ward Managers**

Mr. Speaker, sir, the chief officers in charge of public service management responded through a letter ref. ESM/9/2014 dated 11<sup>th</sup> July, 2014 on the matter stating that the in the year 2003 the defunct City Council of the Nairobi decentralized its service to the division of the ward level. In this regard 8 division and 74 Wards were established each headed by divisional and Ward Managers respectively.

Mr. Speaker, sir, following the passing of the new Constitution 2010 and the Kenya County Government Act, 2014 the services within the counties were developed to submit units which in this case include such county's and wards headed by sub-county and ward administrators. Mr. Speaker, sir, currently there are a total of 17 sub county's and 85 Wards as per the County Government Act 2012 part 6 which sets out the duties and the responsibilities of sub county and Ward administrators in a well-structured and organized manner.

#### **b) The effort being made to motivate Ward managers who have shown exemplary performance in raising of revenue.**

Mr. Speaker, 51/2 of the County Government Act, 2012 provides for the appointment of Ward administrators by the County Service Board and as a result of this the Nairobi City County Service Boards advertised for the position and recruited a total of 62 Ward administrators and among them 157 county officers were successfully appointed. Mr. Speaker, sir, the County Public Service Board is currently

conducting interviews for the remaining positions and a number of former Ward managers have been shortlisted and are currently being interviewed.

Mr. Speaker, regarding motivation of former Ward managers in the County's the Chief Officers have done the following;

1. Prompt payment of salaries.
2. Training of the officers.
3. Imprest facilities, the imprest of stationery.
4. Issuing of certificates of merit explanatory performance.

Mr. Speaker, sir, I beg to lay this response but before I do that, according to me the Public Service Board did not give us the appropriate answers but I do not know whether Wanjiku will accept it. Can you, Wanjiku?

**Hon. Speaker:** Order, Hon. Chairperson!

*(Loud consultations)*

**Hon. Speaker:** Hon. Karen.

**Hon. Karen Githaiga:** Thank you, Mr. Speaker. The Chairperson has really tried but I think he has not told us anything new. We all know the work that the Ward managers were doing and what the Ward administrators are going to do. It is the same thing. My question was this, where will the Ward managers go? It is as simple as that. Where will they go if you replace them? As we know there are only 7 Ward managers who have applied, where will the rest go and what reasoning will they use to replace the other ones?

**Hon. Wilson Ochola:** *(Inaudible)*

**Hon. Speaker:** Order, Hon. Chairperson.

**Hon. Karen Githaiga:** Mr. Speaker, we know the work that the Ward managers have done. They have helped us so much in revenue collection and now, I do not know whether they want the Ward managers to teach, to give experience to the Ward administrators so that they can throw them away. We cannot accept that in our County. Chairperson, can you give us an answer and tell us the job description of those current Ward managers.

**Hon. Wilson Ochola:** Thank you, Mr. Speaker. This is very simple and clear. We are going to deploy them again because they did not have the qualifications that were required. The Public Service Board, we know our work and I think we are not going to chase them. They have already been given their letters for deployment and I think there is no other statement I will add on that. Thank you, Mr. Speaker.

**Hon. Speaker:** Order, Hon. Chairperson. Go back to the mic. Did you say that the former Ward managers under the defunct City Council have been deployed to other areas?

**Hon. Wilson Ochola:** Yes, they are on their way. Some have already got their letters. Mr. Speaker sir, to simplify this, there are those who met the qualifications who were Ward managers and now they are Ward administrators.

**Hon. Speaker:** Okay. What Hon. Karen is worried about is that those workers do not lose their jobs because of the new Ward managers coming in.

**Hon. Wilson Ochola:** Mr. Speaker, she should not worry about that. We are taking care of that and in a week's time I will give you a report.

**Hon. Speaker:** Thank you, Hon. Chairperson. Hon. Akinyi.

**Hon. Member for Kayole South Ward**(Ms. Elizabeth Manyala): Yes, Mr. Speaker, it is absurd that Members do not want to read about devolution. Members do not want to even refer to the County Government Act and see how restructuring at the County is being done. The Hon. Member knows well that these managers were working there to fill in because the County could not afford to have a power vacuum. The service delivery has to be ensured to the Nairobian despite the restructuring that is going on at the moment. When we came on board on 4<sup>th</sup> March, 2013, we started by approving and vetting the positions as required in the County Government Act.

If you check the organogram we have the sub County, we have the Board which was not there in the defunct City Council. We are now in a new dispensation and all those employees who are filling these gaps are now being called back for redeployment. At the same time when positions like Sub County Administrators or Ward Administrators fall vacant they are free to competitively apply for these positions if they feel they are fit and they will come for the interviews and be able to get those jobs. Therefore, these Ward Managers are still employees and they will be redeployed.

**Hon. Speaker:** Thank very much, Hon. Akinyi. Hon. Karen.

**Hon. Karen Githaiga** (Nominated Member): Thank you very much, Mr. Speaker. We have read the County Government Act and we understand it very well. What we are saying is very simple, we want

assurance that those people will get jobs because our work here is to talk on behalf of the public who are not able to stand here and talk. I just want a clear statement, an assurance that those people will be given a job description. Devolution did not come to take away jobs from people but to absorb them into the County. Mr. Speaker, thank you.

**Hon. Speaker:** Thank you very much. Hon Karen, I think we got an assurance from the Chairperson and also as per the County Government Act we know that members of staff will be taken care of. I thank you.

*(Hon. Pius Otieno stands up)*

**Hon. Speaker:** Order. You are rising on what, Hon. Otieno?

**Hon. Member for Sarangombe Ward (Mr. Pius Otieno):** Thank you, Mr. Speaker. I just wanted to give a clearer impression, I think it should be very clear to Hon Members that when we are redeploying we are only moving a person from station A to B. I also know the County Public Service Board will bring a policy of actually engaging with these Ward managers. If we find that there is somebody who is redundant, so that we don't incur this high expenditure in our recurrent expenditure---- We should not say that we are here to protect because we cannot protect people who are being made redundant. If they say so and so should be fired, let him be fired and let us bring those people who are up to scratch, those people who can actually compete in this 21<sup>st</sup> Century. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Next order. Yes, Chairperson?

**Hon. Member for Lower Savannah (Mr. Alfred Ambani):** Thank you, Mr. Speaker. In response to a statement requested by Hon. Samuel Mwangi, MCA, Member for Pipeline Ward---

**Hon. Speaker:** If the Member is not in we can do it tomorrow.

**Hon. Alfred Ambani:** We can still respond. Mr. Speaker, I have to respond to the statement now because we have a lot to do as a Committee.

**Hon. Speaker:** Hon. Chairperson, please can you take your seat. As we have not yet encountered such an incident, that response to statement will be done tomorrow at 2.30 p.m. This is a warning to Members, if you are not there we will have your response cleared off our desk, so you must be there to listen to your responses. We also don't want you to put pressure on the Chairpersons. Let us move on. Next order.

**Hon. Alfred Ambani:** Thank you, Mr. Speaker. However, I am not sincerely happy because last time he requested a response from us as a Committee and we worked on it. Now we are bringing our Statement to the table and it's been postponed. Thank you.

**Hon. Speaker:** Hon. Chairperson, I want to thank you for being up to date but since the owner of the statement is not here we can give him today and if he does not turn up tomorrow, then we will discard that response. I also want to thank you for your good work especially the Labour Committee for the effort of trying to clear their backload. Thank you. Yes Hon. Thuo what is it?

**Hon. Member for Karura Ward**(Mr. Kamau Thuo): Mr. Speaker, I rise to offer a personal statement on my security, as a Member of the County Assembly representing Karura Ward. Mr. Speaker I must say that my life to some extent is in danger.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members.

#### **REMOVAL OF ROAD BARRIERS IN RUNDA ESTATE AND LETTER RECEIVED BY HON. KAMAU THUO**

**Hon. Kamau Thuo:** Thank you, Mr. Speaker. I must say my security is at risk in Karura Ward and particularly in Runda. Mr. Speaker, this is as a result of a Motion that was sponsored by me and approved by this Hon. Assembly. Mr. Speaker, the Runda Association Committee has gone ahead and circulated pamphlets insinuating that I intend to remove the barriers in two weeks. I want to make it clear that I am a law maker, I oversight and I represent. The work of removing barriers is the preserve of the Executive so I am not intending to remove barriers in Runda, the Executive will go ahead and remove the barriers in accordance with the Motion that was passed in this Assembly. When someone said that we did not consult it is on the record that I wrote three times to the Runda Association Committee seeking their audience on this matter. My actions were inspired by some of the residents who live in Runda.

I will be asking your office and the rest of the Members of this County Assembly that my security should be assured and I must say that I am not taking this lying down. I have indeed instructed by lawyer to write a letter to the Runda Association Committee and I have served you that particular letter seeking a public apology on this matter, failure to which I will be heading into the courts because I believe what its contained in that particular paper is defamatory, scandalous and rebellious against my personal status in the society. I would also be expecting that because this is the decision of the House that the County Assembly writes to the Runda Association Committee seeking an apology. Thank you.

**Hon. Speaker:** Very well. Leader of Majority

**Leader of Majority:** Mr. Speaker, thank you. Mr. Speaker, is it a crime to second the Motion because I think if I remember correctly, I seconded Hon. Thuo's Motion.

**Hon. Speaker:** Leader of Majority, because I got this from my office today, if you could give me one minute just--- Hon. Members, sure enough the Hon. Member for Karura has been under severe attack by some members of the Runda Resident Association. Hon. Members, I received a letter yesterday morning from the Runda Resident Association which was actually contemptuous. In total disregard to the Assembly of Nairobi the words that were used were of a nature that is not of the County Assembly of Nairobi.

Hon. Members, when an Association writes to the County Assembly Speaker and even says that they are already in a process to punish the Member of the County Assembly to recalling, that one offended me greatly. I went to the Governor immediately with the County Assembly Member and I expressed my displeasure at the letter written by the Association. Furthermore, the County Assembly was leveled on a very low grade. However, as you are aware, Thursday is when the Hon. Leader of Majority seconded the Motion and is where we want the rights of the people of Karura and the citizens of Kenya to pass through the roads built through Runda and any impediment to people's movement action must be taken.

We as the County Assembly want to give the Nairobians the security they deserve but anything that will discriminate Kenyans at any stage will not be accepted. Hon. Members when they say, *"the action by the MCA is highly discriminatory to the residents of Runda and we intend to take all necessary legal actions because the MCA plans to remove the barriers"*. Hon. Members it is not the MCA's, it is the County Assembly of Nairobi and we are not removing the barriers for a purpose of malice, but we are saying discrimination of any kind in this city of Nairobi, whether you are living in Runda, Muthaiga, Buruburu or Dagoretti, everybody must have the right and freedom of movement.

However, this is not to be construed that we do not have the security of Kenyans, especially Nairobians, at heart. What we are saying is anything that impedes the movement of Kenyans and anything that is discriminatory is in the Constitution of this Republic and it is in the Constitution of this Assembly and the Fourth Schedule of the Constitution. Therefore, I take the Runda Association letter as an abuse to the County Assembly and the Member of the Karura Ward has the protection of the County Assembly in whatever form little or big that we can offer.

Therefore, for the Runda Association to threaten our Member it will not be accepted. As rightfully as you demanded an apology we expect your lawyer to move with full speed on the defamation but as an Assembly. The Motion was brought on the floor and it got the support of the membership of the House and that is where we reached and now we are waiting for the Executive to do what we have done. The Leader



of Majority here again I ask you, because you look like you have very fast feet, the Executives must move with speed to remove anything that blocks the movement of Nairobians or discriminates the people of Nairobi. That is what we are saying. The barriers can remain but if they are discriminatory, we have said anything that discriminate must be done away with.

The Committee visited Karura and that is a fact. This Assembly is not going to go back on its word. The Leader of Majority, we expect your report on Thursday 2.30 p.m. anything that discriminates against the people who live in and around Karura must be removed. It is clear and so ordered. The Hon. Nyangwara.

**Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara):** Thank you, Mr. Speaker. The matter in question was passed on the floor of this House. The Hon. Member for Karura has just risen on the floor of this House and said that he has instructed his lawyer to act on his behalf. We know very well he is going to incur expenses on his own and this is a matter that involves the Assembly and it did not emanate from him. Mr. Speaker, I am requesting you give direction pertaining to this because whatever we did was within the law and that is the mandate of the County Assembly of Nairobi, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** The Leader of the Majority.

**Leader of Majority:** Thank you, Mr. Speaker, for giving me this opportunity again. I think it is high time you act as a united family because I don't think that if somebody brings a Motion here it is his/her personal property, it is for the Assembly. So there is no way these people are going to intimidate us, especially someone like me. I cannot be intimidated. I have never felt threatened since I was born and even today I will not be intimidated by these Runda people who have those Houses they built just a few years ago. Mr. Speaker, I think if they continue let us have mass action, not national mass action it will only be for our particular place where we mobilize people, and we are going to remove those barriers with the support of the people of Karura. There is no way we are going to beg them, let them just go to court, and we are going to use the people to remove those barriers. This is not South Africa where during the colonial rules there were places designated for the blacks and whites, this is Kenya and we have our *Uhuru* right now.

*(Applause)*

**Leader of Majority:** We have freedom in this country and we can walk anywhere. So there is no way someone is going to put a barrier and say you should not pass through here because you are poor or you are using your bicycle. We are going to remove those barriers. Mr. Speaker, thank you.

**Hon. Speaker:** Thank you very much Hon. Leader of Majority.

*(Hon. Michael Wainaina rises to his feet)*

**Hon. Speaker:** Hon. Wainaina, but are you properly dressed?

**Hon. Michael Wainaina:** Yes.

**Hon. Speaker:** Approach the Chair.

*(Hon. Michael Wainaina approaches the Chair and consults with the Speaker)*

**Hon. Speaker:** Okay, very well sorry. Is it a new fashion? *(Laughter)*.

**Hon. Member for Kariobangi North (Mr. Michael Wainaina):** Yes it is a new fashion and I know many of the Members will adopt it. Mr. Speaker, I rise also on that concern because this is Nairobi City County Assembly and if this Runda Association doesn't know what Nairobi City County Assembly means, the Nairobi City County Assembly means it is a House of debate and they should know that. They should also thank God they voted in a man who brings Motions to this House and this House approves or disapproves any Motion. So this is not Kamau Thuo's decision it was the House decision.

Mr. Speaker, I think action must be taken very quickly because at the end of the letter they have written to the Member and they are saying in the residence petition, 'your security is at risk'. It is very serious when somebody tells you that your security is at risk. Leave the petition where they want to recall the Member of the County Assembly, but when somebody tells you point blank that your security is at risk it means a lot, Mr. Speaker.

**Hon. Speaker:** Can you read us what you are reading, please.

**Hon. Michael Wainaina:** The headline of the letter says, "*residence petition, your security is at risk*", and it is well written, Mr. Speaker. So this is a matter of serious concern and when I went through their complaint they are talking about security. When the Committee concerned was going for the inspection I accompanied them because I was visiting Runda. We went through the barriers and Mr. Speaker, the matter they are talking about, security, it is not for real. Mr. Speaker, I came along one barrier where sometimes back a guy who was shooting a video for a wedding was knocked by one of the barriers and he died.

Mr. Speaker, this security they are talking about, are they not humane? This Association they are not humane because if somebody lost his life and they are not addressing that, for real they are not humane.

Secondly, talking about security, we have GSU lorries and we have regular police lorries. Mr. Speaker, I want to assure this House because I was there personally, if the police and the GSU go to the residents rescue they will have to stop and alight from the lorry and then go on foot because going by the height of the barrier and that one is permanently made and I do not know which gauge it is but it is a very high gauge whereby if a vehicle hit it, it wouldn't be destroyed.

Mr. Speaker if they are talking about the risk of security, what if when the police want to respond? On the same we have the fire engines of Nairobi and I want to assure you even the Fire Engines Nairobi County, apart from what they are saying about the security, if any of their Houses catch fire the fire engines cannot pass there. So I want to say that this is a Motion and it is not a personal Motion, any Motion belongs to this House. So in my opinion I will say that these Runda people even if they are addressing the area MCA they are also addressing this House. Mr. Speaker action must be taken very quickly. Thank you.

**Hon. Speaker:** Hon. Kinguathi Kado.

**Hon. Member for Mihango Ward (Mr. Kinguathi Kado):** Thank you, Mr. Speaker. I am standing here because these people are talking about security I think they are the ones that House insecurity, if you can recall they had Housed some people who were a threat to this Nation the Artur Magarian's. So when they are talking about security, if you recall, Mr. Speaker, even the Finger of God church which was not even registered was been Housed in Runda. So what kind of security are they talking about? I would like to request that you stamp your authority and let us remove the barriers because as my fellow counterpart has said, you cannot access Limuru road from Kiambu road. Even our firefighting machines cannot pass through that road. In fact, there are so many people who have died and been hit by that barrier, it is not only one person. If you want to find out you can go and look in the records at Muthainga Police Station. So I want to support the removal of those barriers immediately and please, Mr. Speaker, stamp your authority and let this House be seen to be doing its work. Thank you.

**Hon. Speaker:** Leader of Majority you are hearing the cry for leadership of this City of Nairobi. I want to even tell you the Member for Parliament for Narok North lost his brother at the barrier on Limuru side. Therefore, Leader of Majority you represent the Executive of the Government of His Excellency, Dr. Kidero. The House has spoken. Hon Otieno, then we will go to the next order.

**Hon. Pius Otieno:** Thank you, Mr. Speaker. Also contributing to this Motion, I think it is high time we have a Committee on powers, privileges and immunities of Members. In my own opinion and wisdom, first of all this Committee would move with speed and summon the Runda Association, its residents and any other person whom they think could have a hand in this affair. This Committee would write a comprehensive report and bring it to the House and if it is possible reprimand the Runda Association to give an apology or if they cannot give an apology, they substantiate what they mean that 'your life it's at

risk' in quote. Probably by tomorrow we should move a Motion so that it compels the House to have a Committee on powers, privileges and immunities. I think that will be enough wisdom. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, next.

## MOTIONS

### PROVISION OF FREE SANITARY TOWELS TO VULNERABLE GIRLS IN SCHOOLS AND THE INFORMAL SETTLEMENTS

**Hon. Member for Kayole South** (Mr. Elizabeth Manyala): Thank you, Mr. Speaker sir. **THAT** aware menstrual hygiene management is a challenge that is confronting millions of girls in the informal settlements and schools within Nairobi City County, **FURTHER** aware that most of these girls are from poor and vulnerable families. Some of them are orphans and are therefore unable to afford sanitary pad/towels on a monthly basis forcing most of them to use rags, feathers and other inappropriate products that can result in infection; **DEEPLY** concerned that during menstruation periods most of these vulnerable girls often choose to skip school every month and at times some of them are forced or lured into pre-marital sex in order for them to get resources to purchase sanitary towels; this Assembly **URGES** the County Government to consider partnering with Non-Governmental Organizations and sanitary towel manufacturing companies to provide free sanitary towels to vulnerable girls living and studying in the informal settlements.

Mr. Speaker sir, the need for affordable sanitary ware for the girls is really a major public health issue that the County needs to address. We actually need to prioritize in terms of planning. The reason I am saying this is because the natural process of menstruation is a big problem for some young girls in Nairobi. It also contributes to disempowerment and health risks in such a way that the young girls during this time--- it actually contribute to a heap of gender disparities that they face in their lives. When girls absent themselves from school during this time they lose a lot because the four days in a month that the girls absent themselves from school is almost 13 learning days which is equivalent to two weeks of learning in every school per term. It is also estimated that within the four years of high school the same girl will lose about 156 learning days, which is equivalent to almost 24 weeks out of 144 weeks of learning in high school.

Mr. Speaker sir, if the County could be sensitive enough to the plight of young girls because some of them are now being lured into pre-marital sex because remember, the young girls usually engage in pre-marital sex even before they can know the beauty of it, whether there is any interesting value they get out of it. They are just forced because they are not feeling any good while making love with these men. They are just doing it because they are forced too and they are using it as a means to an end other than an end in itself. With that, Mr. Speaker sir, I want to call Hon. Zulfa to come and second this Motion.

*(Applause)*

**Hon. Zulfa Mohammed** (Nominated Member): Thank you, Mr. Speaker sir. I want to start by thanking Hon. Manyala for this very gender responsive Motion. I think it is indeed a very sad state of affairs that is happening at the Ward level. As a special elect this is one of my special mandates. Mr. Speaker, I strongly support this Motion having interacted with these girls over the years in various capacities as a champion of the girl child. I attest to this issue and it is even worse than what the Hon. Member has spoken about here. The situation is not very good and considering the fact that it is very affordable and when we look at the budget we can see billions going to other projects, I do not think it is going to be a very big problem if some money can be allocated to restore the dignity of these girls because it is as bad as the girls being in class and because they don't have a sanitary towel they will not even standup, Mr. Speaker.

I have seen that myself when I was in school. It was very embarrassing to see some of these girls because classes were different in that time and everyone was in the same class and we could see that it was hindering their performance in school, Mr. Speaker. So I urge that this House support this Motion so that our girls in Nairobi can see the difference and enjoy the fruits of devolution in that manner and please let us restore the confidence of these girls. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Zulfa Saumu Makubulu.

**Hon. Zulfa Mohammed:** Thank you very much, Mr. Speaker, that is why you are our Speaker *asante sana*. Nobody else has ever called me that.

**Hon. Speaker:** Hon. Members I now propose the question.

*(The question is proposed)*

**Hon. Speaker:** Hon. Leader of Majority.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. Without taking too much time I know we don't have opposition on this.

*(Laughter)*

**Hon. Leader of the Majority:** If I am not wrong nobody is going to oppose this Motion because it is very important especially those who are coming from this side and the other side. I know very well people who are living in Runda, Kileleshwa, Lavington and so on and so forth can afford to buy these things. The people who are coming from this side, most of them are coming from poor families and they are using, - if I am not wrong - they are using toilet paper to protect themselves. So Mr. Speaker---

*(Loud consultations)*

**Hon. Speaker:** Order Members! He is giving an example.

**Hon. Leader of Majority:** At the end of the day, Kagiri is still coming from Mukuru kwa Njenga where those people are using toilet papers. So Mr. Speaker---

*(Loud consultations)*

**Hon. Speaker:** Order! Order!

**Hon. Leader of Majority:** It is very important for us to pass this Motion. I think it's going to help your constituents. We know even like these ladies before they came here they were very poor. They were using those things. It's very important we support this Motion. Thank you, Mr. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Leader of Majority! Order Members! Hon. Members, I think we have to be fair because--- I want to take you back a little bit. The Mover of the Motion used these words. She used "rugs, feathers and other inappropriate products" I mean the Leader of Majority was just calling a spade a spade.

*(Laughter)*

*(Applause)*

**Hon. Speaker:** I come from a community where it's even worse. They use what we call *mathangu* or something. It's worse. Maggy Sewe and then Hon. Karen.

**Hon. Margaret Sewe:** (Nominated Member): Mr. Speaker thanks for giving me this opportunity. I would like to support this Motion. We have to---

*(Loud consultations)*

**Hon. Margaret Sewe:** Mr. Speaker, protect me from the noises across.

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

**Hon. Margaret Sewe:** Thank you, Mr. Speaker. I stand here to support this Motion because really we stand with these girls whose plight we clearly understand. Moving forward I'd like to request the Mover to get us statistics and data so that we don't cast our help or support in stone so that we are not haphazard in trying to help these girls. We must know when we talk about informal sectors there are so many informal sectors in Nairobi. You must get to know how many informal sectors we are talking about. How many schools are we targeting, how many girls in number, so that we don't pass a very good Motion but because of lack of data and proper statistics we are not moving forward. I stand to support, thank you.

**Hon. Speaker:** I agree with Hon. Maggy Sewe. It's important for the House, for the Assembly as we move further to fine tune the Motion. I think it will be important when you work it out with the health

experts to know exactly what Hon. Maggy Sewe is asking. Hon. Karen and then Hon. Wahinya and Hon. Mwaura.

**Hon. Karen Wanjiku** (Nominated Member): Thank you, Mr. Speaker sir. I want to commend Hon. Manyala for this very good Motion. Some of us as the Majority Leader has said have passed through a very hard time during our girlhood. We cannot deny it but it is not fair for him to brag so much because he comes from the other side. Even people from the other side you might be surprised some of them used some of these things. As I continue to support his Motion, it is very dehumanizing for these girls because they have no alternative. This is a cycle that happens every month and you cannot run away from it and what they do is many of them skip classes. As our Bible or our Quran the Constitution says in Chapter 53 (b) that every child has a right to free and compulsory basic education. It's unfortunate that some girls are not able to go to school because of this and it is nature. We cannot run away from it. It is a high time and it is even late, we need a fund urgently to support these girls. I cannot say more because I will be wasting time, thank you very much.

**Hon. Speaker:** Thank you, Hon. Wahinya then Hon. Mwaura.

**Hon. Member for Ngando Ward** (Mr. Wahinya Kimuhu): Thank you very much, Mr. Speaker. Let me first register my support for this particular Motion but with some reservations particularly in respect of our good Member of the County Assembly sitting next to Atenya (*Hon. Margaret Sewe*). This particular Motion has been presented to us in a very ambiguous manner, unfortunately. First of all I'd like to say that this particular matter is as simple as providing for it within our budgetary arrangement because as a Member of County Assembly has said, Madam Manyala should have actually done some serious consultation first and brought us some statistics to begin with because this is a very noble cause.

There is no way this matter can be confined within Nairobi. I will find it very absurd to be passing a law or even passing a Motion for that matter. It is affecting all the girls across the country and we are simply concentrating it within our confines. I would rather Manyala had gone back and consulted some more, maybe even we should be presenting these type of issues to the National Assembly so that it becomes a national affair. There's absolutely nothing wrong in supporting this Motion because the trend is unbearable and is happening across the country. Our little girls are certainly not going to school and even the ones who are not in school are still suffering even when they are within the confines of their homes. Therefore I would like to ask Hon. Manyala to retreat as a matter of urgency so that she can revisit this matter, bring it in a more reasonable manner so that when we support it, we support it on a permanent nature. I wish to reject it on the basis that it must cater for the National---

**Hon. Leader of Majority:** Point of Order.

**Hon. Speaker:** Point of Order.

**Hon. Leader of the Majority:** Mr. Speaker, it's either you are opposing the Motion or you are supporting the Motion. You cannot be here and you just talk to a beautiful lady and say Manyala retreat. We want Wahinya to oppose or to support the Motion.

**Hon. Wahinya Kimuhu:** Thank you very much, Mr. Speaker. Let me refrain from answering my good friend the Leader of the Majority. I know he wishes to consult me in the manner of presenting Motions here in the Assembly. Nevertheless I know you are comical. It is nice that you keep us laughing and we appreciate a great deal.

*(Laughter)*

**Hon. Leader of Majority:** Mr. Speaker, I don't make people laugh. If you don't take me seriously, take me seriously today, Mr. Wahinya. You are always like a comedian and I don't want you to be a comedian here in this case. You either support the Motion or---

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

*(Loud consultations)*

**Hon. Speaker:** Order!

**Hon. Wahinya Kimuhu:** Very good. Mr. Speaker, I had said that I support the Motion, I think the Leader of Majority did not understand me. I was appealing--- I want to be recorded as having supported it, that's granted but I wanted the mover herself if it was possible she can retract so that she can present it in the manner in which I have stated. It is necessary and that is the reason why I support the *Mheshimiwa* sitting next to Atenya, unfortunately I did not get her name.

**Hon. Speaker:** Hon. Maggy Sewe.

**Hon. Wahinya Kimuhu:** I must look for you and I must become your friend. I am extremely excited about--  
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**Hon. Speaker:** Order Hon. Wahinya.

**Hon. Wahinya Kimuhu:** Thank you very much.

*(Laughter)*

**Hon. Speaker:** Yes Hon. Mwaura, then we call the Mover.

**Hon. Member for Clay City (Mr. Erastus Muiruri):** Thank you, Mr. Speaker sir. I am Hon. Muiruri not Mwaura but the name sounds the same. I want first to post my support of the Motion. I thank the Hon. Member Manyala because the Motion you have been forwarding over to this floor and they are very gender sensitive. Things have changed, in the old times our mothers used to purchase sanitary towels on behalf of their daughters, nowadays things have changed. Hon. Members, you can see men and women buying



these sanitary towels whenever they visit supermarkets or shops and we are all aware of the cost and even we men normally purchase them on behalf of either our wives or daughters. We know how expensive they are and actually at some point I took an initiative---

These public primary schools are the worst affected. We cannot do away with the private schools. The pattern of level of income to parents taking their kids to public as compared to private, the public are very much pressed. As the Hon. Member had said the statistics should be taken. I urge whoever will be responsible for taking the statistics to focus more on the public primary schools. They are the most affected and actually it's true, it's on record. There are families who cannot even afford to buy the cheapest because they range from the most expensive to the least expensive. It depends with where your pocket falls. I don't want to talk so much because I know every Member here is in support of this because they have sisters, daughters. I rest my case there and I support the Motion, thank you.

*(Hon. Speaker consults with the Clerk)*

**Hon. Zulfa Hakim:** Point of Information.

**Hon. Speaker:** Yes, Hon. Zulfa who are you informing?

**Hon. Zulfa Hakim:** Hon. Wahinya.

**Hon. Speaker:** Okay, Hon. Zilfa, although you cannot contribute twice but for your information.

**Hon. Zulfa Hakim:** I just want to correct my very able colleague that Nairobi has its own dynamics. Let's appreciate that we can make our own laws that are going to help our own girls in Nairobi.

**Hon. Speaker:** Very well. Now, very quickly, Hon. Ngaruiya and then Hon. Kotieno.

**Hon. Chege Ngaruiya:** Thank you, Mr. Speaker. I rise to support the Motion and say that this Motion is long overdue. I wish our female representatives in this Assembly would own up to this initiative. They should start the initiative even before the budgetary allocations. It would be very imperative that the ladies especially in this Assembly, and they are many, they are more than twenty five. If they start the initiative we are ready to assist. If they tell us that today we are going to Kibera, I believe the other leaders and I in this particular Assembly will contribute something to that particular project and we want to ensure that at least our girls are safe and as they undergo this particular period we care about them. I believe the female representatives should start immediately. They are late, they should start immediately, they contribute and we start moving. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you Hon. Ngaruiya. It is indeed the right direction. Hon. K'otieno and then Hon. Nyang'wara and then Chairperson for Education then we close the shop.

**Hon. Pius Otieno:** Thank you, Mr. Speaker. I stand here to support this Motion because in my own opinion I think this Motion is timely. It is timely in the sense that it is going to improve the sexual hygiene of female pupils who are also striving hard to make their future bright. When we talk of sexual hygiene to me it is a very, very important subject because it is one of the subjects that many people shy off from discussing. I don't want to delve into it because of the constraint of time. I'll be brief, that one, I am supporting it because it will improve sexual hygiene of female kids. Two, by adopting this Motion basically we shall be improving the level of competition and we shall also be improving the standards of education among pupils who will be competing, just the way my friend is putting it that he comes from the other side. We also come from that other side but we want to see competition among these two sides. I am sure when it comes to competition among these two sides; the other side will beat this other side. That is something that I am very sure of.

*(Applause)*

**Hon. Speaker:** Order!

**Hon. Pius Otieno:** That's why I am saying if the Mover of the Motion said that sometimes these pupils don't turn up to school, I am sure if we were going to have enough budgetary allocation for this exercise then the standard of education, the standard of competition is also going to improve. Some people were saying that it is not possible for us to give free sanitary pads. I want to say that this is something that is possible. If we partner with private partners and we say that for those companies that are willing to provide sanitary pads both National Government and County Government will provide them with what we call a rebate. If we give them rebates, I am sure we are going to realize this. For those people who shall also be partnering in this noble idea, it can also be possible that Nairobi City Council also reduces some of the levies or taxation that they impose to these companies because they will be playing a role that has never been played before.

While I was sitting here I was imagining that if I were the rapporteur on the right to education working for the United Nations I would even lobby the Member states of the UN so that we come up with another protocol. It's called optional protocol. I was thinking hard that this option on protocol would be called the United Nation Convention on realization of affordable sanitary pads. Through this optional protocol we shall be lobbying all Member states that are ratified or Members of the UN so that they start putting up measures and regulations and even steps that would ensure that all, especially all Third World Countries or Developing Countries provide these sanitary pads to all school going children. With that, Mr. Speaker, I beg to support, thank you so much.

**Hon. Speaker:** Hon. Nyang'wara.

**Hon. Member for Viwandani Ward**(Mr. Samuel Nyang'wara): Thank you Mr. Speaker. This is a wonderful Motion from Hon. Manyala. I beg to oppose this Motion.

*(Laughter)*

**Hon. Samuel Nyang'wara:** Mr. Speaker, we cannot be coming here to play to the galleries. It is just the other day we passed a budget. In that budget there is nowhere any Member of this Assembly proposed that a certain amount of money be put aside so that it could cater for this. There is no manufacturing company that will offer this for free. If we were serious we would have allocated some amount in the budget that will go along---

*(Loud consultations)*

**Hon. Samuel Nyang'wara:** Can you protect me, Mr. Speaker, the Hon. Member has just contributed here---

**Hon. Speaker:** Order Hon. Nyang'wara! Order!

**Hon. Pius Otieno:** Point of Order, Mr. Speaker.

**Hon. Speaker:** There's a Point of Order.

**Hon. Pius Otieno:** Mr. Speaker. I don't think if it is in order for Hon. Nyang'wara to mislead the House that this House did not set aside or allocate money for this exercise. This is a proposal. Once it sees the light of day--- I am even urging Members of the Implementation Committee to now study this Motion and see if we can make allocation for it in the year 2015/2016 budget. That is the way to go.

**Hon. Speaker:** Yes, okay. Hon. Nyang'wara.

**Hon. Samuel Nyang'wara:** Thank you, Mr. Speaker. That is why I really meant it when I said the Members come to play to the galleries. We are now talking about 2015/2016 budget so that this particular exercise can be factored in for the Members of the public to start receiving these services. The Hon. Member should be aware that he was just here the other day when we passed the budget and this particular issue did not just drop from heaven. It has been with us. We are in the Wards where these girls come from and we do nothing about it. I want to request, this is a national issue and the National Government actually has waived the purchase of these and every factory that manufactures these sanitary towels do not actually pay taxes. As such, the cost at which members of the public buy these sanitary towels is tax free.

*(Loud consultations)*

**Hon. Speaker:** Order! Order! Hon. Leader of Majority!

**Hon. Samuel Nyang'wara:** Mr. Speaker the Hon. Majority wants to disturb me---

**Hon. Speaker:** Order Hon. Nyang'wara!

**Hon. Samuel Nyang'wara:** Kindly protect me, Mr. Speaker. Where he comes from--

**Hon. Speaker:** Order Hon. Nyang'wara! Address the Chair, you are addressing the Leader of Majority.

**Hon. Leader of Majority:** Mr. Speaker, I think we are just taking too much time because Nyang'wara is just alone in that opposing side. He think he's a lone ranger. The Motion was already passed. It's just waiting for the Mover to reply. We don't want to take too much time because Nyang'wara wants to speak.

**Hon. Speaker:** Okay.

**Hon. Samuel Nyang'wara:** Thank you, Mr. Speaker and thank you, Majority Leader. You'll allow me to have my say when you will have your way. This Chair of the Implementation---

**Hon. Speaker:** Order! Order! Order!

**Hon. Samuel Nyang'wara:** Thank you, Mr. Speaker, I address you. The problem we are having here--- It's good that the Majority Leader has said that this Motion has already passed. We've been passing Motions here and the Chairman of Implementation is the Majority Leader himself and nothing, not even one has been implemented since we started passing Motions here. Why should we pass this particular Motion? I beg to oppose Mr. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order! Order!

*(Laughter)*

*(Loud consultations)*

**Hon. Speaker:** Hon. Leader of Majority.

**Hon. Leader of Majority:** Mr. Speaker, I don't think it is the work of the Chairman of Implementation to go and look for the reply from the Executive. It is the Clerk who writes letters to the Executive for the Executive to respond. If they don't respond within fourteen days we just write a reminder letter. That is the work of the Implementation Committee. It is not our duty, Hon. Nyang'wara, because I know you are opposing this because nowadays you just migrated from Viwandani to the other place where human beings are settling. That is the reason why maybe you don't know the weight, the burden of buying those sanitary towels. Hon. Nyang'wara just swallow your pride and support the Motion.

**Hon. Speaker:** Hon. Members, order! Just to tell the able Hon. Nyang'wara that actually the Mover of the Motion urged the County Government to consider partnering with Non-Governmental Organizations. That does not mean that we are going to wait until 2015/2016. We as the County Assembly Members, Membership of the County Assembly Sectoral Health Committee can actually go out with our lady Members of the Assembly regardless of which Committee they sit in and appeal to the Non-Governmental Organizations. We also know that there are companies that actually give free pads to our girl child in school. This does not mean that we really need to wait until we have a budgetary allocation on it. Just to correct the Hon. Member of the Assembly, Hon. Nyang'wara Nyang'wara. Hon. Kimondo and then the Chairman Education then we close.

**Hon. Janet Kimondo** (Nominated Member): Thank you, Mr. Speaker, for giving me this opportunity. It is a very good Motion and I stand to support it. I'll also ask our fellow Hon. Members, the ones who have Wards, we passed WDF and in the WDF there is a provision for women and people with disabilities. These women are also in their Wards and the small section that we passed on women they can take up and also provide pads for the children who are in their Wards. As you have said we begin lobbying and we've began lobbying with them. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much, Hon. Kimondo. Hon. Chairperson of Education.

**Hon. Boniface Kitavi:** Thank you, Mr. Speaker. In addition to what you've just informed Mr. Nyang'wara, I also want to say that we know in this County there are very many companies here that provide free sanitary pads. Besides that, there is what we call CSR Corporate Social Responsibility for these companies that are making so much profit and if when they are approached they could give part of their profits for this worthy cause. I stand here to support this Motion whole heartedly knowing that lives of girls who undergo these periods sometimes is very difficult in schools. They are very, very uncomfortable. It is only through supporting them that we can be able to have meaningful change in their levels of education.

This County of Nairobi stands to benefit by supporting girls in school on terms of providing these sanitary towels to girls. We all know very well that when girls are comfortable in schools they are able to study much better and their lives in school becomes more meaningful. It is upon the Committee of Health in collaboration with other Committees to look for effective and innovative ways to support these girls. When girls are empowered, families, communities and societies stand to benefit. As much as we support this Motion of giving girls sanitary pads, we also ask ourselves what about the boys? At one time I visited a school and these pads were being dished out. The boys were asking what about us? As we consider giving girls pads, maybe we should consider also giving boys some underwear. *(Laughter)* As I finalize, the Member for Clay City mentioned something which touched me. He said we should begin by focusing on County public schools. Yet in my Ward I don't even have a single public primary school. Does it mean children in those non formal areas where there are no public schools don't stand to benefit? I think we should focus on all children in Nairobi as we consider giving boys underwear we give girls pads. Thank you, Mr. Speaker, I support.

**Hon. Speaker:** Hon. Mohamed.

**Hon. Abdi Mohamed** (Nominated Member): Thank you, Mr. Speaker sir, for giving me this opportunity. I am in support of the Motion and actually I want to challenge this Assembly. Before we cry for Non-Governmental Organizations we can come up with our own organization. You know everything starts at least with something. You know we are 127 Members. If we can add the Clerk we are almost 130 Members in this Assembly. We can register our own organization so that we can start at least--- We can even donate KShs 2000 per month which is almost KShs 260 000. What we are talking about here is sanitary pads and towels. This is something which is very cheap. Let us start our own organization so that is when we can cry for Non-Governmental support. Let us show a good example so that the rest can follow. Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Members I now call the Mover of the Motion to reply.

**Hon. Elizabeth Manyala** : Thank you, Mr. Speaker sir. I just want to thank the Members for overwhelmingly supporting this Motion. I'll just read a small letter, it's not long, from a young girl from Viwandani Ward and I think that's why Hon. Nyang'wara has stepped out, he is running away. The girl's says" Hallo my name is Mercy, I am fourteen years old. I go to school in the slums of Viwandani. During menstruation I stay at home. I cannot go to school during that period because of the embarrassment of messing my school uniform. I remember one embarrassing event when the flow got heavy. It was actually seeping into my shoes. The boys in my school thought it was funny. I should have died then. Things have never been the same for me in school. I was so ashamed I stopped participating in class, I just went numb there and after. I don't want to play anymore because I was so ignorant on menstruation. I did not understand what they were. I feel like committing suicide, please help me."

That is a young girl calling the attention of able Hon. Members. She feels like even committing suicide because of what she went through the embarrassment when the blood was actually sipping through her she was in school it was her first time and she's an orphan. Hon. Members, this is something that is not a joke. Time will judge us harshly if we don't come up to support the young girl Mercy and the other ones. As we know, Nairobi County is the hub of the Central and East Africa. We have many, many, many companies like Safaricom which are situated within the capital City. One of the mandates of the County Government is to undertake resource mobilization. Resource mobilization means we unite, we network with like-minded organizations that are philanthropic that can come and support you. Before they do that again in the same County Government we are supposed to, through the approval of this same House the County Assembly approve for the MOU for the Executive to partner with these like-minded organization so that we can implement this project and empower our girl child. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much Hon. Elizabeth Manyala for that wonderful Motion that you have brought but as what Hon. Moha has said here, it is also upon you Members to start the initiative like that little girl of fourteen years I would expect the Leader of Majority and Hon. Ngaruiya to be guardians in regard to the part. Hon. Members, I now put the question.

*(Question put and agreed to)*

Hon. Members, there is a notice of meeting of business Committee after the rise of the House. The House adjourns until tomorrow 2:30 p.m. I thank you.

*The House rose at 5:04p.m.*