



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday 19th November, 2014

The House met at 3.06 p.m.

(Hon. Temporary Deputy Speaker - Mr. Samuel Nyang'wara)

PRAYERS

(Quorum bell rings for five minutes)

COMMUNICATION FROM THE CHAIR

Hon. Temporary Deputy Speaker (Mr. Hon. Samuel Nyang'wara): Hon. Members, may be before the Clerk calls the meeting to order, I would like to request each and every one of you to stand for a moment of silence in honor of the Senator for Homa Bay, John Otieno Kajwang. One minute.

(Members stand for one minute)

Hon. Temporary Deputy Speaker: Thank you, Hon. Members. You can now sit down. May be as the Hon. Members are walking in, we can pay tribute to this great son of this great country by the name the late Hon. Otieno Kajwang. I will give two to three members to pay tribute on the same. I will start with Hon. Ngaruiya, then Hon. Masiga and because of gender Hon. Manyala and lastly Hon. Bishop Abuka.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you Mr. Speaker for giving us this opportunity to pay tribute to one of the greatest son of this nation and to one of the most eloquent members of parliament we have ever had and who was very charismatic especially in public gatherings. This is one Hon. Member who did come up with a very strong message of *Mapambano*. As he passes on I think the legend continues and *Mapambano* I believe will continue. Even in this Assembly of ours if you don't play *Mapambano*, I believe you are not going anywhere. So as I rest my case, let *Mapambano* continue even as we rest this this great son of this nation. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Masiga.

Hon. Member for Eastleigh North (Mr. Nelson Masiga): Shukrani Bwana Spika. Kwanza nataka kuadhimisha kifo cha mwenzetu ambaye alikuwa Seneta wa Homa Bay, kifo ambacho kimeacha taifa hili na pengo kubwa. Kwani sidhani kuna yeyote ambaye amewahi kuweza kuvaa kiatu chake na kuweza kutupatia ule uweledi, tajiriba na ukwasi na uchangamfu wa kisiasa vile yeye aliweza kufanya anapopatiwa bomba la kuongea katika jukwaaa.

Taifa hili litazidi kuomboleza kwa sabababu yeye ameweza kuka mstari wa mbele kupigania na kuhakikikisha mundo msingi wa ugatuzi umeweza kutekelezwa. Hivi majuzi alikuwa anapigania kama viongozi wa Wodi tuweze kupata kile kilicho chetu na sasa hivi sijui ni nani atakayeweza kupeperusha ile bendera na kutupigania kama waheshimiwa wabunge wa Kaunti. Nina majonzi saa hii ndani ya moyo wangu kwa vile naamini ya kwamba, sina mtu wa kunipigania sasa. Kama nyumba na familia yetu ya CORD tumepoteza mtu ambaye alikuwa na uweledi na kuweza kuchangamsha siasa za taifa hili. Hatutamsahau kwa vile alitufundisha wimbo wa *Mapambano*. Shukrani Bwana Spika.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker sir, the avalanche of death and destruction is so scaring and especially to what has befallen our hero, the late Hon. Senator Kajwang. Hon. Senator Kajwang was my Senator from Homa Bay County where I come from. He was a 'total man'; and when I talk of a 'total man,' it means that he was a man who was not a leaf shaken by wind. I recall when he left a plum job to start his practice as a legal practitioner, he took a box and started in a very small office at the NHC House and at one point I was his Personal Assistant and I liked the way he worked meticulously, flamboyant and up to the task, which made me learn a lot as he was writing notices as a lawyer, he would even write, take further notice. So I learnt a lot from him that at one time I envied him and even wanted to become a paralegal, but anyway I did not.

On the political arena he rose to the occasion and stood up and fought for the liberation of this country. He was a no-nonsense person, the last time we shared a platform with him was when we had a rally in my Ward in Kayole, that was two weeks ago. He came and he was very jovial, he had just arrived from Mombasa and he called me, Liz I would not have missed this occasion of coming to your Ward and as he said it when he took to the podium he was jumping from side to side and talking eloquently citing what was happening in the country is not normal. He was trying to address Mr. President saying that everywhere you move its bomb, here bomb, there bomb and then we were swaying our hips saying bomb and we thought it was just a bombs day. Little did we know that in a week or a week down the line he will be a fallen hero. But anyway God takes the best out of a garden and the gap that he has left, we only pray that the Lord will grant us strength and if I cite the book of Isaiah 61 verse 1-3 which says; 'To those who mourn in Zion or those who mourn in Zion, as we bereave this moment, that May the Lord bestow a crown of beauty and oil of gladness instead of ashes, and that God may grant the CORD fraternity comfort and the Kenyan citizens that he fought for and the good course that he fought for as a whole and to the bereaved families and teach us to number our days right. Members thank you very much.

Hon. Temporary Deputy Speaker: Hon. Abuka.

Hon. William Abuka (Nominated Member): Thank you very much the Hon. Speaker for taking notice of me to at least say something about the life of our brother Gerald Otieno Kajwang". I think those who have preceded me, the Hon. Members have said more or less everything that needed to be said. I want to start from the onset by condoling with the family of our brother Gerald Otieno Kajwang". Indeed, he was a friend and not just a friend, but a very good friend. So many times he visited me in my home, we prayed together even some times past midnight when he came from his rallies and we would even take *uji* together, pray and he would leave for his home. I have visited with him, our families are friends, our wives, our children, and we talked a lot.

To add to what my brothers and sister have said, I think every mark of leadership that you want to see in a leader, God in his own wisdom had put in the life of Gerald Otieno Kajwang". I think it would take a whole lot of energy for Otieno Kajwang" to embarrass you or his presence to intimidate you or to make you feel small. Several occasions when we sat together and I will say this without blinking an eye or fear contradiction. He would really make me feel great, that I am worth the position I am in and I could do better. Many times, even in our several interactions going to his office or taking lunch or elsewhere, Otieno Kajwang", something that would really shock you he had a heart that is larger than normal. To talk, laugh and celebrate with his ardent enemies and critics. I think that was so unique. He would make you feel important.

Lastly, something that I really wanted to say is that the greatest achievement of the devolved system of Governance is the formation of the Counties. All of us are aware that we have had quite a number of challenges in realizing the fruits thereof. However, many other Counties have also stood up even to say 1, 2, 3 things that by their development agenda they have been able to do. I think this one is a pointer to all the Senators that have outlived Gerald Otieno Kajwang". Truly and very urgently we must rise from the Senate to defend devolution. Those ideals and even the Bills that he was about to present before the Senate to protect the devolve units, the County Assemblies and the devolution. I am saying and I am really praying that the Lord may give our Senators and the whole Senate fraternity the energy, the wisdom to expedite the same so that the devolve units, the achievements on the prosperity of our people is protected for the good of all Kenyans, may God rest his soul in eternal peace.

Hon. Temporary Deputy Speaker: I understand quite a number of Members would like to speak with the indulgence of the House. I'll give Hon. Mbau 2 minutes, Hon. Mauti 2 minutes and Hon. Gathundo 2 minutes and Hon. Chief Whip 2 minutes and Ndigirigi 2 minutes.

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Thanks Mr. Speaker.

Hon. Temporary Deputy Speaker: You will speak in that order. Hon. Mbau.

Hon. Andrew Mbau: Thanks Mr. Speaker for granting me this chance. I'll say Mr. Gerald Otieno Kajwang" was an icon of human rights fighting. This is a man way back in early 1980s when he was a student

leader he had to run out of the Country after the 1982 coup. He had started the agitation for multi-partyism and human rights quite early. Otieno Kajwang” was my personal friend and I credit him for something that he did. I don’t know whether most of you are aware that in 1990s you could not operate a petrol station if you were not a multi-national and I don’t know how to measure passionometer but he was so passionate when he brought this idea of regulating the operation of fuel, regulating the fuel industry. He was so passionate about it and it’s from his advocacy that today we have local petrol stations unlike before. Otieno Kajwang”, you remember there was a programme he was being featured with the likes of Mutula Kilonzo, so brilliant minds we have lost.

From this side of the divide, I’ll say this is a person I knew at a personal level and he was so open. He didn’t have even an iota of hatred on anyone. You would be surprised to see him on a podium saying *mapambano, mapambano*. I’ll say this guy was not a hypocrite and you do it wrong even when you are from the same side of coalition Otieno Kajwang” would not hesitate to point wrongs on you. A hero, a brilliant child of Kenya we have lost. Rest in peace brother.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mauti.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Mr. Speaker, it is a sad moment. As from yesterday we are still crying sine we have lost a very tough and wonderful man as far as Kenya is concerned. One, he is a warrior as far as human rights are concerned because he had been fighting for the Counties that is about devolution and even the new Constitution. He was fighting for the MCAs to get their mortgage and loans which up to now they have not attained. We don’t know whether our Senator, Mike Sonko will take the same and assist us to attain what Kajwang” was fighting for us. Two, I remember him when he was in Immigration. He really assisted and he had made even getting of passport become easier because it was very difficult. You had to apply and wait for one year. I hope we are going to even urge our Senator for Nairobi, Mike Mbuvi Sonko to follow his footsteps.

Hon. Leah Mumo (Nominated Member): Point of Information, Point of Information.

Hon. Elkana Mauti: Today we are eulogizing a great son of this Country and an icon in the political arena.

Hon. Temporary Deputy Speaker: Order! Order Hon. Mumo! Hon. Mumo order! Order!

Hon. Elkana Mauti: That is a formula of my cry.

Hon. Temporary Deputy Speaker: Hon. Mumo order!

(Loud consultations)

Hon. Elkana Mauti: No, I don’t need any information.

Hon. Temporary Deputy Speaker: I want to request Hon. Mauti with due respect can you eulogize the late Hon. John Otieno Kajwang.

Hon. Elkana Mauti: Yes, I was saying that where the late Senator had left us, he is supposed to take over, that was my intention.

Hon. Temporary Deputy Speaker: Avoid mentioning names.

Hon. Elkana Mauti: He is my Senator, the Member in Nairobi and I must give him the respect---

Hon. Temporary Deputy Speaker: Hon. Mauti you are out of order! It's like you don't have any other words to eulogize the late Kajwang".

Hon. Elkana Mauti: Yes, finally we as the CORD fraternity have had a total cane which you cannot even amend but what is there and I hope he could assist us to pursue in life as far as our party is concerned.

Hon. Temporary Deputy Speaker: Hon. Ndigirigi.

Hon. Tabitha Ndigirigi (Nominated Member): *Shukrani Bwana Spika. Kwanza natoa pole zangu kwa jamii na familia ya my brother Senator wangu ambae ni Kajwang". Vile najua Kajwang" mimi kama jamii ya Kikuyu ambae nilienda kwa CORD tulianzisha FORD na yeye nikiwa katoto kadogo in 1990---*

(Applause)

Hon. Tabitha Ndigirigi: *---tukaanzisha FORD hajawahi kugeuka tukatoka FORD tukaunga LDP, tukaingia NDP, tukaingia KANU, tukaingia CORD na hatujawahi kupinduka wala kurudi nyuma hata siku moja. Kwa hivyo nikiongea vile alikuwa amezoea kuniita kama kitinda mimba mdogo wa Jaramogi. Mimi kama dada yake hiyo gap surely hakuna mtu anayeweza fix kwa sababu sisi kama ODM, Mimi kama mmoja ambaye alienda harakati ya kuenda kutafuta kura katika kuleta Wetangula, kwenda Makueni, kwenda Siaya County nilihakikisha ya kwamba nireloaded na tukahakikisha na Kajwang" tukiwa tunakula na tukakaa pamoja ya kwamba hakuna siku tutaacha baba hata siku moja---*

(Applause)

Hon. Tabitha ndigirigi: *---hata tukienda kaburini tutaenda pamoja.*

(Applause)

(Loud consultations)

Hon. Tabitha Ndigirigi: *Kwa hivyo mimi kama jamii natoa huzuni yangu ya kuwa nimekuwa affected kwa sababu ile gap ambayo niko nayo. Wakati nilipigiwa simu usiku nikaambiwa ya kwamba ndugu yako amekuacha hata kuamka ilikuwa shida. Nilikuwa mtu wa kwanza katika maMCA Nairobi kuwa Mater Hospital. Ni afadhali kuongea ukweli, sisi kama wana CORD tunataka Gavana wetu kama wa ODM kushikana na sisi katika harakati hii na kama hashikani na sisi kwa harakati hii tuko tayari kumwonyesha mlango kwa sababu ule huzuni tukonao umetu affect, thank you, thank you very much.*

(Applause)

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Gathundo, Hon. Thuo.

(Loud consultations)

Hon. Temporary Deputy Speaker: Order Hon. Members! Can you consult in low tones?

Hon. Member for Dandora area III Ward (Mr. Thuo Wakarindi): Thank you Mr. Speaker. Coming immediately after *Mheshimiwa* Ndigirigi I think I'll have to up my efforts because she is a very eloquent contributor on this floor and I really appreciate her presence. When you speak about Senator Kajwang'" we speak about a statesman. When I first met Mr. Kajwang'" I remember it was when the late Hon. Mellitus Mugabe Were was vying for the Embakasi Parliamentary seat. I was his supporter and when we went to Orange House there was a lot of commission and I can remember when Mr. Kajwang' noticed us. I remember when he said that "*hii watu ya Dandora hawajazoea hii hewa ya Lavington.*" Of course he was saying it in a joking manner but Mr. Kajwang'" give it to him. He is a man of his word and his energy was unmatched.

Hon. Member for Dandora area III Ward (Mr. Thuo Wakarindi): When he was doing things in Kenya, you had to notice the presence of Mr. Kajwang'. He filled the room, he enters a room and it is about him because he liked what he was doing. One thing is that he kept his promise, he once said he will support Raila Odinga up to his death and he surely did that. If we are aware of the political history of this Country then you are aware of the contribution that Mr. Kajwang' did towards the second liberation. Those of us who are politically mature and were aware of the happenings then, know that he contributed a lot. He was a very good dancer, let us give that to him, he used to dance very well. Mr. Speaker, what I would urge this House is to not just contribute about the Senator on the floor, I would wish with the support of the Leader of the Majority, he is very well represented, that we organize a courtesy call to the family as a House.

Mr. Speaker, we must go and stand with that family and mourn with them. Mr. Kajwang', even going by the contributions to the Senate, he was really interested with the happenings of the County Assemblies and he was a good man. Let us give that to him. Therefore, I hope in due time, Mr. Speaker and the leadership of the Assembly, before this is over you are going to organize that we either send a delegation or we go as a House for the courtesy call. Thank you, Mr. Speaker, sir.

Hon. Samuel Nyangwara: Thank you. Lastly, Hon. Chief Whip.

Hon. Chief Whip Majority: (Mr. David Mberia): Thank you, Mr. Speaker. Let me also take this opportunity to pay tribute to this great son of this Country. Mr. Speaker, although Kajwang' is gone, *Mapambano* will not go with him because he was the inventor of *Mapambano* in 2002 when KANU was dislodged from power. Mr. Speaker, the sudden death of this hero is traumatizing and I would like to urge the Police to investigate to establish whether there was any foul play. Yesterday the Senator was in very high moods and the other Senators are confessing that Kajwang' was in very good health yesterday until his sudden death yesterday night. So, Mr.

Speaker, as Members of this House whether CORD or Jubilee, I am surprised when we talk of our Nairobi Senator and Members rising up to protest, Mr. Speaker.

Hon. Samuel Nyangwara: Order! Order, Hon. Chief Whip.

Hon. Chief Whip Majority: I am speaking in good faith, Mr. Speaker.

Hon. Samuel Nyangwara: You want to attract attention.

Hon. Chief Whip Majority: I am not trying to attract any attention, Mr. Speaker. I am saying as a good Member of this House I need to be given a chance to air my views.

Hon. Samuel Nyangwara: Order! Your two minutes are over and you are out of order.

Hon. Chief Whip Majority: Mr. Speaker, let me conclude, Mr. Speaker sir.

Hon. Samuel Nyangwara: It is like you had finished.

Hon. Chief Whip Majority: No, I have not finished, Mr. Speaker.

Hon. Samuel Nyangwara: Okay. Restrict yourself to eulogizing the Hon. Otieno Kajwang'.

Hon. Chief Whip Majority: Okay. Mr. Speaker, I was saying that the late Hon. Senator, Mr. Kajwang', is a hero in this Country. We know he was part of the leaders or young turks who fought for the second liberation. That is why we are enjoying the new Constitution and better fruits in our Country. Mr. Speaker, the honour that the County and Kenyans can give the late Kajwang' is one; maybe you can name a road which I was trying to bring a Motion on---

Hon. Samuel Nyangwara: Order. You cannot anticipate a Motion. Order!

Hon. Chief Whip Majority: Mr. Speaker, do not be biased.

Hon. Samuel Nyangwara: You cannot and you know it. Hon. Chief Whip, you cannot anticipate a Motion. Can you eulogize the late Hon. Kajwang'.

Hon. Chief Whip Majority: Mr. Speaker, I am saying that to honour the late Kajwang' this Country can give a name of a road--- I think we can appreciate what Kajwang' has done for this Country. Thank you.

Hon. Samuel Nyangwara: Thank you very much. Clerk, can we move to the next Order.

COMMUNICATION FROM THE CHAIR

Hon. Samuel Nyangwara: Hon. Members, indeed, yesterday I promised to make some communication today regarding a statement that was read here by the Hon. Rachel Kamweru. Hon. Members, you will recall that yesterday I promised to issue the same communication regarding the alleged discrimination of Special Elect Members, that we denied them Committee sittings on Monday 17th, when the Hon. Members - elected – went for a retreat at Ruiru. Hon. Members, I wish to direct this Assembly to the provisions of Standing Order number 163 that guide the sittings of Committees and which states that *“a Sitting of a Committee shall be held at such a place, date and time that shall be determined by the Chairperson or on petition made by at least seven Members of that Committee”*.

Hon. Members, it is neither the Speaker nor the Clerk of the Assembly to reschedule Committee meetings and therefore Special Elect Members should direct their grievances to their respective Chairpersons. Having noted that, I want to condemn the Chairpersons who did not actually convene such a meeting when they knew that Special Elect Members were present.

The Standing Orders do guide that whenever there is no Chairperson they can elect a Chairperson and continue with the meetings. In that respect, I want to confirm today that the Health Committee had a field trip. The Chairperson and the Special Elect Members in that Committee did go on that trip hence having a sitting on the same. So, there was nowhere and nobody, nor the Chairpersons who stopped Clerks from convening these meetings.

Further, Members, regarding the act of gross misconduct displayed yesterday in the House, it has been noted that the Chairperson wants to communicate that such actions will not be tolerated and this will serve as a last warning to the 17 Members whose names I read yesterday. You cannot give a warning to just a number of Members, I wish to read out the names of the Hon. Members who have been given a last warning. This is after consultation with some of the Members who have been approaching me since today morning and we have had fruitful discussions regarding the same.

1. Hon. Susan Karimi
2. Hon. Rachel Kamweru
3. Hon. Karen Githaiga
4. Hon. Nancy Luchiri
5. Hon. Leah Mumo
6. Hon. Alexina Mudy
7. Hon. Joyce Bocha
8. Hon. Christine Aputo
9. Hon. Ruth Njeri

10. Hon. Janet Kimondo
11. Hon. Magdalene Mbogori
12. Hon. Karen Muga
13. Hon. Imelda Nafula
14. Hon. Monica Ndegwa
15. Hon. Nancy Nyambura
16. Hon. Hawa Dafala

I want to state this; let it not seem like last warnings are becoming too many. I want to request you Members that let us carry ourselves with decorum wherever we are within the precincts of this Assembly. Thank you very much.

Hon. William Abuka: Mr. Speaker---

Hon. Samuel Nyangwara: Yes, permission granted.

Hon. William Abuka: Mr. Speaker, all facts being equal, thank you. However, I think you have mixed names. The one Hawa Dafala I know cannot get involved in gross misconduct. That is impossible to say the least.

(Laughter)

Hon. William Abuka: I wish you were here, I would have shown you just in case you do not know her properly. Maybe she was walking to the loo---

(Laughter)

Hon. William Abuka: That is not to say others are wrong. That is to say that probably the consultations that preceded the reading of those names were not done very well. However, the Chair does not stand corrected, but in the meantime I pray that you look into that, that Hawa Dafala's name does not get into that list. Thank you, Mr. Speaker.

Hon. Samuel Nyangwara: I wish you had approached the Chair early enough. As such, such kind of Communication from the Chair does not attract any debate.

Hon. Karen Githaiga: Point of Order.

Hon. Samuel Nyangwara: What is the Point of Order? I know you want to address the Speaker.

Hon. Karen Githaiga: Yes, I want to address the Speaker.

Hon. Samuel Nyangwara: Permission not granted.

Hon. Karen Githaiga: Thank you very much sir.

Hon. Samuel Nyangwara: It is not granted! Hon. Karen, I will allow you to address the Speaker after we have dispensed of this.

Hon. Karen Githaiga: It is about what you have just said.

Hon. Samuel Nyangwara: It is about what I have said?

Hon. Karen Githaiga: Yes.

Hon. Samuel Nyangwara: I am saying that any Communication from the Chair does not attract debate. Order!

Hon. Karen Githaiga: It is a Point of Order Mr. Speaker.

Hon. Samuel Nyangwara: You want to attract attention.

Hon. Temporary Deputy Speaker: The Chairman, Chairman you will have to come with that particular information to the House of Hon. Abuka when you visit that place you will be able to ascertain whether the condoms were supplied there or not. Next order.

Hon. Manoah Mboku: Mr Speaker condoms are part of health and Mr. Speaker it is good for them to be supplied all over Nairobi. I do not see anything wrong Mr. Speaker. Thank you.

Hon. Temporary Deputy Speaker: Hon.Nafula.

Hon. Petronila Nafula (Nominated Member): Thank you Mr. Speaker Sir. I have two reports from the Chairman of Budget and Appropriation Committee. I would like maybe you advise me because I cannot see Hon. Kagiri here and I cannot see Hon. Imwatok here. Can I leave it for tomorrow?

Hon. Temporary Deputy Speaker: How are you--- Are you comfortable giving them when they are there or not.

Hon. Petronila Nafula: I think when they are here.

Hon. Temporary Deputy Speaker: Thank you so ordered. Next order.

Hon. Chief Whip of the Majority (Mr. David Mberia): Thank you Mr. Speaker. First want to comment on Standing Order number 41(2c). I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the ownership of Land Registration Number 13873 located in Karen Ward within the County of Nairobi. Hon. Speaker, the ownership of the said piece of land is currently contested where communities have been living there for the last 37 years and they are now facing evictions. Originally, the land had been known to the communities inhabiting it. The land was subdivided and apparently sold to unscrupulous individuals. In the statement the Chairperson should inquire into and report on:

1. The status of the said piece of land in terms of ownership, and of course the title deed
2. The owners of the subdivided pieces of land titled area number 13873/2/3/4/5/6/7.
3. When the subdivision was approved by the County Government of Nairobi. Mr. Speaker because we know any subdivision, any change of user, any extension of user is approved by the County Government, the department Lands at the Ministry of Lands and Housing and who approved the plan and if the communities who have been living there were informed of such a move.
4. The last one, any plans by the County Government of Nairobi Mr. Speaker sir to address the apparent land grabbing particularly in Karen. We have heard about the 134 acres. The County Government of Nairobi is mum on the same. We know any subdivision which is carried on in this County is supposed to be approved by the County Government.

Hon. Temporary Deputy Speaker: The Hon. Member is a Chief Whip of this House. I am giving him the benefit of a doubt to say whatever it is he wants to say.

Hon. David Mberia: Mr. Speaker sir, Karen Ward is under siege from International and National land grabbers. As I serve the people of Karen I am perturbed.

Hon. Temporary Deputy Speaker: Can you limit yourself to the question now Hon. Chief Whip.

Hon. David Mberia: Yes that is what I am doing. As a Member for that Ward I think I need some more minutes Mr. Speaker sir.

Hon. Temporary Deputy Speaker: One minute

Hon. David Mberia : Mr. Speaker this House, you know, we have Committees which are extensions of this House . Some of the Committees are doing nothing. Six months ago I sought for a statement about another land belonging to Karen Health Centre which was grabbed by a church. Six months down the line I have not gotten any answers on the same Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Your one minute is over.

Hon. David Mberia: Mr. Speaker sir I think with all due respect I am asking for a statement.

Hon. Temporary Deputy Speaker: Hon. Chief Whip can you seek a statement to your question.

Hon. David Mberia: Mr. Speaker. Let me ventilate what I am saying.

Hon. Temporary Deputy Speaker: You can't. You cannot debate.

Hon. David Mberia: I am not debating Mr. Speaker sir. Am trying to ask for a statement.

Hon. Temporary Deputy Speaker: Order! Order! Are you requesting for a statement or not?

Hon. David Mberia: Yes. The statement is here Mr. Speaker sir.

Hon. Temporary Deputy Speaker: The Hon. Chair for Lands and Housing. When are you bringing the statement?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker. Thank you for giving me this opportunity Mr. Speaker.

Hon. Temporary Deputy Speaker: I think you've heard the allegations on the floor of the House

Hon. Maxwell Ochar: Mr. Speaker let me respond

Hon. Temporary Deputy Speaker: You cannot respond. I want to know when you are bringing that particular statement because I have heard they are quite a number of statements from the same person that have not been delivered to the floor of this House.

Hon. Maxwell Ochar: Mr. Speaker I think you can see all these things from our televisions being undertaken by the National Assembly and you know the Chief Whip is representing who is who in this County, and he is seating on a gold whereby who is who is eyeing those lands and the land issue in this County is not a joke. So Mr. Speaker---

Hon. Temporary Deputy Speaker: Order Hon. Mr. Chairman. Are you defeated?

Hon. Maxwell Ochar: Mr. Speaker I am going to bring this answer in two weeks' time.

Hon. Temporary Deputy Speaker: Are you capable to execute your mandate?

Hon. Maxwell Ochar: We are Mr. Speaker.

Hon. Temporary Deputy Speaker: When are you bringing the statement?

Hon. Maxwell Ochar: Two weeks.

Hon. David Mberia: Mr. Speaker sir, there are communities who have been evicted from this particular piece of Land. If the Chairman of this particular Committee is serious enough, can we get the report on Tuesday next week, Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Order. You cannot decide when the report is coming to the floor of this House. Can you be fair enough Bwana Chairman.

Hon. Maxwell Ochar: Mr. Speaker, these people were not evicted yesterday. They were not evicted yesterday but we are going to investigate. We have to go there. We have to write to the CEC Lands so that we are going to get you.

Hon. Temporary Deputy Speaker: Order! Hon. I want to give you some guidance. Order! Order Hon. Chairman! All he wants is very simple and clear. He wants to know the owner or who owns this particular land, whom it was divided to, on whose names that these subdivisions were done and if there is any plans you have to actually abolish this idea of people grabbing other peoples lands. And I am sure you can bring that report here on Tuesday next week.

Hon. Maxwell Ochar: Thank You.

Hon. Temporary Deputy Speaker: Thank you very much. Hon. Members.

(Loud consultations)

Hon. Temporary Deputy Speaker: Order! I was almost giving you the chance to speak but what you have done has compelled me not to give you that permission. Yes Hon. Diana.

Hon. Diana Kapeen: Thank you, Mr. Speaker sir. I stood yesterday on point Standing Order number 30 on the importance of Nairobi County Mr. Speaker. Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Hon. Diana, just a minute. Hon. Members you understand yesterday we had Hon. Diana's Motion and it was disrupted. We were supposed to go to Order number eight but because this issue has to be dispensed off before we go to the next Motion I think Hon. Diana you can take the podium.

Hon. Diana Kapeen: Thank you Mr. Speaker. Mine is on a Point of Order number 30. Two years down the lane as I said yesterday Nairobi residents have seen no service. His Excellency the Governor Mr. Evans Kidero was elected on a 7 pillar holy manifesto and he marketed himself as doctor 'daktari' wa Nairobi. I am from the CORD side of the Assembly and I want this to be taken as a concerned resident of Nairobi as a Member of South C and among the people who voted this Assembly. The defunct Nairobi City Council is receiving a lot of money from the Central Government having received a total of 9.7 Billion in the last financial year and having collected local revenue ten Billion with a shortfall of 1.2. We cannot sit in an Assembly that continues to say that all these Billions are wasted on wage Bill. If we have a wage Bill that is servicing the salaries of this magnitude. Why are we employing private people to do cleaning when we can use the employees of the defunct Council?

If you look at our drainage, they are spilling over, there is no drainage, and the sewers are bursting all over, the street families are back with a bang. Security in the City is just unbearable and we are not safe anymore. I can give an example of the burglary that was in the House the other day in the Department of Health.

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Nairobi people want to hear services. We no longer want to have Bills and Bills just Bills because they don't really reflect what the pillars are. I come from a Ward which understands the Constitution and the Ward which understands their rights and every person is asking what is the County Assembly of Nairobi doing. In the defunct City council we used to receive I can say minimal amount of money from the Government. There were lights, there were no street kids all over, there were no so many potholes because the asphalt was working and we could do some patch work.

I am requesting my Hon. Members to agree with me that there is no development that is going to go on in Nairobi if we concentrate on wage Bill, if we concentrate on incurring costs and not paying suppliers. We can only see development when suppliers are given work to do and they are paid so that we can incur more expense as we wait. We have Members of the public who are entitled to trade in this County who have never been paid. Their files are either missing, their files are either in pending Bills, their files are either somewhere but they cannot be assisted. Nairobi wants services and we all know that for us to have services we must incur costs by doing procurement so that we can do lighting, we can do garbage collection, we can do roads, we can repair our leaking pipes but people have to be paid. We cannot afford to have many people queuing, looking, begging and pleading with this Assembly to pay for services that have been done.

Hon. Members you have noticed that there has been no advertisement. The reason is that it's not that there is no work to be done, there is a lot of work to be done but there is no payment so people do not want City Council jobs because you cannot contract and not pay and therefore, I want these Hon. Members because you are answerable to the people who elected you to know. They have to be aware that indeed you are trying your best but you cannot really deliver if the Executive itself is not delivering. We cannot continue having wage Bills, we cannot hire companies to clean the City and pay them millions on money and we have already a bloated system as they allege and therefore I urge my fellow MCA's of this House, the 127 of them to support me in demanding for services for Nairobi because we have no service at all starting from the classroom that our children use in the Ward to the City Centre, the CBD there is totally nothing. Thank you and I ask Hon. Thuo to support me Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Member, Order Hon. Thuo! The Hon. Member has requested all the 127 Members to support her. With that respect I want to state that Standing Order number 30 states very clearly that any Member who may at any time lies in his or her place to seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County importance. A Member who wishes to seek leave to move adjournment of the County Assembly shall at least two hours before the commencement of the sitting and to the Speaker a written notification of the matter that the Speaker shall refuse or allow the claim. Unless the Speaker is satisfied that the matter is definite and urgent and of National importance and may properly be liaised in a Motion for adjournment of the County Assembly.

If the Speaker is satisfied in terms of paragraph two and not less than 20 other Members rise in their places in support, the Speaker shall nominate a time and same time day and which such a Motion shall be moved. No Member speaking indeed this Motion was in this House yesterday and if I serve my memory well, it was supported yesterday and what I have to ask is to go to paragraph three which says that if the Speaker, you

can take your seats Members. If the Speaker is satisfied in terms of paragraph two and not, ok go to paragraph four, no Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the County Assembly except the mover may speak for ten minutes. So ordered, the floor is open for Members. Hon. Thuo.

Hon. Thuo Kamau: Thank you Hon. Speaker I thank Hon. Diana Kapeen for bringing such a Motion at a time like this when Nairobi has become very dirty, when hawkers are being beaten all over in this City, when there is a lot of madness as far as the transport system in Nairobi is concerned and when the suppliers are contemplating going to the court to compel the County Government to pay the their dues and also at such a time when the public utility or rather the public lands in Nairobi are being grabbed at a very faster rate under the watch of doctors administration.

Mr. Speaker before Dr. Kidero became the Governor of Nairobi I had a lot of respect for the so called managers of Bluechip Companies Mr. Speaker, but in Dr. Kidero we have seen Mr. Speaker what Nairobi is experiencing probably *daktari* needs to be told that there is a difference between a company and a County Mr. Speaker. Mr. Speaker I would also want to urge this House to oversee and make sure the actions and misactions of his administration are brought to book and he is made to account for all the actions his administration is doing. Why do we have a weak, a very weak Executive if I am asked? It is because we have a very weak County Assembly. The County Assembly...

Hon. Temporary Deputy Speaker: Order Hon. Thuo! If I heard you well you've said that if the Executive is weak then we have a weak Assembly. Is that what you are trying to imply? Because from the statements you have given here is like there is nothing happening in Nairobi, which means it is this Assembly that is, that is what you want to imply? Can you withdraw?

Hon. Thuo Kamau: Let me clarify, Mr. Speaker. Mr. Speaker what I have just said the reason why we have a weaker Executive it is because this Assembly is also weak.

Hon. Temporary Deputy Speaker: Order!

Hon. Thuo Kamau: Mr. Speaker if you may allow me to make my contribution.

Hon. Temporary Deputy Speaker: Order. That is what I want you to withdraw. This is a Hon. House and you know that. Order! If you want to continue with your time to participate you must withdraw and apologize on the same.

Hon. Thuo Kamau: Mr. Speaker thank you so much I apologize and withdraw.

Hon. Temporary Deputy Speaker: We don't have a weaker Assembly in Nairobi.

Hon. Thuo Kamau: Mr. Speaker I have withdrawn and I have apologized but I must say that the County, why do we call this a County Government because it has two arms. One is the Executive and the other one is the

Assembly. If this Assembly fails to oversee and represent and also to legislate Mr. Speaker then the County Government fails.

Hon. Temporary Deputy Speaker: Hon. Thuo if you have failed in your mandate you cannot run that particular one to the entire Assembly. It is you who has failed. Can you proceed.

Hon. Thuo Kamau: Thank you Hon. Speaker. I am praying that you allow me to kindly contribute. Because Mr. Speaker the judgment will be done correctly at the end of the day. Mr. Speaker as much as we are blaming the Executive, there is also a bit of work that this Assembly has not done. A good example is the Implementation Committee Mr. Speaker. We have an Implementation Committee of this House Mr. Speaker. What does it do? I will give a good example Mr. Speaker of a statement I sought like six months ago Mr. Speaker about a fire station in Gigiri, Karura Ward.

Mr. Speaker and expected the Implementation Committee to do something Mr. Speaker so I would want to rest my case and say and this should go on record that this County Government has two arms and as much as we blame the Kidero administration, also this Assembly should be blamed equally.

Hon. Temporary Deputy Speaker: That is a very serious allegation. I will have to make communication on the same on the floor of this House, and if you are found, because we have an HANSARD that you are trying to mislead this Assembly then I will impose sanctions on you. Order Hon. Deputy Leader of Minority!

Hon. Temporary Deputy Speaker: Order Hon. Member

Hon. Member for Karura Ward (Mr. Thuo Kamau): Mr. Speaker, before Dr. Kidero became the Governor of Nairobi, I had a lot of respect for the so called managers of Bluechip company. But in Dr. Kidero we have seen what Nairobi is experiencing. Probably, *Daktari* needs to be told that there is a difference between a company and a County and a Country.

I would also want to urge this House to oversight and make sure the actions and misaction of his administration are brought to book and is made to account for all the actions his administration is doing. Why do we have a weaker Executive? If I am asked, it is because we have a very weak County Assembly. The County Assembly---

Hon. Temporary Deputy Speaker: Order, Hon. Thuo. If I heard you well, you have said that if the Executive is weak then we have a weak Assembly. Is that what you want to imply? Because from the statement you have given here it is like nothing is happening in Nairobi. Which means that it is Assembly that is...that is what you want to imply? Can you withdraw?

Hon. Thuo Kamau: Mr. Speaker, what I have just said is that the reason why we have a weaker Executive is because this Assembly is also weak.

Hon. Temporary Deputy Speaker: Order!

Hon. Thuo Kamau: Mr. Speaker, if you may allow me.

Hon. Temporary Deputy Speaker: Order! That is what I want you to withdraw. This is an Hon. House and you have to know that, and you know it. If you want to continue with your time to participate, you must withdraw and apologize on the same.

Hon. Thuo Kamau: Mr. Speaker, thank you so much. I apologize and I withdraw.

Hon. Temporary Deputy Speaker: We don't have a weaker Assembly in Nairobi.

Hon. Thuo Kamau: Mr. Speaker, I have withdrawn and I have apologized but I must say that the County...why do we call this a County Government? Because it has two arms; one is the Executive and the other one is the Assembly. If this Assembly fails to oversee and to represent and also to legislate, Mr. Speaker, which--

Hon. Temporary Deputy Speaker: Hon. Thuo, if you have failed in your mandate, you cannot lament that particular one to the entire Assembly. It is you who has failed. Can you proceed?

Hon. Thuo Kamau: Thank you Hon. Speaker. I pray that you allow me to kindly contribute because the judgment will be done collectively at the end of the day. As much as we are blaming the Executive, there is also a bit of work that this Assembly has not done. A good example is the Implementation Committee. We have an Implementation Committee of this House. What does it do? I would give a good example, of a statement I sought like six months ago, in Gigiri, Karura Ward. And I expected the Implementation Committee to do something. So, I would want to rest my case and say, and this should go on record, that this County Government has two arms. And as much as we blame the Kidero administration, this Assembly should also be blamed equally.

Hon. Temporary Deputy Speaker: That is a very serious allegation. I will have to make communication on the same on the floor of this House. And if you are found, because we have an HANSARD, that you are trying to mislead this Assembly, then I will impose sanctions on you. Order, Hon. Deputy Leader of Minority.

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Thank you Mr. Speaker for giving me this opportunity. I would also take this opportunity to thank Hon. Diana for taking that bold step to bring this very important Motion, very noble indeed, to discuss the issues of development in this great City County. Mr. Speaker, we have said time and again that we were elected on a platform on how we are going to bring development into this County. It becomes very embarrassing that you cannot explain what is happening because there is no development. Before I attack the Governor for failing to deliver, I also want to attack the media, especially the journalists who happen to come and cover this House, Mr. Speaker. These are journalists who have failed us.

Hon. Speaker: Order! Order Hon. Member.

Hon. Chege Ngaruiya: They have failed us, Mr. Speaker.

Hon. Temporary Deputy Speaker: Order Hon. Deputy Leader of Minority, with due respect. You cannot discuss Members of the fourth estate who cannot defend themselves on the floor of this House. Can you contribute to this particular Motion?

Hon. Chege Ngaruiya: That isn't where I am coming to.

Hon. Temporary Deputy Speaker: You cannot shift blame games here.

Hon. Chege Ngaruiya: Thank you Mr. Speaker. But we have talked about issues to do with development to be reported in the daily newspapers. They are not telling the Nairobians the truth especially when it comes to issues of development. The reason as to why I am saying so is that on Monday, I happened to receive a call from the NTV anchor and K24 who have visited my Ward because of the flood. What worried me is that they have no idea that we do not have a development kitty in this particular Ward and yet we have these journalists who are supposed to report that this County Assembly Member do not have a development kitty. I called to tell them that whatever we are discussing right now in Ruiru is about that issue they are calling me for. So we know who their masters are. We know who they work for. We know who pays them. And since they have failed to tell Nairobians the truth---

Hon. Temporary Deputy Speaker: Can you restrict yourself to this Motion?

Hon. Chege Ngaruiya: It is high time, Mr. Speaker we address this issue.

Hon. Temporary Deputy Speaker: Order Hon. Deputy Minority Leader. Can you restrict yourself to this Motion.

Hon. Chege Ngaruiya: Thank you.

Hon. Temporary Deputy Speaker: And if you insist.

Hon. Chege Ngaruiya: Thank you Mr. Speaker. On the same issues to do with development, these are issues that we have discussed and I believe this is the umpteenth time because they are also Nairobians. And as Nairobi MCAs we should inform Nairobians what is happening because we are to blame. So if issues of development are not reported in this County, which is coming from this Assembly, then I believe we are doing a great disservice to the Nairobians.

Mr. Speaker, allow me to mention just one scenario. There was a time a four Billion Motion was passed in this Assembly to cater for development, and this was not reported by the journalists. There was also a Motion by the Minority Leader to rescind the decision of allowing the County Executive to borrow money for the sake of development and recurrent expenditure. The reporter who was present, Mr. Speaker, reported that we wanted to adjourn the House so that we can discuss issues to do with car loan and mortgage. Shame on you.

Hon. Temporary Deputy Speaker: Hon. Minority Leader, with due respect.

Hon. Chege Ngaruiya: Thank you. Mr. Speaker, the journalist who reported that issue has never attended this. And the other media just copy pasted to report on Saturday and Sunday.

Hon. Temporary Deputy Speaker: Order Hon. Deputy Minority! The Motion before the House is very clear. You cannot discuss personalities here. The Members of the fourth estate, if there is any defamation you feel they have done on your side, you go to court. You don't come to the floor of this House when you know very well they cannot defend themselves on the floor of this House. Can you desist from that and contribute to this Motion. You have got two minutes.

Hon. Chege Ngaruiya: I think we don't need them here. So, Mr. Speaker, Nairobi is in pathetic condition. Nairobi has gone to the dogs. Today, in the morning, I happened to meet the Governor of this County in his office at 7 a.m. and the issue we were discussing is on issues to do with development. And he said, Mr. Speaker, that there is no money for development in this County. We keep wondering we have passed the finance Bill, where does this money go to? This great County does not even have a grader. This great County does not even have a shovel.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Point of Order Mr. Speaker.

Hon. Temporary Deputy Speaker: What is the Point of Order Hon. Manoah?

Hon. Manoah Mboku: Mr. Speaker, this Motion is very important. I wish all Members were present to hear this debate, Mr. Speaker. I am just requesting, with your indulgence, if this Motion can be adjourned to when all Members are available so that we can discuss. Thank you.

Hon. Temporary Deputy Speaker: Order. You are not the mover of this Motion. You cannot adjourn it.

Hon. Manoah Mboku: Mr. Speaker, I am talking about a quorum.

Hon. Temporary Deputy Speaker: Are you the mover of this Motion? Order Hon. Manoah! Can you continue, Hon. Minority Leader?

Hon. Chege Ngaruiya: Thank you. Although yesterday, we also postponed, when he said there was no money, we, the Hon. Members who were present, became worried. People were rushing to us. Where do we run to? We run to the Governor of this County who is the head. But if the head has failed, then all of us have failed. A County that does not have even a single grader. A County that has no roads. Even the cemetery is full that people are being squeezed to be buried. Hypothetically the *daktari* himself has admitted that he has failed. He was to become the medicine for Nairobi but now we don't need a doctor. We need a medicine man for that matter.

It is high time that this Hon. House, we don't even need to adjourn, to go on recess, Mr. Speaker. Why are we going on recess and yet there is nothing you can show. I believe we have done our role. We have overseen. We are going to be judged very harshly by the Nairobian. It is high time that Nairobian know the truth and I don't know whether we are going to hold joint public gatherings to tell people that this Nairobi has gone to

the dogs. It is very sad that you see the Governor on every weekend visiting his ancestral home to carry out public *harambees* contributing more than two million every week---

Hon. Temporary Deputy Speaker: Order! Order Hon. Ngaruiya!

Hon. Chege Ngaruiya: ---at the end there is no money in the County.

Hon. Temporary Deputy Speaker. Order! Order! The Standing Orders are very clear. You go and read Standing Order number 83. You must desist from mentioning the name of H.E the Governor here. Can you apologize? Standing Order number 83 does not allow you.

Hon. Chege Ngaruiya: To do what?

Hon. Temporary Deputy Speaker: Order! You must apologize.

Hon. Chege Ngaruiya: Thank you.

Hon. Temporary Deputy Speaker: Can you withdraw the same.

Hon. Chege Ngaruiya: Mr. Speaker, you have become a dictator of this House.

Hon. Temporary Deputy Speaker: Order!

Hon. Chege Ngaruiya: I apologize and withdraw.

Hon. Temporary Deputy Speaker: Yes Hon. Mutiso.

Hon. Temporary Deputy Speaker: Honorable Mutiso

Hon. Daniel Mutiso: Thank you Mr. Speaker sir, let me take this opportunity to thank Hon. Dianah Kapeen for bringing this Motion which is important, I can remember the day I was elected by my people from Ngei Ward, I promised to bring them developments and since then I'm afraid to go back to my Ward, why because I've got nothing to show them. When you go to my Ward you find that all roads are like *shambas*, no lights, sewerages are flowing all over and they are asking me, which job are you doing. I'm not here to carry anybody's burden and I believe that all members will agree with me let everyone carry his or her own burden because I know I campaigned with my own money I campaigned alone and no one sponsored me so I have all my rights to request and to make sure that I deliver and I serve my people.

Hon. Members, I don't want to commit my political suicide and I don't want to go for early retirement and for this matter I believe we had an allocation, 2012/2013 which did nothing to our Wards and now we have 2013/2014 budgets which is also seems not to be working. I request all the 127 members that we either get services or we protest because we did not come to pass Bills from the Executives Bills as we pass their Bills Mr. speaker sir, we should feel them and see them working. We are tired of using our own money, our salaries taking

officers from their offices to go and work in our Wards and we believe we do not come here to deliver services with the little we get, in that case Mr. speaker sir I support this Motion. Thank you

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): Thank you Mr. Speaker sir. Indeed I'm a very worried man and as I stood to contribute to this Motion, as per we are speaking, in my Ward which is Kariobangi North Ward, the traders in Kariobangi North Light Industry as we are speaking they are planning for demonstrations. This is saddening because as representative of Kariobangi North I have done my part, I have brought five roads which are in a very bad state and those traders I have pleaded with them for the last one year and six months but whatever I have been promising them, nowadays I even feel shy to talk to them because they are telling me that they have given me the chance, I have promised them and you remember I reported in this House that my wife fell when she was talking my child to school, because even where I stay, when it rains it is pathetic. Indeed whatever Hon. Members are contributing in this House, if for real the Governor is unable to work in this County of Nairobi, we are not ready to go down with him.

Because this is a weighty matter, because this is a weighty matter and if you can and because you know me, you can see I'm not in my mood because of the same. What I've resolved with them, so that they can see I've done my part, I have told them to go ahead and I will join them in that demonstration because I want, you know, to wash my hands in the field of developments which are supposed to deliver services to the people of Kariobangi.

On the same, the issue of drainage system, that is, sewer system and you know this is a health hazard Mr. Speaker, in my area it is pathetic and I have done my job, I have reported this but every time now and then when you do report this the only thing you are being told is that, ok, we are going to do it. Indeed, because this is a weighty matter, I don't know whether the mover will withdraw so that we can exhaust on it because we to do thank you.

Hon. Member for Mwiki Ward (Mr. Isaac Ngugi): Thank you Mr. Speaker for granting me a chance to rise on Point of Order number 32, of course, Order number 32 queries the issue of quorum in Assembly I want to believe that this is a very important Motion that we need more members ventilating and debating on it, so I kindly ask you to even give a chance to the mover, to allow that we continue with this debate tomorrow as the first agenda and even if possible have it as a running agenda until we go on recess because we really need to discuss we need to discuss about developments of Nairobi and even if possible we avoid going on recess and continue debating and coming up with solutions for Nairobi.

(Quorum Bell is rung for five minutes)

Hon. Temporary Deputy Speaker: Hon. Members the bell has rung for 10 minutes and there is no sign of any Member to join this particular Motion from outside so that we can raise the quorum. I direct the office of the Clerk that this particular Motion will take precedence tomorrow. It will come first in the Order Paper. This Assembly adjourns to tomorrow 2:30 p.m.

The House rose at 4:59 p.m.