



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 2nd December, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

Hon. Speaker: Yes Hon. Chege Mwaura.

REQUEST FOR STATEMENT REGARDING RECORDS OF PROCEEDINGS FROM THE HANSARD OFFICE

Hon. Member for Ngara Ward, (Hon. James Chege): Mr. Speaker I am rising to request on your communication regarding Standing Order number 221. It has been tremendously difficult to get any record of proceedings from the Hansard office. I called last week, I was with you and we even went to the Hansard office and requested for the same. According to the documents that I have been given, out of the whole of November, we only have the ones of 19th of November. Out of the whole period of October, we only have the ones of 22nd. So I do not know if they are lazy or they are lousy or they... I don't know because for me I thought according to Standing Order 221 is very clear that within 48 hours, this record of proceedings which we are the ones who have been talking, I don't see why it should be a difficult thing to access the same. Kindly give me direction.

Hon. Speaker: Very well Hon. Chege, it is correct, I personally with you went to the Hansard office and... First of all Hon. Members, Standing Order 221 says, there shall be published within 48 hours of a verbatim report of all proceedings of County Assembly unless the Speaker is satisfied that, this is rendered impossible by some emergencies. I would therefore again after the rise of the House, I would personally again with the Clerk move to the office of Hansard and know why we were not supplied with the Hansard as we requested. Thank you. Proceed.

MESSAGES

Hon. Speaker: Hon. Members, the County Governor of the Nairobi City, the Nairobi City County Assembly first Assembly, Second Session, message from the Governor. Hon. Members, Standing Order 39(1) relating to the messages from the Governor provides that, the Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly. In this regard Hon. Members I wish to report that I received a message on 24th November, 2014 from the Governor by a letter dated 24th November 2014. The message regards the nomination of Dr. Bernard Maina Mugenyio as a member of County Executive committee responsible for Agriculture, Livestock Development and Fisheries.

I wish to note that, this message corrects an error in earlier message communicated on the appointment of Dr. Bernard Maina Mugenyio as a Chief Officer responsible for Agriculture, Livestock Development and Fisheries. I now wish to convey again the following messages. Nomination for Dr. Bernard Maina Mugenyio as a member of the County Executive committee responsible for agriculture, livestock development and fisheries. You are aware Article 179(2)(b) of the constitution provides that members of the County executive committee shall be appointed by the County Governor with the approval of the County Assembly from among persons who are not members of the Assembly.

Pursuant to the provision of article 179(2) (b) of the Constitution and section 35 of the County Government act 2012, I hereby nominate Dr. Bernard Maina Mugenyio as a Member of the Executive Committee responsible for Agriculture, Livestock Development and Fisheries for Nairobi City County. This is therefore to request the Assembly to approve the said Dr. Bernard Maina Mugenyio as a Member of the Nairobi City County Executive Committee responsible for Agriculture, Livestock Development and Fisheries. I now direct that the Select Committee on Appointment to proceed with the vetting of the said nominee Member for the Nairobi City County Executive Committee responsible for Agriculture, Livestock Development and Fisheries. Thank you.

Hon. Member for Viwandani, (Hon. Samwel Nyangwara): Mr. Speaker, the communication you have just made here, needs a lot of interrogation because this Assembly does not do business or does not make money. The money we use in this Assembly is money for the people of Nairobi. This is money from the public.

Remember very well, we received that particular communication here and we went as far as putting the notification on the newspaper for the same person to appear for interview. We spent money to put on the newspaper. Will the same be corrected or who is going to cater for the loss of that particular money.

Hon. Speaker: Hon. Members, I am guided that, actually the message you received from the Executive was for the Chief Officer so they are the ones who have actually corrected it. Now it is for the County Assembly and the Clerk to find out how best they can deal with the next publication. Hon. Elakana.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Mr. Speaker on the same, we have not received the communication from the Governor about the dismissal of Mr. Gakuo and Dr. Kigundu, we really need that communication because we are the people who approved them as the County Executive Committee Members (CEC's) of this County. We want to know how they were dismissed and the steps taken so far.

(Applause)

Hon. Speaker: Hold on please I need to consult on these things. Hon. Members I am guided that unless it is a matter of courtesy, there is no provision for the Executive to give us reason for dismissing the Hon. County Executive Committee Members (CEC's). Thank you, Hon. Ngaruiya.

Hon. Member for Kahawa West Ward (Mr. Chege Ngaruiya): Thank you Mr. Speaker for giving me this opportunity. I think it is in order for us as a House to be carrying out a very rigorous vetting process before we approve an appointment of somebody to a particular position.

We should also vet their credentials and certificates to be sure we get the very best. If Mr. Speaker, after approval of this House, it can take a stroke of a pen for that person to lose the job, then it means that there is no need of this House carrying out that vigorous process to vet those people in those offices. It is therefore important that if we really mean a lot to the Executive, we would have been informed of what really happened and when these particular seats fell vacant and why this process is that rigorous so that we can still continue again vetting these other officers in that particular position. Thank you.

Hon. Speaker: Thank you very much, Hon. Ngaruiya. Actually before I read the Standing Order or the Constitution, the Hon. Member is right, sometimes as a matter of courtesy as I had said earlier, it is important for us to know, in case we are a family.

Hon. Members, Hon. Ngaruiya, the floor is yours. The County Government Act 31;

'The Governor may despite Section 40, dismiss a County Executive Committee Member at any time, if the Governor considers that it is appropriate or necessary to do so;

There is also section 40 that reads;

'Subject to Sub-section (2), the Governor may remove a County Executive Committee Member from office at any of the following grounds;

- a) *Incompetence*
- b) *Abuse of office*
- c) *Gross misconduct*
- d) *Failure, without reasonable excuse, or written authority of the Governor, to attend three consecutive meetings of the County Executive Committee*
- e) *Physical or mental incapacity rendering the County Executive Committee Member incapable of performing the duties of that office; or*
- f) *Gross violation of the Constitution or any other law.*

2. *A Member of the County Assembly, supported by at least one third of all the Members of the County Assembly may propose a Motion requiring the Governor to dismiss a County Executive Committee Member on any of the grounds set out in Sub-section (1).'*

Thank you, next.

PAPERS

Hon. Speaker: Hon. Members earlier on we left behind our communication, this is the issue regarding your parking. Hon. Members as you are aware we have been fighting very hard to get parking for you members. In fact before I came to the Assembly one of the Hon. Member came screaming to my office that she was assaulted by the other Member because of parking issues.

I want to inform the Hon. Members of the following. The Chair is aware of the difficulties Members have faced in securing permanent and secure parking space for their vehicles. The Chair and the County Assembly Service Board have been working tirelessly to secure ample parking space for all Members.

Hon. Members, I therefore wish to inform you that the County Assembly has secured adequate parking space adjacent to the Supreme Court of Kenya, and has made the necessary arrangements to operationalize the usage of the said parking. Members are therefore encouraged to immediately start leveraging that parking lot to avoid unnecessary conflict over inadequate parking spaces around the precincts of the Assembly.

Hon. Members that parking space across this door here to the Assembly, is place that you can leave your vehicle, and go on holiday and come and find your car in a secure situation. Therefore, Hon. Members you will consult the Clerk so that you can have the necessary arrangements in regards to your parking. Thank you.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Thank you Mr. Speaker sir for giving me this opportunity. Mr. Speaker I would like to talk about parking that you have just spoken about. I would like us to go back to 2007 when any Member of County Assembly could park anywhere. This is not right Mr. Speaker we are all Hon. Members. If you find a Member has already parked somewhere, I think the Hon. Member should move to another parking. Thank you, Mr. Speaker.

Hon. Speaker: That is what we have said. That problem will be a thing of the past. Thank you, Hon. Nyangala.

Hon. Jackline Nyangala (Nominated Member): Mr. Speaker just a question. The area that you have talked about is usually used as a market, what is going to happen to the traders?

Hon. Speaker: It is not that one used by traders, the one next to it, we will show you. Next order, go on please.

NOTICES OF MOTION

Hon. Speaker: Yes Hon. Isaac.

Hon. Member for Mwiki Ward (Mr. Isaac Ngige): Thank you Mr. Speaker.

Hon. Speaker: You are on a Point of Order.

Hon. Isaac Ngige: Yes on Point of Order No. 74, to address you with regards to a Notice of Motion. Mr. Speaker I stand here a bit frustrated because on 25th of last month, I did what is required within the Table's office to come up with a Notice of Motion, allowing this Assembly to interfere with the calendar of our recess.

Mr. Speaker when that Motion was drafted and I was given and signed it, I later received a communication from the Speaker who at that time was the Deputy Speaker that that kind of Motion can only be brought by either the Leader of the Majority party or the Leader of the Minority party or the House Business Committee. The following day I went to the Leader of the Minority party and we agreed to bring that particular Motion which I have with me, but Mr. Speaker until now, I have not received support from the leadership especially from my end with regard to this particular Motion and especially we are going on recess this week and my Notice of Motion is to allow us to interfere with the calendar and extend the period of the Assembly until to 18th of December and reduce the recess next year to the 27th of January 2015. Mr. Speaker I need your guidance on that.

(Applause)

Hon. Speaker: Hon. Isaac, I was waiting for the Leader of the Minority to bring it to the office but we have extensively discussed and some of the Members have discussed and have actually, though I would ask Hon. Akuk if you can give the message that we had earlier on. Hon. Members, you can approach.....

(Loud consultations)

Hon. Member for Kahawa West (Hon Ngaruiya Chege): Thank you Mr. Speaker, I want to give a notice of Motion on behalf of the Minority Leader of this Assembly. I beg to give notice of the following Motion; aware that Nairobi City County Assembly calendar for the second session culminates on 4th December 2014 and the third session commences 10th February 2015. Further aware that the state of development in the County is wanting as evidenced by worsening state the County public infrastructure across the city.

Deeply concerned, there are pending businesses for the development of the County such as the Statements and Bills, noting that the County Assembly has an important role to play in the development of the County. This Assembly resolves to alter its calendar pursuant to Standing Order 24(2) by extending its sitting to 11th December 2014. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Milare, please!

Hon. Member for Harambee: (Hon. Ronald Milare): Hon. Speaker, I beg to give notice of the following Motion; that aware that the functions of public entertainment and public amenities including liquor controlling, county recreation facilities, sports activities and facilities are vested to County Governments pursuant to paragraph 4 of part two of the fourth schedule of the Constitution.

Further aware that the National Government has banned weekend and holiday tuition on schools, concerned that millions of school children are on holiday without any recreational facilities available to them, making them vulnerable to unintended exposure including drugs and alcohol abuse, noting that over two million Kenyans are susceptible to alcohol and drugs, used and poorly disposed alcoholic drinks containers are principal source of alcohol abuse by youth.

Acknowledging that the national government has several agencies including National Authority for Campaign Against Drug Abuse (NACADA) which is designated to coordinate implementation of various regulatory mechanisms, this Assembly urges the County Government to;

1. In conjunction with NACADA, parents, teachers and well-wishers to immediately prepare affordable holiday camps for school children and educational within the County and ensure facilitation and security.
2. To institute collection and appropriate disposal measures of all used alcoholic drinks containers. Than you Mr. Speaker.

Hon. Speaker: Thank you very much Hon. Milare. Hon. Deputy Speaker.

Hon Deputy Speaker (Hon. Kennedy Ngondi): Mr. Speaker, I think it was captured in our Hansard when I made a communication in regard to the alteration of the calendar of the Assembly. I was guided by the Standing Order No. 25(3) and on the notice of the Motion given by the Hon. Member. I don't know whether he is a member of the House business Committee because it states here clearly under Standing Order No. 25(3). 'On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the City County calendar, the Leader of Majority party, the Leader of Minority party or another Member of the County Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.'

So maybe if you could confirm to the House whether the Member moving the notice of motion is a Member of House Business Committee?

Hon. Speaker: Hon. Ngaruiya, Please.

Hon Ngaruiya Chege: Thank you Mr. Speaker. I think the Deputy Speaker is not aware of the proceedings of this House since he is supposed to be aware that when the Minority Leader is not present, I can represent him.

Hon Deputy Speaker: Hon. Speaker that is a nice one. I don't need to engage myself in this issue so much but it could only be honorable if the Majority Leader by way of the Standing Order delegated the same to his deputy which the normal tradition of the House. I do understand he is the Deputy Minority Leader, I don't object that. For the purpose of clear record, we were with the Minority Leader and he said he has no intention of moving the Motion of alteration of the calendar. I don't know why.

(Loud consultations)

Hon. Speaker: Hon. Members, Order! Let us go slowly; you will get your chance to speak. Order Members! Let me also refer to my small bible. Hon. Members, let's move on another Motion while I consult the higher authorities.

(Loud consultations)

Hon. Speaker: Hon. Members, Order! Hon. Mumo.

Hon. Nominated Member (Hon. Leah Mumo): Thank you Mr. Speaker. Monicah, I need the Speaker to have attention please!

Hon. Speaker: we are consulting about this...

Hon. Leah Mumo: I want to inform the Hon. Member who was has just stood up here that there is no way our Minority Leader can consult him before consulting our Deputy Minority Leader. We have a Deputy Minority Leader who can sit in for the Minority Leader.

Hon. Speaker: Order! Hon Chege Mwaura.

Hon. Member for Ngara (Hon. Chege Mwaura): Mr. Speaker allows me to shed more light on what my senior has just spoken.

Hon. Speaker: Hon. Members, Order!

Hon Chege Mwaura: Mr. Speaker, I need protection from the Deputy Speaker. The Standing Order that the Deputy Speaker stood on about the calendar - we cannot read law in selection - the law must be read with other laws. What I am saying, you cannot selectively read a passage of law?

Hon. Chege Mwaura: What the Deputy Speaker was saying - I need your ears and attention, Mr. Speaker.

Hon. Speaker: No, we are consulting please.

Hon Mwaura: It's OK so that in future we understand what we are doing. When the Deputy Speaker rose and talked of Standing Order 25(3), I wish he had proceeded and talked of Standing Order 25(4) which says that, despite paragraph 2, the County Assembly may by resolution alter its calendar or adjournment date. So it's within ourselves to alter the dates the way we want it. Mr. Speaker I am just requesting that you invoke subsection 4 because we cannot---

Hon. Speaker: Hon. Chege Mwaura, Member of Ngara, take your seat, the owner of the Motion is on his way.

Hon. Chege Mwaura: What I am saying Mr. Speaker I am just shedding more light, because again we can also not be held hostage by selectively reading the law. All I am saying is that I wish to bring your attention to subsection 4 of the same Standing Order that the good leader has brought out. Sub section 4 says---

Hon. Speaker: I agree with you but let him come and sign, it's not even signed.

Hon Chege Mwaura: No Mr. Speaker, we cannot allow to be taken hostage by the leader of Minority.

(Loud consultations)

Hon. Speaker: Hon. Members, Order! Order Hon. Chege Mwaura! I also want to inform the Hon. Mwaura about time for moving Motions, save for a special Motion. A Member who has Motion standing in his or her name may authorize in writing another Member to move that Motion on a member's behalf. So let's give awhile, the Leader of Minority will be walking in to complete his work. Remember that Motion had not been signed.

Hon Chege Mwaura: My only problem is the Minority Leader feels that he doesn't want to come to the Assembly and we are held hostage as result and there is a structure; there is Deputy Minority Leader.

Hon. Speaker: But he is the Minority Leader.

Hon Chege Mwaura: We are not refusing and I am a loyal and junior servant of him. But what am saying is that we cannot be held hostage.

Hon. Speaker: Can I have the Motion now, Hon. Member?

(Loud consultations)

Hon. Speaker: Hon. Members, Order! What was the calendar initially? Next Order, please!

STATEMENTS

Hon. Speaker: While we wait for the corrections and the Minority Leader, let us move on other things.

Hon Chege Mwaura: Much obliged Mr. Speaker; we just want that direction to be in record that you have accepted pending corrections.

Hon. Speaker: Let it come, I am here with you.

Hon. Chege Mwaura: we are not refusing; we are sympathizing with your position. What we are saying, why don't you allow pending corrections?

Hon. Speaker: Order Hon. Members, Order! Statements please! Order Hon. Ndigiriri. Order Hon. Members allow Hon. Tabitha Ndigiriri to request for a statement.

Hon. Tabitha Ndigiriri: Thank you Mr. Speaker Sir, pursuant to Standing Order 80, i want to make personal statement regarding my allocated parking space. Today around 12:30 pm along General Kago Street where Members are allocated specific parking lot, one Hon. Member Mark Ndung'u----

Hon. Speaker: Order Members Order!

Hon. Tabitha Ndigiriri: Today at around 12:30 pm along General Kago Street where Members are allocated parking, Hon. Mark Ndung'u had parked KBU 328 J to my allocated space on number 125 under my name Hon. Ndigiriri. Mr. Speaker Sir what discouraged---

Hon. Speaker: Order Hon. Members!

Hon. Tabitha Ndigiriri: What discouraged me was the fact that the Hon. Member had his allocated space along the street 106 under the name Hon. Mark Ndung'u. Mr. Speaker Sir Hon. Mark Ndung'u manhandled me in public and also slapped me.

Mr. Speaker Sir he harassed me in broad daylight and the Member went ahead and began shouting at me stating that he will touch anywhere and that I could not do anything about it. The Hon. Member humiliated me in public and even went ahead bringing up unnecessary party politics. Mr. Speaker Sir I want your office to look into this matter and establish the resolution. Thank you.

Hon. Speaker: Hon. Members you have heard the cry of Hon. Tabitha Ndigiriri whereby she was humiliated in public by the Hon. Mark Ndung'u, he manhandled her in public...

Hon. Speaker: No! No! Order Hon. Leah Mumo. This's a request for a statement, we are not discussing anybody. This English also has problems. Hon. Ndigiriri we will look into the matter and we shall give directions tomorrow. Next Order please! We still have Statements Hon. Imwato please. Hon. Leah Mumo.

Hon. Leah Mumo (Nominated Member): Thank you Mr. Speaker. Pursuant to Standing Order 41 (2) (c) I wish to request a Statement from the Chairperson of sectorial committee of Justice and legal affairs regarding the harassment of boda boda operating in the City Centre by the inspectorate officers. Hon. Speaker there had been a protest that the City inspectorate officers had been harassing boda boda operators in the City center to the point of keeping their motorbikes for two weeks before being taken to court. Furthermore the boda boda operators have been compelled to pay 3,000/= per day for the motorbike for two weeks before they are taken to court.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Measure being taken by the County Government to protect the boda boda operators from harassment and exorbitant fines by the City Inspectorate officers.

Hon. Speaker: OK, very well Hon Chairperson Sectoral Committee on Justice and Legal Affairs.

Hon. Member for Parkland Ward (Mr. Kassam Jaffer): Mr. Speaker sir, taking into account of our House Calendar I think it will be possible to give an answer maybe in the next Session. Thank you.

Hon. Speaker: Very well. Hon. Leah Mumo again.

Hon. Leah Mumo: Thank you, Hon. Speaker again, Pursuant to Standing Order 41 (2) (c) , I wish to request a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs and Trade, tourism and Cooperatives regarding corruption by the County Revenue collection Officers in the County.

Hon. Speaker, there have been complains that the aforesaid officers have been harassing and arresting market vendors within the County and demanding that they pay kshs.500 for their release. This is done to vendors who have already paid their rates.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

i. Steps taken to curb corruption by the County Revenue Officers.
Thank you.

Hon. Speaker: That goes to Chairperson of Sectoral Committee on Justice and Legal Affairs. Hon. Chairperson you should take this one very seriously.

Hon. Kassam Jaffer: Thank you Mr. Speaker sir I think the same also goes for this particular Statement we shall definitely give a very comprehensive and satisfactory answer to the Hon. Member and as I said it will be possible in our next sessions. Thank you, Mr. Speaker sir.

Hon. Speaker: First week when we come back from the recess.

Hon. Kassam Jaffer: We will comply, Mr. Speaker sir.

Hon. Speaker: Hon. Osman Adow.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you Mr. Speaker I don't expect a satisfactory reply because I have never received a satisfactory reply to any Statement I have ever requested. So I will ask these two anyway at that same time.

(Loud Consultations)

Hon. Speaker: Order Hon. Members.

Hon. Osman Adow: Hon. Speaker Pursuant to Standing Order 41(2) (c) I wish to request for Statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives regarding use of the roads by hawkers in Eastleigh area.

Hon. Speaker, hawkers have clogged on the roads in Easleigh area especially on 1st Avenue area, which has led to traffic snarl-up and dumping of tons of garbage on the roads.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:-

- i. Plans the County Government has to relocate hawkers away from the roads and when that will happen.

Hon. Speaker: Very well Hon. Adow, the Chairperson, Trade, Tourism and Cooperatives.

Hon. Petronilla Achieng (Nominated Member): Looking at the Calendar just as the Justice Chairperson said, we will give the reply when we will come back because we need to go to the site and look on what he is talking about.

Hon. Speaker: Very well Chairperson Trade, Hon. Peter Warutere, Chairman. Order Hon. Member.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you Mr. Speaker, please allow me----

Hon. Speaker: Order Hon. Warutere. Hon. Adow do you have another statement?

Hon. Osman Adow: Yes.

Hon. Speaker: Go on.

Hon. Osman Adow: Hon. Speaker, Pursuant to Standing Order 41(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on labour and social Welfare regarding payment of Health workers at Pumwani Hospital.

Hon. Speaker, anesthetists on locum at Pumwani Hospital have been working without salary from September to date.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Whether the anesthetists at Pumwani Hospital will be paid and when; and
- ii. Measures the County Executive has to ensure that salaries of Health Workers are not delayed.

Thank you.

Hon. Speaker: Hon. Chairperson on Labour and Social Welfare.

Hon. Member for Lower Savanah Ward (Mr. Alfred Ambani): Thank you Mr. Speaker sir, I think we shall give report after the recess. Thank you.

Hon. Speaker: Hon. Warutere.

Hon. Peter Warutere: Hon. Speaker I think Hon. Otieno had an issue with Inspector General. I am under instruction from---, if you would allow, from Minority Leader to withdraw of a Bill Pursuant to Standing Order 133. I am under the authority of Minority Party Hon. Abdi Hassan to withdraw Nairobi City County Plastic carry bag bill 2014 Assembly Bill No. 6 of 2014.

Hon. Speaker Standing Order 133 provides that either before the commencement of the business or on the Order of the day for any stage for the Bill being read the Member in charge of a Bill may, without notice, claim to withdraw a Bill;

I therefore beg to withdraw the Bill Pursuant to Standing order 133 to allow the mover to have more consultation with stakeholder and users and to come up with a form of Consultative Bill. Thank You.

Hon. Speaker: Very well next order. Which Statement again? Hon. Ngaruiya.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Hon. Speaker, Pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding disposal of garbage by Farmers Choice Limited.

Hon. Speaker, Farmers Choice Limited, Located within Kahawa West Ward, processes and packages meat foodstuff. The residents have been complaining about bad smell emanating from the company's slaughter house.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

- i. How Farmers Choice Limited disposes off its offals, feaces and other materials unfit for human use and consumption;
- ii. Measures Farmers Choice Limited has put in place to deal with the bad smell emanating from the slaughter house; and
- iii. Plans by the County Government to relocate slaughter house from residential areas and ensure compliance with minimum sanitation standards and environmental regulations.

Thank you.

Hon. Speaker: The Chairperson of Sectoral Committee on Agriculture, Environment and Natural Resources. You are the Chair?

Hon. Member for Makongeni Ward (Mr. Peter Imwato): Mr. Speaker you are surprised whether I can be the Chair. I have qualities to be the Chair. Thank you Deputy Minority Leader for asking the question as per the mood of the House I think I can give the answer in the next 7 days Mr. Speaker.

Hon. Speaker: Thank you. Very well, what is it Hon. -----.

Hon. Stephen Thuo: Thank you Hon. Speaker. I rise to request for a statement that I sought sometimes back Mr. Speaker---

Hon. Speaker: What is that? Order! Hon. Members

Hon. Stephen Thuo: I must commend you for having good microphones, they are very nice. Mr. Speaker, I rise to request for a statement. This statement has history. This particular statement ---

(Loud Consultations)

Hon. Stephen Thuo: Mr. Speaker I need your 110 per cent attention. I just want to put to your attention that some six months ago, I did request for a statement from the Sectoral Committee on Planning and Housing. I do not know what is so special about this statement because it has taken six months for this particular statement to be responded upon.

Mr. Speaker As a legislator, I know seeking for a statement is one of the tools that a Member of this particular House can use to seek for clarification and also to enquire on matters. I would want to know whether it is the policy of this County Assembly for statements to be taking indefinitely for them to be answered upon. Thank you.

Hon. Speaker: Hon. Members. The Member who is singing here, surely! Be mindful of other Members. It is unacceptable for you to do--- it does not matter who you are or where you come from. Please!

Hon. Maxwell Ochar: Mr. Speaker. I think because time has gone maybe you cannot remember well. The response was here and the Member was notified that the response was ready and by that time he was not in the House three times and those responses went back, because now if the Member is not interested then what do we do? Mr. Speaker, six months has elapsed. He can ask for the statement again. That is what is contained in our Bible.

Hon. Speaker: very well. I think --- Order! Hon. Thuo. I think I would humbly request the Chairperson to give you the answer and if you are not satisfied you can come back to the Assembly. Order! You cannot --- that is not the language of the Assembly. Hon. Imwatak.

Hon. Peter Imwatok: Mr. Speaker kindly allow me to address you on a point of order No. 74 in conjunction with order No. 80 for purposes of clarity. I am aware for the last one week you were not feeling well, you have been out of this Assembly and there was a communication Mr. Speaker which was read on your behalf on this Assembly. As I was walking inside here to collect a tie from the sergeant-At-Arms, I was told one thing. *Mheshimiwa* kindly do not mention one Mr. Oscar Lore. Mr. Speaker it is so unfortunate if ---

Hon. Speaker: Order! Member. Please.

Hon. Peter Imwatok: What I am trying to say Mr. Speaker I am told without clarity there is a court order for this House without substantiating to this House what the court order is about, and the question we are asking ourselves as we are seated there is that the Speaker has not been there before the purported court order came. Now the Speaker is here, what is the communication to this House? Is the court order communicated to this Assembly or is communicated to the Members?

Mr. Speaker, I believe this House is the House of rules and procedure. Just as you are communicating there is a point you said, Akuk can explain to you guys, then the Deputy Speaker stood up and said, we discussed with the Minority Leader and the Majority Leader. The question that is begging our head is, is there a discussion contrary to the Assembly that takes place outside there?

Mr. Speaker I remember last time on Thursday when I stood here I said, and I say this beyond today, because Speaker we are supposed to follow Article 13 of the County Government Act, and that was the communication when last we left this Assembly. Mr. Speaker as the House of rules and procedure I beg to differ with whatsoever that we cannot be just communicated today this communication, tomorrow it becomes a blanket under water. With your wisdom for this House, we want to know; Do we have any court order in this House and if the court order is there, what does it say? Does it require us to be communicated to or it requires us to go into a Kamukunji because as a Member of Makongeni Ward I would not want a situation whereby lawyers tomorrow are serving me unknowingly why I am being served Mr. Speaker. I beg to ask for your communication on that.

Hon. Speaker: Hon. Members. Yes, there is a court order. The court order restrains first respondent, 2nd and 3rd respondents. First respondent is the Nairobi City County Assembly Speaker, Nairobi City County Assembly Service Board and the County Assembly of Nairobi. The order says that it is hereby ordered that an order of prohibition is hereby issued in the interring restraining the first, second and third respondents from suspending, interdicting, terminating or otherwise however interfering with the

contract of employment of the claimant pending hearing interparty 17th December 2014. Yes? Yes Hon. Akuk.

Hon. Maurice Akuk: Thank you Mr. Speaker sir. I rise on a point of information regarding what you have just read to us which, actually, is a court order and with due diligence, we need to obey it and respect it and not be in contempt. But at the same time, I ask fellow Members of this House if at all they know that the 3rd respondent, which is the County Assembly is a body that cannot be sued because it has no seal of its own, it is not a limited company and it is not a body that one can take to court. It is amorphous. So, in that court order, we have not been gagged to dispense our mandate. In that court order, what we are being asked to do is...forget about the 3rd respondent. There is no one like 3rd respondent. There is nothing like County Assembly. If there is, with all due respect, it would have a seal.

With all due respect, Mr. Speaker sir, there would be a chairman of the County Assembly, there would be a director of the County Assembly and there would be somebody in that County Assembly. But County Assembly cannot be described. So, Mr. Speaker, I like to beg you to understand that as much as your office, which is the speaker's office, which is the first respondent, as much as the County Assembly Service Board is the second respondent has been sued, they will not be in contempt when this house discusses this issue. They will not be in contempt when this house decides to move on and execute its mandate.

The lawyer that we thought is a rocket scientist, the one Jacob Ngwele has failed us once again. This is what we see. You can be a lawyer but you cannot know everything in the law. The law is what we dispense here Mr. Speaker sir. All these are legislators and all these members here cannot be taken for a ride. All these members cannot be sued under an entity called the County Assembly. It is not practical.

Mr. Speaker sir, I remind these members, if they have their County Governments Act 2012. In section 66 of the County Governments Act, it is very clear that a process had to be followed and if you follow section 66, through 67 to 68, this assembly did not follow that process through its leadership under the County Assembly Service Board. Whatever this rocket scientist decides to do, he will still come back to this house and we will still debate his name because we cannot bend the law. The law is very clear. It is clear to both this house and the claimant. So, the claimant has faulted. The claimant needs to be reminded that we are going to go further with our mandates and continue discussing this particular name. Wherever it comes from, we don't know but this house has not been gagged. Thank you.

Hon. Speaker: Hon. Members. I hear you Hon. Akuk but in my position, and I am sorry because I will not, because I know I am a very easy target in this kind of business. And as the matter is before the court, I am not able to respond. Therefore, Hon. Members, the issue of the County Assembly cannot be taken to court, I am not a lawyer. I need to seek clarification from a lawyer so that I can allow any debate. But you will agree with me, as the first respondent, I will not be in a position to mention even the name. I am sorry. Hon. Karen.

Hon. Karen Wanjiku: Mr. Speaker sir, with all due respect, you told us very clearly and that is very understandable but I think and I believe that Nairobi City County Assembly needs lawyers because right now the only lawyer we had, we are told that we are not supposed to discuss him. And we don't have lawyers in this County Assembly. Does it mean...? The speaker is saying he doesn't have anybody to advise him meaning that he will not do anything.

Hon. Speaker: Order Hon. Member. I said I am not a lawyer. I need a lawyer to interpret to me. I did not say---

Hon. Karen Wanjiku: But she is here.

Hon. Speaker: Yes, she is coming.

Hon. Karen Wanjiku: She is here. Let her do it.

Hon. Speaker: Hon. Members, as I said earlier, the issue of the County Assembly being sued properly or improperly, can be addressed by court and a ruling issued to that effect. You can be a subject of litigation in court. Hon. Members, a red Nissan, X-trail KBR 087L has blocked the car of Hon. Adow. If you can unblock it, please. Order Members! Order please! , Hon Issack

Loud consultations

Member of Mwiki(Hon Issac Njoroje): I think as we continue debate this issue of interim Clerk of the county assembly earlier we had requested the Leader of Minority to rise and give notice of motion regarding extension of the sitting of the assembly so that we can have more time to debate on the issue of the interim Clerk

Leader of Minority: I will urge you to leave members to discuss issue of Ngwele on the floor of house after I finish moving this notice of motion

Motion

That aware that the Nairobi City County Assembly calendar for second session culminate on 4th December 2014 and third session commence on 10th February 2015, further aware that state of development in the county is wanting as evidenced by state of worsening county infrastructure across the city, deeply concerned that the appending business for development of the county such as statements and bills, noting that the county assembly has important role to play in the development of the county, this assembly resolves to alter its calendar pursuant to standing order 24 by extending its sitting to 11th December 2014 and third session to commence on 13th January 2015. I kindly ask Mheshimiwa Maina Njoroje to second me.

Hon Speaker: That was notice of motion? Very well, Hon members, what do you move?

Hon Mwaura: Mr. Speaker there is a statement I made some times ago, I think 4 weeks ago, concerning the floodlights in Zimmerman ward and also in the whole county. Mr. Speaker the floodlights are not working. Zimmerman ward now people are not moving at night, there is a lot of burglary, people are being maimed, starting from seven o'clock Mr. Speaker

Hon Speaker: Hon Mwaura I kindly ask you to get in touch with the chairman, find out where he reached with the statement and if you are not able to get it then you can be able to bring it back to the assembly in form of writing, Hon J Maina...Hon Manoah

Hon Manoah Karega: thank you Mr. Speaker, I thought the Leader of Minority had moved a motion and you were to put a question, a notice of motion

Hon Speaker: it was a notice of motion, for tomorrow

Member of Umoja 1 (Hon George Maina): Hon Thank you Mr. Speaker, there is some time back I had requested for a statement from the chairman of health which he gave me two weeks ago, I want to seek your indulgence on this matter but the answer I was not satisfied with and the Speaker of that day was Hon Sam Nyangwara who again compelled the committee of health to come back to Umoja I ward for further investigation which was supposed to have been done last Tuesday but we have not seen them, I want you to indulge in this matter

Hon Speaker: I saw the chairperson here, where is he?

Hon Manoah Karega: indeed Mr Speaker we were to do a site visit in Mheshimiwa ward however due to issues arose last week regarding an employee of National Assembly we were unable to visit that site, I request to have that matter settled in the next session. Thank you

Speaker: next order please

NAIROBI CITY COUNTY PETITION TO COUNTY ASSEMBLY PROCEDURE BILL 2014, ASSEMBLY BILL NO. 12 OF 2014 FIRST READING

An Act of county assembly of Nairobi city to give effect to article 37 of the constitution and section 15 of the county government act on the right to petition a county assembly to make provision of the procedure of exercising that right to enhance public participation in the county assembly matters and for connected purpose. First reading

Hon Speaker: Members this is to the Committee of Delegated..., Hon Members, the Nairobi city county petition to county assembly procedure bill 2014 goes to the Committee of Justice and Legal Affairs

Member of Njiiru (Hon Karen Wanjiku): I think we should have the bill so that we can know what you are talking about, we don't have it

Hon Speaker: Very well, Clerk, avail the bill to Hon Members

MOTION

Hon Speaker: Hon Members that is the motion, it had been moved and seconded and the question proposed, so it is for the members to discuss

Hon Deputy Speaker: Mr. Speaker I think the motion which is to come before the house is a crucial motion that needs at least three quarters of members of this house. I notice there is lack of quorum in the house. Can the Clerk confirm that?

Hon Speaker: Hon Members the Sergeant-at-Arms to ring the bell. Hon Members...

(Quorum bell rings)

Hon Speaker: Hon Members, the House Business Committee meets after the rise of the house, Hon Members the house is adjourned.

House rose at 5:00 p.m.