



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 30 October, 2014

The House met at 2.30 p.m.

(Mr. Deputy Speaker in the Chair)

PRAYERS

Hon. Deputy Speaker (Kennedy Ngondi): Hon. Thuo

Member for Karura Ward (Hon. Stephen Thuo): Mr. Speaker I ask for your indulgence. The petition will be brought later. I am being told by the Clerk that the petition is being brought here. I would also want to bring to your attention Mr. Speaker, petitions are supposed to take 90 days but this particular one has taken over six months. So if the particular Committee is unable to do that or if the Office of the Clerk is inadequate in doing that, we can go ahead and withdraw that petition. It makes no sense for a petition to lie on the table for the last six months and the matters that were being addressed on that particular petition are grave matters.

Hon. Deputy Speaker: Okay Hon. Member maybe we have several petitions. Which one in specific?

Hon. Stephen Thuo: Petition on water Mr. Speaker

Hon. Deputy Speaker: Okay. Can I promise that we will dispense that the first week after our recess?

Hon. Stephen Thuo: I was told that last time. I hereby withdraw that petition Mr. Speaker because; do we have two sets of Standing Orders?

Hon. Deputy Speaker: You can only bear with the Chair, the ruling has been done.

Hon. Stephen Thuo: I have beared too much Mr. Speaker.

Hon. Deputy Speaker: I have directed that on the petition you have to bear with the Assembly. It will be the first agenda when we open the Assembly.

Hon. Stephen Thuo: I am not happy

Laughter

Papers

Hon. Deputy Speaker: Hon. Hashim

Member for California Ward (Hon. Hashim Kamau): Thank you Mr. Speaker. Pursuant to Standing Order No. 180 I beg to lay the following paper on the table of the Assembly today Thursday 30th October, 2014. The 11th report on the Sectoral Committee on Water and Sanitation on the petition presented by residents of Runda estate on the services provided by Runda Water Limited Mr. Speaker. Thank you.

Hon. Deputy Speaker: Thank you Hon. Hashim.

Notices of motion

Hon. Deputy Speaker: Proceed

Statements

Member for Kahawa West (Hon. Chege Ngaruiya): Thank you Mr. Speaker. Pursuant to Standing Order 41(2)(c) I wish to request for a statement from the Chairperson of the Sectoral Committee of Planning and Housing and Trade, Tourism and Cooperatives regarding the extension of Kahawa West market.

Hon. Speaker, there is an ongoing construction of additional stalls at Kahawa West market. Furthermore, it is alleged members of the public have to part with Ksh. 170,000 in order to access a stall at the market. In the statement, the Chairpersons should inquire into and report on;

- 1) Whether the extension was approved by Physical Planning Departments?
- 2) The exact number of stalls that were approved?
- 3) The beneficiaries of the additional stalls?
- 4) How the County Government will benefit from the additional stalls?
- 5) Whether the alleged amount paid per stall is collected as revenue by the County Executive?

Thank you.

Hon. Deputy Speaker: The Deputy Chairperson Housing? Member from the Housing ---

Member for Woodley Ward (Hon. Kairu Njoroge): Mr. Speaker Sir. Let us be given three weeks since we are going for a recess and so we cannot be able to ---. And if possible declare me the Chairman of the Committee.

Hon. Deputy Speaker: Not granted. I think it could be --- Hon Njoroge. Maybe I think these Members will give the House and opportunity to be conducting the business of the Committees. So I think it could be in order if you could bring down the number of days.

Hon. Kairu Njoroge: Yes Mr. Speaker I do agree with you. Let us be given two weeks.

Hon. Deputy Speaker: Thank you. The Chairperson for Trade, Tourism Hon. Odalo. The deputy Chairperson for Trade Member of the Trade Committee.

Nominated Member (Hon. Jacqueline Nyangala): Thank you Mr. Speaker I am sorry I was not concentrating. Can you give us two weeks when we come back from recess ---

Hon. Deputy Speaker: Have you gotten the request?

Hon. Jacqueline Nyangala: I will find out from the Hon. Member Mr. Speaker

Hon. Deputy Speaker: Thank you. Hon. Samuel Kagiri

Hon. Samuel Kagiri (Member for Pipeline Ward): Thank you Mr. Speaker. Pursuant to Standing Order 41/2C, I wish to request for a Statement from the Chairperson of Sectoral Committee on Transport and Public Works regarding the congestion of *matatus* within CBD in Nairobi County. Hon. Speaker, for a SACCO company to be authorized to operate within the city, it must have at least 30 vehicles. The *matatus* in the city have now turned every little available space to a parking making the city too congested even for residents to walk around freely in downtown. In the statement, the Chairperson should inquire into and report on:

- 1) The gazetted *matatu* terminus in the city, indicating the companies or SACCOs that have been authorized to pick or drop passengers from there.
- 2) Who authorizes allocation of these parking spaces for *matatus* and buses?
- 3) The criteria used when the County Executive is allocating *matatu* terminus.

Thank you.

Hon. Deputy Speaker: The Hon. Member Transport and Tourism.

Hon. Kennedy Oduru (Member for Lucky Summer Ward): Thank you Mr. Speaker sir. I undertake to get Hon. Member a concrete response in two weeks' time. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Hashim. I can see you were listed as one of the members requesting a statement. Okay. Thank you. That response has been suspended for a while. Hon. Peter Imwatok. Hon. Samuel Kagiri.

Hon. Samuel Kagiri: I have presented my statement, Mr. Speaker.

Hon. Deputy Speaker: Okay. It is appearing twice. Hon. Minority Leader.

Hon. Abdi Hassan (Leader of Minority): Thank you Mr. Speaker Sir. Let me take this opportunity to welcome back my brothers who absconded the House yesterday---

Hon. Deputy Speaker: Order Hon. Members!

Hon. Abdi Hassan: ---Attending some private matter which was good. And today, I have seen they have done a very marvelous job by whipping their Executive Director.

Hon. Deputy Speaker: Order Minority Leader. You requested to make a statement.

Hon. Abdi Hassan: I am building up for my statement Mr. Speaker Sir under Order number 80. So, give me the opportunity to finish my statement. I hereby stand and welcome back Mr. Magerer to Jubilee fraternity. He was in the wrong house---

Hon. Deputy Speaker: Catherine, granted.

Hon. Catherine Okoth (Nominated Member): Mr. Speaker Sir, that is none of his business. It is our party, it is our business.

Hon. Deputy Speaker: Thank you Hon. Catherine.

Hon. Abdi Hassan: Thank you Hon. Catherine. I do agree with you that it is none of my business. I am just welcoming back Magerer to where he is supposed to belong because he was in the wrong---

Hon. Deputy Speaker: Order Hon. Minority Leader.

Hon. Abdi Hassan: Let me proceed, Mr. Speaker.

Hon. Deputy Speaker: Order! Can you withdraw that?

Hon. Abdi Hassan: Mr. Speaker, I see nothing to withdraw.

Hon. Deputy Speaker: You speak on behalf of somebody. You cannot.

Hon. Abdi Hassan: Mr. Speaker, as a representative of people, and as a Leader of Minority in this County, I have every right because Mr. Magerer has been accosted in this city. I have a right to speak on his behalf.

Hon. Deputy Speaker: Order! Hon. Maxwell Ochar.

Hon. Maxwell Ochar (Member for Korogocho Ward): Mr. Speaker, we want you to be in the seat of authority and tell Minority Leader that this House is not a house whereby people will come and joke. If he wants to joke, then you should not give him the microphone. We are here to transact a business which can help this Nairobi City to prosper but not to get into dirty politics. If he had nothing to say here, let him keep quiet. Thank you.

Hon. Deputy Speaker: Thank you Hon. Ochar. Minority Leader, I hope, without---

Hon. Abdi Hassan: I am thanking Mr. Ochar for advising me but I want to inform him that what happened today is a very important thing to Nairobi residents. Seeing a senior citizen of this country running on his feet being accosted by a Hon. Member.

Hon. Deputy Speaker: Order Hon. Minority Leader. Hon. Manyala, that debate has been suspended. Can we proceed to the next part?

MOTION

Hon. Elias Otieno (Leader of Majority): Mr. Speaker. Thank you because, as you know, they are benefitting when there is a problem somewhere. It is because they don't have enough members on their side. Mr. Speaker, you know if dialogue fails anywhere, we do it best way. And that is exactly what we have done. Jubilee, can you remember "hii pesa sio ya mama yako bwana!?" Can you remember that? Mr. Speaker, let us just continue with this---

Hon. Deputy Speaker: I think Hon Members, without interrupting the Majority Leader, we also need to salute him for the job well done. That one is reserved for CORD members. But you can join us---. That is just on a lighter note. Proceed.

Hon. Elias Otieno: Thank you Mr. Speaker.

Hon. Deputy Speaker: Proceed. The Majority Leader is on the floor.

Hon. Elias Otieno: You know you have children with the name Otieno.

Hon. Deputy Speaker: Please proceed.

Hon. Elias Otieno: Mr. Speaker, I rise to move this Motion of adjournment of the Assembly in accordance with the calendar of the County Assembly. The Speaker, will today call upon the leader--- What is written here? Pursuant to [Laughs]. You know, you people are making a lot of noise here because if I see somebody on this side, I just like him because I just see a cartoon.

Hon. Deputy Speaker: Order Majority Leader!

Hon. Elias Otieno: Paul Warutere. I just like him because he is Tom and Jerry. Thank you, Mr. Speaker.

Mr. Speaker pursuant to provision of Standing Order number 25 this Assembly adjourns to Tuesday 11th November 2014 in accordance with the calendar of the County Assembly Session. Because we have a lot of work to do I don't think whether we need to discuss...because there are still unfinished business somewhere and since you know I am a busy man I have unfinished business which I am going to do. Mr. Speaker may I take this opportunity to welcome and I hope he is not going to oppose it because they are always like that, I therefore ask Kamau because the other teacher I don't know whether he knows what he is doing. Thank you Mr. Speaker

Hon. Deputy Speaker: Maybe let it not go down that the Majority Leader is requesting an adjournment because he has unfinished business but in reference to Standing Order 25 and in regard to the calendar of the County Assembly.

Hon. Hashim Athaman Kamau (Member of California): Mr. Speaker I second motion as we are aware our colleagues the MCAs from Cord have gone into hiding for example....

(Question put and passed)

Hon. Deputy Speaker: Hon Members just to grant Hon Member one minute he has a serious concern, Hon Kagiri

Hon. Samuel Kagiri: Thank you Mr. Speaker, we still understand this things and I wanted to raise Point of Order number 30 says: *Any Member may at any one time raise in his or her place to seek to move the adjournment of the County Assembly for purpose of discussing a definite matter of urgent county importance.*

Mr. Speaker I had given notice as required two hours before the assembly I had a Motion which is very important to Members if only you would take some time and give us space to discuss, it concerns us and we are going on recess and we would like some of these things to be implemented as we come back. I beg to give notice of the following Motion:

That aware that the security of the precincts of the County Assembly is paramount and must be ensured at all times for the safety of Members and staff of the Assembly, noting that most Parliaments including the national Parliament adopted a system of security that features walls and different levels of entry and exit to ensure security, fully aware that the Assembly lacks crucial amenities and facilities like lack of space, deeply concerned that the precincts belonging to the Assembly are still under occupation of strangers and efforts to reclaim the same have been sluggish, disturbed that Members don't enjoy certain privileges guaranteed by the Privileges Act due to lack of space at the Assembly precincts. For instance a Members lounge, media center, resource center, library amongst others, regretting that efforts to secure Assembly precincts by fencing them off were met with hostility and force from the same group by unknown person by the County Executive and Assembly premises remain under occupation by strangers this Assembly resolves that the County executive move with speed and have all premises allocated to the Assembly but still under business rented the same premises by the defunct Council vacated forthwith and surrender to the Assembly to enable the Assembly secure its precincts and provide missing facilities for Members.

Mr. Speaker as we hear it is a very a serious Motion which concerns security of these Members and as I have read the national parliament has CCTV with cameras, they have fenced all round, no stranger can enter the precincts of parliament.

Mr. Speaker as you understand anybody can get to this place at any time with any weapon and do harm to Members and you understand the cost of doing a by- election. You know this is the heart of Nairobi. Mr. Speaker we want...and I want to read a small section of the County Assembly powers and privileges that defines what the precincts mean. Section 3(1) reads: *the precincts of the county assembly should comprise an area of land...* Mr. Speaker I beg, there is some disturbance, there is noise going around...

Hon. Deputy Speaker: Hon Kagiri just for your ears the said terms of reference you are referring to has not been regularized by the Senate

Hon. Samuel Kagiri: No, we can use the same of the National Assembly, they are the same things. Mr. Speaker allow me to read since they are very important. *The precincts of the County Assembly shall comprise of the area around and every building or part of a building under the County Assembly control including:*

- a) *The Chambers in which the proceedings of the County Assembly are conducted including the galleries and lobbies of Chambers*
- b) *All parts of the building in which the Chambers are situated including the entrance, forecourts, yards, enclosures and open spaces*
- c) *Committee rooms and other meeting spaces provided or used by the County Assembly purposes*
- d) *The offices of the County Assembly including the places within such offices that are provided for use of Members, members of staff, members of public and the press*
- e) *Places provided for use or accommodation of Members, members of the public and representative of the press used in connection with proceedings of the County Assembly or Committees*
- f) *All other buildings or parts of buildings provided or used in connection with proceedings of the County Assembly or its Committees or so used by the County Assembly including such premise may be leased by the County Assembly*

Mr. Speaker in short here we are seated we have things that are below us and we don't know...when vehicles enter through that gate they come and park below us Mr. Speaker...

Hon. Deputy Speaker: Hon Member, we gave you much time to build your Motion, maybe later after we have dispensed order 8, so Honorable Members under Standing Order 25(3), a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of Majority party or 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 to Hon Members. Allow me now to propose the question to the provision of Standing Order 25 this Assembly adjourns until Tuesday 11th November 2014 in accordance with the calendar of the County Assembly. Hon Member! Hon Ogeto

Hon. Member for Kilimani Ward, (Mr. Moses Ogeto): Thank you Mr. Speaker Sir. I stand to support this Motion. But we must realize that the Motion of adjournment that Hon. Kagiri was trying to bring across was also very sensitive because I do believe that as much as we want to go for recess for two weeks, we want to go back and serve our constituents and our constituents with dignity.

As I also want to reiterate Hon. Kagiri's words Mr. Speaker Sir, I wished we were also granted a slot for the same because, the security of the Assembly must be recognized by all authorities. This is because by all standards as he has categorically said that you know very well the violence or robbery of the banks.

Hon. Deputy Speaker: Order Member! Please we are on Motion of adjournment, we are on Motion for Hon. Kagiri.

Hon. Moses Ogeto: Thank you Mr. Speaker Sir. I was just retaliating on the words of Mhesimwa Kagiri that is why I was also requesting the House to grant Mhesimwa as I continue to discuss this very serious moral Motion for adjournment. So I want also to support this Motion because you must realize that, it is just few days since giving out bursary forms to our constituents. We need to go back to our offices in our various Wards so that we fast track the bursary forms to be returned as soon as possible to the department which should deal it so that at the end of the year, we should be getting our cheques back in order for us to dispatch them during our recess in January.

Mr. Speaker Sir, this Motion of adjournment is important since we have been here for quite a long time and we need to have at least a rest and ensure that we enjoy because we know some Members will be travelling to various parts of the country, as you may realize that not all of them do come from this city. So this will give Members time to go and enjoy themselves and ensure that everything is OK Mr. Speaker Sir. I support the Motion.

Hon. Deputy Speaker: Thank you. Hon. Mwalimu.

Hon. Member for Kahawa West, (Mr. Chege Ngaruiya): Thank you Mr. Speaker for giving me this opportunity to oppose this Motion. I have enough reasons why I am opposing this Motion because there are so many things we are leaving unattended. There are so many things that have been done unprocedurally in this Assembly. For instance, just last week but one, there was a Motion that was passed in this Assembly unprocedurally and we need to recede on that particular decision that we made, of approving a loan facility to this County. If we break for our recess, then we are leaving this County at a very critical stage when Nairobians need us Mr. Speaker.

Hawkers are being beaten every day and being stabbed with knives. This is an issue we cannot allow. This is the only House that can speak on behalf of those people who are out there in the village. We have burdened Nairobians, we are supposed to bring an issue whereby we were supposed to recede that particular decision that was arrived at even when there was no quorum.

I want to stand in this particular Assembly and disagree, because whatever happened, it requires a Solomonic advice. We are at very critical stage whereby if we are burdening Nairobians at this particular stage, I believe then we are heading nowhere. So I believe we would have waited for some time so that we sit down and come up with a compromising stand geared towards finding a solution to the situation...

Hon. Deputy Speaker: Order! Granted.

Hon. Member for Nairobi South, (Mr. Manoah Mboku): Mr. Speaker, is the Member actually in Order to mislead this House? He was in this House when we adopted the calendar for this particular Assembly, and he is the one who seconded, is he in Order actually to oppose this Motion. Thank you.

Hon. Chege Ngaruiya: Thank you. I want to inform the Hon. Member that, even if I seconded the Motion, there are so many illegalities that have happened and those illegalities are supposed to be corrected by the same House. If we break for recess today and those illegalities continue and they are given more time, then it means.....

Hon. Deputy Speaker: Order Hon. Member. You cannot call a resolution of the House an illegality. That resolution came from this House.

Hon. Chege Ngaruiya: Yes Mr. Speaker but it was not procedural.

Hon. Deputy Speaker: Can you withdraw that first?

Hon. Chege Ngaruiya: If it was legal...

Hon. Deputy Speaker: Can you withdraw the word illegality first.

Hon. Chege Ngaruiya: So I withdraw an illegality then I say unprocedurally Mr. Speaker. So whatever happened was unprocedural because the processes that are required for a Motion to be tabled in this particular House were ignored. The illegalities that I have cited in this particular Assembly has made be be considered as an enemy of this particular Assembly, I have no personal grudge against any one person in this particular Assembly. But I have to cite the many unprocedural things that are happening, I would have wished that we wait for at least one week, so that at least we come together and see whether we made the right decision to over burden the Nairobians with a loan facility of four billion.

Mr. Speaker again, the reason as to why I am opposing, so many things are happening in the streets of Nairobi, hawkers are being stabbed every day and this is the only House that can talk on behalf of the voiceless people. I take this opportunity to tell the Members that they recede that decision of going on recess so at least we can have time to discuss the issue of the loan facility and number two, to discuss the issue about hawkers. Thank you Mr. Speaker I oppose.

Hon. Deputy Speaker: Thank you, Hon. *Mheshimiwa* from Kwa Reuben.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti: Thank you Mr. Speaker Sir. I think a law is a law, and we cannot deviate from the law. I support this Motion but with a lot questions. One, we had passed that we should be given 300 bursary forms, but for now they are now two hundred, we don't know where the other 100 have gone.

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Come again.

Hon. Elkana Mauti: We had passed a resolution in this House that we be given 300 bursary forms, it is only 200 up to now that have been supplied, and I don't know where the 100 have gone. Two, as we are going for recess we had hopes that the mortgage would be ready. The resolution was made yesterday after everything had been agreed, unfortunately when the Clerk came he said the Committee has done have done nothing. I wished the Clerk of this Assembly called us even if we are in recess to sit down as the Members of County Assembly to discuss this matter so that Members don't hope that they will have mortgage. Today is 30th October and the month has ended, there is no mortgage. So it is better for the leadership of this House to call—

Hon. Deputy Speaker: Granted.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you Mr. Speaker Sir. I want to inform this Hon. House that Hon. Mauti my colleague is misleading this House by giving wrong information, because I believe what he is trying—

Hon. Deputy Speaker: He is on a Point of Order. It is not allowed, proceed

Hon. Moses Ogeto: We want to inform the Members that your mortgages are there, let them not mislead you. I want to say this because I sit in this powerful committee and my members are there we can assure you that the within the shortest time possible, it can go far probably it will be by the latest next week Monday, Members will be receiving their mortgages.

Hon. Majority Leader of the Majority (Mr. Elias Otieno): Mr. Speaker I don't like side shows. This mortgage thing, I don't think we should continue waiting for this mortgage because it is our money. The Clerk should not take us round in circles. The Bank should start giving people mortgage tomorrow because there is no way we agreed that the Insurance Company is going to insure all amount of money. So there is no way he is going to tell people about the paper work because time is running out for these Members and you can see how people are broke this side because I can see this side people are--- Mr. Speaker, thank you.

(Loud consultations)

Hon. Deputy Speaker: Order! Not granted that was on a lighter note. Proceed Hon---

Hon. Elkana Mauti: I hope Mr. Speaker Sir, I think you have agreed with me because we know there is timeline for repaying that loan, if the timeline elapses, you cannot cheat we will get the loan, so Majority Leader I thank you for that.

Hon. Deputy Speaker: Order Hon. Member! No Member is being cheated here. Can you withdraw that word?

Hon. Elkana Mauti: Hon. Speaker I withdraw cheating I---

Hon. Deputy Speaker: Proceed.

Hon. Elkana Mauti: I think up to this time, we have not received any communication about how far the Ward Development Fund reached however, we have got the communication to open the accounts, we don't know whether we can open these accounts until next year, it is unknown. Finally, the development projects of the County, I think it is now a quarter of this year which has elapsed. When we will be coming back from the recess I think we want to see the strategy paper indicating if the money which was put aside for development of given projects and if it has done nothing then it will be disbursed to other areas. These are the challenges that we are facing. I think in Nairobi there is no tangible development which has been done---

Hon. Deputy Speaker: Order Hon. Member! I think you are misleading the House; do you have facts with you?

Hon. Elkana Mauti: Yes I have.

Hon. Deputy Speaker: Reserve it for yourself.

Hon. Elkana Mauti: I think the leadership of this House after we have come back they will give us information on what they have done, more especially to liaise with the Members of the Assembly especially on mortgages, Ward Development Fund and the development projects which are supposed to be done in this County.

Finally as we go for the recess I think we are going to enjoy a lot only that most of us will not be able to enjoy because it could have been better if we could have gotten the clarification of the 100 bursary forms where it has reached now.

Hon. Deputy Speaker: Hon. Ochola Utalii, come back. Hon. Diana.

Hon. Member for South 'C' Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker. I want to support the Motion that we go home for recess and work in the Wards. I also have reservations, regarding the same loans that were approved the other day. The Members of the Assembly are still waiting to know about it and I hope when we come back we shall have information on that.

Mr. Speakers Sir, I would like the leadership of the Assembly also to tell us how far the Ward Development Fund has gone, what the Chairman of the Ward Development Fund has done given that we have had several recesses, and every time we resume the sessions we should have our Ward development in progress reports.

Mr. Speaker we have people in the offices that have not been paid and we don't know if their employment is valid. The loan that the County applied is for capital projects which include Ward

development Fund, which also happens to have been factored in the budget that was passed in 2014/2015. So we would really want some clarifications for that.

I am also concerned about the same mortgage for Members and I thank the Majority Leader for having said the Clerk should, with immediate effect release the money for the Members. But my question is, what is the role of this Committee and the Clerk and their interests in this?

We have information that a letter was written from insurance company and the Clerk advised that it should not be addressed to the Assembly. So the Members would really want to know if there is hope or they are being given false hope. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Njoroge.

Hon. Member for Woodley/Kenyatta Golf Course (Hon. Njoroge Kairu): Thank you very much, Mr. Speaker Sir, I want to oppose the Motion. Right now, Nairobi County is in crisis because our County Secretary was jailed for three months because of debts that this County owes suppliers and contractors. Along the corridors, I heard people saying that this building will be auctioned by next week.

Hon. Member for Kayole South (Hon. Elizabeth Manyala): Point of Order!

Hon. Deputy Speaker: Order granted, Manyala.

Hon. Elizabeth Manyala: That is a very weighty matter that the Member is trying to inform the House. Can he please substantiate with facts whether this City Hall that is hosting us is going to be auctioned? Otherwise we cannot tolerate, this is a House of rules and procedures and we don't act on rumors and busy bodies. Thank you.

Hon. Deputy Speaker: Hon. Njoroge, can you table a substantive---

Hon. Njoroge Kairu: Thank you very much, Mr. Speaker Sir. I am busy body because if you are dead you cannot talk. If you are unable to pay a certain amount of money, then the next thing the court could do is to grant that person permission to auction the properties of that person. I smell a rat and the reason why is because my friends in CORD had a meeting and were talking about referendum.

Hon. Deputy Speaker: Order Honorable Njoroge! We don't want allegations here. Can you withdraw that because you were not in that meeting?

Hon. Njoroge Kairu: Mr. Speaker, I withdraw. Let me finish what I was saying then I sit down.

Hon. Deputy Speaker: Can you take your seat, Hon Njoroge?

Hon Member for Utalii (Hon. Wilson Ochola) : Thank you very much, Mr. Speaker. I came to understand that some of our Members have just come here to joke around with our minds. We want to develop Nairobi County but they don't want it to be developed.

Hon. Deputy Speaker: Order Member!

Hon. Wilson Ochola: Mr. Speaker, let any Member who is coming in---

Hon. Deputy Speaker: Which Standing Order?

Hon. Wilson Ochola: Standing Order 192 (3) (c).

(Loud consultations)

Hon. Deputy Speaker: Order Honorable Members! Order Hon. Ochola! Hon. Njoroge, can you proceed.

Hon. Njoroge Kairu: Mr. Speaker, I want to withdraw what I was saying. I know the Motion will carry the day because of tyranny of numbers but I want to advice Nairobians to be very careful and watch all the happenings in the City. I oppose the Motion, Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Thuo.

Hon Member for Dandora III (Hon. Charles Thuo): Thank you, Mr. Speaker Sir. I can hear someone referring me as NACADA Chairman. Let them know now that I am referred to as *kata milioni* Chairman, I have gone a step ahead.

Mr. Speaker Sir, I rise on this Floor to support this Motion to adjourn the Assembly because I think it's time we need to go and relax. It has been very hectic session in this Assembly and we need time to relax and spend some of the money we have had during the holiday. Mr. Speaker Sir I have noticed that there is a person who we gave a very important seat in this House the other day and he is in this House dressed in a T-shirt and a tie on top. That is not a proper dressing, Mr. Speaker Sir.

Hon. Deputy Speaker: May be the Speaker--

Hon. Charles Thuo: Yes. We know someone who has looked for power very much in this House and recently he got some power. He was appointed to a very powerful Committee called 'Powers and Privileges' but now look what he does. Please stand up for Mr. Speaker to see you.

Hon. Deputy Speaker: Where is the Member?

Hon. Charles Thuo: Have a look. This is very embarrassing

Hon. Deputy Speaker: Where is the Member?

Hon. Charles Thuo: Hon. Wahinya of Ngando Ward.

Hon. Deputy Speaker: Hon Member, if you are suspecting yourself, can you stand up. Can you march out! I am saying the Member who is suspecting himself that he is not properly dressed, so can you leave.

Hon. Charles Thuo: Mr. Speaker, it is a fact Wahinya is dressed in a T-shirt, that cannot be changed.

Hon. Deputy Speaker: Thank you.

Hon. Charles Thuo: However much you want to change it, Mr. Speaker.....

Hon. Deputy Speaker: No. proceed, Hon. Member.

Hon. Charles Thuo: According to the school I went---

Hon. Deputy Speaker: Hon. Wahinya is properly dressed, he is in a tie. We are not able to describe what a shirt is and what a T-shirt is.

(Applauses)

Hon. Charles Thuo: I can describe that, because a T-shirt is a shirt that does not have buttons up down and it looks like a T.

Hon deputy Speaker: Can you proceed:

Hon. Charles Thuo: Shirt that looks like a T is what is called a T-shirt. Thank you as I was saying, before I was rudely interrupted by the badly dressed Member, I was saying that we need this recess, because we need to go and spend some of this salary, some of us are really making a lot of money you know ----- we really need to go and have funny and look for holiday. Thank you Mr. Speaker Sir.

Hon. Deputy Speaker: Thank you. Hon.Mumo

Hon. Leah Mumo: Thank you Mr. Speaker, it's high time you call the mover of the Motion, because some of us really want to go to Nairobi Hospital and see Magerel who has just been attacked by one of the Members of this House.

Hon. Deputy Speaker: Hon. Gari

Hon. Maurice Gari: Even if we are calling the mover of the Motion this opposition side sometimes you need to behave, we are on Government side and we are on very serious business we want to adjourn this House we go and see our parents at home if you don't have any business to do we can give you some business to do in our Wards. So Mr. Speaker I support the adjournment.

Hon. Deputy Speaker: Can you withdraw that sentiment?

Hon. Maurice Gari: I withdraw that, am supporting the adjournment because the Majority Leader has just said here that he's going talk to the Clerk and allow them to pick the loan. So you can call the Mover of the Motion to reply. Thank you.

Hon. Deputy Speaker: Thank you Hon. Member. The last one.

Hon. Pius Mwaura Mbono: I rise to support this Motion, but as we prepare to come back after 10 days, I have a concern with the water that we are taking Dasani water. Am always concerned with whatever I take and it's good to inform this House that since I came to this place have not taking this Dasani water because if the Hon. Members may be are not aware anybody who does not take soda should not also take Dasani water and it's my feeling that,--- let me complete. Mr. Speaker if we can have any other type of water like may be Keringet or Quencher and I would like the Assembly or whoever is providing us with this water to do some kind of study and may be ascertain whether the water is healthy to our body or not, I stand to support the Motion.

Hon. Deputy Speaker: Thank you Hon. Member. We can only trust the trade mark approved by the Keps anything else may be you'll have to take it to KEMRI for analysis. Members before I call the mover to reply allow me to give direction on the requested notice of Motion on adjournment to discuss matters of urgent County importance that we'll give it first preference when the Assembly resumes on Tuesday 11th, this is a weighty issue it needs much time and may be your brains has already been engaged in some activities so I don't find it right for this time to allocate time for discussion on the same, so the mover may you reply.

Hon. Leader Majority (Elias Otieno): I knew those who were going to oppose before they opposed it, this former Nursery school teacher is always like that, but I must thank all Members because most of you

have responsibilities in your Wards or where you come from but the only one person who does not have any responsibility that's the reason why he wants to come here every day is none other than former Nursery school teacher.

Hon. Deputy Speaker: Order Hon. Majority Leader!

Hon. Leader Majority (Elias Otieno): As I reply OK Mr. Speaker by next week I think the whole Assembly are going to south Coast Mombasa because there's something we are making with some people to take our people for induction because the way this people are fighting here, from 6th to 9th so that's already finalized and I think it will be there. So I think that's the reason why you don't want to engage my mind all the time, that's the reason why you want to come here every day and leave here at night , so you will go to South Coast for those three days. Also am serious about this mortgage Loan and I don't think it's good for somebody somewhere to put our money in fixed deposit account, that's the reason why may be this loan is taking too long before they release it to Members. I think somebody somewhere is playing games, so am going to call upon the Committee Members of this Loans and Mortgage and the Clerk to tell all Members to proceed to the Bank tomorrow to get their Loans because as I said before even if you see the kind of dressing cord of this side those people are very broke, they don't have---

Hon. Deputy Clerk: Hon. Majority Leader: with due respect you have to withdraw that.

Hon. Leader Majority (Elias Otieno): Yes I want to withdraw the word this side but one person is none other than Wahenya Kimhu is in a T-shirt, that means he doesn't have money to buy another Shirt to replace the one he used yesterday, so Mr. Speaker let us have this mortgage tomorrow. Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon Members thank you very much, all I wish you is a happy recess and I believe you are going to behave responsibly as leaders and away from the precincts of the County Assembly carry yourself with a lot of honor and dignity, as Hon. Members. This House stand adjourned to 11th November 2014. The Committees are on as usual. Thank you.

The House at 4:21 P.m.