



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 18th November, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

(Loud consultations)

Hon. Temporary Deputy Speaker (Samuel Nyangwara): Order! Hon. Members.

Administration of Oath

Communication from the Chair

Messages

Petitions

Papers

Notices of motion

Hon. Temporary Deputy Speaker (Samuel Nyangwara): Order! Hon. Members. Diana you can continue.

Hon. Member for South C (Diana Kapeen): Mr. Speaker sir. I beg to give notice of the following motion that I am **aware** the National government disburses a substantial amount of development kitty to the Counties. Further **aware** that the use of such monies for investment is key to the development of the city and the prosperity of its residents. **Deeply** concerned that there has been no substantial investment in development oriented initiative by Nairobi County Government as evidenced by worsening roads, uncontrolled sewage spills, lack of proper sanitation and repair of crucial County public infrastructure across the city, noting that **whereas** there have been efforts to address the challenges befalling the city development, not much has been achieved. This Assembly had adjourned pursuant to Standing Orders number 30 to discuss the challenges of development investments in the County as a matter of urgency.

Hon. Temporary Deputy Speaker: I think Hon. Diana your our motion under Standing Order number 30 will be awarded time immediately after Motion number eight. We will go back to petitions, Order number four. Hon. Ngaruiya.

Hon. Member for Kahawa West (Patrick Ngaruiya): Thank you Mr. Speaker. This is a presentation of petition on behalf of Kahawa West market stall owners and traders. Public petition pursuant to Standing Order 195 by the Kahawa West market stall owners and traders on market rates increment. With the undersigned who are residents of the area generally known as Kahawa West estate in Nairobi City County, Kahawa West market stall owners and traders draw the attention of the Nairobi City County Assembly to the following;

That aware that the Constitution of Kenya under Article 201(a) provides that there should be openness and accountability including public participation in financial matters.

That whereas as the Kahawa West market stall owner and traders, we have diligently been paying levies and are saddened by the sudden increment of market rates without the involvement or notification of stakeholders.

That whereas the Kahawa West market stall owners and traders have been duly paying land rates and licenses to the County Government for years, including paying for general maintenance of the market such

as cleaning, garbage collection, drainage and sewerage and unblocking functions which clearly ought to be taken by the said County Government.

That whereas as the Kahawa West market stall owners and traders we have cleared payments and are awaiting to be issued with lease titles as has been promised by the County Government years ago.

That whereas the spirit of article 118 and 201(a) require that the County Government undertake public participation before enacting and implementing any policy regulation or laws. A fact that was missing from the recent drastic increase in market rates for traders and stall owners.

And whereas the Kahawa West market stall owners and traders have sought audience with relevant authorities to ensure the matter is addressed amicably, to ensure fairness in tax and levies charged on traders. The County Government has been slow to engage in order to alleviate the situation.

Now therefore your humble petitioners pray that;

1. The Nairobi City County Assembly look into the matter with a view to ensuring that the stakeholders are involved in coming up with fair market rates increments and a review of the new rates.
2. That the Nairobi City County Assembly intervenes in the matter with a view to ensuring that the County Government of Nairobi takes remedial measures to ensure that the Kahawa West market stall owners and traders who have cleared payments are issued with lease titles as promised and your petitioners will ever pray. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Ngaruiya. I thought you were to table the petition? Thank you very much. As per the Standing Order number 195, this petition is submittable in this House and I will order the Clerk to forward the same to the relevant committee for further action. Clerk.

PAPERS

Hon. Temporary Deputy Speaker: Yes Hon. ---

Hon. Member for Nairobi South Ward (Manoah Mboku): Thank you Mr. Speaker. Pursuant to Standing Order number 186. I beg to lay the following paper on the table of the Assembly today Tuesday, 18th November 2014. The tenth report of the sectoral committee on health services on inspection visit to Kasarani Health Centre. Thank you.

Hon. Member for Sarangombe Ward (Pius Otieno): In regard to the petition that has been laid, you have only said that the Clerk shall direct it to the relevant Committee---

Hon. Temporary Deputy Speaker: Proceed.

Hon. Member for Sarangombe Ward (Pius Otieno): The word relevant does not apply in the House. You are supposed to be explicit and express; either it goes to Trade or Budget Appropriations Committee. That's the spirit.

Hon. Temporary Deputy Speaker: Thank you Hon. Kotieno. You have been in this House for the last two years and you know what we mean when we say the relevant Committee. These are matters of great concern and it is common knowledge that markets are under Trade, so I think you are now aware where it is supposed to go.

Hon. Pius Otieno: You see, we have the Hansard and we want it to capture everything in black and white. That is why I want you to expressly state it in Hansard. Is it trade or budget?

Hon. Temporary Deputy Speaker: Okay. Thank you very much. Clerk you forward the same petition to the Committee on trade to deliberate on the same and report to this House. What is it Hon. Manyala?

Hon. Member for Kayole South (Elizabeth Manyala): Mr. Speaker sir, I rise on a Point of Order number 74. As you can see, I am dressed in white and my dress is my choice. Mr. Speaker, my heart is bleeding. This is a matter of concern in Nairobi County and we have seen the precedent that is now currently taking toll on our women and girl child by goons stripping them---

Hon. Member: What is the Point of Order number?

Hon. Member for Kayole South (Elizabeth Manyala): I am rising on Point of Order number 74. I want to condemn---

(Loud consultations)

Hon. Temporary Deputy Speaker: Order, Hon. Member!

Hon. Elizabeth Manyala: Hon. Manyala stood on Point of Order number 74. She is addressing the Speaker. Can you allow her to go on?

Hon. Elizabeth Manyala: Thank you, Hon. Temporary Speaker for protecting me because these men, the way I see them salivating, they are like sheep in wolfs skin. Mr. Speaker, Article 27 of the County Act---

Hon. Members: Who are these men? She should withdraw that statement.

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Manyala, can you go on, are you done?

Hon. Elizabeth Manyala: Mr. Speaker, can you protect me.

Hon. Members: Who are these men in this House? She should withdraw that statement.

Hon. Temporary Deputy Speaker: As Hon. Manyala was on the floor I was talking to Hon. Ochola. I have not heard Hon. Manyala saying which men on this floor. Hon. Manyala, indeed if you said Hon. Men in this House then you are out of order. You must withdraw and apologize on the same.

Hon. Elizabeth Manyala: I withdraw and apologize, Mr. Speaker. As I continue, Article 27 of the Constitution, Section 4 says that "*The State shall not discriminate directly or indirectly against any person on any grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, color,*

age, disability, religion, conscience, belief, culture, dress--- Mr. Speaker, dress! Again, the same Constitution, Article 28, talks about human dignity and it says, “*Every person has inherent dignity and the right to have that dignity respected and protected*”. Again, the same Constitution under Article 31 talks about privacy, that every person has the right to privacy which includes the right not to have their dresses stripped.

Mr. Speaker, what is happening? If the current trend continues, even the women Members here may not be safe. We have to condemn this act in the strongest terms possible because we are scaring away tourist and investors. This issue was even covered in Al Jazeera and CNN. Mr. Speaker, since this is happening in our County it is a matter that we have to take into consideration and condemn it in the strongest terms possible. Thank you.

Hon. Temporary Deputy Speaker: Hon. Members that was addressed to the Speaker. It does not attract any debate. Next Order.

Hon. Member: *(Inaudible)*

Hon. Temporary Deputy Speaker: It was not a personal Statement. It was Order number 74. The Chairman of the Budget and Appropriation Committee, Mr. Adow.

Hon. Members: Osman, do not table that.

Hon. Temporary Deputy Speaker: Hon. Adow, I thought you told me that you are representing the Chairman of Budget and Appropriation Committee?

Hon. Member for Eastleigh North (Mr. Osman Adow): Yes, I am.

Hon. Temporary Deputy Speaker: Proceed.

Hon. Osman Adow: Thank you, Mr. Speaker---

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Adow, can you address the Chair.

Hon. Osman Adow: Pursuant to Standing Order number 180(6) ---

(Loud consultations)

Hon. Member for Dandora Area II (Stephen Kambi): Thank you very much, but we demand our mortgage.

Hon. Temporary Deputy Speaker: Order! Hon. Adow. I will impose sanctions on you Members. Hon. Adow, you told me you are representing the Chairperson of Budget and Appropriation. Can you go ahead?

Hon. Osman Adow: Pursuant to Standing 180(6), I beg to lay the following paper on the table of the Assembly today, Tuesday 18th November, 2014.

“Report of the Select Committee on Budget and Appropriation on the report of the office of the Controller of Budget and Statement of revenues and expenditure for the year 2013/14”. Thank you, Mr. Speaker.

(Hon. Adow lays the report on the table)

Hon. Temporary Deputy Speaker: Hon. Members today is a very special day for you. You have visitors from Kajiado County Assembly who are Members of the Powers and Privileges Committee. It is a great honor that we recognize these Hon. Members and be aware that they are in the House. I will read their names and they will stand for that very simple recognition.

1. Hon. Elizabeth Santamo
2. Hon. Siyanka Kosei
3. Hon. Hosea Toshi

4. Hon. Emily Resiani
5. Hon. Leah Sobiyo Mowiko
6. Hon. Terry Kibaika

Hon. Members from the Powers and Privilege Committee from Kajiado County Assembly you are most welcome. Feel at home.

Hon. Member for Kilimani Ward (Moses Ogeto): *(Inaudible)*

Hon. Temporary Deputy Speaker: Hon. Ogeto, what is the problem?

(Hon. Ogeto rises to his feet)

Hon. Temporary Deputy Speaker: Hon. Ogeto, are you standing on a Point of Order?

Hon. Moses Ogeto: Point of Information, Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Permission granted.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir. First and foremost I want to appreciate the Members from Kajiado County for coming to this important sitting. Mr. Speaker, as you must realize this mortgage loan has been debated for a long time. However, today of the Chairperson of the Loan and Mortgage Committee scheme, granted me the permission to Chair the meeting.

Hon. Members, I would have wished if Family Bank would extend the time for us, then we would have appreciated. But due to various discussions, which Members know very well, there are regulations which are never submitted. We, the committee of Loan and Mortgage Scheme members, ensured that we come up with loan safeguard scheme which will insure you Members in any case anything happens. We don't know, God forbid, that the money will be safeguarded and will be returned back to the County.

As soon as you realize, you can come to the committee, you will find the documentation from the same Family Bank. It has been a cat-and-mouse game since 10th November when we asked them why they are not releasing the money whereas the Members' forms are in the bank and no favorable answer has been forthcoming.

Hon. Members, I am very sure you do not know how your statements are being handled. I am therefore requesting you that you go and ask for your own personal statement. This will enable you know how much the Bank owes you, how much you owe them and how much balance is remaining to be paid before the end of the 5 year period.

Mr. Speaker sir, I want to inform this serious House that today, at 10:30am we sat as Members. We have requested Family Bank through a letter dated today from the office of the Clerk to the Credit Manager of the Bank requesting them to return our 100 million within 24r hours. In the same letter, we requested them to tell us; for the last two months, since this money was banked in that account, what has it done? When was it banked? What are the inflows? What are the outflows? We want to get the cash flow statement for the same. Members, when we came into such conclusive meeting, we agreed as Members of the committees that we are going to do---

Today, they are going to draft a form for Nairobi City County Assembly for you to access the loan. We will discuss the form tomorrow at 10:30am to verify if it is good for us. You are welcome to the same sitting to give your input on the same. As the Chairman of the same, I instructed the office of the Clerk to connect with the office of the accounts to do appraisals for all the 127 Members, so that we can know how much one qualifies and how much a Member does not qualify for because you realize the Government applies one third rule.

It is mandatory that you must remain with one third of what you earn as gross salary in your account. We have requested them as the committee, and with your support as Members, we agreed that we should safeguard our loans with the Jubilee Insurance Company since the Bank advised that we are the people who are supposed to safeguard the loan. This is why we made such a drastic decision; to ensure

that by Friday we will ensure that the Speaker communicates to you on how you will be picking the forms from the office of the Accountant. That is why I have said the office---

Hon. Temporary Deputy Speaker: Order Hon. Ogeto! You are supposed to address the Chair. You do not answer questions from Members who have not asked for permission from the Chair.

Hon. Moses Ogeto: Thank you Mr. Speaker sir. That is why I can ask Wilson Ochola when because we wanted this money so badly. I remember, when we started to ensure that the money must at least roll---

Hon. Temporary Deputy Speaker: Hon. Imwatok, what is the Point of Order? Is it a Point of Order?

Hon. Member for Makongeni Ward (Peter Imwatok): There is a Point of Order on the point of information the Chairman is giving.

Hon. Temporary Deputy Speaker: Point of Order or a point of information?

Hon. Peter Imwatok: Point of information. With a lot of humility I believe this House passed a regulation based on how....

Hon. Temporary Deputy Speaker: Whom do you want to inform?

Hon. Peter Imwatok: To inform you as the Chair by allowing someone to speak, what is relevant in this floor. This House passed how this fund would be managed. To date, what we can conclude as a House, this committee has failed because it is concerned with the welfare of the Members. It ought to come back to us under Kamukunji, not on Hansard. I beg to move that this information should be relayed to us through our special Kamukunji as Members.

Hon. Temporary Deputy Speaker: Order! Hon. Imwatok! You are completely out of Order!

(Loud consultations)

Members cannot have a Kamukunji

(Loud consultations)

Hon. Member for Utalii Ward (Hon. Wilson Ochola): Thank you Mr. Speaker Sir.

Hon. Temporary Deputy Speaker: Let Ogeto finish first then Ochola you will take the podium.
Order Honorable Ochola!

Hon. Moses Ogeto: Thank you Mr. Speaker for protecting me from my colleague.

Hon. Wilson Ochola: You are not giving us the time Mr. Speaker.

Hon. Temporary Deputy Speaker: Order!

Hon. Moses Ogeto: Thank you sir I appreciate. Kindly Chairman, we love and respect you but the Chair has ruled.

Hon. Temporary Deputy Speaker: Hon. Kambi, with due respect, allow Hon. Ogeto to finish then I will give you time. What is itching you?

Hon. Stephen Kambi: Why are you getting personal sir? *Pesa yako nitakulipa*

(Applauses)

Hon. Temporary Deputy Speaker: Order!

Hon. Stephen Kambi: *Usilete mambo ya deni hapa kwa bunge.*

Hon. Temporary Deputy Speaker: Order! Hon. Ogeto, you have two minutes to finish your statement.

Hon. Moses Ogeto: Thank you Mr. Speaker sir. I usually respect my colleague Hon. Imwatok because he comes from that learned school. I have consulted with him and I want to tell him not to mislead this House. We have two funds; loan and mortgage. We have discussed and how I want him to go back to the minutes. I believe that every Member has a committee.

Hon. Temporary Deputy Speaker: There is a quorum. Hon. Karen.

Hon. Nominated Member for Njiiru (Karen Wanjiku): Thank you Mr. Speaker.

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

Hon. Karen Wanjiku: Standing order no. 74. Right to speak

(Applauses)

Hon. Temporary Deputy Speaker: You are out of order! Standing order no. 74 is not the right to speak. Go and read standing order no. 74.

Hon. Temporary Deputy Speaker: Ogeto you have one minute to speak.

Hon. Nominated Member for Makadara: (Leah Mumo): Point of information.

Hon. Temporary Deputy Speaker: Hon. Mumo, order! Allow Ogeto to finish.

Hon. Moses Ogeto: Members, you have requested for this loan and mortgage and you should allow me because you gave me the mandate to clear this.

Hon. Stephen Kambi: Point of information.

Hon. Temporary Deputy Speaker: Whom do you want to inform?

Hon. Stephen Kambi: I want to inform my Hon. Colleague.

Hon. Temporary Deputy Speaker: Order Hon. Kambi! With due respect, Hon. Ogeto must accept to be informed or not. Hon. Ogeto, do you want to be informed by Hon. Kambi?

Hon. Moses Ogeto: Mr. Speaker I do believe---

Hon. Stephen Kambi: He is my brother and a very good friend. Our good Chairman, we respect you and you are the best Speaker we have had this season.

Hon. Temporary Deputy Speaker: Hon. Kambi you cannot use the microphone before I give you permission. Whom do you want to inform? Have some respect.

Hon. Temporary Deputy Speaker: Hon. Ogeto you have one minute to dispense what you have. Hon. Kambi, allow him to finish.

Hon. Moses Ogeto: Thank you Mr. Speaker for protecting me. Hon. Kambi would have addressed the same because he has been amicus curiae of the same Committee. I request you to grant him a chance of information before I clear my one minute.

Hon. Temporary Deputy Speaker: Hon. Kambi.

Hon. Stephen Kambi: Once more I want to thank the Chair. We hope you will give these Hon. Members the right to express themselves. I want to welcome our visitors to this House and tell them that this is how we conduct business in Nairobi County. I hope you will bear with us since this is a cosmopolitan City. I would like to inform Hon. Ogeto, just as Hon Imwatok has stated, let us avoid the Hansard and let us not discuss this matter. Kindly give direction so that we hold a Kamukunji. We want to know where the problem is coming from; is it from the bank or our end? Kindly sir. I stand to be guided.

Hon. Temporary Deputy Speaker: Order Hon. Ogeto!

Hon. Moses Ogeto: *"Kubali tafadhali"*

Hon. Temporary Deputy Speaker: I think Hon. Kambi has requested that I give direction on the same, and as we have visitors in the House, I think the matter is of deep concern and that is why Hon. Ogeto raised it here on the floor. So kindly give us information on the same. It is therefore ordered that you will have your Kamukunji as a Committee and inform the Members on the same. Thank you very much. Hon. Ochola. What is the point of information you want to give? Order!

Hon. Hon. Wilson Ochola: Thank you Mr. Speaker Sir. Can you protect me?

Hon. Temporary Deputy Speaker: Hon. Akuk.

Hon. Wilson Ochola: Can I be protected Mr. Speaker?

Hon. Temporary Deputy Speaker: Accord him respect. Allow him to have his way.

Hon. Wilson Ochola: Mr. Speaker. I think you are misleading this House. We should not go back to Kamukunji. The Hon. Chairman has just given a straight answer.

Hon. Temporary Deputy Speaker: Order! Hon. Ochola. I have already given direction on the same and you are out of Order! You cannot revisit a matter that I have already given direction on.

Hon. Wilson Ochola: Which authorities? Dictatorship.

Hon. Temporary Deputy Speaker: What is the Point of Order Mr. Akuk.

Hon. Member for Nyayo Highrise: (Maurice Akuk): Thank you Mr. Speaker sir. I stand on Point of Order number 80 which is a personal statement.

Hon. Temporary Deputy Speaker: Order! Hon. Akuk. Standing Order number 80 is very clear and you are aware. Allow us to finish the business of the day first then the standing Order will apply.

Hon. Maurice Akuk: Mr. Speaker sir. Allow me to remind you of something on that Chair which I do also sit on sometimes, because you are not making correct rulings. Hon. Ogeto here has stood on a point of information and you have given him more than five minutes. A point of informing the Chair should have been just to inform you not to actually instigate a debate and he had his time to give you all the necessary information he had.

I would like also to read for you a personal statement number 80 and you guide me where it indicates that it should come after the business of the day. Please remember that I also sit on that Chair sometimes and I do know what I am talking about. I am standing on the Point of Order number 80, my name was adversely mentioned in the local dailies on Friday, Sunday and Monday. Reason...

Hon. Temporary Deputy Speaker: Order Hon. Akuk.

Hon. Maurice Akuk: Mr. Speaker give me time to talk.

Hon. Temporary Deputy Speaker: We are not yet on Statements. You can wait for the Statement time so that you raise the issue.

Hon. Maurice Akuk: Mr. Speaker I agree with you, but I am standing on a point---

Hon. Temporary Deputy Speaker: We are lagging behind. We are on notice of Motions.

Hon. Maurice Akuk: My point is a personal Statement and it is very different from that.

Hon. Temporary Deputy Speaker: I will give time when that time for Statement comes.

Hon. Maurice Akuk: Allow me to ventilate and finish because I have already stood up. The same way you did give---

Hon. Temporary Deputy Speaker: Hon. Akuk! With due respect you will have your time at Statement time and I will give you permission. Allow us to move on first.

Hon. Maurice Akuk: But Mr. Speaker you gave Ogeto time.

Hon. Temporary Deputy Speaker: Order! Hon. Akuk. At Statement time you will get your time. Let us dispense off with the motion first.

(Loud consultation)

Hon. Temporary Deputy Speaker: Hon. Manoah.

Notice of Motion

Hon. Member for Nairobi South: (Manoah Mboku): Thank you Mr. Speaker. I am on notice of Motion that I beg to give notice of the following Motion that this assembly adopt the report of sectorial committee on health services on the inspection visit to Kasarani health center laid on the table today 18th November, 2014.

Hon. Temporary Deputy Speaker: Hon. Osman Adow

Hon. Member for Eastleigh North: Thank you Mr. Speaker, I beg to give notice of the following motion. Aware that sufficient and effective transport system has significant contribution to the economy of the country.

Further aware that increase in the Public Service Vehicles transport has expedited defiance of transport in Kenya, and more so in Nairobi City County. Deeply concerned that some stages are located at intersections and roundabouts in various County roads has contributed to difficulty in accessing the acceleration and de-acceleration lanes. This has resulted into traffic snarl that translate in loss of manpower by motorist especially during rush hour. This Assembly urges the County Government in conjunction with the National Government to relocate all bus stages away from road junctions and roundabouts to ease the traffic within the County.

Statements

Hon. Temporary Deputy Speaker: Hon. Elkana Mauti.

Hon. Member for Kwa Reuben Ward (Elikana Mauti): Thank you Mr. Speaker sir, I know we are fighting for nothing and nothing will come out of that. Pursuant to standing order number 41 (2) C, I wish to request for a statement from the Chairperson of the secretarial committee on labor and social welfare regarding the recruitment of traffic Martials in the County. Hon. Speaker, the County Public Service Board advertised the recruitment of traffic Martials, and shortlisted. candidates attended an interview on May 2nd 2014. However nothing has happened to date. Word is going around that the County Executive has opted to deploy the National Youth Service (NYS), instead of recruiting traffic Martials as planned before.

Hon. Speaker, in the statement the Chairperson should inquire into whether there are any County Martials recruited by the County Executive, to whether it is true that the County Government has opted for the NYS, instead of the County recruiting the traffic Martials and if so why.? What necessitated the idea of deployment of NYS at the expense of the County traffic Martials? Finally, the Chairman should inquire into whether we are going to have the traffic Martials or not to inform the House.

Hon. Temporary Deputy Speaker: Hon. Chairman for labour:

Hon. Member for Karura Ward (Stephen Thuo): Thank you Mr. Speaker I would like to tell the Hon. Member that we are still working on the Martials and in two weeks' time, we shall be in order. As Chairman of labour I promise we are going to employ youths and remember that we are going to conclude

with the NYS. The NYS is still in our target and we trying to get some from NYS and some from those whom you gave us,

Hon. Temporary Deputy Speaker: Order! Hon.Can you tell the House when you are going to bring the statement to the House? When are you bringing it?

Hon. Stephen Thuo: Two weeks' time Mr. Speaker.

Hon. Temporary Deputy Speaker: Two weeks so ordered.

Hon. Temporary Deputy Speaker: Hon. Akuk.

Hon.Maurice Akuk: Thank you Mr. Speaker sir.

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

Hon. Maurice Akuk: Mr. Speaker sir. Pursuant to standing order number 41(2) C, I wish to request for a statement from the Chairperson of the sectorial committee on Planning and Housing, regarding the delayed demolition of illegal structures within Riara University Nyayo Highrise Estate.

Hon. Speaker, there are illegal structures erected within Riara University in Highrise ward, a notice to demolish these structures was issued three months ago, but to date nothing has been done and this has kept my constituency in a very worrying situation. In the Statement the Chairperson should inquire into and report on why the illegal structures within Riara University have not been demolished since the issuance of a notice three months ago have already elapsed. Thank you Mr. Speaker. If you allow me also I would like to raise ---

Hon. Temporary Deputy Speaker: I will give you time Hon. Akuk! Let us go on with the program the way it is --- Hon. Chairman for planning when are you bringing the answer for Hon. Maurice Akuk?

Chairman for planning: In a weeks' time

Hon. Temporary Deputy Speaker: In weeks' time Hon. Akuk.

Hon. Temporary Deputy Speaker: Nancy Luchiri!

Hon. Nancy Luchiri: Thank you, Mr. Speaker for giving me this opportunity. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the theft in the offices of the County Executive Member responsible for Health Services. Hon. Speaker, on 14th November 2014 the office of the Chief County Officer responsible for Health Services was broken into and several documents including computers were stolen. In the Statement the Chairperson should inquire into and report on:-

1. Who might be responsible for the theft in the offices of the County Executive Member for Public Health Services?

2. Security status of all senior officers in the County

Mr. Speaker, since the establishment of the office of the Director Public Health in this County, we have been having several problems. As Health Committee we are concerned with the issue of Ebola, as it is really threatening though it has not been addressed. There is a lot of confusion and our health is in turmoil. I would really wish even though it is the responsibility of the Executive, these two offices must be investigated because we have never had such before. We have security at the gate, how comes an office can be broken into? We really want to have concrete answers. Mr. Speaker, I would really wish an immediate investigation be carried out, because even our security is at stake. Thank you.

Hon. Temporary Deputy Speaker: Hon. Thuo.

Hon. Stephen Thuo: Mr. Speaker I am representing the Chair who is not around and we condemn that act. We have our officers here, let them report to the officers. It is not within the jurisdiction of my Committee. Thank you.

Hon. Temporary Deputy Speaker: Order! That is a very serious statement that can come from a Hon. Member of the Justice and Legal Committee and because it is like you want to run away from the responsibilities, I now order that the same be reported on Tuesday by the same committee on Legal and Justice. We now fear that even the offices of the County Assembly can also be broken into. We cannot allow such kind of acts to proceed in this County. So any Chairman present? Direct the Chairman to come with an answer on the same for Nancy Luchiri on Tuesday 2.30 p.m.

For Personal Statement, you wait. I have already allocated time for Personal Statements, you allow us to expense, Hon. Manoah.

Hon. Manoah Mboku: Thank you, Mr. Speaker once more. I wish to respond to a Statement requested by Hon. Njoroge G. Maina, from the Chairperson of Health Services Committee. Mr. Speaker sir, on Tuesday 14th November 2014, Hon. Njoroge G. Maina rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested for a Statement from the Chairperson of Health Services regarding services in Umoja Health Centre. In the Statement the Member sought to know---

Hon. Temporary Deputy Speaker: Order Hon. Manoah! Hon. G. Maina is not in and the same issue you want to respond on touches his Ward. I think there is nothing to hide. Can't it wait till Hon. Maina is in the House so that you can respond on the same?

Hon. Manoah Mboku: Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: I will go to Statements, Standing Order No. 80. Hon. Maurice Akuk, Hon. Kamweru then Hon. Ndigirigi. Please approach the Chair.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you Mr. Speaker sir. I rise before this House on a Personal Statement Standing Order No. 80. I believe that you are aware that last week I did actually demand for the name of our Clerk to be brought to this House, for approval. It has been very strange that I have been mistaken as I had actually earlier thought that I was following the due process of the law by requesting for his name to come before this House for approval as required by Article 13 (1) of

the County Government Act. The Clerk went ahead and gave some information that has adversely mentioned me from Friday, Sunday and Monday.

The allegations are baseless and false because I never at any one point applied or I don't have any signature of mine in that office or a letter from my side indicating that I needed some money for any reimbursement. I still need to be guided by you, though I need an explanation as to how it is alleged that there is a letter requesting for a refund. If no proper explanation is given, then I will go to court to press charges for defamation. I still stand by my request that after visiting the Commission of Implementation Committee (CIC) offices in Westland's. I was greatly encouraged and was told that law has no short cut and the name of this officer who is in this office---

Hon. Temporary Deputy Speaker: Order Maurice Akuk!

Hon. Maurice Akuk: Must be brought in this House whether we like it or not for approval that is why the Speaker is not coming. We have to agree. I have been advised that the name has to come to this House and we have to approve it for this officer to be legally in office. Thank you.

Hon. Temporary Deputy Speaker: Order! Hon. Maurice Akuk, with due respect as much as you may have Members supporting you in whatever matter you may want to put across, I want to remind you that Standing Order 80 is very clear, you cannot turn around and start bringing other issues. Let us understand this Standing Order very clearly and with due respect. Hon. Maurice Akuk, I think you have got directions on the same, it is good you have visited a number of offices, you have gone as far as saying you can move to court for defamation. It is within your limit and it is upon you, whatever you feel is right to do.

Hon. Temporary Deputy Speaker: Hon. Rachael Kamweru. Yes Hon. Maurice Akuk.

Hon. Maurice Akuk: Mr. Speaker sir, with all due respect, I stood on a Personal Statement and it touched on what I did refer to, it is for that reason my name was defamed in the local newspapers and just to remind you, this is a process of the law. I have gone to the Hansard, luckily for us Nairobian's, the

Hansard reports are all in the internet, seven times since April we have requested for this name. So in April was Maurice Akuk going to America?

Hon. Temporary Deputy Speaker: Order Hon. Akuk! What you want to do is like to challenge the Chair, a ruling was made on the floor of this House and last week you came with Standing Order No. 30, and you discussed the same, I gave you permission. I gave directions on the same, as you have just said there is no shortcut in legal matters. Hon. Rachael Kamweru, it is your time.

Hon. Nominated Member for Embakasi (Rachael Kamweru): Thank you Mr. Speaker. Pursuant to Standing Order No. 80, I wish to make a Personal Statement regarding discrimination and divide and rule in this House.

(Applause)

Hon. Rachael Kamweru: Mr. Speaker, yesterday a training was conducted for the elected Members in Ruiru and Hon. Speaker all Members of the County Assembly in this Assembly, this is a Personal Statement and it is not debatable. Mr. Speaker---

(Applause)

Hon. Temporary Deputy Speaker: Hon. Chairman for Ward Development Fund, I will give you permission after Rachael Kamweru has finished giving her Statement.

Hon. Rachael Kamweru: Mr. Speaker---

Hon. Temporary Deputy Speaker: This is a Personal Statement. Hon. Kamweru, continue.

Hon. Rachael Kamweru: Mr. Speaker when we were passing---

Hon. Temporary Deputy Speaker: Read the Statement.

Hon. Rachael Kamweru: Yes I am reading. Mr. Speaker all the County Assembly Members both the elected and the Special Elected passed the Ward Development Fund in unison. It was not discriminatory.

Mr. Speaker the actions of the by County Assembly of Nairobi to leave out the Special Elected Members on training is discriminatory and it is beyond expectation. Hon. Speaker, I need your ear. I want to make it very clearly that yesterday ---

Hon. Member for Utalii (Hon. Wilson Ochola): Point of Order Mr. Speaker.

Hon. Temporary Deputy Speaker: Hon. Ochola! Order Members!

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Janet Wala and Hon. Ochola I am giving you the last warning. Hon. Kamweru, continue.

Hon. Rachael Kamweru: Thank you Mr. Speaker. Yesterday was the discrimination of the highest level. The special elected Members were affected and they lost their sitting allowance while others were benefited. The Members are part of this Assembly and also represent Nairobi's in terms of the gender. We have a responsibility for the development of the County through the Management Operation Ward Development Fund therefore, we deserve to be involved in any training.

Mr. Speaker, the precedent that is being set in this Assembly is wanting and we want your able office to ensure that there should not be discrimination among the Members of the County Assembly especially on matters of development in this County. Thank you.

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon Chair for Ward Development Fund. Order! Hon. Karen! Honorable Manyala, with due respect can you take your seat. I want to address the Chair of Ward Development Fund before I give him permission to speak.

Order! Hon. Kamweru stood on standing order No. 80 and it does not attract any debate. You are aware of that.

(Loud consultations)

Hon. Temporary Deputy Speaker: Order! Because I understand the weight of this particular issue, I will only give the Chairman of Ward Development Fund and Hon. Thuo time. I will start with Hon. Thuo then the Chair will finish.

Hon. Stephen Thuo: Thank you Hon. Speaker. I rise here to support the sentiments of the Chair for Ladies Caucus. It is time we understand that the nominated Members of this Assembly are also for the development of Nairobi County. For any development meeting, they must be included. So we must be told why they were not included. When we were passing this Ward Development Act, they were here and supported it.

Hon. Temporary Deputy Speaker: Honorable Chairman!

(Loud consultations)

Hon. Temporary Deputy Speaker: Order Hon. Manyala!

Hon. Member for Nairobi West (Hon. Maurice Gari): Thank you Mr. Speaker Sir. It is very sad for Hon. Kamweru to mislead this House. What I know is that Ward Development Fund is for each and every elected member. One ward, one vote. We don't have one ward two votes. And I want to inform them that --- Protect me Mr. Speaker sir.

(Loud consultations)

Hon. Temporary Deputy Speaker: Hon. Mumo, I am giving you the last warning.

Hon. Maurice Gari: Protect me.

Hon. Temporary Deputy Speaker: Hon. Rachel Kamweru, I gave you permission and protected you when you were speaking here. Can you allow the Chairman to finish?

Hon. Maurice Gari: Protect me.

Hon. Temporary Deputy Speaker: You are protected.

Hon. Maurice Gari: Mr. Speaker, the nominated Members should deal with party issues and not the issues of elected Members. They represent the interest of the party, not the interest of the wards. Every elected member is responsible for his or her ward. We also had the three elected MCA's who are female; So Mrs. Kamweru should not mislead this House.

(Loud consultation)

Hon. Temporary Deputy Speaker: Order Hon. Members! I stand as per my words and I will give directions on the same tomorrow, 2:30 p.m. Hon. Adam. Hon. Manyara, order!

(Loud consultations)

Hon. Temporary Deputy Speaker: Order Hon. Members! You cannot turn this House---Order! Hon. Sergeant-At-Arm! Order! Hon. Janet Wala, I have seen you walk from one side to the other side. With due respect, can you go back and do what is necessary. Order! Hon. Janet Wala can you move out of this House for the rest of the day?

Hon. Members, I want to request you, especially when we have visitors here. They actually see you and look at you very clearly. You must behave with decorum.

Hon. Mumo, I gave you the last warning and I do not want to send you out of this House. Next order.

The Nairobi City County Finance Bill 2014: Assembly Bill Number 10, 2014.

Hon. Temporary Deputy Speaker: Chairman for Budget and Appropriation Committee.

Hon. Member for Embakasi Ward (Michael Ogadi): Mr. Speaker, we request until Tuesday, next week.

Hon. Temporary Deputy Speaker: Until Tuesday, next week. So ordered. Hon. Diana.

Hon. Dianah Kapeen: Thank you Mr. Speaker. I rose earlier on Standing order no. 30 regarding development in Nairobi County. It is two years down the line and the people of Nairobi are watching. His excellence, Hon. Kidero, in his campaign trail had a vision for Nairobi County. In his vision, he had seven pillars for the development of this Assembly. We have been receiving money from the National Government for the development of this County and our projection was Ksh. 21 billion. We received 9.8 billion from the National Government, our local collection was 10million. We had a shortfall of 1.2 billion and all what we have had from this County Government is wages.

Hon. Diana Kapeen: All of us Members here, both my sisters who are walking out and the Hon. elected Members have a sole responsibility to provide service. That is not what the Nairobi people had thought. I reside in South C and I am entitled as a resident of South C for the services of this County. There is sewer all over Nairobi. There are potholes all over Nairobi. The state of our schools is deplorable. We want to know when these things will be put in order given the fact that time is running out. I want to encourage my elected colleagues that we still need to be back here including yourself. The monies that are collected since we introduced the e-system is not helping the people of Nairobi. We do not know if there is any money or whether we hired an e-service system when we are not getting returns for the same.

Hon. Temporary Deputy Speaker: Order Hon! Order Hon. Diana! Hon. Members with the kind of noise---

(Loud consultations)

Hon. Temporary Deputy Speaker: Sergeant-At-Arms we do not want to hear such kind of noise.

(Loud consultations)

Hon. Temporary Deputy Speaker: I am directing the sergeant-At-Arms to lead them out of this House.

(Loud consultations)

Hon. Temporary Deputy Speaker: You can continue Diana.

Hon. Diana Kapeen: Mr. Speaker sir, I want to sympathize with my fellow nominated women. It is a pity, I was nominated at once and I stood in the Assembly to learn the basics of coming back. I am of deep concern that---

Hon. Temporary Deputy Speaker: Hon. Diana--- sergeant-At-Arms I'll want to have the names of Members who are singing just inside this particular House. You forward the names to the Speaker's office immediately after this. Continue Hon. Diana.

Hon. Diana Kapeen: Mine is to urge my fellow Members to stand up for the people of Nairobi who feel cheated given the fact that we increased the levy for rates garbage collection, the parking fee, and also the water charges and---

Hon. Temporary Deputy Speaker: What is it Hon. Ochola?

Hon. Wilson Ochola: *(Inaudible)*

Hon. Temporary Deputy Speaker: I have already directed the office of the Clerk to give the names of the Members who are singing and they are inside this House.

Hon. Diana Kapeen: With these few remarks, I would like my fellow Members to support me in asking and demanding for services for the people of Nairobi. If we are paying a wage bill of a lot of money then the City of Nairobi should be clean. Service delivery should be swift and the people of Nairobi will be happy and Mr. Kidero might ask for another term in Nairobi with the help of the people of Nairobi. I believe

he had a vision for this Assembly and his vision should be put to action. It should not only appear in paper because the people of Nairobi do not eat paper but they use services and they eat food. Thank you Mr. Speaker sir.

(Applause)

Hon. Diana Kapeen: Therefore I ask for an adjournment Mr. Speaker sir.

(Loud consultations)

Hon. Temporary Deputy Speaker: I direct the Clerk's office to bring this particular Motion tomorrow. The same Motion for Diana to appear in tomorrow's Order paper.

(Loud consultations)

Hon. Temporary Deputy Speaker: The owner of the Motion has requested so. This is a very good Motion and it requires the participation of almost all Members.

(Loud consultations)

Hon. Temporary Deputy Speaker: The elected Members.

(Loud consultations)

Hon. Diana Kapeen: Mr. Speaker, due to the weight of this Motion I will request my colleagues that they agree with me that all of us, all of us I mean all of us the 85 elected need to be here.

Hon. Temporary Deputy Speaker: It is so ordered that this Motion appear tomorrow on the order paper for it to be dispensed off, so ordered. Clerk---

(Loud consultations)

Hon. Wilson Ochola: Thank you Mr. Speaker sir---

(Loud consultations)

Hon. Temporary Deputy Speaker: Order! Hon. Ochola! Hon. Members, I want to urge the office of the Sergeant-At-Arms. I want to have the names of the Members who are directly---

(Loud consultations)

Hon. Temporary Deputy Speaker: All Members who are standing at the--- and not coming in.

(Loud consultations)

(Singing)

Hon. Wilson Ochola: Mr. Speaker I beg you take action immediately. There's no need to waste time here. The Special Elected Members should go home we want to do special business.

(Singing)

Hon. Wilson Ochola: *Na sisi* we cannot accept that *tukuwe umati wa kudharau*---

(Singing)

Hon. Wilson Ochola: ---and you give them one week, even two weeks Mr. Speaker.

(Singing)

Hon. Temporary Deputy Speaker: Sergeant-At-Arms I want the names---

Hon. Wilson Ochola: Sergeant-At-Arms.

Hon. Temporary Deputy Speaker: --- so that I can make a ruling on the same here.

Hon. Wilson Ochola: Can you take action Sergeant-At-Arms?

(Singing)

Hon. Wilson Ochola: Sergeant-At-Arms.

(Singing)

Hon. Temporary Deputy Speaker: Can the Sergeant-At-Arms---

Hon. Wilson Ochola: Sergeant-At-Arms.

Hon. Temporary Deputy Speaker: ---approach the chair?

Hon. Wilson Ochola: Sergeants At Arms come forward.

(Singing)

Hon. Wilson Ochola: Sergeant-At-Arms.

(Singing)

Hon. Wilson Ochola: Mr. Speaker, can I continue because we cannot wait for them.

(Singing)

(Loud consultations)

Hon. Wilson Ochola: That is always Special Elect....

(Singing)

Hon. Wilson Ochola: Mr. Speaker sir can I continue?

(Singing)

Hon. Wilson Ochola: Can I continue?

(Singing)

Hon. Temporary Deputy Speaker: What do you want to do Hon. Members?

Hon. Wilson Ochola: Mr. Speaker, Motion number 9.

(Singing)

Hon. Temporary Deputy Speaker: So ordered.

Hon. Wilson Ochola: Thank you Mr. Speaker sir for giving me this opportunity.

(Singing)

Hon. Wilson Ochola: That this Assembly adopts the report of the Sectoral Committee on Labor and Social Welfare on the Nairobi City County ---

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): ----Mr. Speaker sir, with due respect of this House there is no quorum and I see this Motion which has been tabled by the very serious Chairman of Labour needs a quorum, so that we can discuss it. I am requesting you with your indulgence to adjourn the House because there is no quorum Mr. Speaker sir. Thank you.

Hon. Temporary Deputy Speaker: Hon. Members I wanted Hon. Ogeto to do it in an official manner the way it is supposed to be done, because there is a Standing Order pertaining to that. But you have already drawn the attention of the Chair and indeed there is no quorum. I have this Communication to make pertaining to Standing order 104 and this is meant for the benefit of the Members.

In Standing order 104 talks about grossly disorderly conduct in this House. I have on several occasions forced Members to move out of this House for been disorderly, which is a serious matter. Today the Hon. Members, whom I already have their names here and tomorrow I am going to make

Communication on the same on this Standing order 104 which actually says that, "Conduct is grossly disorderly if the Member concerned creates actual disorder".

In (e) of it says, "Otherwise abuses his or her privileges", in (i) of it says, "Acts in any other way to the serious detriment of the dignity or orderly procedure of the County Assembly". Hon. Members today I pity the Hon. Members who were singing on the floor of this House for very simple reasons. That there are certain privileges they enjoy on the floor of this House and they think they can run away with that one. Tomorrow I will impose sanctions on the 17 Members who have been singing on the floor of this House and I will make communication of the same. Thank you very much. What is it Hon. Otieno?

Hon. Member for Sarangombe Ward (Mr. Pius Otieno): Thank you Hon. Speaker for the direction you have taken and that is why in my own opinion the Committee that we formed the other time, the Powers and Privileges Committee. We should allocate some money to this Committee so that they first carry out an induction or orientation process because whatever has been done in this House constitutes severe and gross disorderliness of the highest order, while the Members of the press are here and the Members of the County Assembly of Kajicho are also here and they are actually seeing this theatre of the abused, then to them it confirms some of the negative things, that have been said against Members of the County Assembly.

What I want to say, is that when Hon. Nyangwara is guiding the proceedings of this Assembly he is not doing it as Hon. Nyangwara from Viwandani, but now he is the Authority and he is the Speaker, when you are just crossing here it costs nothing to bow, just bow and move on to the other stage. We are carrying ourselves with a lot of dignity and we must actually retrace why these things are going on. In my opinion even sometime when Senate says they should raise the level of Education, I agree with them because such people are mad and they should not belong in this House.

If we can actually raise the bar of the people who should be here then we cannot condone such people who are sent by parties, instead of looking at party matters now they are singing Ngwele go, when people are dissatisfied they say Ngwele go, when they are eating from different places they say Ngwele must stand. Where is he going to? They are chanting *mapambano! Hao wana pambana ni hakina nani?* It is shameful and I raise my case. But I must write to Senate so that they bring a Bill that is going to put a

minimum sailing for those people who must sit in the August House. This is called August House meaning House of honour and House of respect.

Hon. Temporary Deputy Speaker: Thank you very much, as you have heard this is a House of honour and a House of respect; I want to give you this information for free Members, what an office or Leadership can give you. Hon. Members enjoy it this time, that you are a leader and representative in this House, not to decrease your level of understanding.

Indeed Hon. Otieno has said it all, and I would like to reiterate on the same and say tomorrow and I have given you the number of those whose names are here they are 17 in number. I will impose sanctions on them pertaining to this Standing Order 104. For the benefit of this House so that no any other Member will come and say that my name was put there simply because I am not in good terms with this gentleman. I will read the names.

1. Hon. Susan Karimi
2. Hon. Rachael Kamweru
3. Hon. Karen Githaiga
4. Hon. Nancy Lunchiri
5. Hon. Rose Ogonda
6. Hon. Leah Mumo
7. Hon. Alexina Moddy
8. Hon. Joyce Bucha
9. Hon. Christine Abuto
10. Hon. Ruth Njeri
11. Hon. Janet Kimondo
12. Hon. Magdalene Mbogori
13. Hon. Carolyne Muga
14. Hon. Imeldah Nafula
15. Hon. Monica Ndegwa
16. Hon. Nancy Nyambura
17. Hon. Hawa Dafala

Hon. Members, these 17 members will receive communication from the Chair pertaining to this Standing Order Number 104 and I want to request Members, to behave with decorum while on the floor of this House. The Image we are sending outside this House leave alone to the Members of the fourth estate but even to those who have come here, it is not a good one.

This assembly adjourns to tomorrow 2.30pm.

House rose at 4.44p.m