



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 07 October, 2014

The House met at 2.30 p.m.

(Mr. Hon. Speaker in the Chair)

PRAYERS

COMMUNICATIONS

Hon. Speaker: Hon. Members I have the following communications to make. Resumption of operation of the Planning and Housing committee. Hon. Members you recall that on 28th of August, 2014, The Chair spoke about the need to uphold the highest conduct of personal conduct when within the Assembly premises and whether in the plenary or in the Committee meetings with specifically references to the Sectorial Committee on Planning and Housing. The Chair then had directed that the Leader of the Majority and the Leader of the Minority parties reconstitute the Committee forthwith to enable it continue with its functions.

Hon. Members, the parties did not reconstitute the planning and Housing Committee as has been directed in the circumstances and in consultation with the leadership of the parties represented in the Assembly. I wish to direct that the Committee on Planning and Housing resume operations forthwith. Hon. Members, I wish to reiterate that there is an overall guardian and enforcers of powers and privileges of the Assembly. The Chair will not sit idle and allow Committees to be turned into havens of misconduct and abuse of privileges and immunities. It is so directed.

Thank you Hon. Members, mortgages facility for Members of the Assembly. Hon. Members as you are aware, the Salary and Remuneration Commission, (SRC) awarded Members a mortgage benefit of 3 million per Member. In order to provide for the management of the mortgage facility, The County Assembly considered and passed the regulations governing the same. Consequently, the County Government has allocated the Ksh. 100,000,000 to commence the issuance of the facility to Members. However, a further facility has been set aside, over and above Kshs. 100,000,000 to ensure all Members have access to the facility. Hon. Members, you will note that the management of the money for the facility was out sourced to Bamaly Bank Limited pursuant to regulations adopted this Assembly. Hon. Members I therefore want to encourage you to continue applying for the facility.

Hon. Members you remember, on your earlier deliberations last Tuesday, the Hon. Members, the Chair has committed to the issue of a communication regarding the appointment of the member of the public to the County Assembly Board pursuant to Section 12 (3) (d) of the County Government act of 2012. Hon. Members I wish to report as follows;

- The recruitment of the members of the public to the County Service Board is currently an ongoing process and an advert for the recruitment of the same was placed on the Daily Nation newspaper on Friday 13TH June 2014 to run till 20th 2014. Subsequently, 68 applicants were received for the post. A team of five officers were appointed to record, evaluate and shortlist the applicants. The exercise began on 26th June, 2014 and was completed 4th July 2014 and reported the exercise immediately to the Office of the Clerk.
- Hon. Members, The Board is awaiting commencement of the interview process and a report of the exercise tabled in the Assembly. I thank you.

PAPERS

Hon. Speaker: Hon. Mbatia.

Hon. Member for Embakasi West Ward, (Mr. Robert Mbatia): Thank Mr. Speaker. On behalf of the Public Account Committee (PAC), I wish to request for an extension of time for the Public Account Committee to table its reports of the Auditor General's report on the financial operations of the defunct City Council of Nairobi for the financial years 2009/2010, 2010/2011, 2011/2012. It is worth noting that this Committee was accorded short time to scrutinize this report and we made considerable effort and as we all know the period according to the Constitution, Article 229 (8) is three months.

We are yet to finish with this report though we are almost and these are the three financial years Mr. Speaker. We were delayed by some administrative delays in the Assembly and again we went for a recess and during the recess we had one week recess for the Committees. So I wish on behalf of the Committee to request for additional of four weeks in order for the PAC Committee to effectively scrutinize, report and to allow even the Assembly to discuss this report effectively. Thank you Mr. Speaker.

Hon. Speaker: Thank you Hon. Chairperson PAC. It is so done, the time you have requested is granted.

NOTICES OF MOTION

Hon. Speaker: Hon. Manyala.

Hon. Member for Kayole South, (Ms. Elizabeth Manyala): Hon. Speaker Sir, I beg to give Notice of the following Motion. That aware that the first By- Laws on building, development and control in Kenya were introduced by the Colonial Government and were applied by the then Nairobi Town Council and later replaced by the Nairobi City Council By- Laws that incorporated town planning and zoning. Further aware that the current building code whose framework guides the building and construction sector is a replica of the British building regulation. Concerned that the current building component tends to collapse at different rates depending on the material used, design, methods of construction, environmental condition and the use of the building. Further concerned that most building contractors have failed to adhere to safety building measures, this Assembly therefore urges the County Government to introduce a compulsory safety and performance compliant certificate to every building and undertake a compulsory inspection and a periodic audit of every building within the County. Thank you.

Hon. Speaker: Thank you Hon. Manyala.

Hon. Elizabeth Manyala: I beg to give Notice of the following Motion; That aware that Section 10 of the Children's Act, 2001 protects children from economic exploitation and any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development; further aware that Section 2 of Employment Act, 2007 defines a child as any person who has not attained the age of eighteen years; deeply concerned that despite all these legal instruments being in place, the Nairobi City County more so the Nairobi Central Business District has experienced massive increase in the number of children hawking goods; further concerned that some children are being used as domestic workers (maids) in various homesteads and others are used by adults as beggars on the streets; noting that a number of children are skipping school or have dropped from school to join the worst form of child labor; which is in accordance with ILO convention 182, this Assembly urges the County Government to partner with child rights organization to curb this vice by strictly enforcing the existing laws on child abuse and neglect. Thank you.

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

STATEMENTS

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you Mr. Speaker. Pursuant to Standing Order No. 41 (2) (c), I wish to request for a Statement from the Chairperson of Sectorial Committee on Health Services and Agriculture, Environment and Natural Resources regarding the chicken meat being consumed in this County. Hon. Speaker according to the research conducted by the Kenya Medical Research Institute (KEMRI), it established that most of the chicken meat sold in butcheries and supermarkets are contaminated with disease causing germs in which some are contaminated with diseases resistant to medicine and are hard to kill. In the Statement the Chairperson should inquire into and report on:-

1. The existence of contaminated chicken meat in butcheries and supermarkets within the County,
2. Names of the germs that have been identified and cause serious health threats to consumers, and
3. Measures being taken by the County government to protect its citizens from the contaminated chicken meat

Thank you.

Hon. Speaker: Hon. Manoah Mboku, Deputy Chair of Health, Hon. Chairperson of---

Hon. Nancy Luchiri (Nominated Member): Mr. Speaker Sir our Chairperson is not around but I will take the message to him.

Hon. Speaker: What period?

Hon. Nancy Luchiri: We ask *Mheshimiwa* to give us like two weeks, we will respond.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Point of order!

Hon. Speaker: Very well, two weeks. On what, Hon. Ngaruiya?

Hon. Ngaruiya Chege: Thank you. Mr. Speaker last week as we deliberated on several issues I have listened to your communication and I want to thank you because you have tried to come up and solve one or two, three issues especially issues to do with mortgage and that particular extra person of the County Public Service Board. Mr. Speaker, procrastination is the worst enemy of development and here was also the issue of the Clerk where you were supposed to bring the name of the Clerk of this Assembly so that it can either be endorsed or rejected by this particular Assembly.

According to the County Government Act 13, the Clerk of this Assembly is supposed to be approved by the County Public Service Board with the approval of the County Assembly that one has not happened.

Mr. Speaker, this issue, we said we are going to clean our own House and if this issue is not finalized at this particular juncture then we should not be blaming any other. I don't know how long you want us to wait so that you can bring that name in this Assembly so that we can discuss then either adopt or reject, Mr. Speaker. Number two, failure to which I think we are going to go a notch higher and may be this hummer is going to fall on you. We are not going to relent in ensuring that this County Assembly follows the rule of law. Thank you Mr. Speaker and you need also to follow the issue of Ward Development Fund. Please kindly tell us the issue of the Clerk of this County Assembly. Thank you.

(Applause)

Hon. Speaker: Yes Hon. Nyangwara

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Hon. Speaker I did not want to interrupt my good friend here, the acting Minority Deputy Leader but the words he has used here, I wish the Majority Leader could have given you time and heard what he said.

Hon. Speaker: I heard everything.

Hon. Samuel Nyangwara: He said that if you don't act and bring the name of the Clerk, it might turn and starts haunting you---That what he said Mr. Speaker.

(Loud consultations)

Hon. Speaker: Order Members!

Hon. Samuel Nyangwara: Mr. Speaker that is a very serious statement that a Member can make on the floor of this House towards the Speaker. Can you protect me Mr. Speaker?

(Loud consultations)

Hon. Speaker: Order Members! Hon. Warutere order!

Hon. Samuel Nyangwara: Mr. Speaker this is a House of rules and procedures, however you may be aggrieved with any issue--- Can I be protected Mr. Speaker?

Hon. Speaker: Order Hon. Mumo!

Hon. Samuel Nyangwara: However a Member can be aggrieved with issues regarding this Assembly; he can't direct the same and disrespect the Office of the Speaker. I want Hon. Ngaruiya to stand and withdraw the remarks that he made--- Mr. Speaker can I be protected?

Hon. Speaker: Order Hon. Nyangwara! Hon. Members all is well. Wherever the hummer falls all is well as long as the hummer does not take one to the grave, you can do it.

(Applause)

Hon. Speaker: Hon. Members I will be briefing you accordingly in regard to the question of Hon. Ngaruiya, therefore do not worry whether the Speaker is here or not there it does not matter, these things are not for life, next Order.

ORDER NO. 8

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Mr. Speaker Sir I beg to move the following Motion, That this County Assembly adopts the Report of the Sectoral Committee on Justice and Legal Affairs on the inquiry into the assault of Hon. David Mberia and the demolition of structures in Karen Shopping Centre by the City County Askaris on 9th January 2014, read on the table of this Assembly. Mr. Speaker Sir, the Sectoral Committee on Justice and Legal Affairs made a resolution to undertake an inquiry in to the assault of the Hon. Mberia and the demolition of structures in Karen Sopping Centre by the County Askaris on 9th January 2014. Following this, the Committee conducted a site visit and interviewed the traders. It also held several meetings with the Chief Officer of Security, Compliance and Disaster Management. Out of the inquiry the Committee compiled a report containing recommendations as contained in this report and I wish to read the recommendations as follows:-

Committee Recommendations

1. Disciplinary action should be taken against one Mr. Alpohnse Kamau for the complaints received against him by the traders at Karen Shopping Centre for the alleged receipt of bribes and for failing to restrict his officers from assaulting the MCA;
2. Disciplinary action should be taken against Ms. Jane Wangui for allegedly abusing and assaulting Hon. David Mberia, the are Member of County Assembly (MCA) for Karen Ward as her actions are a breach of office ethics;

3. The County Executive Committee should ensure that the County by-laws are reviewed to come up with a new County law. The new legal framework should be in terms with the Constitution whereby the Bill of rights should be considered.

Mr. Speaker Sir, I now call upon Hon Warutere to second me.

Hon Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Mr. Speaker, thank you for the opportunity to stand before this House and second this very important Motion. We realize that the Nairobi County public servants have become rogue, we need checks and mechanisms and I think we are now trying to direct our bullets to the right people. Individual members must take responsibility and therefore it is high time the culpable person bears the responsibility, the buck should stop with him and any other line members who are found culpable within this heinous act. With this in mind, I second the Motion.

Hon. Peter Warutere: Sorry, on the same, I think I had forgotten an issue or two and I beg your ears on this indulgence. Therefore, the Committee has recommended that action be taken against one member, Alphonse Kamau. This we agree, but you know too well how when we make this recommendation within this House, how Members twist the same, go to court of law, ask for indulgence, ask for gagging and therefor I think it is imperative on this note that more action be taken against Members who are rogue. On many occasions, this House makes decisions and recommendations only for Members, be it of Executive or whatever point, to rush to courts to ask for gagging of this Assembly. On this note, I am saying, we need to be firm on this agenda and guarded so that we spell out our issues as they are enshrined in the Constitution.

This House has powers as much as that bestowed by other organs of the County be it High Court or other institutions. There are many things that are going astray within this County. The other day, the Speaker erected a wall against the Assembly only for a public servant to go against the same and demolished this wall. We have heard, and it is factually so, that for the first time, one arm of this County cannot listen to the other arm. We have a situation whereby the Executive is making all the decisions and omissions directed to this Assembly but nothing is being done. We have a situation whereby when the Speaker summons the Chief Finance Officer, he feels like he lives in a different planet or higher ground and he does not seem to realize that this Assembly is autonomous. Also when the Speaker summons the Chief Officer of the Executive, that is, the County Secretary, he cannot adhere to the summons of the Speaker. We have a rogue Executive that is not ready to listen to this Assembly.

Things went wrong in Makueni and Nandi because there was lack of communication or both organs could not communicate and agree well, therefore we are asking for your indulgence, Mr. Speaker to know whether the Executive is a superior arm than this Assembly? In separation of powers, we are two independent and distinct arms. I am asking for your indulgence and I think the Deputy Speaker can allow me to finish my point.

Hon Deputy Speaker (Kennedy Ngondi): Hon Speaker, is it fair for this House and the Hon Member to take much of our time while seconding a Motion and in the same aspect lecturing this Assembly? Is it in Order, Mr. Speaker?

Hon Speaker: Hon Warutere can you quickly finish your lecture.

Hon Peter Muriithi Warutere: I am not lecturing anyone but highlighting a point of concern and it serves me right. One of the things that I was elected by the people of Roysambu to do is to oversight one arm of this Government. So if I highlight issues that I feel are pertinent and needs to be addressed by this Assembly then to me that does not come in as lecturing. I am sighting issues that I feel my people, Members, colleagues need to address and your office as well Mr. Speaker, address so that we can get direction. Thank you very much, I rest my case.

Hon Speaker: Thank you, Hon Chair, Warutere. Order Hon Ochola!

Hon. Speaker: --- I now propose the question that;

(Question put and proposed)

Hon Speaker: the Hon Muiruri of Clay City

Hon. Member for Clay City Ward (Mr. Erastus Muiruri): Thank you Mr. Speaker I am Muiruri when you mentioned the name Mwaura he used to be my competitor so you remind me of terrible things I passed during that time. *(Loud Laughter)* so apart from that I wish we could be discussing issues pertaining to development, so we shall contribute to the same because right now the time keep on trickling we are remaining with almost two years because 2017 we will be looking for votes and for those fellows who will be going to the National Assembly they will be trying to amass those votes.

Mr. Speaker the issues of the County Askaris "Askaris" in terms of harassment does not squarely falls under this City, it also goes back even to our Wards. We are the same people even before we were elected and the manner in which they would handle some of us, are still in question and I would wish those two County Officers who have been mentioned of assaulting the Hon. Member for Karen Hon. Mberia, what I think without even wasting time because all the investigations were done and concluded and were found guilty and necessary actions are supposed to be taken on them, because our time will come and we will not be referred as sitting Hon. Members of this Assembly and I think the same treatment they are according somebody who is a sitting Member of County Assembly will even be more worse when one will not be a Hon. Member.

Therefore, Mr. Speaker without dwelling so much on that I think the Committee responsible in that area should further recommend if they are supposed to be shown the door and that is supposed to be done. Thank so much Hon. Speaker.

Hon. Speaker: Thank you Hon. Member for Clay City, indeed we need to talk about development because it is important. Hon. Thuo and then Hon. Tabitha

Hon. Member for Dandora (Mr. Charles Thuo): Thank you Mr. Speaker Sir and indeed it is sad that it is a second time in this Assembly and 1st session we are discussing the assault of a Hon. Member. It is indeed a very sad affair that we have to stop to discuss issues pertaining to the people who for voted us and have mandated us to speak about Nairobi and speak about Officers who are being paid and they demand money from the people.

We are speaking about them not because of the work but because of assaulting Hon. Member. It is a very sad day. Mr. Speaker Members of this Assembly are already much harassed because of lack of development and have not been able to give service to people and if indeed that is going to be popped by physical abuse then we need to rethink and know our strategy and position in this Government and the saddest part about this report as I support it, is that the Executive arm of this Government does not feel anything it is obvious Mr. Speaker Sir that there is no County Askari who will ever assault a Member of the Executive.

I can tell you Mr. Speaker Sir; like the Hon. Former Prime Minister always says "*ukiona mwenzako akinyolewa unatia yako maji*" we are indeed very worried because next they might attack you. Actually the way I see them looking at you it is very worrying because they might want to teach the whole House a lesson through attacking you and so we need to deal decisively with this.

We must crash them and put off all the embarrassment. The 48 roles of powers says that you must crash you enemies totally. More is lost leaving some Members than crashing them and we must make a Statement and it must be known by everybody in this County that you don't assault a Hon. Member and think it is going to be business as usual.

Otherwise if you don't do that Mr. Speaker, we are going to be doing here Harambees for Hospitals Bills. If I look at this Mr. Hon. Mberia was assaulted by a lady and the part of the body that was been targeted it actually worrying because it might be an attempt to stop the lineage of his family and he is a great leader we need his sons and daughters so that they can take over his great leadership.

It is because of that Mr. Speaker Sir, I am imagining this County Assembly deals with this and another sad part if you look at the recommendations that the Committee made it is very clear, that they do not need rocket scientist to implement but then it is going to take a lifetime. The County Executive simply does not respect this House and put the thing that we discuss in this House seriously because this is a Motion and it is not binding and it is through them the Government do things but they never do. I am wondering---

Hon. Speaker: Order Hon. Ochola

Hon. Charles Thuo: You Know when Mr. Ochola makes noise and someone is speaking in English we understand because we know he does not understand English. *(Laughter)* so Mr. Speaker Sir, I beg to support.

(Laughter)

Hon. Speaker: Hon. Tabitha.

Member for Sarangombe Ward (Mr. Pius Otieno): Point of Order!

Hon. Speaker: Yes Point of Order, Order Hon. Tabitha

Hon. Pius Otieno: Last week Mr. Speaker while you were here, you gave an undertaking that you would make communication to the effect of Ward Development Fund and in that Communication, I have not heard you spelling any specific communication touching the Ward Development Fund. Could you please be clear on that.

(Applauses)

Hon. Speaker: Very well Hon. Otieno indeed as you were aiming at the Mortgage, sorry I forgot about that but never the less the Hon. Leader of Majority will see the Executive and give me a report and I will report by Thursday at 2.30 p.m. Many thanks Hon. Tabitha

Hon. Tabitha Ndigirigi (Nominated Member): Thank you Mr. Speaker Sir, I am here to support this Motion from a very good Committee that has done a good work for Hon. Mberia and I congratulate them for what they have done. As a Member of County Assembly from Langata, I am aware that the Hon. Mberia has been traced by Police Officers from Langata Police Station because of this thing and also the Administration Police. This County Assembly has power to take all the Police who are over 3 years and over in Nairobi to transfer them to various places so that no death is going to occur. Thank you Mr. Speaker.

(Loud consultation)

Hon. Speaker: Thank you Hon. Tabitha, yes indeed, --- order Members! Indeed that was a wonderful contribution and indeed Members being followed by Police vehicles we shall deal with that and thank you very much Hon. Tabitha. Elkana.

Hon. Elkana Mauti: Thank you Mr. Speaker Sir, I think we are back from recess, but let me talk what's in my heart before I contribute to the Motion. I hope the reason as to why we adjourned last Tuesday was to discuss the welfare of the Members and now I am worried that on Ward development Fund you said, you will communicate and today there's no communication.

We are having so many wrinkles, even though Members are clapping for the Motion, they are not for this Motion. We adjourned so that when coming back we get clear information, up to now we don't have any clear information and if possible to me we were to adjourn also to discuss on the matters relating to the Members of the Assembly. As am seeing, am very tantalized because ---

Hon. Speaker: order Hon. Member! I don't understand what you are talking about, can you confine yourself to the Motion.

Hon. Elkana Mauti: Yeah, I said I had something in my heart which I wanted to talk about before I contribute to the Motion.

Hon. Speaker: I have given order that by Thursday 2:30 I'll report about the Ward Development Fund. What other welfare do you want me to do?

Hon. Elkana Mauti: I don't know whether I am the one who's not on the right track because we said when we come back we'll talk about the Members' welfare first before any Motion that was our stand before we adjourned.

Hon. Speaker: Order Hon. Member!

Hon. Elkana Mauti: On the Motion

Hon. Speaker: Order Hon. Member! I thought we discussed about the issue of Mortgage and the issue that you asked, I mean the issue of the welfare unless you define it, unless you want I take you to Macdonald, but you cannot just keep on saying welfare, you must specify but confine yourself to the Order of the day.

Hon. Elkana Mauti: I think Mr. Speaker it was just a point of reminding you of what we had discussed

Hon. Speaker: Thank you very much.

Hon. Elkana Mauti: On the Motion of the day, I think after we completed Clarence Munga's report, it was taken to court, and I think it's not wise that we discuss something already in Court in this Assembly. On the side of *Mheshimiwa* Mberia, in fact this other arm of Government, we are done, let us not cheat ourselves that we are Members of this Assembly who have powers, we don't have powers, we don't. When you assault a Member of the Assembly, also on top of that you sexually assault him and nothing is taking place.

Hon. Speaker: Hon. Mwiruri please!

Hon. Erastus Mwiruri: Mr. Speaker with all due respect I think the Hon. Member is wrong and he's taking the House in the wrong direction by saying that Hon. Members here don't have the rights, he's infringing our rights we have the powers to take the direction we wish in this House. Thank you Mr. Speaker.

Hon. Speaker: Very well

Hon. Elkana Mauti: I am very sorry for the Member, to say that we've powers, we've no powers in that, right now your security is not guaranteed, because we demanded to have a fence all over it was put down by the Executive side, what power do you have? Even up to now there's no communication about what has happened, automatically there's no teeth to bite, I don't have much to say but am urging my fellow Members let us wake up and I do say before we wake up on the Executive side, let us wake up as Members of this Assembly first before we go to the other side.

Hon. Speaker: Hon. Kotieno:

Hon. Pius Kotieno: I want to be very brief, Mr. Speaker thank you for the opportunity you've accorded to me. I just want to say that as Members we've powers and it depends with how you want to juggle around with power. This power comes in so many forms, it can either be legislative power or it can be a power to impeach or name and shame anybody. I don't want to get into the forms of powers that we have but I want to deal with the subject at hand. I appreciate the work that has been done by the Committee in as much as they took time and probably the matter has even passed over Members' Memory but what I can remember from this subject, Mberia was assaulted on his private part though I don't know if you went for medication so that the doctor could confirm whether he has recovered or not. Secondly Mr. Speaker I want to say that in as much as---

Hon. Speaker: Order Hon!

Hon. Pius Kotieno: In as much as this Committee did some job, I was expecting from their recommendation that they would recommend, you see Nairobi City inspectorate is like a Police Arm of the Republic of Kenya and so Inspectorate is also an Arm like the Police of this County Government. This Inspectorate is a department that is rotten to the core, if you walk around at night and you see Mr. Speaker how they are harassing people you even don't have the pleasure to be associated with this County Government, because even innocent Men and Women who sale their merchandise, wares in peace people who are trying to arch out their living they are being harassed, ran over there second hand cloth are being thrown all over and sometimes you can't even have that pleasure of even saying that you are a Member of this County Government.

What I was expecting from this Committee was to recommend that the County Government comes with a program where these Inspectorate guys are to be retrained, they must be taken for a refresher course because now this Constitution talks about the Bill of Rights which is an integral component of the Constitution that provides a frame work for Economic Social and political underpinning of the Country.

So to me I still feel there's some work that has not been done, they could have recommended for reforms, a Bill that in my own opinion would be called Nairobi City County Inspectorate Bill, would provide for, if a Member of City Inspectorate grossly violates basic rights of somebody within Nairobi then that person should either be suspended or investigated and if found guilty he should be jailed, just the same way Police Officers are also being sent to jail by the Independent Police Oversight Authority.

The second thing that that Committee would have addressed is the issue of getting people who have been thoroughly trained and if at all they have not gone through training that Committee in collaboration with Kenya Human Rights and Gender Department, should come up with a curriculum that would guide for the training on the said officers, if you just leave them like this, this people would become either a semi-god or rogue elephants and they will always be getting away with mistakes. With that Mr. Speaker I support.

Hon. Speaker: Thank you Hon. Kotieno. Hon. Thuo

Hon. Stephen Kambi: Thank you Mr. Speaker Sir for the opportunity. First I rise to support the report by the Sectoral Committee on Justice concerning the assault and harassment and also embarrassment of a fellow Hon. Member on his Ward. Mr. Speaker Sir, I want to touch on two things. First, the Committee has addressed well the issue that the City council askaris violated the rights of the traders within Karen shopping Centre and they have been also collecting the illegal levies that is protection fees from these small traders. We can even see most of these traders had sought for loans so that at least they can establish a source of livelihood and the good Hon. Member was executing his constitutional mandate by protecting his people from being extorted. However, the City Inspectorate askaris went ahead and assaulted the Hon. Member. Let it be noted Mr. Speaker Sir that this is the second Member to go on record for being assaulted by the City askaris.

I do believe their mandate is to deliver service in an orderly manner to Nairobi's but not to harass, intimidate or even to cause bodily harm to any Nairobi. I do believe the Bill that *Mheshimiwa* Kotieno has proposed is important and I urge the Committee to take it up and ensure that the Bill is brought to the Assembly as soon as possible so that at least we streamline this very important department. This department has always been painting a bad image of the County Government regardless of what good we try to do out there and I would also urge the Chair of the Committee to take it up, exercise his constitutional mandate, sermon ---Mr. Speaker Sir protect me from these two.

Hon. Speaker: Hon. Members

Hon. Stephen Kambi: Mr. Speaker Sir I think it is wise that the Committee sermons whoever is in charge of the Inspectorate askari and I urge your indulgence so that you direct the Chairperson to sermon whoever is in charge of the askaris and let him report to the Committee what disciplinary action he has taken since the complaints were launched. I believe he has not taken any step at all.

Mr. Speaker Sir it is pure common sense if you see a rogue junior officer kindly note there is a very rogue senior officer somewhere because the junior officers are a reflection of the ideals and the behaviors of their senior officers. So as much as we want to punch holes on junior officers, it is advisable and wise we take the disciplinary actions that have been recommended by the Committee. But again it is wise that the Committee gets the view of whoever is in charge of the Inspectorate and we find out if he has the goodwill to change the department. If he is incompetent then it is wise we look for someone who is willing to serve Nairobians better. Again Mr. Speaker Sir the two Members are the only Members who have gone into record as having complained of being assaulted by City County askaris. As my good friend Kotieno has said, when he walks around Nairobi County at night especially within the CBD, very hardworking young men and women trying to sell their merchandise and earn a living are properly harassed by --- merchandise might be mitumba goods, please do not misquote me out of content but also the merchandise you are thinking of as long as there is a willing buyer willing seller agreement I see no problem. Mr. Speaker Sir Njoroge Maina is a witness to this. Three weeks ago we were properly harassed around Nakumatt lifestyle around 1:30am at night.

Hon. Speaker: Order! Members.

Hon. Stephen Kambi: Mr. Speaker Sir I am a caring leader. I do not only watch over Nairobi at daylight, I also ensure I watch over Nairobi even when people are sleeping so that I ensure they get the comfort of their sleep. We have turned into guardian angels of Nairobians since we are not doing very much in the development. We are trying to be creative and at least get to do something and become a statesman. This is no joke Hon. Members. Two weeks ago we were arrested by City County askaris and we were taken to Central Police despite the fact that we produced our identity cards. The cards were thrown away and my phone was broken leading to a physical contest. Luckily for them they had the Kenya Police, now the Kenya Police Service but they are still behaving in a forceful manner. We had no option, they sought for bribes forcefully --- I will consider that.

Mr. Speaker Sir I want to note that the reasons why the askaris harassed us is because we tried to stand up for one Nairobian lady whom we felt was being harassed in an unfairly manner. I have gone into record that I am a son of a woman so I cannot withstand seeing any ill being done to a woman. I do not know if it is a weakness or it is something that comes naturally but I thank God.

Hon. Speaker: Order! Members!

Hon. Stephen Kambi: So I do not know what simmers is but you will explain later. Mr. Speaker Sir I want to support the report by the said Committee and also urge the able Chairman Jaffer Kasim to go for the head, do not deal with the limbs. Go for the head so that at least we ensure these scenes are never repeated here again. Mheshimiwa Gathundo has reiterated here, Gathundo sorry ----

Hon. Speaker: Order! Hon. Kambi. Hon. Thuo not Gathundo

Hon. Stephen Kambi: He is okay with that. Okay Mheshimiwa Thuo my neighboring Ward Rep has reiterated very well and I want you to note this very seriously. Majority Leader and the Speaker your lives are in danger. The way we see the County Inspectorate askaris are looking at you in these corridors, we are seeing bad blood around here, and they are going for the senior most Members of this Assembly.

So before they reach a common Member like Kambi, I do not know where you will be. So kindly hasten this. Chairperson you are also at risk because after that they are going for the Liaison Committee so Chairpersons beware. Yes Deputy Speaker this is very serious. You ought to create a solution not only for us but also for yourselves. Also on the issue of welfare especially Ward Development Fund. It is critical that almost two years down the line, nothing fruitful has been done in our wards.

I want to reiterate especially in my Ward. Since I was elected Mr. Speaker Sir the best that I have done for my Ward is repair five lights. Let it go to record Mr. Speaker Sir. Our only political survival lies within the Ward development Fund kitty. This financial year the Executive promised 19.6 Million and urged us to forward projects to them but Mr. Speaker Sir before we forward the project for the 19.6 Million, I believe in your ability to lead. I believe in your ability to show the way.

The last financial year we were promised 15 Million. We went to the Chief Officer in charge of Public Works, Lands and Housing. Every Member forwarded the projects, at least I complied as Kambi. I forwarded projects that were worth 15 Million and to date nothing has been done on them. Again the same Executive wants us to forward projects worth 19.6 Million this time round again Mr. Speaker Sir.

We cannot be playing ping pong all time. It comes a time when we say enough is enough and something has to be done. Mr. Speaker Sir when I carefully look at the Executive we cannot say it has failed wholesomely but there are some departments that might be colluding to ensure that other Members or most of these Members do not make it at the next Assembly.

Mr. Speaker Sir a good mind is a threat to every bogus mind out there and we know that this Assembly is full of good minds. We suspect that a trick is being played to ensure that we do not deliver within this term Mr. Speaker Sir. You have given a communication that you will communicate back on Thursday at 2:30pm. Please Sir also follow up on the 15 Million and the Chairman of the ward Development Fund. Before we forward the 19.6 Million project, kindly let us know what happened to the 15 Million that was already captured in the budget 2013/2014 and each Member forwarded a project to that effect before we take any further step. Let us ensure they keep their word that they gave us last year.

Lastly, Mr. Speaker Sir, this is a house of 129 masters. Let it go to record; this is a house of 129 masters. The 128th master is the Clerk. The 129th master is the Speaker. *Hakuna mdogo, hakuna mkubwa*. And if we know this well, and we all want to feed from one tree and that tree is called the Executive. The best we can do is to bring our interest together and not fight amongst each other because the divide and rule tactics that are being played here are the ones that are making us lose each and every day. You can't blame your opponent for outsmarting you. You should only blame yourselves for being outsmarted. The mistake is within the Assembly and not within the Executive.

Mr. Speaker Sir, it is well, and it should be noted that everyone is a player here and there are no spectators. We should all give each other respect. We should not try and taint each other but support each other when it comes to issues concerning development and personal welfares of the Members.

Today, we are being told that we apply for the 3 million Mortgage loan. You talk to those Bank clerks and they tell you that the money has not been released so far. But they are very much willing to receive your forms. Mr. Speaker Sir, we want money. We don't want to sign forms. We need money for development soonest possible.

I want to congratulate the Majority Leader for making a good move on the Sectoral Committee for Public Works in the County Assembly of Nairobi. We salute you Sir. Kenya hasn't grown to the state of democracy and I thank the Majority Leader for ensuring that he plays the role of the other side of the coin. Yes, I am saying this and it must be noted.

Hon. Speaker: Time!

Hon. Stephen Kambi: *Kidogo tu. Hajjaisha.* Mr. Speaker Sir, a Committee has to execute its sectorial mandate by failing to represent honorable Members in the executive in terms of development. I salute you Sir and I hope that the next leadership that will be in that Committee will be of good heart and will deliver to us all equally because *hapa hakuna mchungaji. Sisi wote* we are all equal. *Si ni kweli?*

Hon. Speaker: Hon. Munga, and then Hon. Manyala, and then Hon. Nyangwara.

Hon. Clarence Munga: Thank you Mr. Speaker. Let me start by thanking the Committee on Justice and Legal Affairs for coming up with this wonderful report. After looking at the recommendation made by this Committee, let me state that I support the work done by this Committee. But I have one worry Mr. Speaker. This house will be coming up with recommendations day and night. Recommendations that are so important not only to this House but to the country at large. So, we come up with a recommendation and nothing, then the implementation is a problem.

Let me state what I went through and the recommendation made by the same Committee. Nothing has been done up to date. And if I highlight one situation, when the Committee recommended that the boss of this department, Mr. Wambugu to step aside, nothing has been done. Wambugu is still in office. I am just stating one of the examples of one of the recommendations made by the Committee and adopted by this House. Mr. Speaker, the person is still in office and is serving. Another recommendation made by that Committee is that we need to restructure the Inspectorate. Nothing has been done up to date. I am not worried about somebody stepping aside. I am not against somebody stepping out of his office. My worry is that we recommend but the implementation is wanting.

So, Mr. Speaker Sir, I am 100% sure that the report will be adopted in this House. The recommendation made by the Committee; will they be implemented? And so, I call upon the Implementation Committee to ensure that all the recommendation made by this House are fully implemented. Thank you Mr. Speaker.

Hon. Speaker: Very quickly Hon. Manyala and Nyangwara to finish up. Nyangwara.

Hon. Samwel Nyangwara: Thank you Mr. Speaker. I want to commend the committee for the job well done. But I want to echo the statements that were made here by the Hon. Kambi that the problem is with this Assembly. Mr. Speaker, we are the ones who have failed to summon the relevant Executives who were supposed to execute the decisions that were made on the floor of this House.

Mr. Speaker, having said that, last week, we had a drama in this Assembly, within the precincts of this House. Mr. Speaker, we would like to know who demolished the fence that this House spent millions of money to set up. Mr. Speaker, we want to know whether it is the City Inspectorate or Planning. Whoever must have been behind the demolition of the fence, we need to move into action and establish the facts on the same. The relevant Committees that are put in place to investigate and inquire into can move into action and action be taken.

Hon. Speaker: Very well, Hon. Nyangwara.

Hon. Samuel Nyagwara: Thank you Mr. Speaker.

Hon. Speaker: Hon. Nyangwara, I will give direction or communication tomorrow 2:30 in regard to the demolition of the fence or the precincts of the County. Hon. Members, I call the mover---Order Hon. Chairperson! Hon. Mberia, two minutes.

Hon. David Mberia: Thank you Mr. Speaker for the opportunity. I want to take this opportunity to commend the Committee for good work. Just like other Committees before this one, have done good work for this Assembly. It is a piece of good work and recommendations have been made by the Committee but Mr. Speaker, the problem and protect me from the Leader of Majority, because nilinyolewa juzi yake tayari ataweka maji

Hon Speaker: Order! Hon Chief Whip...confine yourself...

Hon David Mberia: I was saying the City Inspectorate Department falls under the Governor's office, Mr. Speaker this particular department has no substantive CEC member. What the department has is a Chief Officer seconded from the National Government who has never been vetted by this Assembly. We as the House, of course, we have passed several Motions and none has...can you protect me Mr. Speaker, I want the Leader of Majority to listen to what I'm saying...what I'm saying is that as an Assembly our job is to pass laws, to pass Motions and it is the core business of the Executive to implement what this House passes.

As a matter of fact we come here to sing because we can be very good singers in this House, we are going to sing and sing but the implementation of what we do in this House falls under the Executive and the Leader of Majority is the link between this house and the Executive and I'm right when I say so.

We want action and recommendation to be taken on all the Motions that we have tabled especially the assault on me and Mheshimiwa Munga. If the dignity of this House is to be restored any time soon...Mr. Speaker Members are saying a fence was demolished and of course it was demolished but that is history but in future the dignity of this Parliament of Nairobi must be restored.

Some of us...the dignity is evaporating day by day and we must restore it otherwise we shall be as useless, more useless than when I was a Councilor in the defunct Nairobi city council. So I beg to support the Motion but more importantly the recommendations implemented and if there is a problem in implementing what we pass, we want to be told what the problem is. Can we be told if our Motions are premature Motions or what is something wrong in what we pass in this House, so I beg to support and Mr. Speaker the Leader of Majority who is the Chairman of Implementation Committee will follow up and ensure the dignity of the House is restored. Thank you.

Hon Speaker: Hon Members I want to thank you for your contribution and before I call the mover to reply with the Chairperson of the Committee on Justice and Legal Affairs, I would like to call upon you and the Leader of Majority who is the Chairperson of Implementation Committee to with immediate effect make sure that these recommendations are taken care of.

Indeed we have teeth to bite but as I have been telling you we are no longer good boys and girls. The gloves are on. Hon Members, Chairperson can we have in two weeks the action that had been taken against these abusers of the Member of County Assembly of Nairobi. Furthermore on the issue of Hon Munga there were officers who were supposed to vacate office. Why have they not vacated? That is the question. Hon Jaffer Kassam

Member of Parklands Ward (Hon Jaffer Kassam): Mr. Speaker Sir I thank the Hon Members for accepting the work of this Committee and make the County enforcement work efficiently and effectively. I want to assure the Members that the Committee will follow up to ensure the implementation of the recommendations and we have taken note of the remarks of Hon Kambi and the rest of members and yourself. I assure you the steps will be taken in the right direction, I can assure you Mr. Speaker.

Hon Speaker: Hon Members I now put the question, that this County Assembly adopts the report of the Sectoral Committee of Justice and Legal affairs on inquiry into the assault of Hon David Mberia and demolition of structures in Karen shopping Centre by City County askaris on 9th January 2014 laid on the Table of the Assembly on Tuesday 26th August 2014. Will as many as are of the similar opinion say I, will as many as of contrary opinion say Nay. The AYs have it

At rise of Assembly the House Business Committee meets at Charter hall. Hon. MemberS the House adjourns until tomorrow, Wednesday 8th 2.30 p.m.

The House rose at 5 pm