



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 17th April, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

PAPERS

The following Papers were laid on Table:

- a) The sixth report of the Sectoral Committee on Health Services on the inspection visit to Mama Lucy Kibaki Hospital;
- b) The third report of the Sectoral Committee on Health Services on the inspection visit to Pumwani Maternity Hospital.
- c) The report of the Select Committee on Delegated County Legislation on the consideration of the Public Finance Management, Nairobi City County Assembly Mortgage Scheme Fund Regulations 2014.
- d) The report of the Select Committee on Delegated County Legislation on the considerations of the Public Finance Management, Nairobi City County Assembly Car Loan Scheme Fund Regulations 2014

Hon. Speaker (Mr. Alex Ole Magelo): Order Members! Order! (*Loud consultations*) Order, Members! (*Loud consultations*) Order, Members! Order!

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Once again good afternoon Hon. Members. Hon. Kambi!

Hon. Member for Dandora Area II Ward (Mr. Stephen Kambi): Yes sir.

Hon. Speaker: Yes, (*Laughter*) I just wanted you to be descent. Hon. Members, I have the following communication to make;

Conclusion of pending Statements

Statements from the First Session:

Hon. Members you'll recall that on Tuesday, 18th February, 2014, the Chair issued a communication regarding pending Statements not concluded during the First Session of this August Assembly. The Chair proceeded to give Chairpersons of Sectoral Committees 14 days within which they are to table those pending responses to Statements requested on the floor of the Assembly by Hon. Members. Hon. Members, the Chair has then noted the reason for that direction as being a practice in Commonwealth Legislature that Statements not concluded during a Session automatically lapsed at the end of that Session. Indeed most Chairpersons took the direction in their stride and tabled the response as had been directed.

However, Hon. Members there are Chairpersons of Committees that have yet to respond to pending Statements from the First Session of the Assembly. The Chair therefore wishes to direct that all the pending Statements from the first session be tabled on Tuesday, 22nd April, 2014. Chairpersons who fail to observe the direction must report to the Speaker the reason for such failure before Tuesday, 22nd April 2014. Statements from the second session, Hon. Members, upon audit of the pending Statements we have established that there are 23 Statements pending before the Assembly some pending as early as February 2014. Hon. Members, the attention of the Chair has also been drawn to the increasing number of pending Statements from this session.

There are already 23 pending Statements before the Committees, some as early as February 2014. Hon. Members I wish to direct the following regarding pending Statements: Chairpersons of Committees who have pending Statements requested during the month of February are hereby directed to provide response to these Statements in a week's time. I direct that the schedule of these Statements be given to every Committee. Chairperson of Committees which have pending Statements requested during the month of March and April are hereby directed to provide responses to those Statements on Tuesday 29th April 2014.

Hon. Members, Chairpersons who fail to observe the foregoing direction, must report to the Speaker the reason for such failure three days before the date given above for tabling and conclusion of the said pending Statement. It is so directed. I thank you.

The Nairobi City County Assembly First Session Statements pending response include:

1. Budget and Appropriation; Hon. David Kitavi, the monies allocated for bursaries that were to be disbursed by November last year but have not been disbursed to date. That was 11/2/2014. It is pending.
2. Transport and Public Works; Hon. Maurice Akuk, the deteriorating state of roads in the County. It is still pending.
3. Trade and Tourism Co-operation and Co-operatives; Hon. Kamau Thuo, the revenue collected from various markets in Nairobi County, pending.
4. Planning and Housing and also Trade, Tourism and Co-operatives; Hon. Erastus M. Mburu, the demolition of small traders' stalls in Roysambu is pending.
5. Transport and Public Works; Hon. Hashim A. Kamau, the Nairobi City County Transport Yard situated in Dar-es-salaam Road, pending
6. Planning and Housing; Hon. Hashim Kamau, the allocation of space within City Hall and its Annex to Commercial Banks, pending.
7. Transport and Public Works; Hon. Hashim Kamau, state of elevators/lifts in City Hall Annex.
8. Culture and Community Service; Hon. Wilson Ochola, the manpower capacity of the Nairobi City County Fire Station, is pending
9. Transport Public Works; Hon. Jacky Nyangala, the installation and subsequent use of traffic lights in Nairobi City County, pending
10. Labor and Social Welfare; Hon. Magdaline Mbogori, the state of Nairobi City Stadium, pending.
11. Water and Sanitation; Hon. Martin Waweru, the lack of water in Chieko Market Kasarani Ward.

12. Trade and Tourism, Co-operatives; Hon. Kennedy Oduru, the stalled construction of Migingo Market in Lucky Summer Ward is pending
13. Transport and Public Works; Hon. Ngaruiya Chege, the privatization of roads for rehabilitation, pending
14. Transport the prioritization of roads--- I beg your pardon, Transport and Public Works; Hon. Ngaruiya Chege, the grader for road construction, graders inherited from the defunct Nairobi City Council, pending.
15. Labour and Social Welfare; Hon. Osman Adow, the employment in Nairobi City County Public Service.
16. Agriculture Environment and Natural Resources; Hon. Jane Muasya, the state of Burma County Market, pending.
17. Water and Sanitation; Hon. Alhad A. Adan, the supply of water to Kibra Constituency.
18. Planning and Housing; Hon. Isaac M. Ngige, the grabbing of public land by private developers.
19. Housing and--- Planning and Housing; Hon. Charles Thuo, The transfer of housing docket from Department of Lands and Housing to the Department of Planning.
20. Ward Development Fund; Hon. Njoroge G. Maina, the opening of a bank account for the Nairobi Ward Development Fund pursuant to section 15 of the Act
21. Finally, Labor and Social Welfare; Hon. Samuel K. Mwangi, the contraction of Creative Consolidated private cleaning service company by the County Government, pending.
22. Labor and Welfare; Hon. Peter M. Gichohi, the closure of Housing Department (HDD) and Slum Upgrading Site and Service Schemes by the officers from the City Inspectorate is pending
23. Agriculture, Environment and Natural Resources, Planning and Housing; Nelson Masiga, the dumping of earth soil on roads and pathways by private developers.

I thank you.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you, Mr. Speaker. Pursuant to Standing Order Number 180(6) I beg to lay the following Papers on the Table of the Assembly today Thursday 17th April, 2014:

1. The sixth report of the Sectoral Committee on Health Services on the inspection visit to Mama Lucy Kibaki Hospital;
2. The third report of the Sectoral Committee on Health Services on the inspection visit to Pumwani Maternity Hospital.

Thank you, Mr. Speaker. I beg to lay these Papers.

Hon. Speaker: Very well, Hon. Manoah. Hon. K'Otieno, Delegated County Legislation on consideration of the Public Finance Management, Nairobi City County Assembly Mortgage Scheme Fund Regulation.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. I wish to lay on the Table of the Assembly the report of the Select Committee on Delegated County Legislation on the consideration of the Public Finance Management, Nairobi City County Assembly Mortgage Scheme Fund Regulations 2014.

Once again, Mr. Speaker, thank you so much. I wish to Table the report of the Select Committee on Delegated County Legislation on the considerations of the Public Finance Management, Nairobi City County Assembly Car Loan Scheme Fund Regulations 2014. I table.

Hon. Speaker: Very well

NOTICES OF MOTION

NOTICE – ADOPTION OF REPORT ON VISIT TO MAMA LUCY KIBAKI HOSPITAL

Hon. Manoah Mboku: Thank you, Mr. Speaker. Hon. Speaker, I beg to give Notice of the following Motion that this Assembly adopts the report of the Sectoral Committee on Health Services regarding the inspection visit to Mama Lucy Kibaki Hospital laid on the Table of the Assembly today, Thursday 17th April, 2014. Secondly Mr. Speaker, I---

Hon. Speaker: Order, order Hon. Manoah Mboku, the Serjeant-At-Arms there is a lot of noise coming from that end, go on Hon. Mboku.

NOTICE – ADOPTION OF REPORT ON VISIT TO PUMWANI HOSPITAL

Hon. Manoah Mboku: Thank you, Mr. Speaker. I beg to give Notice of the following Motion that this Assembly adopts the report of the Sectoral Committee on Health Services regarding the inspection visit to Pumwani Maternity Hospital laid on the Table of the Assembly today, Thursday, 17th April 2014. Thank you.

Hon. Speaker: Thank you, Hon. Chairperson on Health. Proceed.

STATEMENTS

Hon. Speaker: Hon. James Mwaura Chege.

REQUEST – STATEMENT ON PROVISION OF HOUSING IN NAIROBI CITY COUNTY

Hon. Member for Ngara Ward (Mr. James Chege Mwaura): Thank you, Mr. Speaker. I rise to seek a ministerial Statement from the Department or the Committee of Culture and Social Services pursuant to Standing Order 41(2c). I wish to request a Statement from the Chairperson of the Sectoral Committee regarding the provisions of housing in the County.

Mr. Speaker, in the recent years we've witnessed population growth in Nairobi City County. However Houses inherited from the defunct City Council and the County Government remain dilapidated and no services are being rendered in the pretext that they are subsidized housing. Mr. Speaker, there have been plans to bring down the County estates which fall within this category of social housing and low income housing in order to bring up a new modern housing but that has not been uniformly executed.

Mr. Speaker, in the Statement the Chairperson should enquire into and report to this Assembly on:

1. The measures being taken by the County Executive to improve access to social housing;
2. The measures that the County Executive has put in place to build more Houses since there are no budgetary allocations on the same;
3. Whether there are any institutions that have expressed interest in being part of the construction of new modern housing plans and the timelines and;
4. Measures being taken by the County Executive to ensure that the processes of building these new Houses is transparent and is fair and beyond reproach.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Chege. The Chairperson of the Sectoral Committee on Planning and Housing; this is a very weighty matter so we need concrete answers. This therefore calls for the Chairman of the Planning, Housing Committee, Hon.--- *wapi mheshimiwa?* You are the Vice Chair? Yes, please. Hon., Order! Order, Hon. Ochar!

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker---

Hon. Speaker: Order! Order! Order! Yes, please?

Hon. James Chege Mwaura: Mr. Speaker, I was wondering if the Committee that deals with the Social aspect of this housing would be in a better position to handle the matter more than the Planning aspect---

Hon. Speaker: But you are the one who indicated the Planning and Housing.

Hon. James Chege Mwaura: I think it was an oversight then; with the typing at the table--- whatever, because I had indicated Culture.

Hon. Speaker: Can you correct there on the--- Can you correct it there where you are standing?

Hon. James Chege Mwaura: Certainly, Mr. Speaker.

Hon. Speaker: Can you do that?

Hon. James Chege Mwaura: Certainly.

Hon. Speaker: Okay, Chege, I am directed that you are in order according to your Statement. It is Planning and Housing. Yes.

Hon. James Chege Mwaura: Alright.

Hon. Speaker: You may be seated.

Hon. James Chege Mwaura: Okay.

Hon. Speaker: Hon. Ochar, please, Vice Chair.

Hon. Maxwell Ochar: Mr. Speaker, I think, in order to get a concrete answer we need two weeks for this issue to be done.

Hon. Speaker: Yes, certainly it's a weighty matter and therefore the two weeks are allowed but please come with full information.

Hon. Maxwell Ochar: Please, we will.

Hon. Speaker: Thank you.

Hon. Maxwell Ochar: Thank you.

Hon. Speaker: The Hon. Jane, Jane Muasya. Okay, Hon. Members, the Statement requested by Hon. Jane Muasya from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding the state of Burma market; Hon. Amutavi.

RESPONSE – STATEMENT ON THE STATE OF BURMA MARKET

Hon. Member for Upper Savannah Ward (Mr. Benson Amutavi): Good afternoon, Members. Mr. Speaker sir, I want to respond to the Statement requested by Hon. Jane regarding the issue of Burma market. Hon. Speaker sir, on Wednesday, the 26th of March 2014; Hon. Jane Muasya, MCA, rose on the floor of the Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of the Sectoral Committee on Agriculture Environment and Natural Resources for a Statement regarding the state of Burma market. She further asked the Chairperson to enquire into and report on what the County Government is doing to improve the state of the market.

Mr. Speaker sir, the Committee wrote to the Executive Member for Agriculture and Fisheries on the 28th requesting to be furnished with the written report of the Statement by the Hon. Member. As we all know, Burma market is a Tenant Purchase Market which was under a Social Service Department under the Social Service Department in the defunct Nairobi City Council. The Department had handed over the responsibility of cleaning the market to a Committee which hired people to do the same. The situation will be rectified once the staff can be deployed from either Environment or Decentralization Department.

Currently under the new dispensation the market falls under Trade and Industrialization, Co-operative Development, Tourism and Wildlife Sector. Mr. Speaker sir, the County Government is trying to improve the state of the market through the Veterinary Department so that it can ensure that the market is safe for humans and the products are safe for human consumption. Currently the market has 4 meat inspectors who carry out inspection of meat received to enhance its safety for human consumption.

To meet its objectives, the Department ensures that the containers used to transport meat are made according to specifications outlined in the Meat Control Act Cap 356 of the Laws of Kenya. The carcasses being delivered at the market have been transported hygienically in containers with current permits issued by the Veterinary Department. In case of non-compliance with the laid down specifications

the permits issued are withdrawn. The said containers or carriers should only be used for the intended purpose for example carrying meat consignment. This eliminates the possibility of contamination.

The County Director of Veterinary Services issued annual permits to those carriers/containers complying with the specifications stipulated in the Meat Control Act Cap 356 of the Laws of Kenya that all meat consignments delivered at the market be accompanied by a Certificate of Transport (COT). The COT, like the permit, is a sanitary document used for traceability and indicates the origin of the meat, the number of carcasses and the destination. Carcasses delivered at the market are re-inspected and the COTs are verified against the carcasses contained in the containers. Re-inspection is provided for in the Meat Control Act Cap 356 of the laws of Kenya and meat not conforming to the stipulated standards is condemned.

The meat loaders, that is, the meat handlers have proper attire, personal protective clothing that is. This applies to all persons in the stalls who are dealing with meat. The Directorate liaises with other relevant authorities in the maintenance of hygienic standards. This is done in consultation with other stakeholders by holding meetings particularly with the Department of Public Health. The recently completed incinerator is now ready for utilization to deal with the waste from the market. The meat consignments designed for restaurants, butcheries and hotels in the City are issued with COTs after re-inspection. The minced or deboned meat is not allowed in the market. Mr. Speaker sir, I beg to lay my response. Thank you.

Hon. Speaker: Very well, Hon. Amutavi. Hon. Kambi.

REQUEST – STATEMENT ON ALLEGED BRIBERY OF MEMBERS WITH REGARD TO PURCHASE OF COUNTY BUSES

Hon. Member for Dandora Area II (Mr. Stephen Murathi Kambi): Thank you very much, Mr. Speaker sir. I rise on Standing Order 41(2c) requesting a Statement from the Chairperson of the Sectoral Committee on Transport Roads and Public Works regarding some allegations made by the CEC (Chief Executive Committee) Member responsible for Public Works, Roads and Transport in Nairobi City County.

Hon. Speaker, sometimes this week the CEC Member appeared on Citizen TV where he alleged that there was a meeting held in Naivasha attended by MCAs from this Assembly, who approved the purchase of buses for the County; he apparently said 'for the County'. He apparently said the buses were never budgeted for in the Financial Year 2013/2014. Consequently, a story was carried in the Nation Newspaper dated 16th April 2014 alleging that MCAs had been bribed in order to disapprove the purchase of the buses as stated above; as a result of which the reputation of the Hon. Members has been greatly undermined. Hon. Speaker, the head of the Assembly of Nairobi, in the Statement the Chairperson should enquire into and report on:

1. When was the alleged meeting held and what was the agenda for the said meeting;
2. List of all the Members who attended the meeting;

3. Who are the Members who he purports to have been bribed and who bribed them and for what reason?

Thank you, Mr. Speaker sir.

(Applause)

Hon. Speaker: Thank you, Hon. Kambi. The Chairperson for Transport and Communication and the Public Works; the Assembly of Nairobi County needs an answer immediately.

(Applause)

Hon. Member for South C Ward (Ms. Diana Kapeen): Mr. Speaker sir, I would like to inform the House under the Constitution Article 185, all the subsections; the Committee has the oversight to look through what the Executive does. We have had a problem with our Executive Member. He does not attend our meetings, he does not answer to any memo that we write to him and therefore I do not expect an answer from him any time soon unless it is sanctioned through you via the rights and privileges that you have, Mr. Speaker.

(Applause followed by loud consultations)

Hon. Speaker: Order, Hon. Nyang'wara! Order! *(Loud consultations)* Hon. Members! Hon. Members, the request for a Statement by the Hon. Stephen Kambi calls for an answer. What the Chairperson has just told the Assembly of the Nairobi City is actually sad and when I say sad; I want to state this; and I want to use these very few words, that the Chairperson for Public Transport and Works write a letter to the CEC concerned. We also need to know, the Hon. Kambi, where he got the information from, which newspapers, which electronic or media or whatever and if it is not answered then we will have to summon him by way of writing a letter to him to summon him to appear before the Committee.

On the same note if any other Chairperson has any other problem--- because these are the same problems, please write formal letters, copy them to the office of the Speaker so that we are on the know of who is answering what and who is not answering what. But all the same you don't condemn any person until you hear him or her out. So, I plead with the Members of the County Assembly to wait for a response which should be tabled on the floor of this House on Tuesday, 2.30 p.m. I so direct. Thank you. Hon. Leader of Majority.

Hon. Leader of Majority (Hon. Elias Otieno): Thank you, Mr. Speaker. In as much as you are defending this Executive, Mr. Speaker, it is---

Hon. Speaker: Order, Hon. Otieno! *(Applause)* Order! Order! *(Loud consultations)* Order! Order! *(Loud consultations)* Order, Hon. Otieno! *(Loud consultations)*

Hon. James Chege Mwaura: Point of Order, Mr. Speaker! *(Loud consultations)*

Hon. Speaker: I want to give the Leader of Majority time to complete his Statement so that we can understand what he's saying.

Hon. Leader of Majority: Mr. Speaker, I think I am a Member of this House, whenever you abuse any Member you abuse me the same and also Mr. Speaker it is high time, we must join our hands together and we crack the whip--- *(Applause)* because if the Chairperson of Transport is complaining; do you think any Member here is not going to complain, Mr. Speaker? Because if you see the Chief Officer of Transport behaving in this manner, Mr. Speaker, I think we need to just give it a thorough investigation, an investigation against the complaints made with regard to this officer or the so called officer.

Mr. Speaker, it's very important for us because our role here in this Assembly is oversight. We are not here to take bribes from any quarter. So, Mr. Speaker, we should also give respect to any Committee which is overseeing any department. These Executive Committees--- I don't want to mention an individual --but these Executives of different departments don't have respect for these Members here. So, Mr. Speaker, we must crack the whip.

(Applause)

Hon. Speaker: Hon. Kambi, order! Hon. Chairperson of Works.

Hon. Diana Kapeen: Mr. Speaker, I don't know what you meant by an Executive Member should not be condemned unheard, but I am talking from the experience that we have as the Transport Committee. We have invited Hon. Ondiek 8 times, yesterday being the eighth time and he has never attended our meetings. Yesterday he sent an undated letter to the Committee. At the same time on 24th of last month we had the City Engineer Madam Christine Ogut, who walked out on the Committee without reasons. So, Mr. Speaker, we have a problem, we are not condemning them.

(Loud consultations)

Hon. Members: Shame, shame. *(Loud consultations)*

Hon. Speaker: Hon. Chege. *(Loud consultations)*

Hon. James Chege Mwaura: Thank you, Mr. Speaker--- *(Loud consultations)*

Hon. Speaker: Order! Order, Hon. Masiga!

Hon. James Chege Mwaura: Mr. Speaker, I would be the last person to go against your ruling, but, Mr. Speaker, without trying to defend the Hon. Executive Member, you are directing that the

Committee reports on Tuesday and Mr. Speaker, we are breaking for Easter today and coming back on Tuesday and we will not have had time to discuss this Member and as a House, Mr. Speaker, while we are very careful not to condemn anyone unheard, this is a Member who went to the public media and I am willing to table the said newspaper articles with reference to that, and if you allow me to read, Mr. Speaker, *(Applause)* page 19---

Hon. Speaker: Order! *(Loud consultations)* Order! Order! *(Loud consultations)*

Hon. James Chege Mwaura: Page 19---*(Loud consultations)*

Hon. Speaker: Order! *(Loud consultations)* Order, Hon. Members! Order! *(Loud consultations)*

Hon. James Chege Mwaura: Mr. Speaker page---*(Loud consultations)*

Hon. Speaker: Order, Hon. Chege! Order! *(Loud consultations)* Order! *(Loud consultations)* Hon. Masiga, you utter one more word again; you will be in trouble. Sit down! Order! Order, Members! Hon. Millicent! Order, Members! Hon. Members as excited as we are; as damaged as you are; we have to follow our Bible. When you hurt, I am hurt, when my Members of the Assembly are told that they are being corrupted by some cartels I am also hurt. But, Hon. Members, we have to follow the laid down procedures in regard to punishing any wrong doer across the road or inside here.

Therefore this is what I want to do and this is the final word and we will not go back there. That, Hon. Chairperson for Works writes all that she has said here and gives me a copy by the close of the day, today. There is a letter that I have sent to the Governor, a copy that can be made available on the floor of the House on Tuesday in regard to what appeared in the print media, and when you give me that I will summon the same officer before the Office of the Speaker. Therefore, Hon. Members, *(Consultations)* order, Members! *(Consultations)* Order, Members! Order! Members, we've got to be together in this.

Therefore, Hon. Chairperson for Public Works, I want you to put everything down in form of a letter to me before the close of the day so that I can summon the CEC. Notwithstanding, Hon. Imwato, do you want me to show you where? I'll show you where. Hon. Members, on the same strength, having sent the letter to the Governor I also want to call upon the Leader of Majority who is the Leader of the Government to follow up with the Governor so that I can have my reply by close of the day today too. So that on Tuesday afternoon 2.30 p.m, I will have an answer and then I can let you vent on this issue. That is the ruling I am making and; can we go to the next order, please?

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Point of Order, Mr. Speaker sir!

Hon. Speaker: Hon. Adow.

Hon. Osman Adow: Thank you, Mr. Speaker, I think I will change the topic so that the House can cool down a little bit. I am standing on point of---

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

Hon. Osman Adow: I am standing on a Point of Order number---

Hon. Speaker: Hon. Thuo!

Hon. Osman Adow: ---number 80, Mr. Speaker on personal Statement.

Hon. Speaker: Hold on! Order! Order! Order! (*Loud consultations*) Hon. Members! Hon. Members, we are on the next Statement from Hon. Adow Eastleigh.

Hon. Osman Adow: Thank you, Mr. Speaker, I would like to---

Hon. Member: Point of Order!

PERSONAL STATEMENT BY HON. OSMAN ADOW ON SECURITY OPERATIONS

Hon. Osman Adow: ---I am on a Point of Order, you cannot have a Point of Order on a Point of Order, please. (*Loud consultations*) My personal Statement, Mr. Speaker is to condemn the way the operations were being carried out in Eastleigh and other parts of this City. Although we like to support the Government in its operations against crime and terrorism, (*Loud consultations*) the way it has been carried out is being--- (*Loud consultations*) ---has been inhumane, barbaric and--- (*Loud consultations*)

Hon. Speaker: Order, Members! Order! (*Loud consultations*) Order! Members! Order, Hon. Kambi! (*Loud consultations*) Hon. Kambi, I need you to go and come back to your seat. Order! Order, Hon. Kambi! (*Loud consultations*) There you are, you are a good Member of the Assembly. Sit down! Order, Members! (*Loud consultations*) Order! Hon. Members, (*Loud consultations*) Order! There is a very important Statement from the Member for Eastleigh, (*Loud consultations*) Order, Hon. Ochar!

Hon. Osman Adow: Mr. Speaker, we would like to support the Government in its crackdown on--- (*Loud consultations*)

Hon. Speaker: Order! Order, Members! Order! (*Loud consultations*)

Hon. Osman Adow: ---on crime and the fight against terrorism but we are---(*Loud consultations*)

Hon. Speaker: Order, Members! Order!

Hon. Osman Adow: ---against the way it is being conducted in Eastleigh especially it has been---

Hon. Speaker: Kambi, last warning! Thuo, last warning! *(Loud consultations)*

Hon. Osman Adow: It's been inhumane---

Hon. Speaker: Hashim, last warning! *(Laughter and loud consultations)*

Hon. Osman Adow: ---and it's been brutal, Mr. Speaker. *(Loud consultations)*

Hon. Speaker: Order, Members! Order!

Hon. Osman Adow: I say brutal because as we speak right now---

Hon. Speaker: Listen to what the Hon. Member is saying. This is very important to Nairobi.

Hon. Osman Adow: ---as we speak right now we have a corpse at JKIA, Mr. Speaker. One of the people who have been detained there died and the body is being transferred to the mortuary right now.

Hon. Speaker: Hon. Adow, what are you talking about? *(Laughter and loud consultations)*

Hon. Osman Adow: Okay I start from the beginning again. *(Loud consultations)*

Hon. Speaker: There is too much noise! There's too much noise! I can't hear, *(Laughter and loud consultations)* Order, Members! Order, Hon. Chief Whip! Majority, order! Last warning! *(Laughter)*

(Applause)

Hon. Osman Adow: People are in a mood of impeachment, Mr. Speaker and I think that is the problem. *(Loud consultations)*

Hon. Speaker: Order Members! Order!

Hon. Osman Adow: Okay, I will start again, Mr. Speaker.

Hon. Speaker: Please can you listen to this story about people who are being taken to the mortuary? *(Laughter)* Can you listen to this? It's a very important thing.

Hon. Osman Adow: Even though, the people of Eastleigh would like to support the Government in the fight against crime and terrorism we condemn the way the police have carried out the operations in Eastleigh and this has been---*(Loud consultations)*

Hon. Speaker: Order Bishop! Order, Bishop! He is reading a Statement. *(Loud consultations)*
Order! And last warning, Hon. Bishop! *(Laughter)*

Hon. Osman Adow: I am going to clarify, I am going to clarify all---

Hon. Speaker: Order, Hon. Bishop! *(Laughter and loud consultations)*

Hon. Osman Adow: The operation actually has been inhumane--- *(Loud consultations)*

Hon. Speaker: Order Members! Order!

Hon. Osman Adow: --- it's been barbaric and it's been brutal, Mr. Speaker. *(Loud consultations)*

Hon. Speaker: Ochola, last warning! I had given you a warning, so you are about to go. *(Laughter)*
Hon. Members, the Member here--- Order! Sit down! *(Loud consultations)* Hon. Bishop, I don't want to do
what I know how to do. Please keep cool. *(Loud consultations)* Order!

Hon. Member: The matter is a matter of National Security it can't be discussed--- *(Loud consultations)*

Hon. Speaker: Order! Hon. Adow, order! Since when did you become the Speaker? Hon. Members, *(Loud consultations)* I will--- I think you want to go on an early holiday. Don't let me facilitate that for you. *(Laughter)* Don't let me facilitate that. *(Loud consultations)* Any more noise from anybody including Serikal--- *(Loud consultations)* I know--- I know, Hon. Members, you are preparing to go for Easter. Please let us listen to a very important Statement of National importance as far as the County of Nairobi is concerned. From there, I'll go to Hon. Chairperson for Transport. She has a burning, burning issue, *(Applause)* Hon. Kambi! *(Loud consultations)*

Hon. Osman Adow: Thank you, Mr. Speaker--- *(Loud consultations)*

Hon. Speaker: Which one? *(Loud consultations)*

Hon. Osman Adow: You haven't even heard it first. *(Loud consultations)*

Hon. Speaker: Order! Order, Hon. Adow!

Hon. Osman Adow: Can I make the Statement first then you can ask for---

Hon. Speaker: Can you listen to this because it's very important. *(Loud consultations)* You cannot be here at the same time on the floor. *(Loud consultations)* Are you on a point of order? Okay, Hon. Adow, looks like people want others to keep going to the mortuaries. *(Laughter)*

Hon. Osman Adow: They want to shut me up, Mr. Speaker.

Hon. Speaker: But they will not.

Hon. Diana Kapeen: No. Mr. Speaker sir, I don't want to shut the Hon. Member up, but I want to be guided. The matters of National Security, according to the Constitution fall directly under the National Government. *(Applause)* We as the County Assembly have nothing to do with the security of the Country, Mr. Speaker sir. *(Applause) (Loud consultations)*

Hon. Speaker: Order! Order, Members! *(Loud consultations)* Order, Hon. Adow! *(Loud consultations)*

Hon. Osman Adow: It has everything to do with the Nairobians----*(Loud consultations)*

Hon. Speaker: Order! Order! *(Loud consultations)* Order! Order, Hon. Chief Whip of Minority! I want to correct the Hon. Chairperson for Works. The Hon. Adow is talking about his Ward which is Eastleigh *(Applause)* and he has a right to be heard like any other Member of this House. Hon. Adow, and this time I am going to--- *(Loud consultations)* I am going to chase you out. *(Loud consultations)* Order, Ogeto! Hon. Ogeto! Hon. Adow *(Loud consultations)*

Hon. Osman Adow: Yes, thank you, Mr. Speaker. As people of Eastleigh, we actually fully support the operation. The only thing we are against is the way it is being done and being conducted Mr. Speaker. There are several reasons why I am against that. First it is an ethnic profiling and special profiling which is unconstitutional. Secondly it has been very brutal Mr. Speaker; I will give you examples of newspaper reports where an infant starved to death when the mother was being held in Kasarani Mr. Speaker. We have a 12 year old who is taking care of her siblings because her mother has been deported Mr. Speaker. I visited, the other day a lady, a 20 year old girl in hospital in Eastleigh where she was being attended to. She was nine months pregnant. She was thrown into the back of a truck, the neighbors intervened, raised Ksh 1200, paid the officers for her release and she had to go into emergency labour whereby she received an emergency caesarian section. As we speak she is still confined in hospital for a bill of Ksh 145,000, Mr. Speaker.

I personally witnessed a lot of cases of corruption, Mr. Speaker, on two occasions where one senior officer was paid Ksh 17,000. I have a case where a senior officer was paid Ksh 40, 000. That officer, in that one night went to about 10 places where he collected more than Ksh 400,000, Mr. Speaker, and these officers are not carrying stones and sticks, Mr. Speaker. They are carrying guns and when somebody is carrying a gun and he's asking for money that is called robbery with violence, Mr. Speaker.

This is the kind of information that this House needs to know with regard to what is going on and although we do support the Government in the fight against terrorism and crime, the way it's being done should be humane and should go according to the Constitution and Laws of this Republic and that is all we are asking for, Mr. Speaker.

Hon. Speaker: Thank you, *(Loud consultations)* thank you Hon. Adow we have heard you. *(Applause)*

Hon. Osman Adow: Thank you. *(Loud consultations)*

Hon. Speaker: Ochar, Hon. Ochar, you have just come from a trip and you look tired. *(Loud consultations)* *(Laughter)* Hon. Members, the Statement from the Hon. Adow--- *(Loud consultations)* is a very tragic event. Hon. Adow, as Members of the County Assembly, I am sure we all support the Government's fight against people who kill and maim our children *(Applause)*. The County Assembly are in solidarity with Kenyans from all walks of life, religion and otherwise. The County Assembly Members sympathize with any loss of life and if there is any loss of live we will definitely send condolence messages but otherwise we would like you to report any cases that you have just said here to the law enforcement agencies but on behalf of the County Assembly of Nairobi we'll continue to support the Government's fight against terrorism *(Applause)* because they are not fighting Somalis, they are not fighting Gikuyus neither are they fighting Maasais; they are fighting terrorists *(Loud consultations)* and therefore--- *(Applause)* and Hon. Members as for our colleague from Eastleigh, we only wish that you would organize vigilante groups to report bad people in the society to the Government, I thank you.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Point of order, Mr. Speaker!

Hon. Speaker: On what, Hon. Kitavi? On what?

Hon. Boniface kitavi: Number 80.

Hon. Speaker: On what? On what? On what? This number 80 is being misused.

Hon. Boniface Kitavi: No, Speaker.

Hon. Speaker: On what?

Hon. Boniface Kitavi: Mr. Speaker, I'd like to make a personal Statement.

Hon. Speaker: On?

**PERSONAL STATEMENT BY HON. BONIFACE KITAVI
ON FIRE INCIDENCES IN LAINI SABA WARD**

Hon. Boniface Kitavi: I am going to give it right now. *(Laughter)* Mr. Speaker, as you can see the House is in a jovial mood but if there's one person who is very sad, it is me. I'd like to give a personal Statement. Around the 23rd and 24th which is just a week and two days ago we had two incidences of fire in my Ward. Mr. Speaker sir, I represent people who are very hardworking, people who are very humble, but these people's life was disrupted because of the fire outbreak. A total number of 82 persons have lost their property and their livelihood has been destroyed.

Mr. Speaker sir, it is just a month ago when the Governor launched the fire brigades including the mini fire brigades. We tried in vain, and as their leader, I called the fire brigade but their response was not forthcoming. Property has been destroyed, people are suffering, children are suffering. I have been walking up and down in the corridors of this City Hall trying to seek for support or emergency fund to respond to the needs of the people of my Ward who are suffering because of the fire outbreak. This has not been forthcoming, Mr. Speaker sir. As I sit down here I am a disturbed person because people are desperate, calling me, trying to seek for support. The people I support are also Kenyans and if there's any emergency response they also need to be attended to, Mr. Speaker.

It is very unfortunate that I have gone to so many offices here to seek for some kind of fund or some kind of support to mitigate the problem that my people are facing but it has proven to be very difficult. I am calling upon Members here who may be having any information or contacts of agencies that respond to this kind of situation to provide me with the information. I'll be readily available to receive the contacts of the agencies and make deliberate efforts to follow up on the same, Mr. Speaker sir. I'd also like to observe that most of us in this purport to be Christians and sometimes it calls on us to love our neighbors as we love ourselves. So, Mr. Speaker sir, through your indulgence and your office, if there's any advice or any help that I could receive to take to my people I'll be more than glad. Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Kitavi. I would like you to see me so that we can look for agencies that can support you but meanwhile you have several things that you need to do also to be helped. Thank you. *(Loud consultations)*

Okay, a Statement requested by Hon. Manoah K. Mboku from the Chairperson of select Committee of Labor and Social Welfare regarding Divisional Commanders, Divisional Managers and Ward Managers. I know it was brought on the floor of the House but we said it was not well done. Can we now have a full report?

Hon. James Chege: Point of Order!

Hon. Speaker: On what again, Hon. Chege?

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Mr. Speaker sir, please protect me from the, *(Loud consultations)* Mr. Speaker protect me--- *(Loud consultations)*

Hon. Speaker: Order Members, order. *(Loud consultations)*

**RESPONSE – STATEMENT ON DIVISIONAL COMMANDERS, DIVISIONAL MANAGERS
AND WARD MANAGERS OF THE NAIROBI CITY COUNTY WARDS**

Hon. Wilson Ochola: Can you protect me Mr. Speaker? *(Loud consultations)* Mr. Speaker, I am not reading the mood of the House, I am reading the mood of the Speaker. Mr. Speaker, can you protect me? *(Loud consultations)* In response to the Statement requested by the Hon. Manoah Mboku, Mr. Speaker sir, I beg to respond as follows:

On Thursday 5th December 2013, the Hon. Manoah Mboku, MCA, Member for Nairobi South Ward rose on the floor of the Assembly pursuant to the Standing Order number 41(2c) and requested the Chairperson of the Labor and Social Welfare Committee for a Statement regarding Divisional Commanders, Divisional Managers and Ward Managers of the Nairobi City County Wards. He further asked the Chairperson to enquire into and report on--- *(Loud consultations)*

Hon. Speaker: Order! Order, please! I would want to call on Hon. Mboku, because this is what was read here the other day. So, really we are still going back to---

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

Hon. Member: Chairman you need to know your mandate.

Hon. Speaker: Order! Order! Hon. Members, I am afraid this was--- *(Loud consultations)* this was what was brought here last week. *(Loud consultations)* Hon. Mboku, can you clarify about this? Order, Hon. Ochola!

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

Hon. Speaker: Ochola, order!

Hon. Manoah Mboku: Thank you, Mr. Speaker, I am actually in reception of the report. Mr. Speaker, the report is wonderful, very wonderful *(Applause)* and indeed Mr. Speaker, with your permission if all Hon. Members can be furnished with this report so that when I am reacting to it, Members can really know why I requested for this Statement. If you look in it, Mr. Speaker, the issue that has been raised by Members regarding Divisional Commanders from the Inspectorate, is that we have Divisional Commanders who have no certificate. They have no qualification at all yet they are Divisional Commanders and you realize, Mr. Speaker, the position of Divisional Commander is equivalent to the position of OCS (Officer Commanding a Police Station).

Hon. Speaker: Order! Order! Order! I just wanted you to clarify whether this is what you wanted.

Hon. Manoah Mboku: Yes, Mr. Speaker.

Hon. Speaker: So be it. Order, Hon. Ochola! Order!

Hon. Manoah Mboku: Mr. Speaker I was just requesting if all Hon. Members of this House can be given copies of this report so that we can deliberate on it together. Thank you.

Hon. Speaker: In view of this; are all the Members with this report?

Hon. Members: No.

Hon. Speaker: Then let me just consult.

Hon. Member for Kayole South (Ms. Elizabeth Manyala): Point of Clarification, Mr. Speaker!

Hon. Speaker: Order! Let me just consult. One minute; one minute. *(Loud consultations)* I am guided--- *(Loud consultations)* Order, Members! Order! I am guided that this will be put in the pigeon holes. Therefore, I suggest that on Wednesday we can vent on it at 2:30 p.m. *(Loud consultations)*

Hon. Elizabeth Manyala: Point of Order, Mr. Speaker!

Hon. Speaker: Is that in order, Hon.? Hold on one minute; just sit down. One minute please! *(Loud consultations)* Order, Hon. Mboku Manoah--- *(Loud consultations)* Order, Members! Order, Hon. Manyala! Just, Hon. Mboku are you in agreement that we can have Members vent on this on Wednesday 2:30 p.m.? So, Hon. Ochola, you will do this on Wednesday 2:30 p.m., I thank you. Sit down! *(Loud consultations)* Order! I am done with you.

Hon. Elizabeth Manyala: Point of Clarification, Mr. Speaker!

Hon. Speaker: Order! Order! Order, Hon. Manyala!

Hon. Elizabeth Manyala: Just a Point of Clarification, Mr. Speaker.

Hon. Wilson Ochola: Thank you, Mr. Speaker sir, I beg to lay the information for the---

Hon. Speaker: *Sawa, sawa.* It's okay, Hon. Hon. Manyala for Point of Clarification? *(Loud consultations)*

Hon. Elizabeth Manyala: Mr. Speaker sir, it is with a concern, because I am a Member of the Labour Committee and the report that Hon. Mboku was furnished with had the origin, the background and

the contents of what is in the report comes from what happened when we moved from the defunct City Council to Nairobi City County and before then there was no employment that had been done. So, what was done was to deploy the former staff of the defunct City Council to be the divisional labour and----(*Loud consultations*)

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

Hon. Elizabeth Manyala: It is now that the County Service Board is in place and is working---(*Loud consultations*)

Hon. Speaker: Order! Order! Hon. Ochola.

Hon. Elizabeth Manyala: ---it is now that the County Service Board is in place and is working day and night to fill these vacancies. (*Loud consultations*)

Hon. Speaker: Order, Hon. Members! (*Loud consultations*)

Hon. Elizabeth Manyala: So this was just temporary; it was deployment. (*Loud consultations*)

Hon. Speaker: Order! Order, Hon. Members! (*Loud consultations*)

Hon. Wilson Ochola: Thank you, Mr. Speaker sir, I would like to tell my colleague that she should be attending the meetings. (*Loud consultations*) I think the Hon. Manoah Mboku is fully satisfied with the Statement and there's no more clarification on this. Thank you, Mr. Speaker. (*Loud consultations*)

Hon. Speaker: Very well, Hon. Diana Kapeen. (*Loud consultations*)

Hon. Diana Kapeen: Mr. Speaker sir, I would like to go back to the original question for the Transport---(*Loud consultations*)

Hon. Speaker: Order, Members! Order!

Hon. Diana Kapeen: Mr. Speaker--- (*Loud consultations*)

Hon. Speaker: Order!

Hon. Diana Kapeen: Mr. Speaker sir, I would like you to allow me to go back to the original issue of the Transport Committee whereby you gave us a deadline up to Tuesday. We have said before, and as I have said before, we have not had a chance to meet our Executive and I don't see us meeting him. Today is Friday; Monday is a public holiday and therefore, Mr. Speaker sir, I wanted you to give guidelines. It is

hard for us to work with deadlines that are not realistic. We need to discuss that issue today, Mr. Speaker sir. *(Applause) (Loud consultations)*

Mr. Speaker sir, as you are aware in your earlier remarks, you said that if the House is embarrassed you also feel embarrassed. Mr. Speaker sir, we are going back home feeling embarrassed. These Members, want to discuss the issue of bribery and the issues which were said to have been passed, Mr. Speaker sir, *(Applause)* and therefore, I hope that you'll make a right decision and allow the Members to vent on the issue of transport, Mr. Speaker. *(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

Hon. Member: Point of Information, Mr. Speaker! *(Loud consultations)*

Hon. Speaker: Order, Members! Hon. Members! *(Loud consultations)* Order, Members! *(Loud consultations)* Order Members! *(Loud consultations)* Order! Very good, Hon. Members--- *(Loud consultations)* Hon. Members, once again I want to remind the Chairperson that this was a Statement sought and if it was a Statement sought we cannot debate a Statement without us getting any facts. This is a matter of--- *(Loud consultations)* Order! You can't tell the Speaker, Point of Information!

Hon. Members, I want to make the following ruling with regard to this issue of the Hon. CEC, Transport and Works. *(Loud consultations)* That the Leader of Majority have the Hon. CEC summoned to the Committee of Works by Monday before--- *(Loud consultations)* Order! Order Members! *(Loud consultations)* Order! --Tuesday 10.00 a.m. Hon. Members then from there, 2: 30 p.m. on Tuesday we can have the Statement of Hon. Thuo, Kambi vented here on the floor of the House. If nothing comes up before 2:30p.m. But I hereby instruct the Hon. Leader of Majority, Hon. Elias Otieno to summon the CEC before the Committee of Public Works and I am sure your wording in the letter to summon him will be very, very strong, so that, and if you think you are not able to do it, Hon. Majority, then you can say it here on the floor. *(Loud consultations)* Order! Leader of Majority. *(Loud consultations)*

Hon. Leader of Majority: Order! Order, 'Al-Shabaab'! *(Loud consultations)* Order, 'Al-Shabaab'! Order! *(Loud consultations)* Mr. Speaker, *(Loud consultations)* Mr. Speaker, *(Loud consultations)* Mr. Speaker, let me take this opportunity to say *pole* to Mr. Hon. Adow because this--- the Jubilee side have a lot of Al-Shabaab that's the reason why they have this problem of Al-Shabaab in Eastleigh. *(Loud consultations)* So, I should say sorry, Mr. Speaker, but all in all --- *(Loud consultations)*

Hon. Speaker: Order! Members, listen to the Leader of Majority. Order! *(Loud consultations)*

Hon. Leader of Majority: Order! *(Loud consultations)*

Hon. Speaker: Order, Members! *(Loud consultations)* Order! Order, Members! *(Loud consultations)* Order!

Hon. Leader of Majority: Order! *(Loud consultations)*

Hon. Speaker: Order! *(Loud consultations)*

Hon. Leader of Majority: Okay. *(Loud consultations)* Okay, Mr. Speaker, I think the concern of the Members is very important, Mr. Speaker. *(Loud consultations)* Accordingly what the Chairperson of Transport has said here is very important to us. Mr. Speaker, you can remember yesterday when we met the Governor. I told the Governor this time he should not try to intervene or to help one of his Executive Members when we lynch them--- *(Applause)* when we are going to lynch them. So, Mr. Speaker, what I am going to do right now, is write a letter to the Executive of Transport. *(Loud consultations)* I'll just go by what the Speaker has requested me to do.

Hon. Stephen Kambi: Say, you can't do it, here on the floor.

Hon. Leader of Majority: You are kidding! *(Loud consultations)* You want to lecture me on how to do my work.

Hon. Stephen Kambi: Yes.

Hon. Leader of Majority: I think you are too--- too junior to me to direct me *(Loud consultations)* and that's the situation. *(Loud consultations)* So there's no way--- *(Loud consultations)* this is a senior Member of this House---*(Loud consultations)*

Hon. Speaker: Order! *(Loud consultations)* Order! Order! *(Loud consultations)* Order! Hon. Members! *(Loud consultations)* Order! Order! *(Loud consultations)*

Hon. Leader of Majority: Mr. Speaker--- *(Loud consultations)*

Hon. Speaker: Order, Kambi! *(Loud consultations)*

Hon. Leader of Majority: Mr. Speaker---*(Loud consultations)*

Hon. Speaker: Hon. Kambi!

Hon. Leader of Majority: I am here to do what you have just requested me to do. I am just going to write a letter to the Executive of Transport to compel him to appear before the Committee on Transport on Tuesday at 10.00a.m.

Hon. Speaker: Very well.

Hon. Leader of Majority: If not, we are going to discuss him on Tuesday at 2.30 p.m.

Hon. Speaker: Very well, so be it.

Hon. Stephen Kambi: Point of Information!

Hon. Speaker: Order! Order! Hon. Kambi! Order! Order!

Hon. Stephen Kambi: I want to support that, Mr. Speaker---

Hon. Speaker: Order! Order! *(Laughter)*

Hon. Stephen Kambi: Let me support that, Mr. Speaker sir---

Hon. Speaker: Order!

Hon. Stephen Kambi: It is my---

Hon. Speaker: Order! Next order please.

Interim Clerk: Order number 8;

Hon. Speaker: Hon. Ngaruiya what is it again?

Hon. Member for Kahawa West Ward (Mr. Patrick Chege Ngaruiya): Mr. Speaker, I want to beg your indulgence that Motion number eight be put the last one so that we can discuss Motion number nine and ten before that, because, Mr. Speaker, we have no time. Thank you.

Hon. Stephen Kambi: Point of information, Mr. Speaker sir. The House is not properly informed, Mr. Speaker sir. Mr. Speaker sir, on the issue of the CEC the House should be informed today again, with regard to another article that the CEC in charge of the Public Works and Transport Committee; who has been named-- *kaa chini*---*(Loud consultations)*

Hon. Speaker: Order! *(Loud consultations)* Order! Order! *(Loud consultations)* Order!

Hon. Stephen Kambi: Protect me from these fanatics. *(Loud consultations)* Protect me from these fanatics, Mr. Speaker sir. *(Loud consultations)* Protect me from these fanatics. *(Loud consultations)* No, *ruka hapa kama wewe ni mkali*. Protect me from these fanatics. *(Loud consultations)*

Hon. Speaker: Order! Order! *(Loud consultations)* Order! *(Loud consultations)* Order, Members! Order! *(Loud consultations)* Order, Hon. Members! *(Loud consultations)* Hon. Ngaruiya has come with a proposal and---*(Loud consultations)*

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Let me inform the House I beg---
(Loud consultations)

Hon. Speaker: Order! Millicent! Millicent! Hon. Millicent, can you apologize? *(Loud consultations)* Can you apologize here now? *(Loud consultations)* Can you?

Hon. Millicent Mugadi: Mr. Speaker I apologize--- *(Applause)*

Hon. Speaker: Thank you, good girl.

Hon. Member for Ziwani/Kariokor Ward (Ms Millicent Mugadi): ---but people should also apologize for interrupting other peoples' speeches, Mr. Speaker.

Hon. Speaker: Hon. Millicent thank you, you are a good citizen.

Hon. Millicent Mugadi: I really apologize but Nyang'wara should apologize he's interrupting everybody who is coming here to speak--- *(Loud consultations)*

Hon. Speaker: Order! Order, Hon. Millicent! *(Loud consultations)*

Hon. Millicent Mugadi: Why? *(Loud consultations)*

Hon. Speaker: Order! *(Loud consultations)* you are a good citizen. *(Loud consultations)* Hon. Members! Hon. Members! *(Loud consultations)* Order, Members! *(Loud consultations)* Which one? *(Loud consultations)* I didn't hear her. Hon. Members, order! Hon. Mboku Manoah you are a good citizen. Hon. Members! Hon. Ngaruiya came with a proposal that as you look at our order of business we have the Motion by Hon. Maurice Akuk, *(Loud consultations)* Order, Members! Order! *(Loud consultations)* Order, Hon. Ochar! So, now we move to the Motion 9 and 10. The Leader of Majority party.

MOTIONS NO. 9 AND 10 ON THE MORTGAGE AND CAR LOAN SCHEME REGULATIONS 2014

Hon. Leader of Majority: Thank you, Mr. Speaker, for allowing this Motions number 9 and 10 because they are very important for you people. This Motion number 9 and 10 because time is running out for you people to get this mortgage and this car loan, it is upon you to decide. So---

Hon. Member: Table, table.

Hon. Leader of Majority: I don't want you to teach me. *(Loud consultations)* Mr. Speaker, I think these small, small boys are too much on me. *(Loud consultations)*

Hon. Members: Boys? Boys? *(Loud consultations)*

Hon. Leader of Majority: They, Mr. Speaker---*(Loud consultations)*

Hon. Stephen Kambi: *Hata sisi tumezalisha kama wewe.*

Hon. Leader of Majority: Mr. Speaker; that the Assembly approves the Public Finance Management--- *(Loud consultations)*

Hon. Stephen Kambi: *Sisi ni akina baba kama wewe. (Loud consultations)*

Hon. Leader of Majority: Mr. Speaker why don't you just--- why don't you control these boys. *(Loud consultations)*

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

Hon. Stephen Kambi: *Wewe wacha, wewe 'boys' kitu gani?*

Hon. Leader of Majority: Mr. Speaker---

Hon. Stephen Kambi: *Kuna masaa ya mchezo na masaa ya kazi.*

Hon. Leader of Majority: Mr. Speaker---

Hon. Speaker: Order, Hon. Kambi!

Hon. Stephen Kambi: I beg to leave.

Hon. Leader of Majority: Mr. Speaker, I don't think *Mungiki* will deter me to do what I want to do. *(Loud consultations)* *(Laughter)* This Assembly approves the Public Finance Management; Nairobi City County Service Assembly Mortgage Scheme Fund Regulation 2014 laid on the Table of the Assembly on Wednesday, 2nd April. Mr. Speaker, as you know--- *(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

Hon. Leader of Majority: I request--- *(Loud consultations)*

Hon. Speaker: Order! Hon. Kambi! *(Loud consultations)*

Hon. Leader of Majority: I request, Hon. Ngaruiya---

Hon. Speaker: Hon. Kambi! *(Loud consultations)*

Hon. Leader of Majority: ---*mwalimu* to come and second the Motion. *(Loud consultations)*

Hon. Chege Ngaruiya: Mr. Speaker---*(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

Hon. Chege Ngaruiya: Mr. Speaker, I would wish before I second this Motion--- there are a few comments that the Majority Leader has made which has agitated my Members, whereby I would believe it is very important that the Majority Leader apologizes because it is not in good terms. The words that, Mr. Speaker---

Hon. Member: *Huyu jamaa ametudharau sana---* *(Loud consultations)*

Hon. Chege Ngaruiya: Ngoja, ngoja. *(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

Hon. Chege Ngaruiya: Mr. Speaker, it is very paramount for this House, as we continue with the business of this House that the Majority takes the responsibility and apologizes-- *(Loud consultations)* --- and apologizes to the Members, thank you.

Hon. Speaker: Order! Hon. Members, order! *(Loud consultations)* Order! *(Loud consultations)* Order, Hon. Members! *(Loud consultations)* Order! *(Loud consultations)* Hon. Thuo--- *(Loud consultations)* --what are you saying? *(Loud consultations)* Let him finish, *(Loud consultations)* Hon. Leader of Majority, *(Loud consultations)* Order! Order! *(Loud consultations)*

Hon. Leader of Majority: Mr. Speaker, since I don't have a seconder on this side, I would like also because this word is very--- I don't think it is hurting anybody---

Hon. Members: It is.

Hon. Leader of Majority: ---because last time the Minority called my people silly---

Hon. Members: Yes, yes.

Hon. Leader of Majority: ---but if you did not react on that, *(Loud consultations)* you did not react but--- *(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

Hon. Leader of Majority: ---today, I have never called anybody a--- but it is only that you are younger than me so you are a boy. I have a boy like you. *(Loud consultations)* Also, Mr. Speaker, may I take this opportunity to call upon Dan Mutiso to come and second the Motion. *(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)* There's a Motion on the floor.

Hon. Member for Ngei Ward (Mr. Daniel Mutiso): Thank you, Mr. Speaker sir, I stand to second this Motion because it's very important for us and our people in our Wards. They are ready; they are waiting for us to serve them. So, I second, thank you. *(Loud consultations)* *(Applause)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

(Hon. Speaker exits, Hon. Akuk takes the Chair)

(Loud consultations)

Hon. Temporary Speaker (Mr. Maurice Akuk): Hon. Members! Order! Order, Member! Please respect the Chair. Order! Members, I now propose the question that this Assembly approves the Public Finance Management (Nairobi City County Assembly Mortgage Scheme Fund Regulations, 2014) laid before this Assembly today.

Hon. James Chege: Point of Order!

Hon. Temporary Speaker: What is your order! Please, go ahead.

Hon. James Chege: Thank you, Mr. Speaker. I stand on Standing Order number 49(b) that requests that a Motion can be moved without Notice; Motion for adjournment of the County Assembly to debate the Motion. Mr. Speaker, I am aware that we have regulations that are coming on the floor and we have not sufficiently agreed on pending issues, I would request that you move that we have probably 30 minutes so that people can ventilate on the same and any other issues that people are proposing before we proceed, Mr. Speaker.

Hon. Temporary Speaker: So, Hon. Chege, what are you suggesting? Are you suggesting that we have an amendment to this? You want an adjournment to actually discuss or debate on this particular Bill.

We have already proposed the question, Hon. Chege. Please, we have already proposed the question so during the question you are supposed to debate and anyone with an amendment can come up and then we will follow up on that. Thank you. (*Hon. Chege refuses to back down on his request*) We have already proposed. Thank you. Hon. Imwatok, are you standing to debate on this Motion? Go ahead.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, or the Interim Speaker, my neighbour, my brother, Mr. Akuk, Hon. Member for Highrise, the most eloquent man who I respect so much; Members of the County Assembly, distinguished Clerk: It is my privilege, Mr. Speaker, to address the Assembly on this very important scheme. I can remember very well, Mr. Speaker, when we came to this Assembly on 29th of March and this is the journey that we have fought for one year and one month. This scheme came into being as a result of a political strike; emotions were shared across the country and it was spearheaded first by the Nairobi County Assembly when we started clamouring for the grant.

Mr. Speaker, having gone through the entire scheme, it is prudent to note that we must be very sincere to ourselves. Across the country this scheme is being implemented, but it is only Nairobi County where there is no transparency on this scheme. Mr. Speaker, when I talk about transparency here; it is not about the regulations to be placed before the Assembly, it is transparency because now the central Government through SRC, or Serem, refused to give this County Members a grant, and instead we were given a loan.

Mr. Speaker, when you pay a loan it is a burden that you have to shoulder and you cannot be impressed upon to pay a loan that you are not sure of its the regulations and how you are going to repay it. Mr. Speaker, all of us as businessmen and at the same time employees of this County Assembly representing the people. I want to go straight to Article 12 on this scheme. Article 12 says, "The maximum loan to be granted upon these regulations to a Member of a scheme shall be a sum equivalent to the member's net emoluments".

Going back to my first statement I said, this struggle was a struggle out of political instigation. We have come a long way and before this came into being, Mr. Speaker, we had taken loans and we know what is going on in the SACCOs. Yesterday I was privileged to share this with the Majority Leader and I am very happy with what he put across. Currently, to all the Members who are here, I am 95% sure that if this is the Clause that this is going to be pegged on for this scheme to be given to us; no one, and I mean no one will be able to secure this loan. Mr. Speaker, I want to go to Clause number 13(2); *"for the employees of the County Assembly loan granted under this regulation shall be repayable within a period of 15 years or the remaining period of service for the borrower, whichever comes earlier."*

Mr. Speaker, I still go back to my first statement, we respect all our employees, they are very hard working especially when I see my Clerk, Denno, the PSC Clerk and Shadrak, Environment Clerk, and they are very powerful Clerks. They deserve everything that we may get, but I go back to my first statement, when we started this struggle in the budget, we factored in Ksh 640 million which was equivalent to 127 Members and it says, the employee of the County Assembly should repay this loan in 15 years but a

Member of the County Assembly who is remaining with 3 years and 6 months should pay within that period. Meaning, the success of this scheme will only benefit the employees of the Assembly not the Members who struggled for this from the very beginning. *(Applause)*

Mr. Speaker, when I started to speak I did not say I oppose or I support with a reason. Having shared yesterday with the Majority Leader, we are seeing a scheme where people are using these Hon. Members to impoverish them and lead them. Today, I am lucky, I worked a bit with the banks and I am lucky the Majority Leader yesterday grappled with what I am also grappling with. He asked a question; this is a scheme, we are offering a bank Ksh 640 million, our money, to lend to us, the question is; for any institution that is going to manage this money, what have they placed on the table?

KCB's communication in this Assembly was very clear, 1% negotiation fee for 4 billion was how much; 40 million. What is the 1% negotiation fee of 640 million? Yesterday after consulting the Majority Leader we had a tacit understanding; we as the Members of the Assembly of Nairobi, because this is a loan, it is not money that is given free, we must understand which institution gives this money, what this institution brings to the table, for us to know whether we are, individually, taking this loan or not. I am saying this, Mr. Speaker, because it is important for this County Assembly through the accounting officer, the Hon. Clerk, His Excellency, Dr. Ngwele *(Laughter)* to know that we are not here to be impoverished but we are here--- we have gone to school, after passing the Act, let us understand ourselves. Members, after passing the Act, it becomes the law, you cannot pretend and tell me, pass the Act, we will do something behind the Act. *(Applause)* and Ngwele is a lawyer.

That is why we said yesterday, the Majority and I, it is better, Members, for us to withdraw this scheme from the floor of the House for us to be given the list of all the banks, all the financial institutions who have expressed interest to come and manage this Fund for now and for posterity. Three weeks ago before we frog-matched our Hon. Clerk to the Cabinet Secretary's office, he gave us the documents in his office and I quote, he said this, "*Chase Bank has given the best offer*", yesterday he changed the tune and said; "*No bank has given the best offer, I have written a letter again and this is going to be opened on 28th*" and the Communication from the Speaker, now, is very clear that soon we are going for recess. As much as we are going for recess time is running out even for repayment of this loan.

So, Mr. Speaker, I beg the Members not to oppose and not to support, but to support an idea saying we have tomorrow; we have Saturday; we have Sunday; we have Monday; we have Tuesday, so any bank or any institution must come before us and allow the County Assembly Service Board to interrogate them to know which one is the best placed bet for the Members. Equally, we cannot give money to be lent without somebody offering anything on the table.

Mr. Speaker, with all due respect, kindly, it is time and in this one some of us are used to it, we are not going to retreat until the 1% negotiation fee for 640 million is availed. Two; until the institution which is going to offer a loan worth Ksh 640 million is brought to us, by our representative the County Assembly Service Board. Single sourcing in this County has been the order of the day. In as much as we try to throw

stones at the Executive; single sourcing is taking place in our own Assembly's micro management and I am quoting this without fear and soon I am bringing on the floor a Motion to discuss the conduct of one Dr. Excellency Ngwele. So, Majority Leader and the County Assembly Members, through the Speaker, kindly, can you withdraw this scheme from the floor of the House so that the County Assembly Service Board can give us directives as to how our money can be invested? Thank you, Mr. Speaker.

Hon. Temporary Speaker: Hon. Imwato, I must kindly let you know that there are some statements that you have made that might not go well into the HANSARD and please avoid mentioning these things like 1% to be brought to the table because it is not proper and any Motion to discuss a Member of this County Assembly also, Hon. Imwato, we kindly beg you to please present it first to the House Business Committee. Thank you. Hon. K'Otieno.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Chair, Hon. Maurice Akuk. I am standing here just like in times of trouble although there is no time of trouble. Leaders are known by the spine that they have and I am standing here to support these regulations. I am standing here first of all to inform Hon. Members that these regulations were tabled before our Committee, the Committee that deals with delegated legislation. These regulations are made pursuant to Article 116 of the Public Finance Management Act.

These regulations or this scheme was not a political struggle, this scheme is as a result of the powers that have been given to one County Executive Committee Member to come up with any public funds, and these funds are not ours. These funds are for the public, we are also members of the public and we are holding this position in trust. Hon. Members, it is at this time that I also want you to live up to your task. I also want you to interrogate what is coming from all Members who will be standing here to contribute.

I am aware of the challenges; I am aware of the frustration; I am aware of all the vices that Members are going through. Before, or initially we could not have actually known this thing because everybody was new but now the reality is dawning on Members and people are also researching on different ways of improving. Let me get my report--- People are also finding ways that they are going to eke out a living. Allow me now to table the report of the Delegated Legislations Committee. Members of this Assembly it is again my pleasure to present to you this report, scrutinized and recommended by the Committee on Delegated County Legislation. This Committee---

Hon. Peter Imwato: Point of Order!

Hon. Pius Otieno: Give me time. That is the function of the Chair. I would ask you to protect me, Mr. Speaker, because this is the report.

Hon. Temporary Speaker: Hon. Imwato, order, let us listen to him; we will give you your time.

Hon. Pius Otieno: I am not tabling; this report was tabled. I am only arguing my case. (*Loud consultations*) Protect me, Mr. Speaker.

Hon. Hon. Temporary Speaker: Hon. Imwato, please give him time.

Hon. Peter Imwato: Point of Information!

Hon. Hon. Temporary Speaker: Okay, Point of Order, and please quote the Order number.

Hon. Peter Imwato: Mr. Speaker, just a Point of Information. Lets be very clear on the House rules and procedure---

Hon. Hon. Temporary Speaker: You are rising on Order number?

Hon. Peter Imwato: Point of Order, I cannot remember.

Hon. Hon. Temporary Speaker: Which one?

Hon. Peter Imwato: Number 80.

Hon. Temporary Speaker: Number 80 is personal and it is not related to this. Kindly sit down.

Hon. Peter Imwato: Just a minute, Mr. Speaker.

Hon. Temporary Speaker: Kindly sit down.

Hon. Peter Imwato: No, this man is tabling a report here and reading a report while he is to table a report later, Mr. Speaker.

Hon. Temporary Speaker: Hon. Imwato, kindly, sit down.

(Loud consultations)

Hon. Temporary Speaker: Hon. Imwato! Hon. Imwato, kindly, sit down. Kindly sit down. (*Hon. Imwato protests*) Serjeant-At-Arms, could we have the Member out for the rest of the day? (*Hon. Imwato resists*)

Hon. Peter Imwato: No! Somebody cannot just insult me and you---

Hon. Members: Go away! Go away!

Hon. Temporary Speaker: Could we have the Member out for the rest of the day until the next Assembly?

(Hon. Imwatok is escorted out of the Chamber)

Hon. Pius Otieno: Mr. Speaker, Members should know that I am not tabling a report. I am only building my case. The report was tabled a long time ago. It is important for even those people who claim to know the Standing Order, sometimes to have the audacity of interrogating the same Standing Order. Let us not argue with the Motion, this is for the benefit of Members. If we are legislators, let us be legislators, let us not be legislators and at the same time we want to supply goods and services to the County Government of Nairobi.

If you knew you were to be a supplier you could have contested for the seat of supplying goods and services to the County Government. We are here to make laws; to oversee and to represent and you are not going to oversight and at the same time you want to provide goods and services to the County Assembly of Nairobi. It is high time that we must also shame those people who want to intimidate the Clerk because they are seeking for procurement tenders and they cannot get them. Do not sit there in the name of threatening the Clerk that; 'oh, you have this and this'.

Hon. Karen Wanjiku (Nominated Member from Njiiru): Point of Order!

Hon. Temporary Speaker: Allowed.

Hon. Pius Otieno: Sit down!

Hon. Karen Wanjiku: You are not the Speaker. Thank you, Mr. Speaker. I am rising on Point of Order 103 on Irrelevance and Repetition. The Member was supposed to come and talk and support or oppose the Motion, not to stand and bring debate on other things that we are not talking about. He is talking about procurement, we are not talking about procurement; stick to your point.

Hon. Pius Otieno: What is the irrelevance?

Hon. Karen Wanjiku: Mr. Speaker, Standing Order 103, you have it there. I hope you have a Standing Orders book.

Hon. Temporary Speaker: I have read it. I have a Standing Order and I have read it. Continue.

Hon. Pius Otieno: I am now confining myself, Hon. Members, to the reason as to why our Committee was given this--- *(Hon. Millicent makes an inaudible comment)* Hon. Millicent, just give me my time, you will still remain my friend even if we differ. The reason as to why our Committee was given this mandate was to scrutinize it to see if it is in accord with the provisions of the Constitution and act pursuant

to the provisions that have been made relevant by the law. The Constitution has laid bare minimums for public finance management, there is no way we are going to run from these regulations.

We did it with the Ward Development Fund, we were caught by the Controller General, Madam Agnes Othiambo. We also did it and we were caught by the Auditor General, so the Constitution has also made up Commissions and one of the Commissions is the Salaries and Remuneration Commission. Its objective is to scrutinize and to see if these benefits that we are accruing to ourselves are actually in tandem with the law and whatever my brother was saying, I am sorry he has been chased out, but I wanted him to listen to the way I am saying. We cannot bring things through the back door then claim them to be the law. Two wrongs cannot make a right, even right now I know banks will be splashing money on the County Assembly, they will say very good things but at the end of the day when you now tell them table what you have, they will not table. Listen, it is a statutory instrument because it is a rule; it is a regulation and it is a direction that is coming from the Executive.

Secondly, it is also important for us to understand that we must comply with the Constitution and if you look at Article 230(4a); the Constitution provides that the powers and functions of the Salaries and Remuneration Commission shall be two: (a) Set and regularly review the remuneration and benefits of all state officers. These loans or these mortgages are benefits that are being given to us Hon. Members, I do not want anybody to stand in our way that we must argue our case this way and these banks give us this way, then you will also not see it. It is a loan, it is a mortgage and it is also a car loan that is only charged 3%.

The idea is once you have been advanced this money you can now engage in the business of getting a house or getting a car, but there are also some other details that I will delve into as I still continue; the Compliance Parent Act. I had told you that Section 116 in the Public Finance Management Act gives the County Executive Member for finance to establish any other public funds with the approval of the County Executive Committee Member and the County Assembly. Now, that is what we are doing, we cannot escape from the law, these are not those dark old days where Councilors would sit here and probably threaten the Mayor and do anything then it goes like that. Those days are long gone and as the times change let us also change with the spirit, okay? As we were also going through these regulations there were no gaps, I must tell you. I am the Chairperson of that Committee and I can also not take anything that is going to be injurious to me and to my family, who---

Hon. Temporary Speaker: Member, your time is up.

Hon. Pius Otieno: Who am I to take something that is wrong.

Hon. Temporary Speaker: Your time is up. Order, Member!

Hon. Pius Otieno: Just a minute.

Hon. Temporary Speaker: Order, Member! Please, just have a seat, Hon. Member, your time is up.

Hon. Pius Otieno: Okay, but I will be coming back for an amendment, Chair.

Hon. Temporary Speaker: We will call you back if you have a lot to say, later, but please, let other Members also ventilate on this matter. Hon. Millicent.

Hon. Millicent Mugadi: Thank you, Mr. Speaker. As I stand here I want to say something. It is obvious that the scheme that we are trying to pass is for the benefit of all of us and it is not that it is going to benefit somebody, an individual. At the end of the day, it is common sense, we are all going to pay back the money and rules and regulations must apply in everything even opening a bank account you will always be asked for your ID and your passport size photo.

However, Mr. Speaker, I think when you read the mood of the House you can see that people want the loan but they are not in agreement with the rules and regulations. If you can give us time to go through these rules and regulations and we discuss rather than we pass rules and regulations that will be like on one hand we are giving ourselves a loan and on the other hand we are not being able to access this loan because the majority of us have already taken loans and they would like to get the money to clear their loans so that they can be able to enjoy the scheme that we have started. So, for me, I am begging the House if we can give the Committee that came up with these rules and regulations and the Members of the House to sit down and we can discuss what is viable and what is not viable so that we can be able to access the loans. We really need the loans.

Hon. Temporary Speaker: Member, just to give you a Point of Clarification on what you are trying to ask the Chair to assist you with, it has already been done and I believe Hon. Pius K'Otieno will be standing up to present his amendment to this particular Bill and we will debate on that and if we agree on his amendment which was through his Committee we will see if we will move forward.

Hon. Millicent Mugadi: Thank you.

Hon. Temporary Speaker: You are welcome. Hon. Nyang'wara.

Hon. Samwel Nyang'wara: Thank you very much. I stand to support this Motion, but first, Mr. Speaker, I would like to say this; that a man is wise when he does not appear to be too clever.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Point of Order, Mr. Speaker!

Hon. Temporary Speaker: What is your Point of Order?

Hon. Elkana Mauti: Number 32.

Hon. Temporary Speaker: Number 32? Clerk, will you please count and---

(Clerk counts the Members present)

Hon. Samwel Nyang'wara: Mr. Speaker, are you aware that the Member who just stood up brought a weapon in this House.

(Loud consultations)

Hon. Temporary Speaker: The Clerk has confirmed, Hon. Member, that we have a quorum. So, Hon. Nyang'wara, would you kindly continue.

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker, for your protection. I think the Member should have actually done the calculations before he stood for that particular Point of Order. Mr. Speaker, this is a loan and I want to request the Members to understand so. When it is a loan it is not a must that you take it. If you feel the rules that have been placed on the Table for that particular loan are not favourable on your side, then you do not take up the loan. Mr. Speaker, a Member stood on the floor of this House saying that this particular issue is for us Members alone. The communication we had from the Sarah Serem Commission spoke about the staff of the Assembly, it never said that it is the Members of the Assembly only. It talked about the staff and I would like to request Members to revisit such kind of communications before they make any other utterances on this floor, Mr. Speaker.

Hon. Millicent Mugadi: Point of Information!

Hon. Temporary Speaker: Do you want to be informed?

Hon. Millicent Mugadi: Yes, I want to inform---

Hon. Temporary Speaker: Do you want to be informed, Hon. Nyang'wara?

Hon. Samwel Nyang'wara: I do not want to be informed, Mr. Speaker.

Hon. Temporary Speaker: Overruled.

Hon. Samwel Nyang'wara: For heaven's sake, Mr. Speaker, I am the one informing this particular lady. Mr. Speaker, I beg to table---

Hon. Temporary Speaker: Hon. Nyang'wara, let us hear what she really has to inform you. She claims that you are lying to the House. Let us hear what she has to say.

Hon. Millicent Mugadi: Mr. Speaker, when we started fighting for the mortgage and the loan scheme, it was during the time we were fighting for the increment of our salary, that is when Serem came up with this thing and it was the MCAs, the elected MCAs, Speakers, through the County Assembly Forum, so when the Member is saying that---

Hon. Temporary Speaker: Hon. Member from Ziwani, I know you are part of the executive team that negotiated this but have you seen the communication from Sarah Serem?

Hon. Millicent Mugadi: I was part of the negotiations team.

Hon. Temporary Speaker: Have you seen the communication from Sarah Serem?

Hon. Millicent Mugadi: I was part of the negotiations team.

Hon. Temporary Speaker: But have you seen it?

Hon. Millicent Mugadi: I was part of the negotiations team.

Hon. Temporary Speaker: Have you seen it?

Hon. Millicent Mugadi: Yes.

Hon. Temporary Speaker: Because it indicates all staff members.

Hon. Millicent Mugadi: I am yet to confirm.

Hon. Temporary Speaker: Okay, thank you. Please continue, Hon. Nyang'wara.

Hon. Samwel Nyang'wara: Mr. Speaker, I think I am better placed to inform the Hon. Members who actually can pretend that they can inform me and for that very simple reason I would like to table a document from the Sarah Serem Commission on the same and I read. It says that *"As stated in the letter under reference, operation of the car loan and the mortgage scheme benefit provided by the Commission is subject to availability of funds. Each County should therefore establish a car and mortgage loan scheme to facilitate officers serving in the Assembly, the cost of the---*", I think that one alone, Mr. Speaker, is self-explanatory.

Hon. Temporary Speaker: It is understood, Hon. Nyang'wara.

Hon. Samwel Nyang'wara: I would like the Hon. Members to be supplied with a copy of this so that they can understand.

Hon. Temporary Speaker: Hon. Nyang'wara, that is understood and I believe Hon. Millicent understood my statement.

Hon. Samwel Nyang'wara: I would like, Mr. Speaker, to rest my case there and urge the Hon. Members that time is not on our side for those Hon. Members who want these loans, that they pass this Motion so that the Hon. Members who want to get this loan get it and they start paying as soon as possible. Thank you, Mr. Speaker.

Hon. Temporary Speaker: Hon. Members, when the Chief Whips and Majority Leaders are on their feet; you know the rules and we give them the opportunity to speak.

Hon. Chief Whip of Minority (Hon. Hashim Kamau): Thank you, Mr. Speaker, just a quick one. I am aware that we cannot access this money without the regulations. Mr. Speaker, this is just to request if you can go directly to the amendment so that maybe we can save time, please.

Hon. Temporary Speaker: Hon. Thuo, you have something different or you would like us to go to the Amendment?

Hon. Member for Dandora Area III (Mr. Charles Thuo): Thank you, Mr. Speaker, sir. First I want to thank you for having caught my eye and I just want to say that like my able Chief Whip says, we really need to pass this thing so that we can get the money. However, Mr. Speaker, it does not mean that if you are hungry that you eat poison because you will still die, and personally, I am not opposed to members of staff accessing loans but all I would request is Members of this Assembly to separate the issue of Members from the issue of staff. Mr. Speaker sir, if we are going to get these loans from the banks and we have MCAs who are on a contract of five years and members of staff who are on permanent basis, there is no bank that is going to touch the MCAs. Every bank will want to deal with the members of staff because they are going to serve here for long. Mr. Speaker sir, I have no problem with members of staff---

Hon. Temporary Speaker: Hon. Thuo---

Hon. Charles Thuo: I still have a minute to go, Mr. Speaker, sir.

Hon. Temporary Speaker: Please have a seat, we explain to you something, please have a seat.

Hon. Charles Thuo: I would rather you do not gag me, Mr. Speaker sir.

Hon. Temporary Speaker: Kindly, please have a seat.

Hon. Charles Thuo: Please do not gag me, I have a minute, Mr. Speaker sir.

Hon. Maurice Akuk: No, order! Order! You will come back. Hon. Members, when we stand to make a statement, let us have facts of the statement we are making. Hon. Thuo, I want you to have facts of what you are talking about, please. Thank you.

Hon. Charles Thuo: I just want you to direct a Member here who just made a very bad statement on my character, Mr. Speaker sir--- Hon. K'Otieno just said that I do not respect you because you are a Luo. That is very bad.

Hon. Temporary Speaker: No, I did not hear that. Can you continue with your statement---

(Loud consultations)

Hon. Temporary Speaker: Hon. Members, because of time I will call Hon. Pius Otieno so that we can hear the amendment that he has.

MOTION ON AMENDMENTS TO MOTIONS NO. 9 AND 10

Hon. Pius Otieno: Mr. Speaker sir, I beg to move the following amendment to the Motion on approval of the Public Finance Management, Nairobi City County Assembly Mortgage Scheme Fund, Regulation 2014. I propose---

(Loud consultations)

Hon. Temporary Speaker: Order, Members! Order! This is not a market place. Order, Members! You are the ones who wanted to ventilate on this particular Bills. There are two of them that we have combined, the car loans and the mortgage. So, if you give him time you will be able to understand what type of amendments he has to these particular Bills and probably debate on it, Members. Hon. Member, Carol Muga, please it is not a market place. Hon. Otieno.

Hon. Pius Otieno: I propose the Motion to be amended by adding the following words at the end of the Motion. *"Subject to the amendments contained in the report of the Select Committee on delegated legislation laid on the Table of the Assembly today, Thursday 17th April, 2014"*; so that the Motion can now read as follows:

That this Assembly approves the Public Finance Management, Nairobi City County Assembly Mortgage Scheme Fund, Regulation 2014 and the Public Finance Management Nairobi City County Assembly Loan Scheme Regulation 2014 laid on the Table of the Assembly on Wednesday 2nd April, 2014, subject to the amendments contained in the report the Select Committee on Delegated Legislation laid on the Table today, 17th April, 2014.

It is also important we understand, Members, this amendment is addressing the Mortgage and the Car Loan Committee. The Committee has the Majority Leader and the Minority Leader, it has the Minority Whip and Majority Whip. Initially this Regulation had only put a minimum number of three Members meaning two from this side and one from that side, but now we are proposing it be increased to five so that there will be five Members with no position so that it will be three from this side and two from that side. We are only putting it this way because Members had their own fears.

The other fear that I also want you to understand, if you look at Clause 7, this Committee will be charged with coming up with a memorandum of understanding that will be used with the loaning institution. We have an option, either to do this in-house or to do this outside with another institution. So, it is also important that before we start pouring vitriol we must understand what the law is. These are the Members who will be engaging with those banks so that we can get the best deal. Banks will not just come out from the blues and actually drop us that panacea that you want. For that matter, I call Hon. James Chege Mwaura to second.

Hon. Temporary Speaker: Hon. Member, before Hon. Chege seconds, we had combined the two Motions so could you move the other amendment, please?

Hon. Pius Otieno: Sorry, Hon. Chege. Amendment number 2. Hon. Speaker, sorry, for that oversight. Hon. Speaker, I beg to move the following amendment to the Motion on approvals of the Public Finance Management, Nairobi City County Assembly Car Loan Scheme, Regulation 2014. I propose the Motion to be amended by adding the following words at the end of the Motion, "*Subject to the amendments contained in the report of the Select Committee on delegated legislation, laid on the Table of the Assembly today, Thursday, 17th April, 2014*", so that the Motion can now read:

That this Assembly approves the Public Finance Management, Nairobi City County Assembly Car Loan Scheme Fund, (Regulations 2014) laid on the Table of the Assembly on Wednesday, 2nd April, 2014, subject to the amendment contained in the report of the Select Committee on delegated legislation laid on the Table of the Assembly today, Thursday, 17th April, 2014.

This amendment is the same as the amendment that we are moving. We are now increasing from three Committee Members to five Members.

Hon. Temporary Speaker: Hon. Member, is it the same amendment in the other one?

Hon. Pius Otieno: It was only one contested amendment and I believe there are even some Members who came to our Committee over the same. Hon. Chege, second please.

Hon. James Chege: Thank you, Mr. Speaker, I rise to support this Motion because, Mr. Speaker, a membership of any Committee is very critical. One of the reasons; I remember when you overruled and I was asking for time to discuss, is so that we are able to agree and move forward. This is a very critical set

of regulations because if they fail to pass today, Mr. Speaker, it is important for the House to understand that we will be without regulations for the next six months and if we are out of regulations then the County Assembly Services Board or this Committee cannot negotiate or cannot get into an agreement with a financial institution to give us the loans.

So, it is important that people understand that they are very critical. We might disagree on the composition, we might disagree on the wording but we must find a way of passing the regulations and that is why I thought it was important to bring out the issue and number one for me was the issue of membership. Mr. Speaker, if you look at the composition before and why we are proposing for the membership is that the initial one had seven Members of which four were the critical or the leaders of the House led by the Majority, Minority and their Whips and they were making the membership to four and the ordinary Members were three. Mr. Speaker, three Members---

(Loud consultations)

Hon. Temporary Speaker: Hon. K'Otieno, Hon. Owera, please, keep it low.

Hon. James Chege: I hear, Manyala is lobbying to be in this Committee which is her right and it is in order. Anyway, Mr. Speaker, that is on a light note. Mr. Speaker, again, what these ordinary Members--- and I am an ordinary Member in this House, ---all that we are interested in is the loans, whether they are coming from this House or they are coming from a financial institution; what we want are loans and one of the reasons why people were finding it difficult and becoming emotional is because we also need to scrutinize. We need to scrutinize the issue of the MOU that the mover just talked about before we even enter into a specific MOU. So, it is important that while we are passing these resolutions that we have Members partaking of any MOU that is going to be enjoined on our behalf. We have to criticize and we have to find a way of putting our input in those MOUs, Mr. Speaker.

Finally, Mr. Speaker, these set of regulations are being passed for posterity; the next Assembly that is going to come here 20 years from now will not come up with a new set of regulations, they are going to build on what we are doing and that is why it is important that we agree or disagree but at the end of the day we must pass these regulations because it is important. This time round we are short and we actually have less than five years and that is why you find the emotion, but moving forward, in future the guys who are going to come in the next Assembly are going to enjoy whereby they will be elected today and the next day they will be eligible to apply for a loan.

For us, we are not even assured that money is going to be put in place at the end of the year, so that emotion is important but at the same time we also need to find a way of biting the bullet and doing the right thing, Mr. Speaker. We need to grow this fund; I think the County Assembly Services Board needs to engage the Sarah Serem Commission on the fact that 2 million and 3 million for the car and mortgage schemes respectively are still not enough, Mr. Speaker. Moving forward, probably for us, we are going to go with that but moving forward we need to find a way that Members can probably get 5 million in car loans

and probably 10 million in mortgages and that is why the MOU with this banks must be focused towards growing this fund so that Members can benefit more.

Remember, we also have a staff of about 50 to 100 employees who are going to benefit. So, it is important that we have to ensure that these regulations fit the wearers who are these Members, Mr. Speaker. So, as I beg to move, let me say the thinking behind the five Members proposal, and it is very critical for us to understand the thinking. The thinking as the mover was saying, is from the fear that the bigwigs of this House might muzzle the ordinary Member because if we are three we are less than the bigger who are four and we find that we must find a way of being--- at least the ordinary voice must always be more than the leaders of this House, Mr. Speaker. So, with that, Mr. Speaker, I beg to support. *(Applause)*

Hon. Temporary Speaker: Thank you, Hon. Chege--- *(Some Members rise on their feet)* Please have a seat, I have not proposed the question. Hon. Members, I now propose the question that the Motion to be amended by adding the following words at the end of the Motion, "Subject to the amendments contained in the report of the Select Committee on Delegated Legislation laid on the Table of the Assembly today, Thursday the 17th, April, 2014", so that the Motion can now read as follows:

That this Assembly approves the Public Finance Management Nairobi City County Assembly car loan scheme and the mortgage scheme fund regulations, 2014 laid on the Table of the Assembly on Wednesday, 2nd April, 2014 subject to the amendments contained in the report of the Select Committee on Delegated Legislation laid on the Table of the Assembly today. Hon. Ngaruiya.

Hon. Peter Ngaruiya: Thank you, Mr. Speaker. I rise to support the amendments and also to support the Motion in total. Mr. Speaker, it is long overdue, that this County Assembly of Nairobi has never accessed this fund be the car loan or the mortgage. Mr. Speaker, you know very well that in the last Finance Bill in the Finance Act, 2013/2014, we did allocate some money for car loans and that money has been lying in the accounts and the time has come that that money now moves from where it is sleeping to a very active account whereby these Members of this Assembly are going to access.

Mr. Speaker, I remember because I am in that Committee on Finance, that we did put Ksh 172 million and also in the supplementary budget we did add an amount so that at least every Member in this Assembly could access. Mr. Speaker, it has come up at a time when we need to look at our own welfare. It has taken more than one year and our welfare has never been looked upon. So, Mr. Speaker, when I look at the Hon. Members of this County walking out on their own welfare, I find that we are in a very critical position, that we need to be here at this particular moment so that at least we can pass this particular Motion and probably maybe next week the Committee or the Management Committee that is going to be elected from both sides of the House starts their work immediately. It is at this particular point whereby this Management Committee plus the other authors of this Motion, ought to sit down and come up with a report that is going to favour the Members of this Assembly.

Mr. Speaker, I believe the time has come when we need to know why and when such issues should be brought to this particular Assembly for debate. I would also wish, Mr. Speaker, that as much as we speak, as much as we sit in this particular House, the Committee on Delegated Legislation has informed us that it has never at any one time had the opportunity to have a privilege to present such a Motion. Mr. Speaker, I support them in all their endeavors, so I would wish we move with speed and the people who are involved should move fast at least where possible--- I believe we also have an Appropriation Bill which has not been tabled here ---so that at least we can access that one, Mr. Speaker. Thank you and may God bless you.

Hon. Temporary Speaker: Hon. Carol Muga.

Hon. Carol Muga (Nominated Member from Harambee): Thank you, Mr. Speaker, for the opportunity to support this Motion. There is a saying that a lie can go round the world three times before truth puts its boots on and now truth has put its boots on and is walking. What this House has been fed with by the first person who opposed this Motion is lies. It is good to scrutinize something and talk about something that you know as opposed to talking from a point of ignorance.

As my able Chairperson said, and as a Member of this House who is rightfully in this House, because I have been told that I am nominated and he is elected, I am rightfully here, (*Applause*) I enjoy the privileges of this Assembly just like he does and I believe I earn the same salary as he does. So I do not see why somebody should boss us and pretend here that they are even smarter than some of us. We may be quiet but that does not mean we are weak.

Having said that, I want to support this Motion because we have gone through the regulations of this Motion and we understand what it says and I want to urge Members of this House--- yes I do know that there are people who do not really understand what these regulations are about, but we must have regulations. You cannot be given money, public money without regulations. I have not seen in this report - and any Member in this House can correct me if I am wrong, ---if you have seen a name of a bank here.

I heard names of banks being thrown around here, Chase Bank, Family Bank, I have not seen any name of a bank here. What this says is that the County Assembly Board will sit and decide if they are going to do it in-house or they are going to engage a financial institution. So, it is wrong for Members to be informed that banks have been engaged and banks are going to do A,B,C,D. What we have done as a Committee and that is the amendment that my Chairperson has brought, is to protect the Members because the Members were feeling that the top leadership might want to sit on us and so we have recommended that we have five Members on the Committee who are able to take care of our rights in that Committee. So, I fully support this Motion and everything that it entails. Thank you. (*Applause*)

Hon. Temporary Speaker: Members, I beg to make you understand that we were not debating on the Motion yet; we are debating on the amendment and because we have had two or three people support

the amendment I would like the Mover of the amendment to reply within just three minutes. Make it brief and then we go to the main Motion, Hon. Kambi, you will have time to contribute to the main Motion.

Hon. Pius Otieno: Thank you, Mr. Speaker sir. Thank you Members of this House and I also want to appreciate the spirit that you have shown, that sometimes in the face of adversity we can always turn it into an advantage. Let us keep the spirit; let us keep the faith running. Thank you so much.

Hon. Temporary Speaker: Thank you, Hon. Member. I now put the question. That the proposed amendments be adopted by this House and as many as are of the opinion say 'aye', as many of the contrary opinion say 'nay'. The 'ayes' have it. So, Members, we can continue contributing or debating on the main Motion; that was just for the amendments. Hon. Kambi.

(Question put for amendments to the Motion No. 9 and 10 and agreed to)

Hon. Stephen Kambi: Thank you, Mr. Speaker, sir. I would like to contribute by at least making Members aware. I know that there are a lot of contentious issues that Members are raising over the same and at least one thing they should know, first of all we have inserted an amendment that favours most of the Members and I do believe that when the MOU is going to be drafted-- because it is an avenue, -- regardless of the regulations, because we cannot change the regulations but when our able team, the team that is going to ensure we benefit from a better deal with any bank that is willing to work with these Hon. Members embarks on the MOU, the MOU at least should be very open and the security matters that are being raised by Members concerning Title Deeds and log books are things that are going to be addressed by the Committee.

I would want to urge the Members to first enact the process and adopt the regulations because we have an avenue whereby we are going to be in charge of drafting the MOU between us and the bank and I believe when it comes to this matter the House stands in unison regardless of party lines, regardless of social standards or class because I do believe all Members want to benefit from the package. So, I urge all the Members of the House--- because, Mr. Speaker sir, as you can see the quorum is slowly dying ---and I also urge you to hasten the process so that we may adopt. You can call the mover to reply so that we can make the necessary move. We have made the amendment that we needed. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Kambi. I think we will give these three Members an opportunity; at least two minutes each so that we can call the mover to reply. Hon. Karen.

Hon. Karen Wanjiku: Thank you. I stand here as a very brave but confused Member of this Assembly because to say the truth, Mr. Speaker, many of these things some of us do not understand. Most of the people are not brave enough to come and say that. Most of the things here are contentious and if we have an expert I would suggest, like the way we did with the Finance Bill and the Ward Fund, we have an expert who will explain to us the consequences of this because I am sure we will pass this today and then tomorrow when I go for my Ksh 5 million; I am given regulations; I am given things that I cannot be

able to meet. I need a car, I come here every day with Umoina; I need the mortgage for the House but with all due respect, I think we need to understand this. We do not have to pass things so that they can just pass; we need to understand this fully.

Hon. Temporary Speaker: So, do you support or do you oppose?

Hon. Karen Wanjiku: I am confused. I cannot support nor oppose, I am just asking for direction from you.

Hon. Temporary Speaker: Understood. Hon. *Serikal*.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Mr. Speaker, sir, for giving me this opportunity to comment or to debate on the Motion. I rise to support the Motion and my reasons are; this is a devolution era and as a devolution era this is a baby that this Hon. House, is giving birth to and it is better we support this because when a baby is born there is beginning, it starts and grows at different stages. So this is the first stage and this one in future will become something great.

Hon. Members, I think when you will be re-elected back to this House you will enjoy it most. My second support is that it is a regulation and as a regulation it is a law we are making. So, as a law, it has to have an origin as a fact and this is where we are; we have to now make it something concrete. The other thing that I am reminding Hon. Members is this; that we are all aware--- even me I took a loan when I came here, but now it was at a high interest rate but now what we are going to get here is at a reduced interest rate. So, why don't we go for it, so that we can benefit from it? Otherwise, Hon. Members, I wish you all the best and I am praying that you be re-elected back in the next Parliament.

Hon. Maurice Akuk: Thank you, Hon. Member. So do you support, Member?

Hon. Kennedy Oduru: I am supporting the Motion, sir.

Hon. Maurice Akuk: Thank you. Hon. Thuo.

Hon. Member for Karura Ward (Mr. Stephen Thuo): Thank you, Mr. Speaker. I also rise to support this Motion and also appreciate the work that has been done by the office of the Clerk and the officers who ensured that we have this document; these are the guys who we forget to thank every other time, Mr. Speaker. As Members, have said before me, Mr. Speaker, regulations must be in place---

(Loud consultations)

Hon. Stephen Thuo: There is a lot of consultation in the House, Mr. Speaker.

Hon. Maurice Akuk: I think Members are getting tired, please just make it quick.

Hon. Stephen Thuo: I support.

Hon. Maurice Akuk: Thank you. I now call the mover of the Motion to reply.

Hon. Leader of Majority: Thank you, Mr. Speaker, because I think you enjoy sitting in that seat that is the reason you are taking a lot of time before you call the mover to reply. Mr. Speaker---

(Loud consultations)

Hon. Leader of Majority: Mr. Speaker, can you protect me from Hon. Kambi and Hon. Carol who are just making noise when I---

Hon. Maurice Akuk: Hon. Majority Leader, would you kindly withdraw your statement?

Hon. Leader of Majority: Mr. Speaker, I withdraw. It is because I saw Hon. Kambi talking over there.

Hon. Maurice Akuk: No, your statement about the Speaker enjoying the seat.

Hon. Leader of Majority: Mr. Speaker, I did not know what I was supposed to withdraw. So, Mr. Speaker, since you do not enjoy sitting there, I withdraw.

Mr. Speaker, I ought to provide some clarity. This Motion--- I think the way this loan is supposed to be handled is that if it is in-house and if it is to be managed by the County Assembly Service Board; what is required to be deposited is a Title Deed or log book. When you go to the Bank, it will be an unsecured loan. It is only the MOU between the County Assembly and the Bank that will be used to channel the money from your salary to the Bank which is going to be agreed upon. For you to access this loan you must go and open a Bank account which is going to be your salary account for the Bank to get their money back.

It is not like the way you people--- there are some people--- you know what is spoiling this House is brokerage. People are going to different Banks and asking commissions. That is something which is destroying the Members of this House. We are always--- *(Referring to a Member)* I know you are not the one. We are always opposing things for the sake of opposing. Even sometimes--- we must also know that the Clerk was also born by a mother and a father and so we must also give him respect. You know; you make this man to be tired every day. So, he is getting older before his time expires.

So, let us just give him our support because this loan is for us. It is not for the Clerk. As for the employees: the reason why the employees are going to get it for 15 years is because some of these employees are earning 26,000 or 30,000 a month, they cannot manage to pay this loan in a period of five years or three years. We Members are getting a lot and our term in this Assembly is five years; that is the

reason why we must have time limit for five years. So, I don't see why we should criticize the fact that employees are going to get this loan also. I am not against it and all of us are not against it. I know Karen is always a confused person in this House, (Loud consultations) but right now I think Karen has understood what is going on right now in this House because—(Loud consultations) (Hon. Karen calls for Point of Order) So Mr. Speaker---

Hon. Temporary Speaker: Allowed, allowed. Hon. Majority Leader--- please, do sit down. Allowed.

Karen Wanjiku: Mr. Speaker, can the Majority Leader withdraw the word 'confused'? I am not always confused. It is only today,(*Laughter*) because this is about money.

Hon. Temporary Speaker: (*Laughing*) Majority Leader, go ahead.

Hon. Leader of Majority: Mr. Speaker, for the sake of love between me and Karen, I want to withdraw the 'every day' but I just want to maintain you are confused because you said so. So that one I still maintain it. I can't withdraw the word 'confused' because you are confused, even in Whatsapp, I can say you are confused. You ask someone a question on Whatsapp and you are confused. So, I say you are always confused. You—(*Laughs*)

Hon. Temporary Speaker: Hon. Leader of Majority, please stick to the Motion.

Hon. Leader of Majority: So, Mr. Speaker, let me take this opportunity to thank Members for accepting and approving this Motion for us to get this loan and get houses and good cars. I don't want you people to walk to Kencom to board a matatu. Just take this loan and buy a car. Thank you, Mr. Speaker. (*Applause*)

Hon. Temporary Speaker: Hon. Members I now put the question; that this Assembly approves the Amended Public Finance Management Nairobi City Assembly Mortgage and Cars fund Regulation 2014, laid on the Table of the Assembly on Wednesday, 2nd April 2014 and debated today. As many of the same opinion say 'aye'. As many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Motions No. 9 and 10 and agreed to with amendments)

Hon. Members, the House adjourns until Tuesday 2.30pm.

(The House Rose at 5.30pm)