



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 1st April, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

MESSAGES

Hon. Speaker (Mr. Alex Ole Magelo): Hon. Members, a message from his Excellency the Governor of Nairobi, Hon. Dr. Evans Kidero. Hon. Members, Standing Order 39(1) relating to Messages from the Governor provides that the Speaker shall read to the County Assembly any message from the Governor or the Senator of the County, delivered to the Speaker for communication to the County Assembly. In this regard, Hon. Members, I wish to report that I have received a message today, 1st April, 2014, from the Governor *vide* a letter dated 29th March, 2014.

Hon. Members, the message regards the Government's request for approval by the County Assembly of a loan facility pursuant to Article 212(b) of the Constitution. You will recall that on the 11th of March 2014, the Chair conveyed a similar message to the Assembly from the Governor regarding a request for approval of a loan facility pursuant to Article 212(b) of the Constitution submitted *vide* letter dated 26th February, 2014. The Governor now wishes us to disregard the earlier message and conveys a new message and new request as follows:

Hon. Members, I now wish to convey the following message;

“Request for approval by the County Assembly of a loan facility pursuant to Article 212(b) of the Constitution

Nairobi City County passed its Appropriation Act 2013 which was assented to by the Governor on the 28th June 2013. The total amount appropriated was Ksh 25,225,181,329 as at February, 2013. We however had not realized our internal revenue target to fund this budget as collections stood at Ksh 6,317,135 against a target of Ksh 8,387,464.

Furthermore, when the appropriation was done costing of the devolved functions including salaries of the staff was never factored in the budget. In the current financial year the total expenditure was estimated at Ksh 25.2 billion out of Ksh 7.6 billion. 30% was to be spent on capital and development expenditure. Debt repayment is expected to take Ksh 2.7 billion, that is 11% and the other recurrent expenditure, Ksh 14.9 billion which is 59%. The deficit realized from the internal revenue collection has therefore impacted negatively on the development expenditure. Hon. Members, it is on this premise that we request the County Assembly to approve the Executive to take a loan facility of Ksh 652,977,934 at the most competitive rate from any of the commercial banks to fund some of the development expenditure that have had to be abandoned due to this financial strain. Hon. Members pursuant to Article 212(b) of the Constitution of Kenya 2010, the County Executive requests that Nairobi City County Assembly approve the loan as indicated in this letter. We also, by issue of this letter, request that you disregard the earlier request of Ksh 4 billion that was made by my letter to you dated 26th February, 2014. Thank you, Hon. Alex Ole Magelo, MCA, Nairobi City County Assembly.”

I thank you.

STATEMENTS

Hon. Speaker: The Hon. Peter Gichohi, Hon. Peter Gichohi? Next; Hon. Samuel K. Mwangi.

REQUEST – STATEMENT ON CONTRACTING OF CREATIVE CONSOLIDATED CLEANING SERVICES BY THE COUNTY GOVERNMENT

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri Mwangi): Thank you, Mr. Speaker, for this opportunity. Hon. Speaker, pursuant to Standing Order 41(2c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Labor and Social Welfare regarding the contracting of Creative Consolidated; a private cleaning services company contracted by the County Government. Mr. Speaker, the County Government has expressed concern over its bloated wage bill and the need to find measures to address the same. A recent report by PriceWater House-Coopers reveal that former employees either deceased, retired or dismissed were still drawing from the City County’s payroll amounting to around 2,260 ghost workers.

Mr. Speaker, if the County Government is hard pressed to manage its bloated payroll, what economic benefit is there in contracting a private company for services which the County's existing human capital can handle? Notably, such spending is unacceptable in light of the fact that the County is yet to achieve the 30% budgetary allocation for development. Mr. Speaker, in the Statement the Chairperson should enquire into and report on:

1. The reasons for contracting services for which the County Government has admitted it has surplus employees;
2. Account for excess employees in the County Government and why they have not been redeployed for the cleaning services;
3. How was the cleaning done across the City before the County Government was established and;
4. Table documents relating to the award of the tender for cleaning services to Creative Consolidated.

Thank you, Mr. Speaker.

Hon. Speaker: Hon. Chairperson for Labor and Social Welfare?

Hon. Wilson Ochola (Member for Utalii Ward): Thank you, Mr. Speaker. My Committee will give a report in the next two weeks. Thank you.

Hon. Speaker: Very well. Thank you.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Point of Order, Mr. Speaker!

Hon. Speaker: Point of order on what, Hon. Manoah?

Hon. Manoah Mboku: Mr. Speaker, you remember, last year, I requested a Statement from the same Chairperson of Labor regarding the list of Divisional Commanders in the County. I made the same request this year and up to now, Mr. Speaker, I have not received a response.

Hon. Speaker: Order! Order! Hon. Manoah!

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

Hon. Speaker: Hon. Manoah, if you remember--- order, Hon. Manyala! If you were here with us last week, we gave one week and you remember we even asked the Leader of Majority to convey the

message to the Executive although the press published it with their own interpretation. We said; for Statements requested from last year and now, we give one week for all the responses of Hon. Members to be availed to us. So, Hon. Manoah, you are right but if you were with us, here, last week, you could have remembered that I gave that directive. Thank you.

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

Hon. Speaker: Clarification on what, Hon. Manyala?

Hon. Elizabeth Manyala: On that report, Mr. Speaker. I sit on the Labour Committee and last week the Chairman in charge of Labour gave a comprehensive report on all that was asked and I think the Hon. Member was absent on the said day. What Hon. Kagiri has asked today is a new phenomenon and so it should not be put under a premise of inductive reasoning that the Committee of Labour are always delaying in giving reports. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, Hon. Manyala, and I think I do agree with Hon. Manyala because the Statement was read here and it is important to jog the mind of the Hon. Member, in private, just to remind him of what he wanted. The Hon. Njoroge Maina?

REQUEST – STATEMENT ON SIGNATORIES TO THE WARD DEVELOPMENT FUND

Hon. Member for Umoja I Ward (Mr. George Njoroge Maina): Thank you, Mr. Speaker. Hon. Speaker, I would like to request for a Statement pursuant to Standing Order 41(2c) from the Chairperson of the Sectoral Committee on Delegated Legislation regarding the opening of a bank account for the Nairobi City County Ward Development Fund pursuant to section 15 of the Act. Mr. Speaker, the Ward Development Fund Act 2014 under section 5 sets up the County Ward Development Fund Management Committee while section 15(2) specifies the signatories to the account. However, it has now emerged that the composition of the signatories to the Fund as intended by the Statute has been breached in light of a communication from the Executive delivered to the Assembly by the Chair last week on Tuesday, March 25th. In a Statement the Chairperson should enquire into and report on:

1. Table a list of nominated signatories to the Ward Development Fund as set up by the Executive;
2. When the names of the Members of the County Wards Development Fund Management Committee will be gazetted.

Thank you very much.

Hon. Speaker: Thank you very much, Hon. Njoroge. I would like to let you know that this will go to the Select Committee which you are yet to approve. It is not for the Delegated Legislation, is it--- Just a

minute let me see that again. I am reading the wrong thing here. Yes, yes, Samuel K. Mwangi, is that the one? Hon. Members, this will go to the select Committee on Ward Development Fund. When that Committee would have been selected or elected or appointed we would then give them the task to bring us a report but I am sure it will be done soon as we have learnt from the Executive and I know the names are ready. They are ready for tabling by the leadership of the Assembly.

Hon. Deputy Speaker (Mr. Kennedy Ngondi): Mr. Speaker--- (*Loud consultations*)

Hon. Speaker: Order, Member! Order, please! Hon. Members, I have just been informed that the Committee is only waiting to elect its Chairperson so that it starts operations. Next; the Hon. Nelson Masiga.

REQUEST – STATEMENT ON DUMPING OF EARTH SOIL ON ROADS AND PATHWAYS BY PRIVATE DEVELOPERS

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you, Mr. Speaker, sir, I am here to request for a Statement. Mr. Speaker, pursuant to the Standing Order number 41(2c) I wish to request for a Statement from the Chairperson of the Sectoral Committees on Planning and Housing and Agriculture, Environment and Natural Resources regarding the dumping of earth soil on roads and pathways by private developers.

Mr. Speaker most of the roads and pathways have been closed down by private developers who dump earth soil during the night making some areas inaccessible and a hazard to the residents. Mr. Speaker in his Statement, the Chairperson should enquire into and report on the number of approved houses and constructions in Eastlands and whether the developers were cleared by the Department of Environment.

Hon. Speaker: Hon. Masiga, thank you very much, because the request of a similar Statement, I remember was brought in, last year by the Hon. Maurice Akuk and I am sure it amazes the Members of this House how our roads, not only in Eastlands, but across the city have been turned into dumping sites. I will ask the Committee on Planning; actually the Chairperson of Planning should give an answer in the next 24 hours because children have suffered walking to school in the morning and especially when it rains and this, calls for further investigations in regard to the officers, the field officers of the Planning Ministry who are not doing their work. So, the Chairperson for Planning Housing and Agriculture---

Hon. Chief Whip of the Majority (Mr. David Mberia): Point of information, Mr. Speaker.

Hon. Speaker: Yes. Order, Members! Order! You are asking for---- a point of information from the Deputy Speaker.

Hon. Deputy Speaker: Hon. Speaker, the whip--- (*laughs*) ---thank you, Hon. Speaker. Mr. Speaker, I think the Member who has just requested for a Statement from the Planning Committee is not in order because Mr. Speaker, the Member belongs to the Committee on Planning and a report is not always given by the Chairman, but it is a responsibility of the Committee to give a report in a joint sitting of the Committee. So, it is not only the Chairman who is given the responsibility of giving a report on this floor. So, the Member is contradicting himself and giving us lip service, Mr. Speaker, because he is the one who is supposed to give us this information we are asking for. Thank you.

Hon. Speaker: Very well. Hon. Chairperson and Deputy Speaker, after consultation I am told the Member has a right to bring this here, but in future spare us these Statements. If you come from a particular Sectoral Committee and you find out that there are things that are not right within your department consult so that you yourselves as a Committee, can actually, find a way of dealing with such things, but I thank you. Now, Hon--- sorry, I beg your pardon. Hon. Masiga, actually this also goes to the Environment and Natural Resources docket because this is the environment that is really being affected by this. Is the Chairperson for that Department here, Natural Resources and Agriculture? The Hon. Chairman of Liaison? The Chairperson of Agriculture, one of the statements requested by Hon. Masiga is whether the developers cleared with the Department of Environment. The Hon. Alex Otieno.

Hon. Member for Mugomoini Ward (Mr. Alex Otieno): Thank you, Mr. Speaker. I would like to stand on behalf of the Chairperson of Agriculture and Natural Resources and I would take the responsibility that we will have an answer in two weeks' time.

Hon. Speaker: Very well, Hon. Alex Otieno. We also have--- Is Hon. Peter Gichohi now in the House?

Hon. Member for Kayole North Ward (Mr. Peter Gichohi): Thank you, Mr. Speaker sir, for giving me this opportunity and I have a request for a Statement from the Chairperson, Sectoral Committee on Labour and Social Welfare.

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

REQUEST – STATEMENT ON DEPARTMENT OF HOUSING DEVELOPMENT AND SLUM UPGRADING SITE AND SCHEME SERVICES

Hon. Peter Gichohi: Hon. Speaker, pursuant to Standing Order 41(2c) I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the closure of the Department of Housing Development and Slum Upgrading Site and Scheme Services by officers from the City Inspectorate. Hon. Speaker, the Director of the scheme was transferred and her offices together with the registry closed on 17th March of 2014. Hon. Speaker, in the Statement the Chairperson should enquire into and report on the reasons that led to the closure of the offices, when and

where the people from my Ward Kayole North and Eastlands in general can access the services offered by these offices for example property search, transfers, verification of documents etc.

He should also enquire whether the services, which were already decentralized from the defunct Nairobi City Council to Dandora office, are being brought back to the City Hall. Mr. Speaker, sir, I also urge the Chairperson to treat this matter with a lot of urgency because we need our people to be given a chance to do whatever they want to do and their services should be given priority because we respect them, we love them and we thank them for giving us that opportunity to serve them and it is our time to deliver and give services to them. Thank you, Mr. Speaker, sir.

Hon. Elizabeth Manyala: Point of information, Mr. Speaker sir!

Hon. Speaker: Yes, Hon. Manyala.

Hon. Elizabeth Manyala: As much as I do agree with the Hon. Member, in the Statement he is enquiring about from the Committee of Labour, I think, he is putting the cart before the horse. That should have gone to the Planning Committee not Labour because Planning Committee is the one that is having that docket of decentralization and planning of all the County activities. Thank you.

Hon. Speaker: Thank you very much, Hon. Manyala, *alumni*. I will in my wisdom do two things. There is the transfer here of officers, that is staff matters. Secondly, there is the closure of a fully-fledged Department, that is now Planning and Labour. Separately tell us when you will bring the reports to the House. What has happened to Housing Development Department (HDD) as a department is a task for the Planning Committee. Secondly, for Labour which deals with staff matters, tell us what happened to the staff of the defunct HDD. For Planning, you will tell the House whether all procedures were followed. Thank you, Hon. Members. Where is Labour and of course Planning? Hon. Obonyo.

Hon. Member for Gatina Ward (Mr. Mike Obonyo): Thank you, Mr. Speaker. Both the Chairman and the Deputy Chairman are conspicuously missing in action, let me take the responsibility. We will give our report after two weeks.

Hon. Speaker: Hon. Obonyo, thank you.

Hon. Member for Lower Savannah (Mr. Alfred Ambani): Thank you, Mr. Speaker. We shall work on that report, I think in the next two weeks we shall give the report to this House. Thank you.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, in our Communication we forgot one major item and this is the invitation to participate in the inaugural annual Devolution Conference to be held on 3rd and 4th April, 2014 at Leisure Lodge, Kwale County. The Hon. Members of the County Assembly of Nairobi leave as from

tomorrow and will be back on Sunday. All travel arrangements and any other travelling incidentals are as per the last meeting that you attended in Flamingo. Therefore, you will see the Clerk for further direction. Thank you. Oh, sorry, to come back on Saturday not Sunday, Saturday. Hon. Abdi Hassan, the Leader of Minority.

PERSONAL STATEMENT BY HON. ABDI I. HASSAN

Hon. Leader of Minority (Mr. Abdi I. Hassan): Thank you, Mr. Speaker sir. I am standing under Order number 80. As I stand here, I am an aggrieved person. Today in the morning, Mr. Speaker sir, at around 8.00 a.m there was a breakfast show on KTN and my good friend the Senator of this city, Mike Mbuvi Sonko put an improper--- *(Loud consultations)*

Hon. Speaker: Order, Members! Listen to the Hon. Leader of Minority.

Hon. Leader of Minority: Mr. Speaker sir, the good Senator of Nairobi injured my reputation; my integrity; my personal integrity. As a Leader of the Minority in this County, I am the most outstanding Member of this House who is not corrupt; who is incorruptible--- *(Loud consultations)*

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

Hon. Leader of Minority: Mr. Speaker sir, I cannot be corrupted by Ksh 20,000, nor can I be compromised by Ksh 3000, as the Senator alleged in the TV show 'tomorrow' morning, I mean today early morning. I am a very angry person; I am too emotional, sorry for that. Mr. Speaker sir, I think the Nairobians can differentiate between me and him who is an extortionist. Mr. Speaker sir--- *(Loud consultations)* ---as I stand in this House, the Senator of Nairobi conned my friend of 80 million Kenya shillings, and we have not reported this matter to the police because there was no formal agreement, Mr. Speaker, sir.

Hon. Members: *Toboa!*

Hon. Leader of Minority: Mr. Speaker sir, I think the Senator is running bankrupt. He can ask us to do a *harambee* for him. We can do that for him, Mr. Speaker sir. I think it was one month ago when the Senator was running around these corridors chasing cheques, something that the Hon. Members of this House do not do, Mr. Speaker sir.

(The Speaker consults with the Clerk)

Hon. Leader of Minority: Mr. Speaker sir, I need your attention and protection---

Hon. Speaker: Yes, please.

Hon. Leader of Minority: ---from the Senator of Nairobi, Mr. Speaker sir. Mr. Speaker sir, on Saturday I was just talking about Article 185 of the Constitution, Sub-section (3). If you go back to Article 185(3), Mr. Speaker sir, the Constitution is very clear, sub-section (3) states, “*A County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County executive organs*”.

Mr. Speaker sir, the oversight authority of this County rests with this Assembly. If the good Senator purports that as an Assembly we do not have oversight authority then this Assembly needs to pack and go; we have no business sitting in this Assembly. If you go to Article 96 of the Constitution of Kenya; Article 96 is very clear on the work of the Senate, Mr. Speaker sir; “*The Senate represents the counties and serves to protect the interests of the counties and their Governments.*”

Mr. Speaker sir, what the good Senator is doing is not representing the interest of this County but curtailing the interest of this County. If the Senator has an issue with the Act, the County Assembly Finance Act, 2013, as a Senator of this County, he should have written a memorandum to this Assembly. I think I am being sabotaged because the microphone is not functioning, Mr. Speaker, sir, *(taps on microphone)* Oh, it is good; it is functioning.

Hon. Chief Whip of Majority: Come to this side.

Hon. Leader of the Minority: No, no, I cannot go to that side, Mr. Whip.

(The Speaker consults with the Clerk)

Hon. Leader of the Minority: Mr. Speaker sir, I need your uninterrupted attention. We are not discussing the conduct of anybody here so we do not need any Standing Order on that, Mr. Speaker. I am not discussing the conduct of the good Senator, I am just issuing my personal statement and I am entitled to it, Mr. Speaker sir. Mr. Speaker sir, I want your protection and I want you to protect this House from my good friend the Senator of this city. With those few remarks, Mr. Speaker sir, I beg to stand down because I see you are upholding a Standing Order.

Hon. Speaker: Hon. Millicent, what do you have for us?

Hon. Member for Ziwani/Kariokor Ward (Ms. Millicent Mugadi): Thank you, Mr. Speaker. I am here to make a personal statement and the---

Hon. Member for Kibra Ward (Mr. William Abuka): Point of Order!

Hon. Speaker: Hon. Bishop---

PERSONAL STATEMENT BY HON. MILLICENT MUGADI

Hon. Millicent Mugadi: My personal statement, Mr. Speaker, is about security in Nairobi County and as we saw last night our Member from California, Eastleigh was attacked by some terrorists and we are asking this County to put up security measures especially for us MCAs in our Wards. We have been seeing so many people walk in and walk out of the County Assembly premises and we do not know who these people are; we cannot identify County workers and we cannot even identify who is running their businesses here. So, I am urging this County to take security seriously and not only that but also the County to implement security measures in our Wards to avoid such incidents because, Mr. Speaker, last night 8 people were killed and several injured in California and this has become very serious and I believe it is also affecting our confidence and our ability to perform on the ground. Thank you.

Hon. Speaker: Thank you, Hon. Members. First of all, on behalf of the County Assembly of Nairobi we condone with the Member of the affected Ward. Last night I called the Member when I received the news but he asked me not to travel at that particular time because the place was cordoned off. Hon. Members, I would have wanted to go, but as I stand here I have a bodyguard who has no communication even to know what is on the other roundabout because his walkie-talkie was withdrawn immediately he was given. Today I had to import from the US my own communication, this is known to the Members and we had a discussion with the Leader of the Majority and the Minority this morning in my office about the security situation in this County especially in these precincts of the Assembly.

We are sitting ducks; we are living in a situation where any of us can be taken up by anybody, either a thug or a pickpocket or anybody. We had a meeting with the County security chief; Deputy Commissioner or something, that is about three weeks ago in my office and Hon. Mari was there and he had a problem and up to now everything that we talked about with regard to the security of Members, whereby we even discussed about Hon. Elizabeth Manyala who was also attacked, and up to today I have not received a word. The parking where you park your vehicles are so insecure that you will notice that you are going into an area where you do not know whether you will get home safely because our parking areas are full of marauding young men who are not known to us but are known to the security details of the County.

They are known by the security guards of the County of Nairobi. I have discussed the security situation here at length and today we, the leadership of this House, were shocked when we were told--- and that thing we said we are going to do whether the Museums want it or not--- that we cannot fence our precincts. Hon. Members, I empathize with you, but while I take the responsibility for this, when we return from the Coast trip I will bring an item on the floor of this House where we shall reprimand the security chiefs of the County Assembly.

Your own Speaker has been given security for his residence, but if you came to that premise with a *panga* my security detail would be running away to the forest. (*Laughter*). They would very quickly enter those forests of Kenya High School, for those who know my residence, yet when you ask for a firearm it is

not available. Hon. Members, I know we have no security in the County of Nairobi. I have discussed with the Executive itself but nothing is happening; we have talked with the leadership of the House even with regard to parking, your own parking, nothing is happening but let me tell you, as we travel tomorrow to the coast, when we come back we will have to deal very severely with some of the security details.

If you walk outside now you will find the parking boys together with the men in green; do you think they do not know each other? It is a business going on down there and that is why you cannot get parking and somebody will want to come and clamp your cars. I, as the Speaker, have no parking; my parking was whitewashed. The Leader of the Majority and Minority have no parking areas; the Deputy Speaker has no parking. I will deal with that accordingly.

Now, Hon. Members, we want to ask the Governor of Nairobi--- and this is a message from me on behalf of this House--- The security of Nairobi is wanting, the Leader of Majority the other day at the roundabout on Uhuru Highway lost his phone, I lost my phones too, two of them at the same time yet we all drive or walk in the city at night. The city is under darkness, the street families are back in the city. We want to ask the executives concerned; because we know they can do the job, to remove the street families. The ladies especially are the target, not the ladies of this County Assembly but the Nairobi woman. Put the lights back in the city. In this city most of the cars use full lights!

Once again, the Leader of Majority, we again humbly--- and the press should not report what we are saying. I am asking the Leader of Majority to go to the Executive and take the grievances of the Nairobiian not only the County Assembly but also the grievances of the Nairobi people. Nairobi is under darkness.

Hon. Members, the Leader of Minority has issued a personal statement which I myself was told about this morning. The Senator of Nairobi, the Hon. Mike Mbuvi aka Sonko--- (*Laughter*) had a go at the Member of the Nairobi County Assembly, namely the Hon. Abdi Hassan. It has come to my attention that there are even threats to the Members of the County Assembly from the same Hon. Senator and I want to tell the Senator to stop intimidating and harassing the Members of Nairobi County Assembly. If he has an issue with regard to any matter whether it is from the Members or the County Government of Nairobi; whether he has a problem with the Finance Bill--- and I want him to look at today's newspaper if he can read. He will see that Nairobi, today, was given thumbs up as the top County Assembly in Kenya having passed seven Bills in seven months. (*Applause*)

Standing Order number 21(1); '*Address by the Senator or visiting dignitaries*'. The Senator, if he wants to ask questions--- this is the way you relay a message to him for those who can reach his ears: Standing Order 21(1), "*The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority party allow the Senator of the County or a visiting Governor or other such visiting dignitaries to address the County Assembly on such occasions as may be appropriate*".

So, he has an opportunity to come and bare it on this floor whatever is aching him, but any Member--- I know some Members have reported to the police on the issue of threats--- I want to warn anyone, be it a Member of Parliament, whoever it is, that the County Assembly of Nairobi has the most well-articulated membership with a very high quality in IQ and even in dressing. Hon. Members, if any Member is threatened by anybody, report it to the police so that we can effectively take it from there. I thank you.

PERSONAL STATEMENT BY HON. DAVID MBERIA

Hon. Chief Whip of Majority: Mr. Speaker, I stand on a Point of Order number 80 on a very serious personal statement, Mr. Speaker. Not about the Senator but from events since January, Mr. Speaker, which were reported to you in person and the Committee on Justice and Legal Affairs. (*Loud consultations*)

Hon. Speaker: Order, Hon. Members!

Hon. Chief Whip of Majority: The people of Karen, Mr. Speaker, are not at peace. I want to make a very comprehensive statement, Mr. Speaker. I have already done the same before the investigation department with regard to what happened and transpired on 6th of January. If I can quote the County Government Act Section No. 9, Mr. Speaker, on the roles of Members of County Assembly: One; is to maintain close contact with electorates and consult them on issues before or under discussion in the County Assembly. Two; present views, opinions and proposal of the electorates to the County Assembly. However, let me dwell on section number 9(1a) Mr. Speaker, which says maintaining close contact with the people who elected you in the Assembly.

On 6th of January, Mr. Speaker, when I was doing my business of contacting my people on the ground, I got a call from Karen Shopping Centre, from the traders telling me that the officers from the City Inspectorate Department were soliciting money, dubbed protection fee, Mr. Speaker sir. I ran to the Shopping Centre. I went there and found out that there was money which had already been collected; around 1,950 Kenya shillings and initially every week they would collect five to six thousand, Mr. Speaker, to take to either the Divisional Commander or his people.

So, the money was not yet five or six thousand, it was 1,950. I ordered the traders to take back their money and the money was returned to the traders. Some had given out 50, others 150, others 200 shillings, Mr. Speaker. I told the traders that if they ever make any payments, the payments must be to the County Government and they must get a receipt for the same, Mr. Speaker. I told them not to give out any other money and of course, Mr. Speaker, the guys knew what I had told the traders and one day later, on 8th of January, these guys knowing that the *mfereji* had already been cut, went to Karen Shopping Centre---

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Hon Speaker: What has been cut?

Hon. Chief Whip of Majority: *Mfereji ya pesa*, Mr. Speaker.

Hon. Speaker: There is no *mfereji ya pesa*, Hon Chief Whip.

Hon. Chief Whip of Majority: Mr. Speaker, I know what I am saying and Members know what I am saying.

Hon. Speaker: But we don't know what you are saying? Be specific please; just be specific.

Hon. Chief Whip of Majority: Mr. Speaker, on 8th the Divisional Commander, one Mr. Kamau, with his officers went to Karen without a notice and demolished all the businesses. Eventually I was called in the process and I went there and tried to stop them and in the process, I was sexually assaulted (*Laughter*) I have reported this in this House, Mr. Speaker, and you and the Leader of Majority--- Mr. Speaker, you came to the site and ordered--- Mr. Speaker protect me from the Leader of Majority and Deputy Speaker, Mr. Speaker sir. Can you protect me from these two leaders, Mr. Speaker?

Hon. Speaker: Order, Hon. Member!

Hon. Chief Whip of Majority: The Leader of Majority, Mr. Speaker, plus yourself--- (*Loud consultations*)

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

Hon. Chief Whip of Majority: You came to the site and ordered the traders back. Mr. Speaker, the Chairman of Justice and Legal affairs knows that I recorded a statement with the Department of Investigation and the Department of Inspectorate is currently doing their investigations.

But before even the report is tabled in the Assembly, Mr. Speaker, the officers of City Inspectorate have issued a seven days' notice for the demolition of the kiosks in Karen Shopping Centre. You know very well when the officers went to Karen to record the traders' statement; Mr. Speaker, the traders collaborated with my statement and now what they want to do--- Mr. Speaker, protect me from any other Point of Order, I am on a Point of Order number 80, Mr. Speaker sir.

Hon. Speaker: Order, Hon. Chief whip!

Hon. Member for Sarang'ombe Ward (Mr. Pius Owino Otieno): Mr. Speaker, I respect the Chief Whip so much as one of the senior Members of this House, but one thing; one judgment that I would wish to come out from you and from your Chair: one; is to rule what is the nature of this personal statement, because I am of the opinion that this Standing Order number 80 is being abused and we should move away from abusing this Standing order number 80, so that we conform just to personal statements that are personal because whatever Hon. Mberia is raising is before a Committee and any matter pending before a

Committee should not be conversed or should not be brought before the Assembly without that particular Committee tabling the report here and we discuss it.

The issue is currently the property of the House. In as much as Mberia was assaulted, he ought now to let that report be brought before this House and we discuss it once and for all and we move on. But on matters of Standing Order number 80, Mr. Speaker, let us not abuse this Standing Order. Thank you, so much.

Hon. Speaker: Very well, Hon. Mberia can you go to the point?

Hon. Chief Whip of Majority: Thank you, Mr. Speaker

Hon. Speaker: And also the Members would like to know whether you healed.

(Laughter)

Hon. Chief Whip of Majority: Mr. Speaker, I am completely healed. Mr. Speaker, my statement--

Hon. Speaker: Have you healed Hon.----

(Laughter)

Hon. Chief Whip of Majority: I am completely healed, Mr. Speaker sir. What I wanted the Chair to do is to make a ruling that this notice is null and avoid until the report, just like my colleague has said, is tabled and debated upon. (*Loud consultations*)

Mr. Speaker, can you protect me from this. Mr. Speaker, I want your urgent intervention, because in three days' time my people will be in serious problems from this Inspectorate people.

Hon. Speaker: Very well.

Hon. Chief Whip of Majority: Can you make a ruling, Mr. Speaker, that this notice stays until the report is tabled in this House, debated upon and a recommendation made? Thank you.

Hon. Speaker: Very well, Hon. Chief Whip. I wish to ask the Chairperson of the Legal Committee to liaise with the Director of Inspectorate with regard to this order and inform them to wait until you have completed the initial investigations. Could you relay the message, since you were already investigating an earlier event that got our Member sexually molested?

Hon. Member of Parklands/High Ridge Ward (Mr. Jaffer Abdulhab Kassam): Thank you, Mr. Speaker sir (*laughing*) as the Member has already confirmed, the matter is under investigation and we are

almost in the final stages where we are supposed to receive a final report today but due to some reasons, the Director of investigation never appeared. But we will comply with your order and we will ensure the necessary is done. Thank you.

Hon. Speaker: No demolishing.

Hon. Jaffer Kassam: Yes, I will assure you here, at this point because I talked to the Director and we are holding the demolition until the report is tabled before the House, debated and whatever legislations that will emanate from it shall be complied with. Thank you, Mr. Speaker sir.

Hon. Speaker: Next order. Hon. Members, now we go to--- you are already on the floor, okay go ahead.

**PROCEDURAL MOTION ON NAIROBI COUNTY ASSEMBLY WARD DEVELOPMENT FUND
AMENDMENT BILL (BILL NO. 4 OF 2014)**

Hon. Leader of Minority: Mr. Speaker sir, thanks. I am standing on behalf of my able whip, Mr. Speaker sir, on Procedural Motion; that notwithstanding provisions of Standing Order number 117; this Assembly resolves reduce the publication period of the Nairobi County Assembly Ward Development Fund amendment Bill (Assembly Bill number 4 of 2014) from 14 days to one day. I want my able Majority Leader to second the Procedural Motion, Mr. Speaker sir.

Hon. Speaker: The Hon. Leader of Majority.

Hon Leader of Majority: Thank you, Mr. Speaker sir. Before I second the Motion, Mr. Speaker, I think you took a lot of time because you can see most of the Members are tired and most of them have gone. I would want to just request that next time we should just go for the serious business before we have these side-shows like the one which is from Karen. Those are side-shows. So, Mr. Speaker, I rise to second the Motion because it is a very important one for us. We want this Ward Development Fund like yesterday. So I beg to second. *(Applause)*

Hon. Speaker: Hon. Members I now propose the question that notwithstanding the provisions of Standing Order 117; this Assembly resolves to reduce the publication period of Nairobi City County Assembly Ward Development Fund Amendment Bill (Assembly Bill Number 4 of 2014) from 14 days to one day. Hon. Members--- and be brief, I will only give chance to two to three Hon. Members, then, we move. Hon Wahinya--- and shorten.

Hon. Member for Ngando Ward (Mr. Peter Wahinya): Thank you very much, Mr. Speaker. I stand here to support this particular Motion, reason being, Mr. Speaker, when looking at the time ahead of us, it makes us a little bit worried, because there is a lot that is already ahead of us. You will recall that the enactment of this Bill in itself does not conclude the matter.

Our Ward Development Fund, Mr. Speaker, is borrowed quite heavily from the CDF Act of 2013 and we do know that we recently constituted the Select Committee which is yet to elect its Chairman and Vice Chairman; we are yet to establish Ward Development Fund Committees on the ground; we are yet to submit Ward Project Proposals; we are yet to establish County Project Committee and so many other things.

The reason why I am stating these issues is because I know that our Ward Development Fund (WDF) is quite heavily borrowed from our colleagues in the National Assembly. So, because of the time constraints I do wish to ask this Assembly to take this matter into consideration so that we can reduce that particular period from 14 days as suggested to one single day. Our time is of essence and therefore, Mr. Speaker, with those few remarks, I stand to propose squarely.

Hon. Speaker: Hon. Elizabeth Manyala and then Hon. Jateso.

Hon. Elizabeth Manyala: Mr. Speaker sir, I rise to support the Motion. Going by the time frame that we have and the time required for us to come up with the project design and expanded evaluation. It is prudent that we move with speed so that we put structures in place so that we can start giving provisions and service delivery to the Nairobian. Without much ado, Mr. Speaker sir, I support.

Hon. Speaker: Hon. Jateso.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, thank you so much. I see the Majority leader is smiling because I have stood; but I want to support the Motion. In fact my sentiments are so quick because I want to go and play football somewhere. I want to support this, Mr. Speaker, and in fact with utmost respect commend the speed the Clerk's office and the majority leader moved at when we passed the first Ward Development Fund.

I wish that after this we may even put a question so that the Majority can start working immediately to take this Bill to the Governor to sign it into Law so that by next week at least my people from Makongeni, Kololeni and Mbotela Ward can have a fund that can assist them get water. Mr. Speaker, please put the question.

Hon. Speaker: Thank you, Hon. Members. May I now call the mover of the Motion to reply?

Hon. Leader of Minority: Thank you, Mr. Speaker sir. Let me take this opportunity to thank Members for their support of this Procedural Motion. This is a very important Bill for this Assembly and not only this Assembly, but the County of Nairobi at large. Nairobi people need this development and this is the way to go. Mr. Speaker sir, thank you. With those few remarks, thanks.

Hon. Speaker: Hon Members, I now put the question that, notwithstanding the provisions of Standing Order 117; this Assembly resolves to reduce the publication period of the Nairobi City County

Assembly Ward Development Fund Amendment Bill (Assembly Bill Number 4 of 2014) from 14 days to one day and as many of the opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for procedural Motion on the WDF Amendment Bill and agreed to)

Hon. Speaker: And Hon. Members, I also need to announce to you that our Assembly Football team has a match today with the visiting Former National players' team of Holland at the City Stadium today. We request Members to join the team for moral support. Actually, being the first time that a Members' team is playing in Nairobi, it is wonderful. Thank you and congratulations. Next order, please.

Interim Clerk (Mr. Jacob Ngwele): Order Number 9; the Nairobi City County Assembly Wards Development Fund Amendment Bill (Assembly Bill Number 4 of 2014). An Act of Nairobi City County Assembly to provide for amendment to the Nairobi City County Ward Development Fund Act 2014. First Reading.

Hon. Speaker: Hon. Hashim Kamau.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Hon. Speaker, I stand for our able whip. On behalf of him I want to present the City County Ward Development Fund Amendment Bill 2014.

Hon. Speaker: Order, Hon. Member!

Hon. Patrick Ngaruiya: Yes.

Hon. Speaker: Order! Go on Clerk. Hon. Members you are aware, Hon. Ngaruiya, we were doing the First Reading, so, tomorrow is when you can ventilate on it. For now Hon. Members, we go to procedural Motion. Leader of Majority.

PROCEDURAL MOTION ON THE SITTINGS OF THE ASSEMBLY

Hon. Leader of Majority: Thank you, Mr. Speaker. I am on Procedural Motion. I think you know the reason why we have this Procedural Motion, because from tomorrow in the evening, you people are going to do some things in the coast.

That notwithstanding the provisions of Standing Order number 27(1); the Assembly resolves that there will be a sitting of the County Assembly on Wednesday 2nd April, 2014 at 10.30 a.m. The reason being that we have invitations from this Governors' 'thing'; an invitation to participate in their forum at Leisure Lodge in Kwale. So, Mr. Speaker, as you know we have three sittings every week that means on Thursday we will not be around. That is the reason why we must have our sitting tomorrow in the Morning for our Members to travel to Coast at around 4.00 p.m. If you have your partner you just tell your partner you are ready for the journey.

Mr. Speaker I don't need a Point of Order at this junction because I know the 'Wanawake' people like Point of Orders (*Loud consultations and laughter*). So, I beg, Mr. Ngaruiya, to come and second the Motion, Mr. Speaker.

(Laughter)

Hon. Patrick Ngaruiya: (*Laughing*) Thank you, Mr. Speaker. I rise to second the Motion that we have a sitting tomorrow in the morning to deliberate on this very important Bill that has come to the floor of the House and we believe that in the morning when we meet at least we are going to have all the time so that we can make the necessary contribution to ensure that this particular, very important, Bill goes through plus any other very important issue that needs to be discussed. So, thank you so much, Mr. Speaker.

Hon. Speaker: Hon. Members, I now propose that notwithstanding the provisions of Standing Order that 27(1) the Assembly resolves that, there be a sitting of the County Assembly on Wednesday 2nd April 2014 at 10.30 a.m. Hon. Thuo and then Hon. Otieno.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Mr. Speaker I support.

Hon. Speaker: Hon. Otieno.

Hon. Puis Otieno: Mr. Speaker time is of essence that is why we just have to sit and dispense of this matter.

Hon. Speaker: Hon. Members I call the mover of the Motion to reply.

Hon. Leader of Majority: Thank you, Members, for saving on time because there is no other time for Point of Orders because I know the mother of Point of Orders in this House is none other than Hon. Elizabeth Manyala because Mr. Speaker we have already seen her before and even right now you can see the way she is looking like. Mr. Speaker, she is very beautiful sitting there. I thank all Members for saving us time, Mr. Speaker. Thank very much. You can go to Mombasa tomorrow in the evening, Mr. Speaker. Thank you very much.

Hon. Speaker: Hon. Members I now put the question that notwithstanding the provisions of Standing Order number 27(1); the Assembly resolves that there be a sitting of the County Assembly on Wednesday 2nd, 2014 at 10.30 p.m. and as many of the opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for provisional Motion on the Sittings of the House and agreed to)

Next order?

MOTIONS

Hon. Speaker: Order, Members!

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk Omondi): Thank you, Mr. Speaker sir. Judging by the mood of this House today again, Mr. Speaker sir, and having told us there is a football match that our Members are to attend; the time is actually nearly half past four. This is a very important Motion, judging by what is happening on our streets and the crimes committed by the people who drive *Bodabodas*. I believe that we need a lot of time, Mr. Speaker sir, to deliberate on this particular Motion and with your indulgence I request for your permission to kindly defer this Motion probably, to next week.

Hon. Speaker: Hon. Maurice Akuk, yes, so be it. Tomorrow 2.30 p.m. (*Loud Consultation*)

Hon. Akuk Maurice: Mr. Speaker just to remind you, tomorrow we have a serious business that we requested to have a sitting in the morning. We have two very important documents that were tabled before this House and we need to deliberate on them fully. One of the Papers is the physical strategy Paper and as you are aware we are running out of time on this one. Two; Mr. Speaker sir, we have the supplementary budget which is also very, very important to this House. So, I kindly request you to defer my Motion to next week probably before we go for the recess. Thank you.

Hon. Speaker: Very well, the House Business Committee will meet after the Rise of the House, so, they will allocate business and time to all the business in the House.

Next order?

I would like also the Motion by Hon. Andrew Mbao to also appear in the Order Paper next week. Thank you. Next order; for the footballers we wish you a win. The House is adjourned until tomorrow 10.30 a.m.

(The House Rose at 4.30 p.m)