



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Thursday, 24th April, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

SECURITY AGENCY ANNOUNCEMENT

Hon. Speaker (Mr. Alex Ole Magelo): Hon. Members, once again good afternoon. This is a security announcement from the Security Agencies: Parking in front of City Hall will no longer be allowed. Parking in front of the Governor's office is not allowed. Parking in front of the County Assembly is not allowed. You are aware of what is going on and from last night and this afternoon the security are also following up on some motor-vehicles which are believed to have been carrying explosives. The message I got is that there is a very soft spot here, as we park cars in front of shops. That could be very dangerous. So, for your safety and the safety of the public, refrain from parking in front of the City Hall, where the M-pesa shops are situated. From tomorrow any vehicle that will be found parked there, and mark this, it will be towed at your own expense and the Clerk, please give the Serjeant-At-Arms a circular which will be signed by me, so that for any car that is towed they would ask me. Thank you, Hon. Members.

NOTICES OF MOTION

Hon. Speaker: Order, Hon. Member! You have become so naughty these days. Hon. Karega Mboku.

NOTICE – PURCHASE OF LOCALLY MADE FURNITURE

Hon. Member for Nairobi South Ward (Mr. Manoah Karega Mboku): Thank you, Mr. Speaker. I beg to give a Notice of the following Motion: That **AWARE** that the Nairobi City County has incurred big loses on broken furniture procured for the purposes of various services in different Departments; further **AWARE** that the furniture manufactured in other countries and assembled in the Country are costly and expensive to maintain, but less durable; deeply **CONCERNED** that the County Government continues to procure imported costly furniture at the expense of high quality local furniture which are more durable and less expensive to maintain; this Assembly urges the Nairobi City County Government to be considering the option of buying locally made furniture which are more durable, instead of imported ones, whenever they procure new furniture. Thank you, Mr. Speaker. I beg to lay down this.

Hon. Speaker: Very well, Hon. Manoah.

STATEMENTS

Hon. Speaker: Hon. David Mberia Chief Whip

REQUEST – STATEMENT ON GRABBED PLOT RL NO.1159/70

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker sir. Hon. Speaker, pursuant to Standing Order number 41(2c); I wish to request a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the grabbed Plot RL No.1159/70 belonging to the current Health Centre by the PCEA Church in Karen Ward. Hon. Speaker, the aforementioned plot is a public utility facility belonging to the Nairobi City County Government and was set aside for the expansion of Karen Health Centre. Mr. Speaker, in the Statement the Chairperson should enquire into and report on:

1. The owners of Plot RL No. 1159/365;
2. The owners of Plot LR 1159/290;
3. Provide copies of Title Deed which PCEA Church claims to have;
4. Provide the County Title Deed for RL No 1159/70;
5. The people who approved plan No CBF AA Plan No2 for a boundary wall on public property and which action is being taken against them;
6. Who allocated the public property to private individuals and steps which are being taken through Ethics and Anti-corruption Commission to prosecute the culprits and;
7. Measures being put in place by the County Government to secure this particular public utility and fence off ready for the construction of a modern District Hospital and a maternity wing for women.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much Hon. David Mberia Chief Whip. The Chairperson for Planning.

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya Asitiba): Thank you, Mr. Speaker sir, I beg to be given one month as you know very well we are going for recess and the Hon. Member has given a lot of work for the Committee to go and find out.

Hon. Speaker: Order, Hon. Chairperson! Order!

Hon. Jairus Atenya Asitiba: Yes.

Hon. Speaker: Order, Hon. Chairperson. As we are all aware, we saw this incident on the television the other day where the civilians or citizens of Karen Constituency were up in arms breaking walls and therefore this is not a matter for a month because it is a matter where the PCEA or the citizens of Karen would like to know who is the rightful owner of the Plot. Therefore Hon. Chairperson for Planning all these that you have been asked is at your fingertips; Wednesday 2.30pm. *(Applause)* It is so ordered.

Next Order? Hon. Chairperson for Trade! Order! Hon. Chairperson for Trade

RESPONSE - STATEMENT ON STAFF COLLECTING REVENUE FROM MARKETS IN NAIROBI COUNTY

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you, Hon. Speaker sir. I beg to lay a response to the Statement requested by the Hon. Member from Karura; a Statement that has been really bothering his mind. So, I have decided to put this matter to rest. Hon. Mr. Speaker sir, on Wednesday the 26th February 2014, the Hon. Kamau Thuo, MCA, rose on the floor of this Assembly pursuant to Standing Order 41(2c) and requested the Chairperson of Trade Tourism and Cooperative Committee for a Statement regarding the following:

1. The criteria used to either transfer or demote staff in the Markets;
2. The efforts being made to motivate workers who have shown exemplary performance in revenue collection.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Trade, Industrialization, Cooperative Development and Tourism on 28th of February 2014 requesting to be furnished with a written response to the Statement by the said Hon. Member. In this regard Mr. Speaker sir, I wish to respond to the Assembly as follows:

1. On Staff Demotions.

Mr. Speaker sir, the County Secretary responded vide letter Ref:No. MKTS/8/2(258), that transfers were undertaken through integrated payroll and personnel database otherwise known as IPPD cleaning exercise, which was done by the Department of Human Resource Management in January 2013 and it affected all officers in the county who did not have proper

qualifications that placed them in their cadre and designations. The officers had been asked to expedite production of the said documents to clear the matter once and for all. And in an attempt to stimulate the markets the officers have been assigned duties and responsibilities based on their grades and also ability to efficiently and effectively manage the market with an aim of improving the collection.

Since the beginning of this year the market in-charges have not achieved their targets but with the changes already made some improvements have been noticed and the targets are likely to be achieved by the end of this financial year. All employees in the markets are appraised in the mid-term and performance appraisals forwarded to Human Resource Department to take necessary action.

Mr. Speaker sir, kindly find, attached, a schedule detailing monthly revenue targets for the various county markets. I beg to lay this response and I am thanking you in advance. However, there is a point I need you to note and it is not captured in this. We have a comprehensive report based on all markets, that we will be submitting to this House I think in a week's time. For now, I think, I will rest my case and lay this Paper for the purposes of *Mheshimiwa* Kamau Thuo.

Hon. Speaker: Thank you very much, Hon. Warutere. That was a good job that you have done, but we hope the other coming report will provide us a more comprehensive perspective in terms of a whole report. Where is Hon. Kamau? Hon. Ngaruiya

Hon. Member for Kahawa West (Mr. Patrick Chege Ngaruiya): Thank you, Mr. Speaker. I am here on behalf of Hon. Kamau Thuo who is absent and is away in another important meeting. He asked me to convey his message and to say that by Tuesday next week he would wish the same to be addressed to him when he comes back. Thank you.

Hon. Speaker: very well. Very well. Hon. Chairperson for Ward Development Fund Committee? (Applause)

RESPONSE- STATEMENT ON RELEASE OF WARD DEVELOPMENT FUNDS

Hon. Member for Nairobi West (Mr. Maurice Gari Otieno): Thank you, Mr. Speaker sir, for giving me this opportunity. I want to respond to a question raised by Hon. Hashim Kamau, Member for California Ward. On Thursday 22nd April 2014, Hon. Hashim Kamau, MCA, Member for California Ward rose on the floor of the House pursuant to Standing Order number 41(2c) requesting the WDF Committee for a Statement regarding the release of money/funds. He further asked the Chairperson to enquire into and report on:

1. When the CEC Finance in charge of funds will start releasing money for Ward Development Fund to the management Committee as per the budget allocations bearing in mind that only two months are left for the end of this financial year.
2. When the management Board will start receiving the list of Committee Members and project proposals from Ward level.
3. The work plan for the management committee.

Mr. Speaker sir, the Committee wrote to the Executive Member responsible for finance and economic planning on 23rd April 2014, in a letter REF: NCCA/WDF requesting to be furnished with a written response to the Statement by the Hon. Hashim Kamau. In this regard I wish to report to the Assembly as follows:

1. Release of money for WDF

Mr. Speaker sir, the application to the Controller of Budget for the release of funds will be made at the end of the month of April together with the gazette notice of the Ward Development Amendment Bill that was a pre-condition set before the funds are released.

2. When the Management Board will start receiving the lists of the Committee members and the project proposals from Wards:

Mr. Speaker sir, the County Management Committee was inaugurated and held its first meeting under the stewardship of Mr. George Gregory Mwakanongo Executive Member of Finance and Economic Planning on 22nd April 2014. In that meeting it was resolved that the Committee proceeds with the operationalization of the Ward Development Fund including representation necessary at the Ward level and collecting submission of the project proposal.

3. The work plan for Management Committee:

Mr. Speaker sir, the work plan will be developed by the Ward Development Committee once it has established its secretariat and it will thereafter be forwarded to the County Assembly Select committee. Mr. Speaker sir, I beg to lay this response.

Hon. Speaker: Very well, Hon. Chairperson, very well. Hon. Hashim Kamau.

(Hon. Hashim Kamau shakes Hon. Maurice Gari's hand)

Hon. Chief Whip of Minority (Mr. Hashim Kamau): Mr. Speaker, I was greeting the Chairman because it has been noted with great concern that your rulings are not being adhered to by the Chairpersons of Committees. Mr. Speaker, in total I have 15 different Statements that I have requested for in this Assembly and none has been responded to and that is why I was wondering if it is necessary to ask for Statements that will not be replied to.

In particular, if I was to mention the Chairpersons of those Committees with regard to those Statements, I know I would be out of order; that is for another day. Mr. Speaker, back to the report now; I will take it up with the Chairman of Liaison Committee. On the issue of the Ward Development Fund and in particular item number (b); when the Management Board will start receiving the lists of the Committee Members, I think the Management Committee should give deadlines to the Secretary of the Ward Development Committee and the Ward Managers at the moment, on Ward public meetings so that maybe we can start having the meetings and conduct the required elections. Thank you.

Hon. Speaker: But, Hon. Hashim, I think you must give credit to the Chairman of the Ward Development Fund; in a record 2 days and we have an answer on the Table.

Hon. Chief Whip of Minority: Yes, Hon. Speaker, that is why I greeted him.

Hon. Speaker: It is up to the other Chairpersons to also move. Maybe the Chairman of the Liaison Committee has a problem he would like to tell us.

Hon. Patrick Ngaruiya: Mr. Speaker, I will follow up.

Hon. Speaker: Thank you. Next, item?

MOTIONS

PARTNERSHIP WITH BANKS TO PROVIDE YOUTHS LOANS AGAINST LPOS

Hon. Chief Whip of the Majority: Thank you, Mr. Speaker. I beg to move the following Motion, Mr. Speaker; **THAT AWARE** the County Government has expressed its support and willingness to adhere to the requirements for the award of at least 30% of all County tenders to the youth, women and people with disabilities; further **AWARE** that whereas the initiative is timely and crucial in mitigating employment and poverty amongst young Nairobi residents, serious capital challenges have arisen making it impossible for the favoured groups to supply the goods required in various tenders; deeply **CONCERNED** that the target groups do not always necessarily have the capital to take care of Local Purchase Orders, that is LPOs issued to them amounting to millions of shillings and thus losing out on the tender awards; **NOTING** that the LPOs can be used as a guarantee against bank loans to ensure banks do not suffer losses by deducting monies from the said group's accounts once they have been paid for the supplied goods while enabling the youth to access financing facilities for their businesses, this Assembly urges the Nairobi County Government to consider partnering with friendly commercial banks where the said groups hold accounts in order to provide loans against the LPOs which then can be repaid when the goods have been supplied and LPOs paid for by the Government to enable the target groups benefit fully from the 30% allocated to them.

Mr. Speaker, sir, this is my concept. The County Government of Nairobi has expressed its willingness to give out 30% of all the tenders to the youth, women and people with disabilities. However, frankly speaking, these people have no capital, whereas---

Hon. Speaker: Have no what?

Hon. Chief Whip of Majority: They have no capital to supply whatever goods they are given LPOs for, Mr. Speaker, they have no capital at all. What they can afford is maybe 25,000 shillings to register a company and maybe 5,000 shillings to buy a tender bid. However, it becomes a challenge for them to even supply goods worth one million shillings and what happens and I have seen this--- even when we Members were elected as councilors here, Mr. Speaker, sometimes back, we used to sell these tenders to contractors outside there. You get 10% and you sell a tender worth 5 million but if this County was very enthusiastic in helping these vulnerably groups, of course these are the women and the youth, then, we could seek the support of very friendly commercial banks, some banks like KCB which is fighting so hard to control billions of shillings from this County Government, the Kenya National Bank and the Cooperative Bank which are our banks because we bank with them.

You know an LPO means that already you have been allowed to supply those goods; it is as good as money in your hand but that money is not cash. So, this County Government, and I am not talking about any other County Government; I am saying this Nairobi County Government can assure these groups that they will get the tenders why should they not go a step further and ensure that the target groups are going to get money to supply these goods. We know that women and the youth are people who are very vulnerable and if they can be assisted we will create employment for them and play a role in employment creation. I know that no bank will lose money because these groups open company accounts with these banks. What will happen after supplying these goods is that the County Government will pay through those company accounts and the bank will just deduct what belongs to them and leave the rest to these groups. It is a nice concept and if this Nairobi Government really wants to help almost 60% or 70% of its residents, this is the best way to do it, Mr. Speaker.

Lastly, Mr. Speaker, an LPO is a guarantee for these loans and I will urge the Leader of Majority who is the Chairperson of the Implementation Committee to just wake up. In as much as some other Motions have not been implemented fully, this is a wonderful Motion that ought to be implemented. We know several Motions have not been implemented and I hope this one, the Chairperson of Implementation-

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Hon. Speaker: Order! Address the Chair, please.

Hon. Chief Whip of Majority: Mr. Speaker, I hope it will not be sat on like other Motions. Mr. Speaker, let me call upon a young man; I wanted a young lady, but Millicent is not in the House to come and second this Motion. I want Hon. Wanjiku to come and second this Motion, Mr. Speaker. Thank you.

(Consultations)

Hon. Speaker: Order!

Hon. Member for Kariobangi North (Hon. Michael Wanjiku): That is my Surname, Mr. Speaker.

Hon. Speaker: I beg your pardon.

Hon. Michael Wainaina: Yes, that is my surname and I am very proud of it.

Hon. Member: Son of Wanjiku.

Hon. Michael Wainaina: Yes, son of Wanjiku; thank you very much; the famous Wanjiku. I rise to second this Motion. Mr. Speaker, we have shot down so many Motions in this Assembly and we have done so because we saw that the Motions were going to negatively affect Nairobians. Mr. Speaker, as the Mover of the Motion has said, we want to create jobs and because we know creation of jobs is not creating white collar jobs, if this Motion will go through and we see to it that our young people get access to these banks and be able to supply goods and services, I think we will be creating jobs. So, Mr. Speaker, without saying much, if this Motion sees the light of day, it will help the youth. So, I second the Motion.

Hon. Speaker: Thank you, Hon. Wanjiku. Hon. Chairperson for Legal Affairs.

(Consultations between the Speaker and the Clerk)

Hon. Speaker: I thought I had proposed. Hon. Members, I now propose the question.

(The question is proposed)

Hon. Speaker: Hon. Manyala.

Hon. Member for Kayole South (Ms. Elizabeth Manyala): Thank you, Mr. Speaker sir. As much as I have a soft spot for the youth, women and the vulnerable, I also have a long experience working with banks. I have worked with the banks and here it is a willing buyer, willing seller and these proposed considerations had been done by the political system earlier whereby I happened to have sat in the Orphans and Vulnerable Children (OVC) Steering Committee in the Ministry of Gender and we looked at

the pros and the cons and if we see that the County Government urges the commercial banks – and we use the words commercial banks – to give guarantees and in the event that these youths default or the vulnerable groups default because we do not know their characteristics, Mr. Speaker, it begs the question of who will carry the burden. Who will pay for this? That is why the Uwezo Fund, Women Fund and also the Jubilee manifesto came up with a Fund, a youth friendly fund in the Treasury called YAGPO whereby youth are given some tenders which are friendly, which can nurture them within the society so that they can at least supply some items within their capacity. Now, where am I coming from?

I am opposing this Motion. These commercial banks by virtue of them being in our Country are profit making institutions and neo colonization is part and parcel of them. They report to their mother countries and we know that by the end of the day they need their net profit, and if we do not put proper mechanisms I foresee trouble. The County is going to suffer loss because if we give or we guarantee the youth and they get this money, we do not know their characteristics; they default; they run away, then what will become of the Nairobi County? Lo and behold, I think even now as we are talking the Nairobi County is so proactive and so friendly to the youth that even the Ward furniture has been awarded to the youth within the Wards. Mr. Speaker, I oppose. Thank you.

Hon. Speaker: The Hon. Deputy Speaker.

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Thank you, Mr. Speaker. It is quite unfortunate that my learned friend, Hon. Manyala, did not seriously go through this Motion and so by way of doing that she did not quite understand the concept of this Motion and that is why she is kind of misleading this House. Mr. Speaker, this Motion which I term to be an imperious Motion, seriously has no indicators where the Government is going to lose money because there is no direct financing to the said groups; that is the youth, women and people living with disability.

Mr. Speaker, the concept of this Motion, seriously is that the money is going to be channeled through the banks and it is upon the bank to finance the source of supply. There is no link between the financial supplies with the groups, at all. So, I support this Motion that this is one of the ways in which we can empower the youth, women and people living with disability and it is the only way we can go about this without getting involved in money laundering and squandering of our finances. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Kitavi.

Hon. Member for Laini Saba Ward (Hon. Boniface Kitavi): Thank you, Mr. Speaker. I want to thank the Hon. Mberia for bringing in this Motion at this very timely point. The future of any County largely depends on how well their youth are established and supported. We know very well that the economic growth of this capital city is not sufficient enough to support or to create enough jobs for young people. 75% of all young people who graduate from our institutions are unemployed and this Motion seeks to give

an avenue where young people can be meaningfully engaged to supply goods and services to this County under very favourable conditions. I stand here to say that many of the problems that young people are facing are brought about because of unemployment. When we talk about insecurity, very many young people are engaging themselves in issues of insecurity because of lack of jobs. This Motion then seeks to engage these young people who will be meaningfully engaged and as we all know our President recently launched this Uwezo Fund to enable young people to be supplying goods and they are being given loans at very favourable rates.

This is in support of what His Excellency is doing. I want to ask the Member who brought this Motion to even go ahead and seek to come up with a Bill that seeks to address issues of youth in a very comprehensive manner because time and again issues of young people have been put on the periphery. When it comes to designing activities for young people; when it comes to implementing issues of young people; they are never given the seriousness they deserve. So, I support this Motion and I want to say that if we want to see a County that is prosperous, we need to support this Motion. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Jaffer and then Hon. Nyang'ala, the lady.

Hon. Member for Parklands/HighridgeWard (Mr. Jaffer Kassam): Thank you, Mr. Speaker. As you are aware, Nairobi County contributes 66% to our national GDP and during our elections we asked for the support of the youth to vote for us and most of us came back into office so it is payback time for us but we are not only doing this on the political scene. As you are aware, Mr. Speaker, there is LPO financing and it is in almost every bank today, so we have to support our youth by guaranteeing these LPOs and therefore, we will be closing the gap between the rich and the poor. This is not only a way of creating wealth but it is also a way of keeping their positive energy engaged and translating it into making this a better County. So, I stand here to support and I think no time should be wasted to implement this if the Motion goes through so that we can see a better and brighter Nairobi with the contribution of the youth. Thank you and I support this Motion, Mr. Speaker sir.

Hon. Speaker: Hon. Jackie Nyangala.

Hon. Jacqueline Nyangala: Thank you, Mr. Speaker, I beg to support the Motion. It is very encouraging that--

(Consultations)

Hon. Speaker: Order, Hon. Millicent, do the needful. Go on Hon. Nyangala.

Hon. Jacqueline Nyang'ala (Nominated Member from Kileleshwa): Thank you, Mr. Speaker. As I was saying, I am very encouraged that the Assembly and Hon. Mberia can come out with a Motion like this.

It is also encouraging that we can empower the youth, women and the vulnerable groups in a way that they can become self-employed. I would like to say that this is something very timely like one Hon. Member has said and we should not waste time on it and if we can get mechanisms to make sure that they partner with, like they say, friendly banks, it does not have to be a commercial bank. We can manage the LPOs in the sense that the banks will be able to wait even if the payment is delayed. We will have to work out a mechanism so that the youth, women and the vulnerable groups can be able to gain from this partnership. Thank you.

Hon. Speaker: Hon. Ngaruiya, then Hon. Nyang'wara.

Hon. Patrick Ngaruiya: Thank you, Mr. Speaker. I rise to support this Motion on the basis that, as an Assembly we need to realize the importance of young people in the development of this County and the country at large. Already this is a directive from the Government whereby they have directed that 30% of all the tenders be given to these young people, women and the vulnerable. Mr. Speaker, what I would say is that I believe banks do not have that capacity and if they have, sometimes they have ways and mechanisms of stealing from individuals. I would wish that the County Government of Nairobi comes up with a kitty and this particular kitty can be in a position to assist these young people to come up with ways of how they are going to do business. So, a kitty is very important, just like the Government is doing whereby it has launched the Youth Fund, the Women Fund and recently it came up with the Uwezo Fund whereby they are giving these particular---

(Hon. Ochola walks into the House)

Hon. Speaker: Order! Hon. Ochola, you are not decent.

Hon. Patrick Ngaruiya: Whenever a particular youth group or women group wins an LPO anywhere they will have a way of getting that money. If we move to banks, especially commercial banks, our young people will not be in a position to acquire this money for business. Just like what is happening with us currently whereby even to access our own money; the loan, is becoming a problem. I would also wish that as we are moving on we also encourage these young people because they are the bedrock of the society so that at least we can come up with more important Motions that will help them, Mr. Speaker. Thank you very much.

Hon. Member for Viwandani Ward (Mr. Samwel Nyangw'ara): Thank you very much. It looks like Hon. Milare knows very well whenever I stand, I stand to oppose and indeed, Mr. Speaker, I stand to oppose this Motion. Mr. Speaker, what we are actually trying to do is to compel the Nairobi County Government to partner with the Commercial Banks so that they can honour the County LPOs; something which we know is impossible.

This particular Government has got huge amounts of money it owes these Banks and whatever we are trying to do here, Mr. Speaker, is like we want to tell Kidero to climb a steep hill of which we know he cannot. We know we owe a lot of money to Co-operative Bank and that is why most of these Banks are housed in this particular building, so that they can be closer to know whether money has been collected so that they can have a bit of it. And now, trying to compel them to honour our LPOs, Mr. Speaker is almost impossible.

I could have urged the Hon. Mberia to go back, Mr. Speaker, and may be redraft this Motion and request all these youth groups to partner may be with the National Government so that they can be given money from the Youth Fund and the Uwezo Fund which will actually enable them to access funds and come to supply goods. We know very well that Mr. Kidero, H. E. the Governor, has even come on the floor of this House and said that 30% of the Tenders will be given to the youths. This particular move we are now trying to make, Mr. Speaker, is quite impossible and I don't think it will work.

I think even the Hon. Mberia realized it might not work that is why he started by saying that the Leader of Majority should make sure that it is implemented. With those few remarks, Mr. Speaker, I beg to oppose this Motion. Thank you.

Hon. Speaker Hon.--- My friend from---

Hon. Member for Woodley Ward (Mr. David Njoroge Kairu): Yes. Thank you very much, Mr. Speaker sir. Allow me to join those who are opposing the Motion. I am opposing the Motion with a reason. Mr. Speaker sir, there is no need of duplicating things. We do have a Youth Fund; we do have Uwezo Fund and you will find that many youths are not applying for these loans and the interest of these loans is 3% or 8%. If you go to Commercial Banks right now, the loans attract 18% or 19% interest and again if you look at the current budget that we have--- I do sit in the Budget Committee and in fact the money that we are collecting is not even enough to fund the projects that are at the County level.

Therefore, Mr. Speaker sir, I see a position whereby the County will come to face some problem because there is no way we can go to seek the Bank; we negotiate with the Bank and as we are negotiating, Mr. Speaker sir, we do not know when we will be able to pay the tenders or the works that have been done. Mr. Speaker sir, if you move in these corridors of the County, you will find, mostly people who supplied goods more than ten years back. You will find that so many business people instead of making profit, they are going at a loss. So, in my view, Mr. Speaker, let us first of all streamline our County; we see whether we are paying things in time, and try to encourage our youths so that they can borrow money from Uwezo Fund and the Youth Fund. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Millicent?

Hon. Member for Kariokor Ward (Ms. Millicent Mugadi): Thank you, Mr. Speaker. I rise to support this Motion. One; I need to inform the House that when we talk of the youth, these are people between the age of 18 and 35 years; it does not mean that they are underage kids. They are people who have a vision, they are hard-working and when we are calling for such measures that are going to empower them, it is not likely that they are going to mismanage these funds. It is common sense.

I am going to give you an example with the founder of Facebook; he is a youth and he is a multi-billionaire. He started somewhere and right now everybody is on Facebook. If we want to empower our youth we should come up with measures like these that banks are interested in supporting. So, once we say we need to discuss with banks to be able to support these youths; it is youths that I know have business ideas already, they have been taken for training and also the County can also be able to offer them training in managing the funds. So, I strongly support this Motion and for those who are opposing, I am telling them they are not doing any good to the youth from their Wards. Thank you.

Hon. Speaker: *Mheshimiwa*, please.

Hon. Member for Zimmerman Ward (Mr. Pius Mbono): Thank you, Mr. Speaker, I rise to support this Motion because, Mr. Speaker, as much as we want to help these groups, I think it is only the Mberia way, considering the groups that we are dealing with. Mr. Speaker, when I got that circular on Tuesday, I tried to think; according to the qualifications laid down on this paper, I tried to think about the few groups that we have in my Ward that can qualify, that can attain those qualifications and, Mr. Speaker, to me I think the only youth groups or the women groups that can attain these qualifications are the groups who already have enough money in their banks.

To me, if we do not go the Mberia way, we are just going to give these tenders to the well up groups and the youth down there, who are crying; who are in need of help from us; they cannot access these tenders. To me, this one is like a coconut tree with ripe fruits up there and we know the only person that can get that fruit is that person who can be able to climb that tree. With the few groups that we have there we do not have groups with that stamina. *(Loud Consultations)*

Hon. Speaker: Hon. Chief Whip, that is for six O'clock.

Hon. Pius Mbono: So, Mr. Speaker, if we want to help those groups down there let us help them in ways--- and seek modalities that can help them to access this fund; to access these tenders. So, I rise to support.

Hon. Speaker: Hon--- My friend from--- Hon. Mbau.

Hon. Member from Mlango Kubwa (Mr. Andrew Macharia Mbau): Often times you forget my name, I am Woods Mbau. I rise to oppose this Motion. Mr. Speaker, as we stand today our County owes more than Ksh 10 Billion to outsiders and there is no way we can guarantee people to do business and we have not paid other business people. We need first to clear with the outsiders and the debts that we have, before we become guarantors.

Mr. Speaker, I feel this is a duplication of roles. Today we do have the Uwezo Fund, Kenya Women Trust Fund and the experience as seen in the previous regime under Youth Fund, most youth groups were not repaying their money; they never repaid their money and if you go that way we are opening serious costly litigations against this County Government and the Hon. Members especially those who were elected. I find this move a very populist move, because if today--- Like in my Ward if group A accessed--- they manage to get a loan from the County, it will open a hullabaloo from other groups in my Ward and there is nothing else we will be doing in the Wards other than looking for loans from this County Government every other day and seeing whether--- *(Loud consultations)*

Hon. Speaker: Hon. Chief Whip, order!

Hon. Andrew Macharia Mbau: Our job will be reduced---

Hon. Chief Whip of Majority (Mr. David Mberia): Point of Reply!

Hon. Speaker: You may not reply.

(Laughter)

Hon. Andrew Macharia Mbau: I think our job would be reduced to making movements to the procurement Department and whoever is in charge of giving groups loans. I find this Motion very populist and we cannot handle this. Tell me, how can we guarantee loans and yet we are not in a position to pay the people we owe money. I oppose this Motion.

Hon. Member for Clay City (Mr. Erastus Mburu): Thank you, Mr. Speaker, for catching up with my---

Hon. Speaker: Order, Hon. Member! Once again on my Communication; most Members were not here. From tomorrow morning no vehicle shall park in front of the shops and the main gate of Nairobi City Hall and no vehicle shall park behind or in front of the Governors entrance and neither the entrance of the County Assembly for security purposes. You will be receiving my Communication in writing, anybody who will park his or her car, will have it towed. This is a message from the Directorate of--- What do you

call it--- the security of the City of Nairobi, not the City County, not the County Government but the Central Government. Thank you. Continue.

Hon. Erastus Mburu: Thank you, Mr. Speaker; I rise to support the Motion or rather the Mberia way. Hon. Members, if you can recall one year back, everyone back in the village was relying on the youths' votes and all we could promise them was nothing else other than employment. So far, you yourself can personally barely imagine how many youths you have supported to access any form of employment and now an opportunity has come. Let us rally behind this Motion and fully support it. You can remember, Hon. Members, just the other day our Ward Fund issue was attacked by Hon. Members from the Parliament and you remember how furious we were.

This is the only fund that can give us recognition among those people who rallied behind us and made us find our way into this Assembly. So, I would like to advise Hon. Manyala--- if this is how we would be receiving serious coverage in the major newspapers and the youths find out that we shot down this Motion, after three and a half years, we will find ourselves out of here. Therefore, Hon. Members, I would plead with you to let us--- because in business if you don't make profit there is no issue of you hanging on in the business.

Before we joined this House, Hon. Members we could access loans with the same interest rates which are accorded to the common *mwananchi*. So, even for the youths, it is the person who will be capable to or who will feel that the interest rate is okay with him or her who will access the L.P.O and would do the job. I support that Motion totally. Thank you.

Hon. Speaker: Hon. Akuk and Hon. Thuo for Dandora. Order, Hon Ochola!

Hon. Maurice Akuk: Thank you, Hon. Speaker, for giving me this opportunity actually to stand here and oppose the Motion; and I have my reasons to oppose this Motion. I believe that all the other Members will agree with me and try to understand why we need to oppose such a Motion because even though it has good intentions, Mr. Speaker sir, the intentions are not quite well elaborated on how a County Government is actually going to guarantee a loan and the L.P.O itself is a loan, Mr. Speaker sir. I am sure you understand that. It's a loan that comes with interest.

Supposing our youths take this loan and the County Government guarantees this loan; remember that from the first time they pay this particular loan, there is an interest that accrues or comes with it; are you telling me that whatever L.P.O. supposing it was a million shillings and the banks start charging an extra interest at the end of it all, the county Government of Nairobi is going to pay more than a million for that particular L.P.O? No, Mr. Speaker sir.

I have one good question; where on earth have you ever heard of a County Government guaranteeing loans to a private entity? Is it practical? If it is practical, Mr. Speaker sir, the National Government through the leadership of His Excellency Uhuru Kenyatta, who actually came up with this idea would have guaranteed these youths. I believe Hon. Mberia has not researched well to come up with such a Motion and I would like to direct him to our website so that he can open right now.

Mr. Speaker sir, we do have Wi-Fi here and he should actually go into the Government website and find out how many youths have actually applied for the government tenders. It's overwhelming, Mr. Speaker sir. You want to tell me they are applying without the money or they are applying without the knowledge of where they are going to get these documents. Referring to your statement the other day, Mr. Speaker sir, you authorized our youths and women groups or vulnerable to actually go through the tendering process for the supply of Ward furniture.

Mr. Speaker sir, you did not just stop at that, you asked several questions for the youths to supply the furniture. One of the requirements was tax compliant certificate; these youth groups, are they paying tax? Do they have the tax compliant certificate and if they have, do they pay tax? Then, definitely they are in business, Mr. Speaker sir. I am not opposed to youths getting business, no, in fact I am in support of it. I am very much impressed this year when 30% of the tenders were given to the youth and believe me I have been to the procurement office---

Hon. Member: Point of Order, Mr. Speaker!

Hon. Maurice Akuk: Mr. Speaker protect me, because I don't understand---

Hon. Speaker: Order! Order! Hon. Akuk, you are moving on to a very interesting point---

Hon. Deputy Speaker: Mr. Speaker, it's not right for the Hon. Member to mislead this House, because we already know there is a policy and the County Government of Nairobi has a policy that 30% of procurement tenders be reserved for the youth just because they are not able to meet the required procurement requirements. So, for him to come here and tell us they are going to get the tax compliant certificate, that is misleading this House, Mr. Speaker, and it's very wrong.

Hon. Speaker: Hon. Akuk.

Hon. Maurice Akuk: Mr. Speaker, sometimes I get surprised at how Members interpret things in this particular Assembly because on this particular issue, Mr. Speaker, I was explaining about the requirements for one when he actually comes to buy this tender. Mr. Speaker sir, he needs a tax compliant certificate and I believe the Deputy Speaker knows that very well. Apart from the tax compliant certificate Mr. Speaker sir, we need registration; are they registered? If they are registered; registered under what? If

it's a youth group, Mr. Speaker sir, there is another certification from the Ministry of Treasury that will actually tell us whether it is a youth group or a disabled or a women group. Anyone who can afford to get this certification, I do believe in my thinking that he can be able to get a loan without being guaranteed by a government.

A government that is actually now servicing loans, Mr. Speaker sir, of some L.P.Os; I will give you an example; the other day we were with Engineer Christine, we were asking about the 1.2 billion---

(Loud consultations)

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

Hon. Maurice Akuk: Protect me from the noise, Mr. Speaker sir. We were asking about what the 1.2 billion was spend on. Mr. Speaker sir, do you know what the Ksh 1.2 billion that is being indicated as a vote for development in the Ministry of Transport and Public Works was used for? It was used to pay for the works that were done probably three years ago in disguise of development for this particular financial year.

I was disturbed to see that lights that are no longer working in my Ward, were actually paid for in this financial year and this particular work was done six years ago, Mr. Speaker sir.

I ask Members to actually think about this term 'partnering'. Hon Muga is asking if 'partnering' is guaranteed. Unless I don't know English, Mr. Speaker sir, partnering means that one has to go to that bank and negotiate on behalf of. Please, ask the Mover of the Motion; which government can do that? If you want amendments I will support you; but for this one I stand to oppose. Thank you.

Hon. Speaker: Last one, Hon. Leader of Majority, time is up for this Motion. *(Loud consultations)*
Time is up. Time is up.

Hon. Leader of Majority (Mr. Elias Okumu): Thank you, Mr. Speaker, as a youth of this country *(Laughter)* I stand to oppose the Motion--- *(Applause)* by the following reasons; Mr. Speaker, first and foremost there is no way we are going to give somebody money without them sweating for it. This will make these people lazy. Let them struggle to reach where we are--- *(Applause)* let them struggle. At the same time there is no way I am going to empower somebody to come and contest against me in future just because I gave somebody L.P.Os to go into a bank to get a job. This Motion, in as much as Mberia wanted to please some youths here, it is not going to see the light of the day. *(Laughter)* I am telling you the truth, Mr. Speaker sir, just call the Mover to reply and put the question *tukanyagane hapa. (Laughter)* Thank you, Mr. Speaker.

Hon. Speaker: The Mover to reply, please.

(Laughter)

Hon. Chief Whip of Majority: Thank you. Thank you very much, Mr. Speaker sir, let me take this opportunity to thank all the Members. I know this Motion is going to see the light of the day, Mr. Speaker. One point, I want to stress is that some Members in this House are very much afraid. They are very much afraid to help the youth in their Wards. If you are afraid to uplift the people who voted for you to join this House then you want the youths to be very poor so that they will come to beg for handouts so that they can vote for you, Mr. Speaker. Whether you like it or not, Mr. Speaker, whether you uplift them or not, they are going to stand against you and they will shoot you down because you are selfish.

My concept, on which this Motion is based, and I know this Motion is going to be passed in this House, was a rider on the 30% of tenders which the Nairobi County Government is giving to these vulnerable members of the society for free. I want to correct my learned friend Akuk 'danger' that an L.P.O is not a loan.

Hon. Speaker: Order, Hon. Chief Whip! Order! Hon. Akuk not Akuk 'danger'.

Hon. Chief Whip of Majority: Hon. Akuk, an L.P.O is not a loan. An L.P.O is a go ahead that says now you have won everything you can go ahead to supply goods to us. This government is not going to lose any money, Mr. Speaker sir. It's not going to lose this money. No money will be lost by the banks; what we are begging this government to do is to ask the Cooperative Bank, Equity Bank, National Bank and Kenya Commercial Bank to help the youth whom we have given 30% of the tender on the basis of L.P.Os, - -- *(Loud consultations)* Mr. Speaker sir, can you protect me? I am just replying to the honourables---

Hon. Speaker: Order! Order, Hon. Jacky Nyang'ala

Hon. Chief Whip of Majority: Mr. Speaker, I am saying no bank will lose its money. What will happen, Mr. Speaker, is that the youth, the people with disabilities, the women, will supply goods through their company accounts in those banks and then the banks will deduct what is due to them and the money left over will be the profit for these good people of the society. So, I thank the Members and when the question is put, all the Hon. Members just reply 'aye'. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, I now put the question.

(The question is put and House divided)

Hon. Speaker: Hon. Members, we now go to division.

(Loud consultations)

Hon. Speaker: Okay, Hon. Members, I want to make it a little bit easier for you.

(The question is put again)

Hon. Speaker: Can the 'ayes' stand up.

(The ayes stand up and the Clerk counts them)

(Loud consultations)

Hon. Speaker: Hon. Members, how come the 'ayes' have a lot of sound? Hon. Members, the 'nays' have it.

(Question put and negative)

Hon. Jaffer Kassam: Thank you, Mr. Speaker, sir.

(Consultations between the Speaker and the Clerk)

Hon. Speaker: Chairperson of Legal, go on.

**MOTION- ADOPTION OF REPORT ON VETTING OF CHIEF OFFICER FOR
INFORMATION, COMMUNICATION AND E-GOVERNMENT**

Hon. Jaffer Kassam: Thank you. My Motion; **THAT** this Assembly adopts the report of the Sectoral Committee on Justice and Legal Affairs on the vetting of the nominee for the Chief Officer, Nairobi City County, Information and Communication and E-Government laid on this Table of the Assembly on Wednesday, 2nd April, 2014.

Mr. Speaker, sir, the candidate, as per your instructions appeared before this Committee for the first time on 13th February and during that vetting she had some documents missing and there was some kind of misunderstanding on the documents which were supposed to be presented, according to her. So we called her again for the second time and in conducting the vetting process---

(Loud consultations)

Hon. Speaker: Order, this group here! The 'ayes', please.

Hon. Jaffer Kassam: Mr. Speaker, in conducting the vetting process the Committee of Justice and Legal Affairs examined the nominee against the following criteria amongst others:

1. Academic qualifications;
2. Employment records;
3. Professional affiliation;
4. Potential conflict of interest;
5. Knowledge of relevant subject;
6. Overall stability for the position;
7. Tax compliance and integrity.

Ms. Vera Musimbi Ambeva, the nominee for the position of the Chief Officer, Information, Communication and E-Government satisfied the Committee and therefore I hereby stand to ask the House to adopt the report. Thank you, Mr. Speaker sir. I wish to ask Hon. Hashim Kamau to second the Motion.

Hon. Chief Whip of Minority: Thank you, Mr. Speaker. I stand to second the appointment of Ambeva as she is young. I wanted to say beautiful, but she is young, qualified, with enough experience to take up the post.

Hon. Speaker: Complete your statement, Hon. Hashim, you do not hide beauty.

(Laughter)

Hon. Chief Whip of Minority: I said she is young and qualified to take up the post. I know, Mr. Speaker, she will be able to rejuvenate the County Information Technology (IT) and enable the County to be automated and be at par with other institutions or even better. Lastly, I know *Mheshimiwa* Jackie will really laugh because with her appointment we will have observed gender parity. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Leader of Majority, please.

Hon. Leader of Majority: Mr. Speaker, thank you for giving me this opportunity. I am here to support this Motion, number 9. Mr. Speaker, without wasting a lot of time because we already discussed this a month ago, I think we should just call the Mover to reply.

Hon. Jacqueline Nyangala: Thank you, Mr. Speaker. I would like to support this Motion, Ms. Vera Ambeva is young and beautiful. Hashim did not have the guts to say that. She is young, very experienced,

has worked with corporations outside this county and has come to take this County forward. I support, thank you.

Hon. Speaker: Hon. Nyang'wara then Manyala then we close shop.

Hon. Samuel Nyang'wara: Mr. Speaker, Hon. Manyala has requested that I ask you to put the question because---

Hon. Speaker: No, Hon. Manyala Akinyi is in the House.

Hon. Samuel Nyang'wara: It is like she does not want to stand on the same and the mood of this House is that they are in support of this Motion, Mr. Speaker.

Hon. Speaker: Very well.

Hon. Elizabeth Manyala: Hon. Speaker, the name speaks for itself; she is meticulous, qualified, her IQ is just superb and she is one of the best that we have ever seen on this planet and because we want Nairobi City County to be in the global village I support that this meticulous lady with a swag--- *(Laughter)* to be given this opportunity to spearhead the Information and Communication Technology (ICT) docket. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Mutiso.

Hon. Member for Ngei Ward (Mr. Daniel Mutiso): Thank you, Mr. Speaker. I want to apologize because I was somehow busy and I did not catch what you were saying.

(Laughter)

Hon. Speaker: That is why I called you because you were far away. Hon. Mulatia, then we close.

Hon. Member for Kwa Njenga Ward (Mr. Alexander Mulatia): Thank you, Mr. Speaker. The Deputy Speaker is worried about my presence or why I am here because of some issues, which is neither here nor there. I am in support of the Motion basing my interest on the fact that I am an IT professional and I happen to know a little bit on what is supposed to be done by an IT expert.

I feel that as per the qualification of this beautiful lady with swag, we should not waste time and you should call the Mover of the Motion because the qualifications are clear and the fact is that she is the best and she is qualified to execute the duties. In fact the County Government needs some issues in IT

checked whereby we want to talk of real time as pertaining to different chores of the Executive arm of this Government. I beg to support.

Hon. Speaker: Hon. Chairperson, Jaffer.

Hon. Jaffer Kassam: Thank you, Mr. Speaker, sir. I would like to thank all the Members who have responded positively and it will go a long way because we have been missing a Chief Officer in the ICT. So, with her appointment I am sure we will go a long way in having the e-payment platform and the other things associated with the ICT. Thank you, Mr. Speaker.

Hon. Speaker: Is Bishop standing up to oppose? *(Laughter)* Okay, Hon. Members, I now put the question.

(Question put and agreed to)

Hon. Speaker: Hon. Members, the Assembly is adjourned until Tuesday, 2.30 p.m. and remember my communication on security of vehicles. Do not say you were not told. Your vehicle will be clamped and towed at your own risk. Thank you.

(The House Rose at 5.00 p.m.)