



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Wednesday, 26th February, 2014

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

PAPERS

The following papers were laid on the Table:

- a) Report of the Committee on Children, Early Childhood Education and Vocational Training on the vetting of the nominee for Chief Officer of Education Children and Youth Affairs;
- b) The Fifth report of the Sectoral Committee on Water and Sanitation, on the Vetting of the nominee for Chief Officer of Water, Energy and Natural Resources;
- c) The Sixth Report of the Select Committee on Budget and Appropriation on the Vetting of the nominee for Chief Officer for Finance, Nairobi City County;
- d) The Sixth Report of the Sectoral Committee on Justice and Legal Affairs on the Vetting of the nominee for the Chief Officer of Information Communication and E-Government;
- e) The Eighth Report of the Sectoral Committee on Agriculture Environment and Natural Resources on the Vetting of nominee for the Chief Officer of Environment.

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. Alex Sanaika Ole Magelo): Hon. Members, I have the following communication to make:

EXTENSION OF TIME FOR CONCLUSION OF PENDING STATEMENTS NOT CONCLUDED IN THE FIRST SESSION

Hon. Members, you will recall that on Tuesday, 18th February, 2014, the Chair issued a Communication regarding the lapsing of Motions and Statements not concluded during the first session.

It was then noted that by procedure and practice, Statements not concluded during a Session automatically lapse at the end of that session. The implication of the foregoing is that all pending Motions and Statements at the lapse of a Session must be introduced afresh upon commencement of a new Session.

Hon. Members, the Chair subsequently guided that all Members with pending Statements bring them afresh before the House for consideration, while for those Members whose Statements had been requested but not concluded by Committees, follow up with the relevant Sectoral or Select Committees to have them addressed.

I therefore wish to further guide on this matter as follows:

Hon. Members, I have given Committees fourteen (14) days to conclude any pending Statements before them. Chairpersons of Sectoral Committees are therefore encouraged to expedite their consideration of any pending Statements and report back to the Assembly within the fourteen (14) days from today.

MEMBER'S SECURITY

Hon. Members as you are aware yesterday a question on Members security arose. Hon. Members, the Hon. Daniel Mari gave a personal Statement pursuant to Standing Order Number 80 concerning the lack of security for Members. To address the matter, the Speaker held a meeting with the Chief Officer for Security, Disaster Management & Compliance, during which modalities for providing security for Members were discussed and agreed on. The Speaker will subsequently do a memo to all Members informing them on how the matter will be addressed. And I am glad that Members of the County Assembly were able to attend the meeting with me, including the chairperson of the Legal Committee.

QUORUM OF THE ASSEMBLY

Hon. Members, it has come to my attention that the Assembly has lately been experiencing crippling Quorum hitches. During yesterday's afternoon sitting (Tuesday, 25th Feb., 2014), I spoke briefly about this matter. I now wish to guide as follows:

Hon. Members, the Chair has considered the implications of rampant, crippling lack of quorum on the conduct of business before this Assembly and its impact on the execution of our mandate as an Assembly.

Hon. Members, a pattern has emerged in which Members sign their attendance of Chamber Sittings and immediately leave the precincts of the Assembly. This has subsequently brought about crippling quorum hitches that have seen the Assembly adjourn prematurely on several occasions.

The Chair notes with concern that Members are placing precedence on Committee Sittings to the detriment of Chamber Sittings. Hon. Members, be informed that Chamber Sittings form part of the eight (8) weekly Sittings for which Members get remunerated. Therefore, attending eight (8) Committee Sittings per week and ignoring Chamber duties shall henceforth attract the requisite penalties. Members are therefore encouraged to factor plenary Sittings in the eight weekly Sittings as part of their remunerable.

Hon. Members, the Chair will therefore continue to watch the situation over the next one week and subsequently take the following measures if this unfortunate practice continues. Hon. Members, if no change is recorded in the manner of signing and attending Chamber Sittings, the Chair will be forced to have Members sign, only, at the end of Chamber Sittings.

It is important that Hon. Members do whatever possible to attend Chamber Sittings to enable us undertake our mandate effectively. It is so guided. Thank you.

Hon. Members, as part of the Security arrangements, once again I forgot to mention to you that your security is paramount and I said yesterday, that I will take full responsibility of the Security of Members in today's meeting on an elaborate basis. The issue of parking areas being taken over by cartels will be a thing of the past from next week.

And I want to ask Hon. Members to please park your cars as per your allocated parking slot. Anybody that has a problem on the slot please see me as quickly as possible. I want to tell you this today that even the parking spaces for the Speaker and the Deputy Speaker were taken. I don't have an official parking. So, this is something we need to deal with accordingly and Members if what we discuss today is not adhered to, the action that I will take, will be something to be seen in the city especially on that procession way. Yes it is a presidential way, but even if it is a presidential way and Members have no parking and I am told that if they double park, their cars will be towed, then we will have to look for another solution.

So, Hon. Members bear with us and for any Member who notices movement of strange people; people following you or even coming to you; attacking you; please report and let me know as soon as possible. I have also spoken to the Commissioner General of Police so that action will be taken against any lapse at any Police Station that Members report to. For instance, Hon. Mari reported last year and nothing has happened inspite of the wife having suffered critical injuries during that time. So I want to thank you, Hon. Members, and have a nice afternoon. Thank you, Members.

(Applause)

Sorry, Hon. Members. Good afternoon, Hon. Majority Leader and the rest of the Members who have just come. Sorry, we had an oversight and I would like to ask the Hon. Members to lay their papers before the House.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi David): Thank you, Mr. Speaker, pursuant to Standing Order Number 180 (6) I would like to lay the following Paper from the Committee on Children Education on the vetting of the nominee for Chief Officer Education Children and Youth Affairs.

Hon. Member for Mugumoini Ward (Mr. Alex Ouda Otieno): Thank you, Mr. Speaker, I would like to lay the following Paper: pursuant to Standing Order Number 180 (6); the following Paper will be laid on the Table of the Assembly today Wednesday 26th February, 2014; the Fifth report of Sectoral Committee on Water and Sanitation, on the Vetting of the nominee for Chief Officer of Water, Energy and Natural Resources. Thank you.

Hon. Speaker: Justice? Who is next?

Hon. Member for Embakasi Ward (Mr. Michael Ogada Okumu): Thank you, Mr. Speaker Sir, pursuant to Standing Order number 180 (6); the following will be laid on the Table of the Assembly today 26th February, 2014; the Sixth Report of the Select Committee on budget and Appropriation on the Vetting of nominee for Chief Officer for Finance Nairobi City County. Thank you, Mr. Speaker.

Hon. Member for Parklands/Highridge Ward (Mr. Jaffer Abdulahab Kassam): Thank you, Mr. Speaker. Pursuant to Standing Order 180 (6), the following Paper will be laid on the Table of the Assembly today Wednesday, 26th February, 2014; the Sixth Report of the Sectoral Committee on Justice and Legal Affairs on the Vetting of the nominee for the Chief Officer of Information Communication and E-Government.

Hon. Member for Upper Savannah Ward (Mr. Benson Ligavoh Amutavi): Mr. Speaker sir, pursuant to Standing Order 180(6); the following Paper will be laid on the Table of the Assembly today Wednesday 26th February, 2014; the Eighth Report of the Sectoral Committee on Agriculture Environment

and Natural Resources on the Vetting of nominee for the Chief Officer of Environment. Thank you, Mr. Speaker. Expect me here again, Members.

Hon. Speaker: Yes, on the?

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Mr. Speaker, I was just concerned about copies of the reports that have been laid. I want you to make a ruling, because I know the debate will be coming up tomorrow, that those reports be furnished to Members by the end of the Assembly Business today so that we are able to interrogate them and clarify them, for us to be ready and prepared to discuss them tomorrow, Mr. Speaker.

(Applause)

Hon. Speaker: Very well, Hon. Chege, the papers have been photocopied and the Clerk was just waiting for the laying of the Papers, so that they can be given to you.

(Applause)

NOTICES OF MOTION

Hon. Speaker: Hon. Kitavi.

Hon. Bonface David Kitavi: Thank you, Hon. Speaker I beg to give notice of the following Motion: that pursuant to Standing Order number 180(6), this Assembly adopts the reports of the County Assembly Committee on Children, Early Childhood Education and Vocational Training on the Vetting of the nominee of the Nairobi City County Chief Officer for Education Children and Youth Affairs laid on the Table of Assembly today, Wednesday February, 26th 2014. Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Jaffer.

Hon. Jaffer Kassam: Hon. Speaker sir, I beg to give the notice of the following Motion that pursuant to the Standing Order 180(6), this Assembly adopts the report of the Nairobi County Assembly Justice and Legal Affairs Committee on the vetting of the nominee for the Nairobi City County Chief Officer for Information Communication and E-Government laid on the Table of the Assembly today Wednesday February, 26th 2014. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Alex Ouda

Hon Alex Ouda: Hon. Speaker sir, I beg to give notice of the following Motion that pursuant to the Standing Order 180(6) this Assembly adopts the report of the Nairobi County Assembly Water and Sanitation Committee on the vetting of the nominee for the Nairobi City County Chief Officer for Water,

Energy and Natural Resources laid on the Table of the Assembly today, Wednesday, February, 26th 2014. Thank you.

(Hon. Manyala raises a Point of Order)

Hon. Speaker: On the----

Hon. Member for Kayole South Ward (Mr. Elizabeth Akinyi Manyala): Misleading the House with regard to the Standing Order that the Hon. Members are quoting; under Standing Order 186 it is clearly stated that *“there shall be select committees to be designated as the County Public Investment Committee and the County Public Accounts Committee”* and every Member coming here is saying pursuant to Standing Order 186. This is tantamount to abuse of Standing Order.

Hon. Speaker: Point of order from---

Hon. Member for Kasarani Ward (Mr. Martin Waweru): Thank you, Mr. Speaker sir, I think Hon. Manyala is misleading this House because the Members are quoting Standing Order No. 180 (6).

(Loud Consultations)

(Laughter)

Hon. Martin Waweru: 180, part 6

Hon. Speaker: Order Member! Order! Mwalimu, I am sorry, Hon. Members, report on Select Committees, article number one eight zero (180) that is what I have heard the Hon. Members mention. No, no, I think--- Order! Let's go on. Hon. Members, correction, Standing Order number 180! Yeah, so, it is because of the articulacy, of the Members of the County Assembly, in good English; Queens English. *(Laughter and applause)* Hon. Chairperson of Finance

Hon. Michael Ogada: Thank you, Speaker sir, I wish to lay the following Motion that pursuant to the Standing Order 180 (6); this Assembly adopts the report of the Nairobi County Assembly budget and Appropriation Committee on the Vetting of nominee for Nairobi County Assembly Chief Officer for Finance laid on the Table of this Assembly February, 26th 2014. Thank you.

Hon. Speaker: Hon. Chairman, you are giving notice. Thank you. Next.

Hon. Benson Amutavi: Mr. Speaker, I said I will be back. I am back Hon. Speaker, I beg to give notice of the following motion that pursuant to the Standing Order 180 (6) *(Laughter)* yes that one-----

Hon. Speaker: Order Members! Order!

Hon. Benson Amutavi: That one; this Assembly adopts the report of the Nairobi County Assembly Agriculture, Environment and Natural Resources Committee on the Vetting of the nominee for Nairobi County Assembly Chief Officer for Environment laid on the Table of the Assembly today February, 26th 2014, with my Signature.

(Laughter)

Hon. Speaker: Very well, go on who else?

Principal Assistant Clerk (Ms Monica Muthami): Order Number 7.

Hon. Speaker: Order! Order Members! Order mark you, you are on my radar.

(Laughing)

Principal Assistant Clerk: Order Number 7; Statements.

STATEMENTS

Hon. Speaker: The Hon. Thuo, Karura.

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

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Hon. Speaker Sir, I would like to request for a Statement which reads as follows, pursuant to Standing Order number 41 (2c) I wish to request for a Statement from the Chairperson of Sectoral Committee on Tourism and Cooperatives regarding the revenue collected from various County's Markets in Nairobi. There has been a marked increase in revenue collection since the County Government re-organized staffing for the County Markets and brought in new officers.

Hon. Speaker, it is alleged the persons afore-mentioned have been treated with no regard by being given arbitrary transfers and demotions. Hon. Speaker, in the Statement; the Chairperson should enquire into and report on the following:

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

Thank you, Mr. Speaker.

Hon. Speaker: Very well, the Chairperson for Trade, we need an undertaking.

Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Thank you, Mr. Speaker Sir, I beg to ask for amble time. I think it is the feeling of the Members as we said yesterday, that most of these officers, it has come to our attention that they are in their sunset years and they want to take us down with them in their retirement. I think it is for this purpose that I appreciate that question and I will ask for 10 days, so that we can start the long road----

Hon. Speaker: Order Members! Who said 10 days?

Hon. Peter Warutere: I didn't say 10 days,

Hon. Speaker: Who said 10 days?

Hon. Peter Warutere: I think the main question--- protect me. I think the Member in question is dosing any way; I need 7 days so that I can put my House in order and for the first time you are going to realize how the business needs to be done. We are not going to allow any stone to be left unturned this time round. And for the first time heads will roll if they have to. Because I believe we have teeth to bite and more powers have been given to us. Allow us the next 7 days and then you are going to see where real power is vested. Thank you very much.

Hon. Speaker: Hon. Member, let the report be with us by next Thursday 2.30 pm. Hon Imwatak.

PERSONAL STATEMENT ON OFFICES FOR MEMBERS

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): Mr. Speaker, protect me from the Majority Leader. Mr. Speaker, first of all I must say welcome back from a long flight, plus the other leaders that you travelled with. I think, Mr. Speaker, last year before we adjourned, I had several Statements for which I have not received answers to date. In particular, I am standing on Order number 80, on the Statement that regards the working staff of this County. I have not received the response so far, Mr. Speaker.

On the same note, Mr. Speaker, standing still on Standing Order No. 80 on a Personal Statement, I think last time, Mr. Speaker, you gave a directive on this, we are only left with one month; not even a month but one week and two days to end our first year in office as elected Members of the County Assembly and so far some of us don't have an office to sit in. I think it's high time you gave a directive as to the circular that was given out.

In some of our areas we cannot get an office worth Ksh 20,000. At the same time even in our own houses we have not yet received the perceived furniture we are supposed to receive as elected leaders to serve our people, Mr. Speaker. I think it's time as a matter of urgency, you gave us a directive. Thank you.

Hon. Speaker: Hon. Members as earlier communicated, the issue of Statements must be completed in fourteen (14) days and Hon-- order Members! Order! please.

(Loud Consultation)

I think, Hon. Members, there is too much noise on this side, on the left. Please, allow the Assembly to proceed, please. But it is common knowledge that the leadership know where they sit, so don't sit on their seats.

Hon. Members, sorry for the interruption. I have given an undertaking that within fourteen (14) days, all Statements that are still pending with the Chairpersons of Committees must be laid before the House. And yes, the issue of offices has come to my attention and I would like to report on that, tomorrow at 2.30 p.m. after I have met the Clerk of the County Assembly. Thank you. Yes, Hon. Thuo

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Mr. Speaker, still on the Statement, in the last session, I commended the Chair of Culture and Social Services, this is Hon. Milare for the good work they did in presenting a report to this Assembly on the rehabilitation or refurbishing of Macmillan Library. And the Member said that the library would be opened by October of last month, I mean last year. The library has not yet been opened. I would request that the Implementation Committee takes up that task, Mr. Speaker.

Hon. Speaker: Thank you very much, Hon. Thuo. Implementation Committee in conjunction with the Hon. Milare, could we please have the report of the library by Wednesday 2.30 p.m.? Hon. Diana

STATEMENT ON THE BARRIER IN KARURA

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker. The Hon. Member for Karura in the last Session asked for a Statement from our Department regarding a barrier in Karura. The Transport Committee visited the site and prepared our recommendation which we forwarded to our Acting Clerk who was by then Mr. Evans Mogire to forward to the Implementation Committee. So the Hon. Member should liaise with the Implementation Committee.

Hon. Speaker: Thank you very much, Hon. Chairperson for Works. I would ask the Implementation Committee to find out from the Clerk where the report is, and take appropriate action. The Hon. Akuk

REQUEST – STATEMENT ON MEDICAL COVER

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Speaker sir. I have a Statement but before I make my statement which I believe was approved by you, I would like this Hon. House to get an answer from the chair or from you Mr. Speaker sir, about our medical cover. Mr. Speaker sir, we took a medical cover with Jubilee Insurance and you are aware that they did indicate that they are

giving us extras but so far there is none. Mr. Speaker sir, all these Hon. Members seated in front of you, now, lack medical cover. Our medical cover was supposed to go for a year but apparently most of us including I, we do not have any cover at the moment. Outpatient has expired or has been--- (*Speaker consults with the Clerk*) Mr. Speaker I will need your attention.

Hon Speaker: What do you want to know?

Hon. Maurice Akuk: I need your attention, Mr. Speaker sir, because these Hon. Members; I look at them and I feel pity for them. Imagine if something happened to a Hon. Member right now. A few days ago I was in Nairobi Hospital and had to part with about 19,000 shillings in outpatient yet I am purportedly covered, Mr. Speaker sir. I have tried to get my refund back but it is not working. This is an issue that I have raised several times. I have tried to be quiet with it, but it is really affecting me because my daughter suffers from asthma. You know what an asthmatic child goes through especially during the rainy season. We just had some rains in Nairobi the other day. You know, any slight change in the weather triggers her attacks.

Mr. Speaker sir, right now I have come back to attend this Assembly because Gertrude keeps on calling me from yesterday, since my wife went with my daughter to the hospital and without them rechecking they used the card and incurred a huge bill. Now they want me to pay directly, Mr. Speaker sir. As Hon. Members of this House, give us your direction on which way forward. Members, I believe we have medical insurance issues. Please, Mr. Speaker, engage the Members who are familiar with what happens as pertains to the insurance issues.

(Applause)

I am very familiar because I have a child that suffers and for many years, Mr. Speaker sir, I have had insurance covers.

(Phone vibrates)

Sorry, Mr. Speaker sir. So please give us a statement on that.

REQUEST – STATEMENT ON DETERIORATION OF ROADS IN THE COUNTY

Hon. Maurice Akuk: Now to my statement: Pursuant to Standing Order No 41 (2c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Infrastructure regarding the deteriorating state of roads in the County. Hon. Speaker, there are many construction activities being undertaken in the County and this has led to destruction of roads due to overloaded trucks, carrying construction materials to the construction sites, for example Kindaruma Road.

I believe you know how Kindaruma Road used to look like. Today it is a dirt road. It is a dirt road because there are three or four high-rise buildings that are being constructed and because this County never laid any proper levy on these trucks, they have actually destroyed our roads and then this County

through the Budget and Appropriation Committee will reallocate money for such roads. Mr. Speaker sir, we are spending so much money, and something needs to be done and that is why I am requesting in the Statement the Chairperson whom you will grant the task to guide us-- I am not sure of the chairperson I should direct the Statement to--- should enquire into and report on;

1. The measures the County is taking to prevent roads from further degradation and to repair the damages; and
2. The efforts taken to impose a levy on the contractors, a levy that will be directed towards maintenance of these roads.

Thank you.

Hon. Speaker: Hon. Members, once again I stand before you here, this is in regard to the insurance policy which we have with the Jubilee Insurance. Once again, I have witnessed what the Hon. Member has just said here. I have, quickly, at times called when Members are in distress and I can assure you I have experienced first-hand that Members are going through some very difficult times even in pain. However, I have just consulted with the leadership of the Assembly, the Hon. Otieno, Leader of Majority and the Hon. Hassan, Leader of Minority and we will have a meeting tomorrow at ten o'clock so that when we come here at 2.30 p.m. we will have a final answer on this issue of insurance.

And once again I take full responsibility for any failure by officers of the County Assembly in regard to the welfare of the Members. Yes indeed, it is important at times to ask Members about insurance. Most of us have gone through insurance as ex-councilors, as individual Members and we know what Members have gone through in the years that have gone by in this County; and now that we are Hon. Members, we don't want to see a situation where the Procurement procure items that are not worthy for the Hon. Members. So bear with us, 2.30 p.m. tomorrow I will make the final report in regard to the Medical Cover. Once again for Hon. Akuk, we as a family bear your pain of going through the experience of taking care of an asthmatic child and we will just continue praying to the Almighty God to grant you energy in looking after the sick child.

Hon. Members, before I sit down there was the other Statement in regard to the Kindaruma road and the roads in general, in the city. Members, you all live in the city. We all drive in the city and if not driving, we are given lifts, if not lifts we get into public means. Yes, the city has deteriorated because every corner you go even after the new roads have been made; you go now to the road from State House, the new road that was the other day actually commissioned by the former President, by the first immediate President Hon. Kibaki, there are these people who are laying the cables. Actually you go there even when there is just a little drizzle, it's like you have gone to *mashambani* but I want also to wonder about the Executive's conscience really, they drive and most of them live with the Hon. Majority Leader on the red soil. *(Laughter)*

Surely, I mean it is also as if they are blindfolded or they are party to the destruction of this city. Today in the morning I came across a road that was made the other day, even the paints have not yet

dried; yet I found some people putting a tape to show that they are already starting to dig. Now, the Chairperson of Works, the Chairperson of Appropriation Committee, can we have a report by Tuesday with regard to what is happening and in this House I expect on that Tuesday, we will make a ruling; we will make it known to the contractors that they have to stop and if any official of the County who is responsible will not stop them, we will be on him. Because really, what is the point of making beautiful roads and when you go back there the roads are done for and finished?

Secondly, the road to Kindaruma; I will tell you a very sad thing; because that is the place I stayed for 26 years. I have a small kiosk there and that road we made it ourselves as the landlords of that area. I am sure you know that. We made the road of Kindaruma all the way round up to the school. Whenever I visit the place, I feel pity because that road was done by the people. Now this report should also be on this Table because the people who are building high-rises, have brought these huge trucks and these huge trucks come, *zinamwaga matope*, *zinamwaga mchanga*, so we are actually in problems in this city.

But unless somebody somewhere is forced to stand up and look at it and if he cannot look we can take him to KICC (Kenyatta International Conference Centre) and give him a binoculars to look at the city because it is happening not only in this red soil areas where the Majority lives, but also in the black cotton areas. They are feeling the same heat because the roads have been made everywhere regardless of whether the soils are black or red. So the Chairperson of Works you have until Tuesday and we will have to call that gentleman in charge or lady in charge of roads to my office or to the County Service Board so that we can give them matching orders if they cannot be able to do what we are supposed to do. So, let Members not suffer.

(Applause)

And the question; and the Majority Leader said here yesterday, it is not a laughing matter this time, the honey-moon is finished. We have known each other. We know the weakness and I have not heard of a honeymoon going on for one year, we used to go for honeymoon for two days. So, Majority Leader, Minority Leader set your troops ready to move to battle with the Executive.

(Applause)

Hon. Speaker: Diana Kapeen, the Chair lady, when are you responding, in spite of my telling you to do so on Tuesday? Can we hear from you?

Hon. Diana Kapeen: Mr. Speaker sir, you have already said 14 days and so we will go by that although I would have fast tracked with our committee so that we can be faster in delivering the response earlier than 14 days.

Hon. Speaker: For which one now?

Hon. Diana Kapeen: For both questions.

Hon. Speaker: That's okay and bring a comprehensive response.

Hon. Diana Kapeen: Yes, I will.

Hon. Speaker: Hon. Member, yes, you have what?

PERSONAL STATEMENT ON RECRUITMENT OF A CLERK OF THE ASSEMBLY

Hon. Member for Kahawa West (Mr. Patrick Chege Ngaruiya): Yes I am standing on Point of Order No. 80; Personal Statement and as you have said the honeymoon is over. I wanted to ask how long does one remain to be interim or in an acting capacity, Mr. Speaker? I rise here to say that it is high time the post of the Clerk of this Assembly was advertised so that at least we can get or confirm the person who is in that office. So, Mr. Speaker, I think, I don't know which criteria we are going to use but the seat of the Clerk of this Assembly should be advertised because the honeymoon is over. *(Applause)*

Hon. Speaker: Order Member! What was your Statement? Did you want a clarification? What clarification did you want about the issue?

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Thank you, Mr. Speaker. I would like to remind my good friend that the Clerk is from the Transition Authority and the transition period is entrenched in our Constitution as three (3) years. I don't know why he is in a hurry, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Hon. Members, order Member! Hon. Member, you are out of order because you have not given notice to your statement. Yes even if it is a Personal Statement.

(Loud consultation)

Hon. Speaker: Yeah. Unless, it is life and death.

Hon. Benson Amutavi: Mr. Speaker---

Hon. Speaker: But what Standing Order, now, are you referring to?

Hon. Benson Amutavi: Mr. Speaker, I think the Hon. Member should tell us if---

Hon. Speaker: Order! Order!

Hon. Benson Amutavi: He wants that job. *(Laughter)*

Hon. Speaker: Hon. Member, you said Standing Order No. 80. What? Very well. Next item? Hon. Njoroge wa Kairu.

PERSONAL STATEMENT ON MATERNITY INSURANCE COVER

Hon. Member for Woodley Ward (Mr. David Njoroge Kairu): Thank you very much, Mr. Speaker sir. I am standing here on Standing Order No. 80 and because you have said that you are going to meet tomorrow because of insurance issues; I am expecting to get a child very soon and the maternity fee women are given is very minimal. It is 50,000 shillings, Mr. Speaker. So please when you do meet look at that. I have a friend of mine there again (*Indicates an expectant Hon. Lady Member*), yeah, so we are many.

(Loud Consultations)

Hon. Speaker: Order! Order Members! Very well, and we will congratulate you on that during that particular time (*Laughter*) and we hope you also take leave as per the new Constitution. Next? Hon. Chege and please quote your Standing Orders, Point of Orders or whatever.

REQUEST – STATEMENT ON THE CHIEF OFFICERS ROLES

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Mr. Speaker I never catch your eye. I am standing on Standing Order 41(2c). Mr. Speaker, I stood yesterday requesting for a clarification on the Statement regarding the--- we wanted the Chief Officers roles to be evenly distributed according to departments.

Hon. Speaker: Pardon?

Hon. Chege Mwaura: I am saying, I requested a Statement from the Committee of Budget a couple of weeks ago. And in my interaction with the chairman---

Hon. Speaker: What was the question?

Hon. Chege Mwaura: The question was regarding the role of Chief Officers with regard to financial accountancy or being the principal accountants and Mr. Speaker 41 (2c) requests you to pinpoint a specific date so that we discuss that matter or you allocate some time and in the same breadth I would request you to specifically request a specific time so that we can discuss and raise issues on what the Hon. Member will bring to the House.

Hon. Speaker: Hon. Member, we will have to get the chairperson to---

Hon. Leader of Minority (Mr. Abdi I. Hassan): I wanted to inquire if the Hon. Member here, my able Deputy Minority Leader, was in order to interfere with the work of the County Assembly Service Board, Mr. Speaker sir?

Hon. Speaker: He will get an answer very soon. So, Hon. Chege, we will get the Chairperson of Budget and Appropriation Committee to let us know when that can be done because if I allocated a date without specifics then we will head nowhere. So, the Chairperson will do that. But I can see the able Majority Leader on his feet.

Hon. Leader of Majority (Mr. Elias Otieno): Thank you, for giving me this opportunity. It is only my concern, Mr. Speaker. If somebody, was just given a little position. *(Laughter)* He has just started asking a question which is irrelevant---

Hon. Member: Point of Order!

Hon. Speaker: Order! Order! What did you say?

Hon. Leader of Majority: You should give your boss respect. You must give him utmost respect; total respect to your boss. I told you, yesterday, anytime that I am talking; you should know it is your boss talking. *(Laughter)* You should give me total respect. The position of Mr. Ngwele, as the Clerk of the County Assembly, is still valid because it is interim for 3 years. So, I don't see the reason why--- do you want to apply for this position? Do you want to stand for the--- do you want to resign from what you are doing?

(Loud Consultations)

Hon. Speaker: Order! Members, order!

(Loud Consultations)

Hon. Leader of Majority: Mr. Speaker, this noise by you people cannot stop me from continuing with what I want to say---

(Loud Consultations)

Hon. Speaker: Order! Order Members!

Hon. Leader of Majority: *Kaeni chini!*

Hon. Speaker: The Hon. Majority, can we have all of us sit down? Order Members! Sit down.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Thank you very much, as the Minister of Labour---

Hon. Speaker: Can you sit down;

Hon. Wilson Ochola: You are not even in order to speak!

(Loud consultations)

Hon speaker: Sit down! *(Loud consultations)* sit down! Order Members! Order! *(Loud consultations)* Order Members! Order! *(Loud consultations)* Order Members! *(Loud consultations)* Order Members! *(Loud consultations)* Order! Sit down! *(Loud consultations)* Order Members! Order! *(Loud consultations)* Sit down! What did he say? Sit down! Sit down! Sit down! What did he say? What did the Majority *(Loud consultations)* Sit down! Sit down! Sit down! Sit down! Sit down! Sit down! Sit down! Sit down! Sit down! *(Loud consultations)* Order Member! Order!

Hon. Leader of Minority: Mr. Speaker sir---

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

Hon. Leader of Minority: Point of order, Mr. Speaker sir, *(Loud consultations)* Point of Order Mr. Speaker sir. *(Loud consultations)*

Hon. Speaker: Order! Order Member! Order!

Hon. Leader of Minority: Point of order, Mr. Speaker sir!

Hon. Speaker: Order! Hon. Minority, let me sit down for the Member to come in.

(Loud consultations)

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

Hon. Leader of Minority: Mr. Speaker sir, I want to remind my counterpart the Hon. Majority Leader, my able Deputy Minority Leader here was validly elected *(Applause)* and he should withdraw the derogatory word he used in reference to him and apologize, Mr. Speaker sir.

(Loud consultations)

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

Hon. Elizabeth Manyala: I rise on Standing Order number 84 and this is basically directed to Hon. Ngaruiya. "A member who has used exceptionally words and declines to explain and retract the words or to offer apologies for the use of the words to the satisfaction of the Speaker shall be deemed to be disorderly and shall be dealt with in accordance with the rules pertaining to disorderly conduct." Hon. Ngaruiya you, you don't--- you did not consult very well, because--- *(Loud consultations)*

Hon. Speaker: Order Members! Order!

Hon. Elizabeth Manyala: ---you did not consult very well because there's a Labour Committee. If you wanted to know---*(Loud consultations)*

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

Hon. Elizabeth Manyala: What is happening with the Clerk---*(Loud consultations)*

Hon. Speaker: Order Members! Order!

Hon. Elizabeth Manyala: ---and County Service Board, you should have consulted. *(Loud consultations)*

Hon. Speaker: Order Members! Order! *(Loud consultations)* Hon. Members, *(Loud consultations)* Hon. Members, *(Loud consultations)* Hon. Ochola, Hon. Members, first of all I want to thank you for your contributions. They are healthy as you are and as articulate as you are. Hon. Ngaruiya, the question on the Clerk being in office is not properly and was not properly before the Assembly *(Applause)*. The Statement--- *(Loud consultations)* Order Members! Order! *(Loud consultations)* Order Members! Order! The Statement was read under section number 80 and was not therefore a personal statement. That is my ruling. Hon. *(Loud consultations)* Order! *(Loud consultations)* Hold your horses. So, I would like to ask the Hon. Majority with his wisdom and leadership as asked by the Hon. Leader of Minority to calm the waters and Hon. Ngaruiya to calm the waters, as diplomatic as I may be. Thank you, Hon. Members.*(Loud consultations)* Please don't! Order Members! *(Hon. Leader of Majority takes the floor amid laughter from some Members)*

Hon. Leader of Majority: Why are you people laughing? *(Laughter)* Thank you, Mr. Speaker for your good ruling, but first, Mr. Speaker, this position of Deputy Minority is not in the Standing Orders so it's a little position and I can repeat that ten times. I will not apologise to that. It is not in Standing Order. *(Loud consultations)*

Hon. Speaker: Order! (*Loud consultations*) Hon. Ngaruiya please, please, (*Loud consultations*) sit down (*Loud consultations*) Hon. Clerk, proceed. Hold on, please.

Hon. Benson Amutavi: Mr. Speaker, can I pray for this House?

Hon. Speaker: Please (*Loud consultations*) Order Members! Order! (*Loud consultations*) Order Members! (*Loud consultations*) Clerk, call the next order, please.

Principal Assistant Clerk: Order number 8.

Hon. Speaker: Next order?

Principal Assistant Clerk: Motion.

(Loud consultations)

Hon. Boniface David Kitavi: Thank you, Mr. Speaker. Respect is something that is very important, Mr. Speaker. This is a House of rules and procedures.

(Loud consultations)

(A section of MCAs walk out)

Hon. Speaker: Order! Continue, Hon. Kitavi.

Hon. Boniface David Kitavi: Thank you, Mr. Speaker, I think this is a House of rules and procedure and as much as our colleagues are aggravated by this matter, we have more serious issues to discuss, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Order Members! Order!

MOTION

Hon. Boniface David Kitavi: That **AWARE** Article 6(2) of the Constitution recognizes that the National and County Governments are distinct and interdependent and that devolution is an important principle in the new structure of governance. Further **AWARE** that recognizing the fundamental role of education worldwide in fostering economic and social transformation--- (*Loud consultations*) Mr. Speaker sir, please, protect me.

Hon. Speaker: A point of Order.

Hon. Leader of Minority: Mr. Speaker sir, I thought this is a House of rules and procedure. When a Member is out of order regardless of his stature, regardless of whether he is the Majority Leader or Minority Leader, he must withdraw the statement which he has put forward. Mr. Speaker sir, I am in agreement with you. The Hon. Ngaruiya should not have brought the issue of the Clerk into this Assembly because that is perfectly the work of the County Assembly Service Board. But the reaction from Majority Leader was out of order. It was out of order, Mr. Speaker sir, and we expect you as a Speaker to order as such.

(Loud consultations)

Hon. Speaker: Order! Order Member! Order! Please! Order!

Hon. Samuel Nyang'wara: Mr. Speaker if the Hon.---

(Loud consultations)

Hon. Speaker: Order! Order! Hon. Members, we are not in a contest here, gentlemen. Hon. Members, Hon. Members, we have lived here as brothers and sisters and I thought I made a ruling and I used the words very diplomatically that we calm the waters because we are leaders and I expect that to be followed to the letter. *(Consultations)*

Hon. Leader of Minority: With all due respect, after your ruling, you heard the Majority Leader here, standing and repeating the very same issue. Mr. Speaker sir---

Hon. Speaker: Yes, Hon. Akuk, Point of information.

Hon. Leader of Minority: Mr. Speaker sir, I don't need to be informed by my friend here.

Hon. Maurice Akuk: Thank you, Mr. Speaker sir, please sit, I have been given an opportunity.

Hon. Speaker: Let's hear what he says.

Hon. Leader of Minority: No, Mr. Speaker sir.

Hon. Maurice Akuk: I've been given an opportunity.

Hon. Leader of Minority: He has no stand on a Point of Order and I don't need to be informed, Mr. Speaker sir

Hon. Maurice Akuk: Minority, I've been given an opportunity.

Hon. Speaker: Very well, very well.

Hon Maurice Akuk: Mr. Speaker, you've given me an opportunity.

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

Hon. Maurice Akuk: Mr. Speaker sir, I would like us to at least change our perception of this House because it's a House of rules and procedures. I don't think there is anyone in this Hon. House that should question your ruling, Mr. Speaker sir. Your ruling is final and your ruling should be respected and in this particular case that position that the other Members are purporting to talk about is a position that so far has not been confirmed. Whether Jubilee side of this House sat down and did the elections, it is the same thing that did happen during the Speaker's panel, Mr. Speaker sir. So I am trying to inform him---(*Loud consultations*)

Hon. Speaker: Order! Order Members!

Hon. Leader of Minority: He is trying to inform me, but I don't think he's informing me anything.

Hon. Maurice Akuk: I am informing the House not you.

Hon. Speaker: Order Leader of Minority let---

Hon. Maurice Akuk: Mr. Speaker sir. It took the Speaker's panel 5 months for that particular Standing Order to be changed and to be brought into this House. For the Minority Leader to stand here in front of us and tell us that there is a Deputy Minority Leader which he can't actually substantiate, Mr. Speaker sir---

Hon. Speaker: Order! Order Member!

Hon. Maurice Akuk: ---it becomes---(*Loud consultations*)

Hon. Speaker: Order! Order Members! (*Loud consultations*) no, no, no, no, no, order Members! Order! I have now come to realize that we are speaking of--- are we speaking of Deputy Minority Leader or we are speaking of something else? (*Loud consultations*) Hon. Members, Hon. Members, I want to understand this now here. Honestly, honestly are we discussing--- (*Loud consultations*) hold on, hold on, hold on Members, (*Loud consultations*) hold on. I want to make a ruling and this is final.

Hon. Members you eat and drink together. Once again I want to plead with you. And today is the last warning I will issue before you and before God that I will not entertain any more language that is

unparliamentary. (*Applause*) Further to that we are the role models of this city. You don't have to be told. I don't have to put tomorrow in The Standard or to put in The Times of London or Denver Newsport, where we were with the Majority, that we are the role models. Up there, are the people who are following you very keenly and therefore I want us now to move to the order of the day and I want to ask Members--- I want to urge Members, surely, when you are rising on a Point of Order--- I have been very lenient; I've been very lenient. Hon. Members, this is not going to be anymore. If you stand in front here and bring a Point of Order that is irrelevant to even your own live, I'll kick you out of this House. Let us not do those things, please let us not reach those stages. I know the Jubilee and CORD have the same agenda of development in the city. I don't think anybody is here for anything less than that.

Let us develop our people. Let us develop our city and for today I want to ask you; as you sleep and when you wake up tomorrow, find out what you did today the 26th in the afternoon at 2:30pm and don't repeat it again. I want us to go down to business and please let us leave shenanigans and who is great, who is what. Let us not do those.

We are discussing serious issues in regard to the city. I am praying hard to God that we get into that building, (*Indicating the new Chambers under renovation*) so that we can get you on television recording and streaming so that people will know what kind of people we are. (*Applause*) So, Hon. Members without much ado, I'll ask the Hon. Kitavi to go on and please, please I don't want to use the word used by our old parents; that you hold your----? I didn't say horse. Hold your----? Hold your----? You know it. Thank you, Hon. Members. I would like to see the smiles.

Hon. Leader of Minority: Still on a Point of Order.

Hon. Speaker: Hon. Minority, I've made my ruling and I have said let's move as brothers.

Hon. Leader of Minority: I do agree with you, Mr. Speaker sir...

Hon. Speaker: Please (*Consultations*) excuse me, Hon. Njoroge wa Kairu, you are a very senior politician in this city and I expect you just like the Hon. Minority, to be in the lead to guide the troops. Mr. Kitavi, Hon. Kitavi.

MOTION ON RECRUITMENT OF ECD TEACHERS

Hon. Boniface David Kitavi: Thank you Mr. Speaker for guiding this House in your wisdom and I think right now Members are sobered up and I want to go straight ahead to the Motion; that **AWARE** Article 6(2) of the Constitution recognizes that the National and County Governments are distinct and interdependent and that devolution is an important principle in the new structure of governance. Further **AWARE** that recognizing the fundamental role of education worldwide in fostering economic and social transformation has prompted Government to create specialized agencies to among other functions regulate the training, registration, recruitment and employment of teachers; **NOTING** that the function of preprimary

education is vested in the County Governments pursuant to the fourth schedule of the Constitution; that the County has inadequate teachers in preprimary level; this Assembly urges the County Government of Nairobi to employ enough teachers in ECD centers.

Mr. Speaker sir, as we are all aware that the future of any nation depends on a good foundation for its children. Nairobi has been lagging behind in terms of having adequate teachers to take care of our children. Mr. Speaker sir, as the motion clearly elaborates, the function of ECD is fully a devolved function. It is high time that issues of teacher recruitment shifts to high gear. We are all aware that many nursery schools and ECD centers that are run in this city are run by individuals like a business and our children are lacking a good foundation.

Mr. Speaker sir, the research findings that have been provided by research firms clearly indicate that children in Nairobi are lagging behind in terms of grasping issues especially in the area of Maths and English. This is the right time that this County should wake up and employ enough teachers; teachers who are able to handle our children; teachers who are trained; teachers who can employ creative methodologies so that the future of this County can be a stable one. Mr. Speaker sir, I would like to call upon *mheshimiwa* Jack Ngare to come and second this motion.

Hon: Speaker: Hon. Jack Ngare.

Hon. Member for Githurai Ward (Mr. Jackson Ngare): Thank you, Mr. Speaker sir this is a motion that has come at the right time in this County and I beg to support. Thank you. (*Applause*)

Hon. Speaker: Hon. Members I wish to propose the motion that; **AWARE** that article 6(2) of the constitution recognizes that the National and County Government are distinct and interdependent and that devolution is an important principle in the new structure of Government. Further **AWARE** that recognizing the fundamental role of education worldwide in fostering economic and social transformation has prompted Government to create specialized agencies to among other functions regulate the training, registration, recruitment and employment of teachers; **NOTING** that the functions of preprimary education is vested in the County Governments pursuant to the fourth schedule of the Constitution and that the County has inadequate teachers in preprimary level, this Assembly urges the County Government of Nairobi to employ enough teachers in ECD centers. Hon. Members, Hon. Serikal Onduru.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you, Mr. Speaker sir. First, may I take this opportunity to welcome you and your accompanying group back from Overseas. I arise to support the Motion. This is very, very important for us now as a County. We need to do the necessary with regard to the Early Childhood Education. Since this is the fundamental of education, whoever has a degree passes through these early stages of education. And it is very important for Hon. Members to support this Motion because this is the beginning of education. The ECD requires expert teachers. Some of the Counties advertised for the positions for the qualified personnel to train their children in early education and most of them have already been recruited. What about Nairobi County? It is better

for us to take the cue from these counties because we are looking after the welfare of our children and education is very important. I support it fully. Thank you.

Hon. Speaker: Hon. Wa Mari.

Hon. Member for Ruai Ward (Mr. Daniel Mari): Thank you, Mr. Speaker sir, I rise to support the Motion, having in mind that the future of this nation and of course the Nairobians; the Nairobi County, is based on informed people and on a generation that has been imparted with knowledge. Having in mind that in the previous council, these institutions were very much neglected yet majority of our poor population can't afford to take their children to private nursery schools or preprimary schools; I rise to support this and ask this House and these Members to support this motion so that we can have these institutions in place in order to secure our population and even have impact on our children's future. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Thuo.

Hon. Member for Karura Ward (Mr. Stephen Thuo): Thank you, Mr. Speaker. I rise to support this Motion. Indeed, issues to do with pre-primary education are vested with the County Government. However, I am asking myself this afternoon whether there are actually ECD centers or schools that do the job that are facilitated by the County Government of Nairobi, Mr. Speaker. I think as I continue to support this Motion, Mr. Speaker, we need an audit to be done so that we can know how many ECD centers we have in Nairobi and also we know the challenges that are being faced by those institutions.

I am not aware, Mr. Speaker, of an institution called ECD being supported by the County Government of Nairobi. So, I would ask the Committee of Education to investigate and come up with a report of whether we have such schools, Mr. Speaker. I would also urge the same Committee, Mr. Speaker, to come up with a Bill so that we can enact that Bill and have a legal framework on how we can establish those schools and how those schools will be run. Thank you. In addition, I am sorry to let you know that there is no Quorum in this House, Mr. Speaker.

Hon. Speaker: Hon. Mbogo--.

Hon. Magdalene Mbogori (Nominated Member from Kibra): Thank you, Mr. Speaker, the name is Mbogori and I stand to support this Motion and as a Member of that Committee I would just like to answer the Hon. Member who was here. We have two ECD training centers in this city. It was not in our mandate before---

Hon. Speaker: Hon. Member, you have two---

Hon. Magdalene Mbogori: Sorry? Two ECD training centers in this County and as much as the ECD centers are not there we have budgeted for it, it is in the budget and the fact that it has been

considered in the budget for the last seven or eight months, Mr. Speaker, we need to employ these teachers as soon as possible because most of our electorate take their children to very expensive---

Hon. Member for Uthiru/Ruthimitu Ward (Mr. John Waweru): Point of Order!

Hon. Speaker: Point of Order on what?

Hon. Mr. John Waweru: I rise on Point of Order number 32 and I wonder if this House is in order conducting its business without a Quorum and Mr. Speaker, I know that all the Members are out---

Hon. Speaker: Order! Member, that is enough. Sasa you wonder or there is no Quorum?

(Laughter)

Hon. Speaker: Hon. Mbogori. Meanwhile, the Interim Clerk, please can you see what---

Hon. Magdalene Mbogori: Yes, thank you, Mr. Speaker. Like I was saying, I support this Motion, we need to employ these teachers very fast because most of our electorate take their children to very expensive pre-primary and nursery schools. So, we need to be able to sort out this very fast so that we can be able to take them to affordable ECD institutions. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Kairu and Hon. Member, there is Quorum.

Hon. Member for Woodley/Kenyatta Golf Course (Mr. David Kairu): Thank you very much, Mr. Speaker, Sir. Allow me to support the Motion because the time has come that we need these teachers, but again, Mr. Speaker, I want to support Mr. Kamau Thuo of Karura Ward on what he asked---

(Speaker consults with the Clerk)

Hon. David Kairu: I was saying this, Mr. Speaker, Sir. I want to support Kamau on what he asked because we do have ECD teachers that are paid by the County Government, they are there. So, what Kamau was asking is, can we be told how many ECD teachers are currently employed by the County, that are receiving their salaries from this County? In addition, how many ECD centers do we have, because we do have one in Upper Hill, we do have several centers and again, in our primary schools, Mr. Speaker, we do have those ECD centers---

(Ringing of Quorum Bell)

Hon. Member for Mwiki Ward (Mr. Isaac Ngige): Point of Order.

Hon. Speaker: Yes, Point of Order on?

Mr. Isaac Ngige: On 31(2). Mr. Speaker, I think it is not in order for the Bell to be rung and at the same time there is a Member contributing on the floor. I think we have the right procedure to be followed and I believe the Interim Clerk should advise you.

Hon. Speaker: Hon. Member, I think the person who rung the bell might have gone on the orders of the Hon. Member who was wondering.

Mr. Isaac Ngige: Mr. Speaker, you are in charge of the House.

Hon. Speaker: Proceed, Kairu.

Hon. David Kairu: Thank you very much, Mr. Speaker, Sir. I was very scared by the way. What I was saying is that we do know that we have these ECD teachers that are paid by the County Government and they are there. So what the Member was asking is, can we do an audit of the teachers that we do have currently and again, how many ECD centers do we have, so that we can know how many more ECD teachers we require? Thank you very much.

Hon. Speaker: Hon. Iron Lady.

Hon. Elizabeth Manyala: Mr. Speaker, Sir, I want to support the Motion. However, before I contribute to the Motion on the floor of the House I want to bring to your attention Standing Order number 41(1) on Statement hour. Mr. Speaker, owing to the mood of this House and what we have witnessed for the past two weeks since we convened, I want to read this for Members to hear and for it to be recorded in the analogue. Sub section 1 of Standing Order number 41 says; *“Notwithstanding Standing Order 37 (Sequence of proceedings) there shall be time to be designated Statement Hour every Thursday commencing not later than 3 p.m. During the Statement Hour a Member of the County Assembly Business Committee designated by the Committee for the purpose, shall every Thursday or on the last sitting day for not more than 10 minutes present and lay on the Table a Statement informing the County Assembly of the Business coming before the County Assembly in the following week”*.

Hon. Speaker: Order Member! I am completely lost on your Point of Order, completely lost. Please bear with me, I am lost.

Hon. Elizabeth Manyala: Mr. Speaker, Sir. What I am trying to say is that owing to what we have seen, the shenanigans which are being shown in this House between the opposite divide--- the Statement Hour according to Standing Order number 41 should be on Thursdays, Mr. Speaker.

Hon. Speaker: Order please! Members, are we through with our Motion?

Hon. Members: No.

Hon. Speaker: Can we proceed with the Motion?

Hon. Members: Yes.

Hon. Elizabeth Manyala: Mr. Speaker, I was contributing to the Motion, however I was bringing to your attention what has been the precedence in this House.

Hon. Speaker: Let us go to the Motion.

Hon. Elizabeth Manyala: Okay. I stand here to support the Motion on early childhood. Mr. Speaker sir, if you read the fourth schedule of the Constitution, ECD is part of us and we are part of it and we will be judged by the end of our fifth year whether we have implemented what was mandated or devolved to us in the County Government as per Article 175 of the Constitution. Knowing that there is actually poor and lack of smooth transition from ECD to primary schools, this Motion is actually timely so that we ensure that our children within the County enjoy this fundamental right.

Kenya ratified the Rome Statute, as you are aware, and in 1990 ratified the UNCHRC which is again one of the mandates of this country, the Charter of the United Nations Convention on the Rights of the Children. In 2000, Mr. Speaker, the Government in its own desire to benefit and give children the best came up with the Children's Act which was domesticated in 2001 and if you look at the Children's Act we have four pillars of rights. One of the rights which I may quote here, Mr. Speaker, is development and development pertains to education and also gears towards achieving the Millennium Development Goals and ECD is the backbone. If we start well on the right footing, by ensuring that we start implementing now what is in the Fourth Schedule of the Constitution and the Second Schedule of the Standing Orders of our Assembly we will be proud to go and face our electorate without blinking an eye and say that we have made it and we have already started implementing what has been mandated us as the devolved Government. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Maxwell Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker, for giving me this opportunity to contribute to this Motion. Mr. Speaker, this Motion is timely because the ECD education is part and parcel--

(Speaker consults with the Clerk)

Hon. Maxwell Ochar: Mr. Speaker, according to the Constitution, fourth schedule, the ECD education department is left for the County Government and in fact, if we pass this Motion we shall be fulfilling one of our mandates which we were given by the Constitution. This is one of the Motions by which we shall which we will be judged. So, I humbly ask this House, each and everybody, to support this Motion so

that we can pass it overwhelmingly, because these are the things that will determine our performance. It is laid squarely on our court by the Constitution and I think this is the foundation of education.

So, it is the best thing which we can give to our children back home. Mr. Speaker, outside here there are so many people who have been trained on the same and they are seeking employment, so before we start training we need these already trained officers. We should start by employing those people who are qualified out there, that is when we can train the others while the teaching is ongoing. Thank you, Mr. Speaker.

Hon. Speaker: *Leo mumenifanya ninyue maji mengi sana*, Hon. Members. Hon. Mulatya.

Hon. Member for Kwa Njenga Ward (Mr. Alexander Mulatya): Welcome back, Mr. Speaker, with your team from the United States of America. I hereby support the Motion as brought by the Chairman for Education. However, I would like to bring forward an issue pertaining to the deployment of the teachers. For instance if I can give an example of my school, the only school in my Ward, Kwa Njenga Primary School, the ECD teachers were three and the classes were four and they were deployed to different sections within the Nairobi City County. So, as I support the Motion I also urge the Executive Member in that office to make sure that all the ECD teachers who were deployed to respective primary schools or pre-primary schools are returned back to their place of work. Thank you.

Hon. Speaker: Hon. Manoah Mboku.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you, Mr. Speaker. Welcome back in the country with your team once more. Mr. Speaker, I rise to support this Motion. It is true the ECD has been ignored in this country and it is important that we pass this Motion and when passing this Motion we should put into consideration quite a number of things, Mr. Speaker. Number one; we should come up with a County institution to be training ECD teachers so that we avoid teachers from other Counties being employed to teach in our County.

Mr. Speaker, I also want to suggest that we should also encourage male teachers to train in ECD so that we do not have legal issues to do with gender when it comes to employment. We want to encourage men to go and train in ECD because men, as you know, are good handlers of young ones in the community. Lastly, Mr. Speaker, I want to welcome back our colleagues from the Jubilee side who have walked in after they had walked out and, Mr. Speaker, this spirit of Members trying to harass others so that they can be called aside to come back has become a behavior in this House and it should be stopped. I hope Members have not been called back from somewhere. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Bishop Abuka.

Hon. William Abuka (Nominated Member from Kibra): Thank you, Mr. Speaker, for giving me the time to contribute to this Motion which I support very much and also to welcome you back together with

your team from the United States of America. Mr. Speaker, I think we need to have painted a picture so that we see this thing a little bit more clearly and then maybe come up with a proper solution. Mr. Speaker, I have been sitting on various education boards and various district boards in this County before the County Government came into being, but before that we used to have - Mr. Speaker, for your information - the Nairobi West District where I was sitting not only on the Board but also formulating strategic plans for the district.

The figures that I saw there about young kids who have trouble accessing education was worrying and that figure today has not gone down. I can tell you without blinking an eye, Mr. Speaker, that two, three years ago Nairobi West District which has now been split into four districts was recording 137,000 children having trouble accessing education and that is only one side of Nairobi. We have not mentioned the other parts of Nairobi.

These are our children, they are people who are growing up in the city and they have rights just like anybody else to access education and especially the basic or foundational education. As I support this Motion I also want to draw the attention of this House to the fact that a lot of the informal schools that are taking the big chunk of the children at that early age of pre-primary are not properly founded. There are places where education is offered as a way of keeping the children out of the homes or maybe getting the kids out of their mother's bosoms. I think that is not the best thing we would wish for.

Mr. Speaker, to add onto this, we have to date seen indiscipline in the education sector which is not only worrying but also destroying the very foundation that was laid by our forefathers. As I support this Motion I want to emphasize that in Nairobi we have an opportunity that is unique in nature and that is to show by example that early childhood education can be done in the best way in this County for others to follow so that our children are not only taught how to compete and pass examinations and our teachers to fight for salaries but that we have a foundation that cannot be challenged in future.

Mr. Speaker, I say this with a lot of confidence because I used to take my daughters to Uganda, Kampala, for their education and if you reach Busia you will see a worrying trend, the hundreds of buses---

(Consultations between the Principal Assistant Clerk and the Speaker)

Hon. William Abuka: Mr. Speaker, I hope I have your attention.

Hon. Speaker: Continue.

Hon. Mr. William Abuka: The hundreds of buses that are leaving Kenya to Uganda ferrying our children, from their early childhood to University and once you reach Kampala you get the hundreds of thousands from Ethiopia, from Sudan, from Rwanda, from Burundi, from Nairobi and from Somalia that are going to Kampala, Uganda to get education. Mr. Speaker, they are running away from Kenya because the way we have handled education right from the primary level is so casual that nobody would want to take

the risk of trusting their children with us and I think we can do better and especially when the Chairman of Education has brought this matter. Mr. Speaker, we can take it from there, expand that area and really make sure that we not only employ the teachers but the institutions or the schools where the teachers are going to teach are good schools, properly funded to enable us build a strong foundation for the future of our children. I beg to support this Motion.

Hon. Speaker: Can we give Hon. Imwatok time to contribute because he has children who need ECD.

Hon. Peter Imwatok: Yes, Mr. Speaker, I think you know why I am really eager to contribute on this. I think I am still waiting, Mr. Speaker, although you were in the USA, I am doing a programme under FB, Facebook, collecting books for my schools because it happened that one of my schools was last in the County and I will say this not because I want to be laughed at but I will say it is because of the foundation of the schools. Mr. Speaker, as I move to support this Motion I think I will also move with some kind of criticism in it which is positive in nature directed to the Implementation Committee because we want these Motions, when we pass them, to be implemented. Mr. Speaker, one of my schools was number last in this County and when I had a forum the stakeholders forum---

(Loud consultations)

Hon. Speaker: Order!

Hon. Peter Imwatok: Protect me, Mr. Speaker.

Hon. Speaker: Order! Hon. Ochola, do you have anything to tell this House, because you are making too much noise in this House? I have seen you.

Hon. Wilson Ochola: *(Inaudible)*

Hon. Speaker: And you are arguing with the Speaker? Please keep your peace.

Hon. Peter Imwatok: Thank you, Mr. Speaker, for protecting me. On the same note, Mr. Speaker, try to limit your Speakers Panel from disrupting the debate. Mr. Speaker, thank you very much and as I said, My school was number last in this County and based on that I had to hold a stakeholders forum in which we discussed the issues and ways to improve the school. Unfortunately, Mr. Speaker, we learnt that in last year's KCPE exam about 14 pupils who sat for the exam, about 9 of them could not read and write but they were in Standard 8, Mr. Speaker. That shows---

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Point of Order!

Hon. Speaker: Point of Order on?

Hon. Peter Imwatok: Quote the Point of Order and the number.

Hon. Peter Warutere: Mr. Speaker, are you aware that there is a Hon. Member who is taking coloured water in this Assembly?

Hon. Speaker: Who.

Hon. Mr. Peter Warutere: Mr. Speaker, the Hon. Ochola is having coloured water.

Hon. Speaker: Searjent-At-Arms, can we find out? Can it be brought here to the Speaker? The Speaker will open it.

Hon. Peter Imwatok: Thank you, Mr. Speaker, it is one way of distracting my mind.

Hon. Speaker: I want to ask Hon. Ochola not to be drinking Ribena in the Assembly.

Hon. Peter Imwatok: Thank you, Mr. Speaker. That was Ribena. It is an energy drink. I think Ochola, needs more for this evening. As I was saying, Mr. Speaker, it is so unfortunate that out of the number of pupils who sat for the exam in my school which was last in the County in the last KCPE exam, 14 of them could not write and neither could they read, Mr. Speaker. Keep in mind this is a city County education system where we expect that even if it is not a private school at least at 70% rating our public schools could be at par with the private schools. Mr. Speaker, going round all the ECD schools in the six primary schools in my Ward I realized that these kids do not sleep as those in other schools do. They do not have beddings, they do not have seats, they sit on *lessos*, Mr. Speaker, and the ECD classrooms themselves are in a pathetic condition which really needs us to work on.

Maybe the Chairman of Budget is here and can ascertain to me; last year---I think the entire budget is in my head--- 95 million shillings in the previous budget was assigned to improve and rehabilitate the ECD Program. So far, I have neither heard nor seen anywhere this allocation has been utilized. It is high time the Implementation Committee chaired by our Majority Leader should take seriously Motions passed in this House; because we end up passing them, they go to the Clerk's office and they rot there, Mr. Speaker. It is time this communication gets to the Director of Education; that we need more ECD teachers.

On top of that, we need to refurbish these schools; we need to give them what they want. I remember, Mr. Speaker, when we had the Governors Christmas Tree, there were many toys which were contributed here. When you go to a Private ECD, toys are fundamental to a small kid, he starts to learn from there but unfortunately, Mr. Speaker, I have now more than 14 letters because we had a forum with the World Bank in our constituency and when I mentioned the ECDs, all the ECD started writing letters to me looking for toys for their schools. It is so unfortunate, Mr. Speaker, it is time the County Government should know the basics of a good quality education starts from ECD. I beg to support, Mr. Speaker.

Hon. Speaker: Hon. Nyang'wara and then we will have another two Members and we close.

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker, I stand before this Assembly to support this Motion. This Motion has actually opened a Pandora's Box and I want to report to this House, Mr. Speaker that I am a Member of Viwandani Ward where we don't have even a single ECD Centre. Mr. Speaker, looking around the Ward, I still cannot see a single space where an ECD can be built.

I want to request, that after passing this Motion, the Governor of this County finds a way of establishing an ECD on the only ground that is in my area for the County. At least if we can get a small portion, we will build one ECD Centre. I come from a slum area where there is no single playground for the children of Viwandani Ward. Mr. Speaker, the Constitution and the Act is very clear in as far as matters of Education are concerned, that this is our area where we are supposed to play a major role as the County Government.

Mr. Speaker, again this will go along with establishing Village Polytechnics where in my Ward we also don't have even one Village Polytechnic. I don't know whether other Wards still have and it's a high time that the Implementation Committee after passing this particular Motion really moves to set the ball rolling so that we can have this implemented as soon as possible. With those few remarks, I beg to support. Thank you.

Hon. Speaker: Hon., my brother from Clay City.

Hon. Member for Clay City Ward (Mr. Erastus Mburu): Thank you, Mr. Speaker---

Hon. Speaker: Remind the Majority that is red soil --- *(Laughter)*

Hon. Erastus Mburu: He can even imagine the name of that Ward. As for those who have spoken before me, nobody has objected to this Motion and I am not exceptional in supporting it. Mr. Speaker, I would like to remind Hon. Members, I believe we are all the product of this Early Childhood Education and I can recall, I don't know whether it used to be where I was schooling that in order for you to be enrolled in a nursery school, one of the requirements was that you were supposed to be big enough, having an arm or hand long enough to stretch and touch the other side of the shoulder of the other arm. That meant that there was nobody who would qualify to join a nursery school until a certain age unlike those joining today.

Mr. Speaker, I believe apart from even developing our children to prepare them to join class one at a good age, at the same time these institutions offer us employment and I believe we have our brothers and sisters who after attaining qualifications to train those kids. These siblings of ours are spending a lot of days trying to get employment and nowadays in Kenya it is like a trend, you must be having a godfather to get a job. I believe with the laws or legislation which will be passed by these able Hon. Members, that will be a thing of the past. So, Mr. Speaker I want to support the Motion, thank you.

Hon. Speaker: Hon. Isaac, please and then we finish with Hon. Jaffer.

Hon Isaac Ngige: Thank you, Mr. Speaker, I think I want to finalize this debate by supporting the Motion. I want to thank the Chairman, my able Chairman Education Committee for bringing this good Motion to this House. I think it is privy to all of us that the County Government has been given the mandate to take charge of pre-primary level of education and I don't see the reason why as the County Assembly of Nairobi we should oppose such a Motion.

Having been a Member of the Education Committee and also a Member of the Budget Committee, I think it is also in order to tell this House that we have taken the necessary steps to ensure that the Wards without ECD Centres are considered for construction of the centres so that we can have the teachers doing their jobs in the various Wards. I think it will also be good on a very light note for Members such as us who are single, that as we head to the next level of getting kids, we will have able teachers who are trained and are capable of handling the kids at the various Early Childhood and Education Centres. Otherwise I support the Motion and I urge this House, just like the Committee has found it fit, to promote Early Childhood Education in the County of Nairobi. I support.

Hon. Speaker: The Hon. Jaffer and then Hon. Muga.

Hon. Jaffer Kassam: Thank you, Mr. Speaker sir, I stand here to support the Motion. In my Ward I have one nursery school; Parklands Nursery School and within a stone's throw distance we have Hospital Hill Primary School which was the best in the Nairobi County; our County was the sixth best in the primary school education exam. I stand here to support, on the grounds that it is one of the oldest nursery schools or the Early Childhood Education School within the Ward. It is completely run down and that is something which we are not discussing here today but the staff shortage is almost forcing it to shut down. So, it is high time we consider the employment of the Early Childhood Education teachers and with that I support and hope it will be done. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Muga, the Swahili teacher.

Hon. Member for Kabiro Ward (Mr. Clarence Muga): Thank you, Mr. Speaker. I rise to support this Motion with one point, that this County was a bit far in terms of employing or rolling out this program of ECDs. Other Counties are actually emulating what this County is doing, but in terms of employing teachers, I can just highlight one County, which is Bungoma County. Recently it did employ about 1600 ECD teachers. Compared to this County, we are lagging behind and we need to urge the County Government to ensure that it employs more teachers. This program is the one that gives our children the foundation to education. If the foundation is well laid, I think children will have an opportunity to embrace education and be well equipped. So I rise here to support it and urge the County to emulate what Bungoma County has done. At the same time I want to call the mover of the Motion --- *(Loud consultations)*

Hon. Speaker: I beg your pardon, I am consulting the Member of the ---

Hon. Clarence Muga: I wanted to call upon the Mover of the Motion to reply.

Hon. Speaker: Order Member! Order!

(Laughter)

Hon. Speaker: Hon. Members, I now call the Mover to reply; rightfully so.

Hon. David Kitavi: Thank you Mr. Speaker sir, indeed I want to thank all the Members for supporting this Motion. Clearly, we have shown that we have the interest of our children at heart. The future of this nation really depends on how well our children get a good foundation. It is upon us now to make sure that teachers are employed in our County and that we shall leave a legacy and our children will become better children than they are today, if we are going to leave them in the hands of qualified and trained teachers. Mr. Speaker, indeed, as Members have clearly elaborated, Nairobi County is lagging behind in terms of employing these teachers and it is now upon us to ensure that modalities are put into place and that these teachers are employed. Thank you very much, Mr. Speaker.

Hon. Speaker: Hon. Members, I now put the question that; **AWARE** that Article 6(2) of the Constitution recognizes that the National and County governments are distinct and inter-dependent; and that Devolution is an important principle in the new structure of governance; further **AWARE** that recognizing the fundamental role of education worldwide in fostering economic and social transformation has prompted government to create specialized agencies to among other functions, regulate the training, registration, recruitment and deployment of teachers; **NOTING** that the function of pre-primary education is vested in the County Governments pursuant to the Fourth Schedule of the Constitution and that the County has inadequate teachers in pre-primary level, this Assembly urges the County Government of Nairobi to employ enough teachers in ECD centres, and as many as are of that opinion say 'yes', and as many of a contrary opinion say 'nay', the 'ayes' have it.

(Question put for Motion on ECD centres and agreed to)

Principal Assistant Clerk: Order number 9; Motion.

MOTION ON STREET CHILDREN/STREET FAMILIES

Hon. Speaker: The Hon. Elizabeth A. Manyala. I thought, Hon. Manyala, this Motion was brought earlier last year? Was it a Question or Motion?

Hon. Elizabeth Manyala: No, it was a Motion but we adjourned *Sine die* so it was brought back this year.

Hon. Speaker: Thank you.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker, **THAT**, aware that of late there has been an increase in the number of street children/families---

Hon. Isaac Ngige: Point Of Order!

Hon. Speaker: Point of Order on what?

Hon. Isaac Ngige: On quorum.

Hon. Speaker: Clerk can you take stock of the number of Members in?

(Clerk ascertains quorum)

Hon. Speaker: Can the Sergeant-At-Arms, ring the bell for eight minutes?

(Quorum bell is rung).

Hon. Speaker: Hon. Members, you are not supposed to leave when the bell is being rung. Sergeant-At-Arms, I think the bell has been rung to the required time. Hon. Thuo.

Hon. Stephen Kamau Thuo: Thank you, Mr. Speaker. I would want first of all to commend the CORD leadership, Mr. Speaker, starting with Majority Leader, because their House is somehow full House and I am saddened to say the Members of Jubilee are only five. This is true, Hon. Isaac; it is only the five of us in this House, Mr. Speaker. I don't know what is happening Mr. Speaker---

Hon. Speaker: Order! Order Member! Order!

Hon. Stephen Kamau Thuo: Because, Mr. Speaker, we cannot be able to transact the important business of this House without a Quorum and this lack of Quorum is being precipitated by absence of Members of Jubilee. Where are these Members, Mr. Speaker?

(Shouts of Points of Order from Members)

Hon. Speaker: Order!

Hon. Stephen Kamau Thuo: You will be given a chance. You will be given a chance, Hon. Member, you are my colleague in the Jubilee side of the House, but it is serious that we are negotiating and deliberating on issues of importance and there are no Members, Mr. Speaker. As far as the Members of

Jubilee are concerned, Hon. Isaac from Kasarani cannot take responsibility for those Members, they can only take their personal responsibility. Those other Members of our camp have a duty to take their own responsibilities, Mr. Speaker.

Hon. Speaker: Hon. Members, Standing Order 32 (1), *“If at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects that there is not a quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee as the case may be. (2) If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the eight minutes- (a) if the Speaker is in the Chair, the Speaker shall adjourn the County Assembly until the next sitting without question put.”*

Hon. Members, the Assembly meets tomorrow at 2.30. Hon. Ocholla, Hon. Majority Leader, please I would like to see you in my office as soon as the House rises.

(The House Rose at 5.04pm)