



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Special Sitting

Tuesday, 28th January, 2014

The House met at 2.30pm

(Mr. Speaker in the Chair)

PRAYERS

PAPERS LAID

The following paper was laid on the table:

The Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill number 3 of 2014)

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. Alex Sanaika Ole Magelo): Hon Members, welcome back from the recess. I hope you have had a fruitful break thus it's my hope that you had a Merry Christmas and you are having a prosperous New Year. I take this opportunity to wish you all the best in your endeavors in the Year 2014.

Hon. Members, pursuant to Standing Order 26, I received a letter from the Hon. Leader of the Minority Party, requesting for a special sitting of the Assembly to consider the Ward Development Fund Bill, 2013 (WDF).

Pursuant to Standing Order 26 (2), the Speaker satisfied himself that indeed the request was in order and as such convened this sitting today.

I thank you all Hon. Members for making time from your busy schedules to be here today.

Hon. Members, I have the following communications to make to you:

I. SIGNING OF COMMITTEE ATTENDANCE SCHEDULES

Honourable Members, it has come to my attention that some Members do not attend Committee meetings but instead demand to be allowed to sign the attendance sheets and draw sitting allowances for meetings not attended.

I therefore wish to direct as follows:

That every Chairperson should ensure that only those Members who are in attendance sign the attendance register. Any member who is absent or who presents himself after the Committee meeting has adjourned shall not be allowed to sign.

That a Committee meeting that will not have achieved quorum within thirty minutes of the appointed time, shall stand adjourned to such other time or day as the chairperson may appoint, as provided for under Standing Order 166.

On mandates of Committees, Hon. Members, I wish to draw your attention to the provisions of Standing Order 178 on Limitation of Mandate which reads as follows;

"The deliberations of a select committee shall be confined to the mandate of the Committee..." "In the exercise of its functions, a select committee may not consider any matter that is not contemplated within the mandate of the County Assembly under the Constitution."

It has come to my attention that some committees are encroaching on mandates of other committees an example in point is the Justice and Legal Affairs Committee, inviting the Department of Environment over the felling of a tree at City Park, yet this is the mandate of the Agriculture, Environment and Natural Resources Committee.

Hon. Members, I instruct the Clerk not to append his signature on any correspondence where a Committee has gone out of its mandate. This is my directive.

II. RETURNING OF WEALTH DECLARATION FORMS

Hon. Members, part (iv) of the Public Officer Ethics Act, 2003 requires that all public officers and their spouses declare their income, assets and liabilities after every two years. To do the contrary thus, would be to break the law.

Hon. Members, 2013 was a declaration year and the deadline for filling the forms was 31st December, 2013. The forms for Members together with payroll as at 31st October, 2013 were to be forwarded to the Independent Electoral and Boundaries Commission (IEBC) Registry latest 10th January 2014.

However, seventy six (76) Members have not submitted their wealth declaration forms to date. I wish to remind you to submit the filled wealth declaration forms on or before Friday, 31st January, 2014 to the office of the Clerk for onward transmission to IEBC. Note that the IEBC will monitor the prompt submission of these forms for purposes of the next General elections.

III. CONDUCT DURING SITTINGS OF THE ASSEMBLY

Hon. Members, I wish to remind you that as a legislative Assembly, we are a House of Rules, guided by Statutes, the Constitution of Kenya (2010) and the County Assembly Standing Orders. As such, certain conduct shall not be allowed during sittings of the Assembly.

A. Grossly Disorderly Conduct

Hon. Members, you are all aware that this Assembly's last sitting was characterized by gross misconduct that saw a Member get kicked out for shouting down the chair. Such regrettable conduct has no place in this August deliberative Assembly and this is not the City Council.

Hon. Members, pursuant to Standing Order 104 (**Grossly disorderly conduct**), the Speaker shall be vigilant and will firmly deal with any cases of gross misconduct, and apply appropriate sanctions as provided for under Standing Orders 104 (2); (3) and 105 as follows:-

“104 (2) The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly---“ As you are aware soon we shall be gazetting the precincts of the County Assembly---

- a. *“On the first occasion, for the remainder of that day’s Sitting;*
- b. *On the second or subsequent occasion during the same session, for a maximum of three sitting days including the day of suspension.*

If on any occasion the Speaker or the Chairperson deems that his or her powers under this Standing Order are inadequate, the Speaker or the Chairperson may name such a Member or Members, in which

event the procedure specified in Standing Order 105 (**Member may be suspended after being named**) shall be followed.”

Hon. Members, the Powers and Privileges Act provides that a Member suspended under these Standing Orders shall forfeit all their privileges during the period of suspension.

B. Use Of Mobile Phones During Sittings Of The Assembly

Hon. Members, I wish to remind you that pursuant to Standing Orders 95 to 109 and the Speaker's Rules, the conduct of Members in the Chamber is regulated generally by the procedure and practice of the County Assembly.

And as such, the use of Mobile phones shall not be allowed during plenary of the Assembly. Interpreted broadly, it is grossly disorderly conduct under Standing Order 104 (i) for a Member to interrupt the orderly procedure of the County Assembly by using their phone during plenary.

Hon. Members, you are therefore advised to switch off your phones or put them on silent mode to avoid interruptions from calls during plenary. The Speaker shall remain vigilant and shall apply appropriate sanctions as provided for under Standing Order 104 (2) and (3) against Members who use their phones during plenary.

IV. FIREARMS

Hon. Members, pursuant to Standing Order 97 (**Firearms and other offensive weapons**), as well as Speaker's Rules, Hon. Members should not bring and carry along on the precincts of the County Assembly, any firearm or other offensive weapon/article/substance. Should such items be brought along, then, they must be immediately deposited with the Sergeant-at-Arms for safe custody and be taken away at the time of departure from the precincts of the Assembly.

As such, and pursuant to Standing Order 96 (**Security checks**), Members shall be subjected to a security check or screening before entering the plenary of the Assembly. Plans are underway to install a security screening machine at the entrance to the precincts of the Assembly.

V. UNSUBSTANTIATED ALLEGATIONS

Hon. Members, making unsubstantiated allegations against a Member is grossly disorderly conduct pursuant to Standing Order 104 (1) (d), and shall attract sanctions provided for under Standing Order 104 (2), (3) and 105.

Hon. Members, Standing Order 87 (***Responsibility for Statement of facts***) provides that a Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.

Furthermore, Standing Order 84 (***Retraction and apologies***) provides that a Member who has used exceptional 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.

As such, a Member who persists in making serious allegations without adequate substantiation in the Speaker's opinion shall be deemed to be disorderly and shall be dealt with as provided for under Standing Orders 104 (1) (d); 104 (2) and (3).

Hon. Members, it is the responsibility of the Chairpersons of Committees to protect officers in attendance to those committees. It has come to my attention the use of very bad language by Members; indeed foul language used by Hon. Members of the County Assembly towards members of the staff. I have directed the Serjeant-at-Arms to be vigilant and on the lookout for those Members who use those words that are unprintable and we shall not accept these things to happen.

Hon. Members, as I said earlier on, this is not the City Council. This is an honourable House serving five million Kenyans and we cannot accept Members who use foul language even in the office of the Speaker. The Office of the Speaker shall from now be a protected area because indeed the language from Members has gone to boarder on threats to, even, the Speaker's office and indeed that goes to the Speaker himself.

Therefore, any Member who comes to my office or the office of the Speaker, and uses foul language you will be thrown out with immediate effect. Hon. Members I wish you well (*Applause*) and I only ask God to continue guiding you and to continue to bless you and your families as you move to do what you were brought here to do. You were brought here for a serious business and there are people out there watching closely your movements and what you are doing.

I want to congratulate you, because in this Country today, among the 47 County Assemblies, Nairobi is ahead of things because of you working closely with each other. I want you to work as brothers and sisters and stop insulting each other; stop bringing your frustration to the Assembly. Finish your frustrations first, then come and do serious business. Here we have come to do serious business and that is why we wake up at 5 (five) in the Morning and if you think we have no business here and you have other business you can do that business out of the precincts of the County Assembly. I want to thank you once again and may God continue guiding you to give better guidance to the people of Nairobi and alleviate the problems that we have.

I wish you were quarreling here because Nairobi is in darkness; I wish you were quarreling because we have no roads; I wish you were quarreling because the slums have not been upgraded, but

you cannot come, and when you look at the face of the Speaker you want to insult him. It will not be accepted, thank you, Hon Members.

(Applause)

MESSAGES

Hon. Speaker: Hon. Members; message on nominees for positions of County Chief Officers. Hon. Members, there is a Message from His Excellency the Governor. Standing Order No. 39 (1) relating to Messages from the Governor provides:-

“The Speaker shall read to the County Assembly any Message from the Governor delivered to the Speaker for communication to the County Assembly.”

In this regard, Hon. Members, I wish to convey the following message from His Excellency the Governor. The Message whose subject is “Nomination of County Public Chief Officers” was submitted by way of five (5) letters dated 13th December, 2013 addressed to the office of the Hon. Speaker for submission to the Assembly. It reads:-

Pursuant to the provisions of section 45 (1) (a) of the County Governments Act, I hereby nominate the following as County Chief Officers:

1. **Mr. Michael Ngari Gichuri** - Chief Officer for Water, Energy and Natural Resources
2. **Mr. Andrew Ndaisi Mwanthi** - Chief Officer for Education, Children and Youth Affairs
3. **Mr. Jimmy M. Kiamba** - Chief Officer for Finance
4. **Dr. Leah Oyake** - Chief Officer for Environment and Forestry
5. **Ms. Vera Ambeva** - Chief Officer for Information Communication and E-Government

Hon. Members According to Standing Order No. 39 (3) (c), I refer the said names to the following Sectorial Committees:

1. **Mr. Michael Ngari Gichuri** - Committee on Water and Sanitation
2. **Mr. Andrew Ndaisi Mwanthi** - Committee on Children, Early Childhood Education and Vocational Training
3. **Mr. Jimmy M. Kiamba** - Committee on County Budget and Appropriations
4. **Dr. Leah Oyake** - Committee on Agriculture, Environment and Natural Resources

5. Ms. Vera Ambeva

- Justice and Legal Affairs

Hon. Members I wish to further direct that the said Sectoral Committees move with speed and vet the said Chief Officers and report to the Assembly once we resume our next session. I direct that the names be submitted for public comments. Thank you, Hon. Members.

STATEMENTS

Hon Speaker: Hon. Chege Mwaura.

**REQUEST – STATEMENT ON LACK OF ACCOUNTS FOR VARIOUS
COUNTY GOVERNMENT DEPARTMENTS**

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Thank you, Mr. Speaker and Happy New Year to everyone. Mr. Speaker pursuant to Standing Order 41 (2) (C), I wish to request for a statement from the Chairperson of the Sectorial Committee on Budget and Appropriation regarding the lack of accounts for various County Government Departments.

Mr. Speaker the Constitution under Article 226 (1) (b) and (2) provide for the establishment of Accounting Officers for National and County levels. Departments of the Nairobi City County Government still have their finances being controlled from the Main Treasury. Mr. Speaker this has occasioned bureaucratic bottlenecks in the disbursement of money and execution of functions within these said departments.

It is therefore, upon this background, Mr. Speaker, that I would request this chairperson involved to enquire into and report on whether the executive committee member of finance, has complied with the provision of section 148 of the Public Finance Management Act of 2013.

And two; when does the executive plan to designate Chief Officers into various County Department as Accounting Officers so that they can both administratively and financially be able to undertake their mandate effectively? Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Chairperson of Budget and Appropriations, please.

Hon. Member for Embakasi Ward (Mr. Michael Ogada Okumu): Thank you, Mr. Speaker Sir, I really want to thank Mheshimiwa Chege, for the great concern he has, I have realized that it is a concern of many Members and I do hereby commit that when we resume, I am going to give you a comprehensive, researched and authenticated report that I will stand by. Thank you very much.

(Applause)

Hon. Speaker. Hon., any other statement? Bwana Clerk? Hon. Imwatoke, please.

PERSONAL STATEMENT ON THE CONDUCT OF CHIEF OFFICER IN HIGHWAYS OFFICE

Hon. Member for Makogeni Ward (Mr. Peter Anyule Imwatoke): Mr. Speaker, I want to stand on Standing Order number 80 on a personal statement. Mr. Speaker as a County, I want to appreciate, I think, the Majority Leader, sometimes back before we closed the Assembly, we had a meeting somewhere and we agreed that Hon. Members must be given their due respect, Mr. Speaker and I think in the communication he did it well because at least now, the corridors of the Governor are open and there are no brokers hovering around.

But Mr. Speaker, so far now the corridor of the Governor is clear and the problem has shifted to the Chief Officers. The Hon. Members can queue at the Chief Officer's Office, but a broker gets in, Mr. Speaker. I think communication should come from your table that some of us go to those offices with burning issues. For instance, today Mr. Speaker, I was at the City Engineer Highways office, to inquire into an issue concerning one of my residents who was knocked down by a Matatu which had diverted from the main road to pass through an estate, but I had to queue while the brokers who know what to do in this County were given access to the Engineer and were served. So, Mr. Speaker, the sword should cut across the divide. Hon. Members have pertinent issues that sometimes they want addressed by these Chief Officers and the officers should not just do brokerage, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Members that is one item that escaped me when I was doing this communication. I want, if you can lend me your ears shortly, I want the Hon. Members to understand one thing, as long as you have not gone to the Chief Officers office on your private affairs and if it is anything to do with the official work of the County Assembly Member of the Nairobi County Assembly, my office and the office of the Clerk is the right place to go. So that, we can--- I can summon the officer in a matter of minutes to attend to you.

But Hon. Members, if you are going there for your own private things then those ones will have nothing to do with the Assembly. But agree with you, Hon. Imwatoke, but Hon. Members please use your offices as long as you are going on behalf of the people of Nairobi whether you are elected or nominated. So, please come to my office and the office of the Clerk and then from there we will know which officer or which executive is not in due diligent serving the County Assembly Members. But I will also want to ask you to stop visiting these officers unnecessarily.

Stop visiting these offices, you are above these officers. Hon. Members you cannot come vet an officer, employ him and the next morning you are knocking at his door. Don't do that. Come to our playground which is the Assembly and we shall summon these officers to work for you. Thank you, Members.

Hon. Akuk was the first and then----.

REQUEST- STATEMENT ON THE BORING GREEN RESTAURANT COUNTY ASSET

Hon. Member for Nyayo Highrise (Mr. Akuk Maurice Omondi): Thank you, Mr. Speaker Sir and I would like to wish all Hon. Members a Happy New year and hoping that 2014 will be different from 2013. Mr. Speaker Sir, mine is a statement directed to the Chairman of the Public Investment Committee (PIC) and I would kindly request that particular committee to carry out thorough investigations into our assets in particular the asset that is in the City Park known as the Boring Green Restaurant.

(Applause)

The Boring Green Restaurant has changed hands and currently, Mr. Speaker sir, we visited the Boring Green restaurant with by able chairman for Justice Hon. Jeffer and we were surprised to actually find that there are some posters indicating that it is a private property and does not belong to the County of Nairobi.

I do believe that we have several assets in this City belonging to the Nairobi City County and it is our duty as the Nairobi County Assembly to actually do an oversight of our Assets through the PIC, Public Accounts Committee (PAC) and maybe any other committee that will be involved in such an important asset to our County. Thank you very much.

Hon. Speaker: Thank you very much, Hon. Akuk. Hon. Akuk I would like a detailed summary in my office, to enable investigation to commence. Thank you, Hon. Members, can we now move. Do we have any other statement? Statements, please? Yeah *(Loud consultations)* Hon. Members it is only Hon. Chege who brought in the----, can we move to the next item please. Hon Members, can we move to the motion that we have been waiting for. Yes? What? Yes, point of order on---

Hon. Member for Sarang'ombe Ward (Mr. Pius Owino Otieno): ---on the number of statements that are being sought for while I don't think these statements have the approval from your office. It is important that these statements get approval from your office so that they can be tabled in the Assembly. If there is no approval we move on to the next business.

Hon. Speaker: I agree with you, we move to the next item.

Hon. Member: Point of order!

Hon. Speaker: Point of order on?

Hon. Member for Dandora Area III (Mr. Charles Thuo Wakarindi): Thank you, Mr. Speaker Sir, I stand on point of order number 26 (4). Mr. Speaker sir, this is very important; and it is of great importance because what we are discussing here today is very important to members. We are going to discuss our Ward Development Fund Bill and if we make any mistake here and someone goes to court and says that we did not follow the right procedure then that Bill will be done away with. Mr. Speaker sir---

Hon. Speaker: Can you repeat.

Hon. Charles Thuo: Mr. Speaker sir, if you look at the Standing Order No. 26(4). It states that for a special sitting the Speaker must specify the business of the day and that business should be their only business in that particular sitting. Mr. Speaker Sir, I am a bit worried that if we discuss so many things and then it might come to pass that this Bill has not been legally discussed Mr. Speaker Sir, the Members will not be happy, I assure you---

Hon. Speaker: I agree with that,

Hon. Charles Thuo: ---and now Mr. Speaker sir, I am on the floor, a member just sought a statement from my committee and you did not give me the permission, Mr. Speaker Sir, to respond at your convenience. Please give me the chance to respond to the Members. Thank you.

Hon. Speaker: Can you approach the chair please? *(Mr. Thuo consults with the Speaker)* Next.

Interim Clerk (Mr. Jacob Ngwele): Order number 8; Procedural Motion.

PROCEDURAL MOTIONS

PROCEDURAL MOTION: MEMBERS OF THE SPEAKER'S PANEL

Hon. Leader of Majority (Mr. Elias Otieno Okumu): Thank you, Mr. Speaker, before I move this motion I would like you to give me about one or two minutes to welcome Members back in this Assembly, because I can see all of them are here. I have not heard about anybody who has 'gone to see God', all of them are here. Mr. Speaker I am here to move the following motion; that pursuant to Standing Order No. 22 this Assembly approves the names of the following Members to the Speakers Panel:-

1. Hon. Millicent Mugadi
2. Hon. Samuel Nyangwara
3. Hon. James Chege
4. Hon. Maurice Akuk

These people are going to preside in the Assembly in the absence of the Speaker and the Chairperson of the Committees. So, Mr. Speaker, I would like Members to just adopt this list. We don't want to waste time because we know what brought us here is just Ward Development Fund and we want to pass this Bill without delaying even one minute. So, I call upon Hon. Chege Mwaura to come and second the motion. *(Loud consultations)* Oh! *Pole*, Mr. Chege, his name is here, Hashim Kamau. *(Laughter and shouts of; "Hasim!")*

Hon. Chief Whip of Minority (Mr. Hashim Kamau): Mr. Speaker, this now is Mr. Hashim, speaking. These are Members that are equal to the task and I second the motion.

Hon. Speaker: Hon. Members, I now propose the question that pursuant to the provision of Standing Order 22, this Assembly approves the appointment of the following Members to the Speaker's Panel:-

1. Hon. Millicent Mugadi
2. Hon Samuel Nyangwara
3. Hon. James Chege
4. Hon Maurice Akuk

(Loud consultations)

Order Members! Hon. Members you cannot put a point of order when we have not even finished the item. Order Members, I repeat again:

Hon. Members, I now propose the question that pursuant to the provision of Standing Order 22, this Assembly approves the appointment of the following members to the Speaker's Panel:-

1. Hon. Millicent Mugadi
 2. Hon Samuel Nyangwara
 3. Hon. James Chege
 4. Hon Maurice Akuk
- Hon. Members?

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Thank you, Mr. Speaker sir. Looking at the names proposed here we all know that these are capable Members. So without wasting so much time I would kindly ask you to put the question.

Hon. Speaker: Hon. Akinyi.....

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): I rise on Standing Order No. 154 Section 2 and complementing with the Constitution Article 197 (1) which says, "*County Assembly gender balance and diversity - that whenever the County Assembly is constituting any committee not more than two thirds of the members of the County Assembly or County Executive Committee shall be of the same gender.*" Mr. Speaker seeing this composition of the Speaker's panel, it is not actually capturing the two thirds that is in Article 197 and also going with the Standing Order No. 154.

Hon Speaker: Order Member! Order! There is a point of order. The Leader of the Majority---

Hon. Leader of Majority: Thank you, Mr. Speaker. I don't see the reason why we should waste our time and we know very well one third of four is one and so, Millicent is reflecting the gender. So, Mr. Speaker let us just put the question and we vote for this thing and we go to another motion.

Hon Speaker: Hon. Members, I now call the mover to reply. *(Loud consultation)*

Hon. Leader of Majority: Thank you, Mr. Speaker for protecting this motion because we don't want to--- because we know what is waiting for us--- *(Loud consultations)*

Hon Speaker: Order Member! Order! Hon. Member the mover is replying!

Hon. Leader of Majority: Mr. Speaker, thank you for protecting me and also want to 'pongezi' madam Elizabeth because we must know that Elizabeth is in the House and she is always like that. It is very important for her to come and stand here and oppose the motion. Because without doing that we would not have known that Elizabeth is in the House. So, Mr. Speaker I thank Members for accepting the names. Let us go to another motion without wasting any time.

Hon Speaker: Hon. Members, I now put the question that pursuant to the provision of Standing Order 22, the Assembly approves the appointment of the following members to the Speaker's Panel:-

1. Hon. Millicent Mugadi
2. Hon Samuel Nyangwara
3. Hon. James Chege
4. Hon Maurice Akuk

Hon. Members, as many of the same opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'yes' have it.

(The question was put and agreed to)

PROCEDURAL MOTION: COMMITTEE ON SELECTION

Hon. Leader of Majority: Thank you, Mr. Speaker, without wasting time I am here to move the motion on the Committee on Selection; that pursuant to Standing Order No. 154 (1), this Assembly approves the appointment of the following Members to their respective committees:

1. Hon. Catherine Apiyo Okoth
 - a) Sectoral Committee on Agriculture and Environment and Natural Resources
 - b) Select Committee on Public Investment
2. Hon. Fredrick Obenge
 - a) Sectoral Committee on Children, Early Childhood Education and Vocational Training
 - b) Committee on Delegated County Legislation

So, Mr. Speaker, I think it is very important to take these people back because if you can see Obenge today, he has lost some weight and also madam Catherine because they are not getting their

allowances from these committees. So, Mr. Speaker I just ask the Members to support them to be reinstated back to their committees. Mr. Hashim Kamau, I would like you to come and second.

Hon. Chief Whip of Minority: Thank you, Mr. Speaker; without much ado I second the motion.

Hon Speaker: Hon. Members I now propose that pursuant to the provision of Standing order 152(1) this Assembly approves following Members to the respective committees:-

1. Hon. Catherine Apiyo Okoth
 - c) Sectoral Committee on Agriculture and Environment and Natural Resources
 - d) Select Committee on Public Investment

2. Hon. Fredrick Obenge
 - a) Sectoral Committee on Children, Early Childhood Education and Vocational Training
 - b) Committee on Delegated County Legislation

Hon. Members I now call the mover of the motion to reply.

Hon. Leader of Majority: Thank you, Mr. Speaker and all Members because I don't see anybody opposing the motion so I don't want to waste time. Mr. Speaker, I just want to thank Members for accepting them back. Thank you.

Hon. Speaker: Hon. Members I now put the question that pursuant to Standing Orders No. 154 (1) the Assembly approves the appointment of the following members to their respective committees:

1. Hon. Catherine Apiyo Okoth
 - a) Sectoral Committee on Agriculture and Environment and Natural Resources
 - b) Select Committee on Public Investment

2. Hon. Fredrick Obenge
 - a) Sectoral Committee on Children, Early Childhood Education and Vocational Training
 - b) Committee on Delegated County Legislative

Hon. Members, as many of the same opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'yes' have it.

(The question was put and agreed to)

Hon. Speaker: Next.

Interim Clerk: Order number 10; Procedural motion

(Hon. Chege Ngaruiya stands on a point of order)

Hon. Speaker: On what?

Hon. Member for Kahawa West Ward (Mr. Patrick Chege Ngaruiya): I stand on a point of order No. 26(4) that whenever the Assembly meets for a Special Sitting under paragraph one the Speaker shall specify the business to the---

Hon. Speaker: Order! Order! We have specified. Can I know the Member who said he is in order? Can I know the member who said he is in order! We have just said here. Please, you must have manners! If I knew who it was I would have sent you out and you would have actually been permanently sent out. Please behave when you are in this House. We are not coming here to play around. *(Loud consultations)* Order Members! Can we proceed, please?

PROCEDURAL MOTION – THE NAIROBI CITY COUNTY BILLS PUBLICATION

Hon. Leader of Majority: Thank you, Mr. Speaker, I think we should also disregard these busy bodies. That pursuant to the provision of Standing Order No.117 this Assembly resolves to reduce the publication period of the Nairobi City Betting, Lotteries and Gaming Bill 2014 (Assembly Bill No. 1 of 2014); The Nairobi City County Alcoholic Drinks Control and Licensing Bill 2014 (Assembly Bill No. 2 of 2014) and the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from 14 days to one day to enable us to transact this business in this sitting. So without wasting much time can I call--- because I have a problem with calling the other name, so, can I call Mr. Kamau Hashim--- *(Laughter)*

Hon. Chief Whip of Minority: Thank you, Mr. Speaker. This is a procedural motion and I stand to second the motion.

Hon. Speaker: Thank you very much, Chief Whip. I think you should have shouted even more loudly for members to know what we are doing here.

Hon. Chief Whip of Minority: Thank you, Mr. Speaker. I was saying that this is a procedural motion and it is there in the Standing Orders and I second the motion.

Hon. Speaker: It is there in your Standing Orders and you must read your Standing Orders properly. Hon. Members pursuant to the provision of Standing Order No. 117, this Assembly resolves to reduce the publication period of the said Nairobi City Betting, Lotteries and Gaming Bill 2014 (Assembly Bill No. 1 of 2014); The Nairobi City County Alcoholic Drinks Control and Licensing Bill 2014 (Assembly Bill No. 2 of 2014) and the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from 14 days to one day. *(Speaker proposes the question again)*

Hon. Members I now propose the question that pursuant to the provision of Standing Orders No. 117, this Assembly resolves to reduce the publication period of the said Nairobi City Betting, Lotteries and Gaming Bill 2014 (Assembly Bill No. 1 of 2014); The Nairobi City County Alcoholic Drinks Control and

Licensing Bill 2014 (Assembly Bill No. 2 of 2014) and the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from 14 days to one day.

Hon. Peter Imwatok: Thank you, Mr. Speaker I beg to support this and I wish you could even make it 30 minutes (*Laughter*) and I must congratulate the Clerk for a good legal and clerical work. I support it to be reduced to a single day. (*Laughter*)

Hon. Speaker: I now call the mover of the motion to reply.

Hon. Leader of Majority: Thank you, Mr. Speaker and I thank all Members because today I can see you are up to the task because you don't waste a lot of time. Since we started this thing I have not seen Warutere disturbing people as always. Mr. Speaker it is very important for us to just pass this Bill because that one is going to give this County authority to start collecting revenue from these people who are taking this different 'water'. So, Mr. Speaker it is very important and I thank the Members for accepting it.

Hon. Speaker: Hon. Members I put the question that pursuant to the provision of the Standing Order No. 117; this Assembly resolves to reduce the publication period of the said Nairobi City Betting, Lotteries and Gaming Bill 2014 (Assembly Bill No. 1 of 2014); The Nairobi City County Alcoholic Drinks Control and Licensing Bill 2014 (Assembly Bill No. 2 of 2014) and the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from 14 days to one day.

Hon. Members, as many of the same opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'yes' have it.

(The question was put and agreed to)

Interim Clerk: Order number 11; The Nairobi City County Betting, Lotteries and Gaming Bill 2014 (Assembly Bill No. 1 of 2014) First Reading. An Act of the Nairobi City County to provide for the control and licensing of betting and gaming premises for the imposition and recovery of tax for betting and gaming, for the authorizing of public lotteries in the County and for connected purposes. First Reading

Hon Speaker: Hon. Members, The Nairobi City County Betting, Lotteries and Gaming Bill 2014 (Assembly Bill No. 1), the chairperson of County Sectoral Committee on Culture and Community Services, the Hon. Member, Mr. Milare, it is up to you to go and scrutinize this and bring it back as quickly as possible to enable the County Government of Nairobi to accrue the license fees that has been going to the Central government. Thank you. Next?

Interim Clerk: Order number 12; The Nairobi City County Alcoholic Drinks Control and Licensing Bill 2014 (An Assembly Bill No. 2 of 2014) An Act of the Nairobi City County Assembly to provide for the implementation of the National Government policy on Alcoholic drinks and for the control of licensing,

regulation and general control of manufacture, advertisement sale and consumption of alcoholic drinks in the County and for connected purposes. First Reading.

Hon. Speaker: The Nairobi City County Alcoholic Drinks Control and Licensing Bill 2014 (Assembly Bill No. 2 of 2014); the Chairperson county Sectoral Committee on Culture and Community Services, the Hon. Milare it is your duty to do us proud on this. Next?

Interim Clerk: Order number 13; The Nairobi City County Wards Development Fund Bill 2014 (Assembly Bill No. 3 of 2014). An Act of the Nairobi City County Assembly to provide for the establishment, administration and use of the Ward Development Fund and for connected purposes - First Reading.

Hon. Speaker: Hon. Members, the next order please.

Interim Clerk: Order No. 14; procedural motion.

PROCEDURAL MOTION- NAIROBI CITY COUNTY WARD DEVELOPMENT FUND BILL

Hon. Leader of Majority: Thank you, Mr. Speaker. Procedural motion; that pursuant to the provisions of the Standing Order No. 228; this Assembly resolves to exempt the Nairobi City County Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from the provision of Standing Order No. 121, so as to try and dispose of the business of this Bill today. So without wasting much time, *wa Umoja One?*

Hon. Member for Umoja I Ward (Mr. George Njoroge Maina): Mr. Speaker, thank you. I rise to second this Bill--- to second the procedural motion since it was first gazetted in November, and it went through the due process. The Committee made the public to participate. So, Mr. Speaker I stand to second the procedural motion.

Hon. Speaker: Hon. Members, as you are aware the Hon. Member who just stood here has actually given you the details that I was to give you in regard to the procedures we followed towards the end of last year. Therefore, Hon. Members, I now propose that pursuant to the provisions of Standing Order No. 228; this Assembly resolves to exempt the Nairobi City County Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from the provision of Standing Order 121.

Hon. Members I am seeing that when we have come to the Ward Development Fund Bill, most of the Members are walking out. It is important for you to be part and parcel of this, in the passage of this Bill. I have seen most of you--- most of you wake up and move. It is important to fully participate in this Bill. Thank you, Hon. Members.

Hon. Member for Ngara Ward (Mr. James Chege): Thank you, Mr. Speaker, I rise to support the procedural motion, because in November we approved the Bill and were able to go through the First Reading very well and within that same period a Gazette Notice was put in the newspapers and another one on the internet. Mr. Speaker the members of the public had their say, members of the Executive had their say and even when we resumed, this Bill has been interrogated thoroughly. It is also important to note

that the Bill has been republished in the same form, context and order that it has appeared before that, and so, Mr. Speaker that exemption stands very valid and therefore I stand here supporting it and saying that it should see the light of the day today and be fast tracked in the consecutive months. Thank you.

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

Hon. Leader of Majority: Thank you, Mr. Speaker and also Members of this House elected and nominated for accepting this Bill. It is very important because this is a Bill which is going to enable the Members of this House to deliver service to their voters. So, without wasting time, Mr. Speaker, we can just go to the business of the day and we pass this thing in the next five minutes and we close this chapter. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members I now put the question that pursuant to the provisions of Standing Order No. 228; this Assembly resolves to exempt the Nairobi City County Development Fund Bill 2014 (Assembly Bill No. 3 of 2014) from the provision of Standing Order No. 121. As many of the same opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'yes' have it.

(The question was put and agreed to)

I call upon the Hon. Diana Kapeen, the Chairperson of the committee to lay down the papers.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker sir. The Sectoral Committee on Public Works, Transport and Roads would like to table the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill No. 3, 2014).

Hon. Speaker: Thank you very much, Hon. Diana Kapeen, I want to thank you and your Committee, indeed for the good work that you have done. Thank you.

Interim Clerk: Order number 14; the Nairobi City County Ward Development Fund Bill 2014, (Assembly Bill number 3 of 2014). Second Reading.

Hon. Maina Njoroge: Thank you, Mr. Speaker. Mr. Speaker I beg to move that Nairobi City County Ward Development Fund Bill number 3 of 2013 be now read a second time but--- 2014, sorry but before I do that Mr. Speaker I know most Members are wondering, are we in the right jurisdiction? I mean, is it Constitutional? Are we in order with regard to the Constitution and Mr. Speaker, I want to say that the objective of this Bill according to Article 207 of the Constitution is very clear. Article 207 speaks about revenue fund. If you move from Article 207 you go to 207 (a) which gives the mandate by legislating from the Assembly. With that, Members, I feel we are in the right jurisdiction. It is the right way because of Article 207 (a) which speaks clearly on how to withdraw funds from the revenue fund.

Mr. Speaker, this Bill is very clear when it comes to separation of powers because I know most of the people are wondering, are we the implementing authority; do we have the power to implement? But we have what we call the Executive, the County Executive and in this Bill it is very clear. It establishes a management committee which has the relevant officers from the Executive so that we are remain playing

the oversight role as the Assembly and the Executive as the implementing authority. It also clearly talks about public participation. The Bill is very clear that in our Wards we are going to have committees.

We as members are going to be what you would call overseers as we execute our oversight role. We will just oversee, but the committees in the Ward which the people are going to elect will ensure the separation of powers is very clear; the public participation is also very clear and so, Mr. Speaker I beg to move that the Nairobi City County Ward Development Fund Bill number 3 of 2014 be now read a second time. Thank you, Mr. Speaker. I wish to call upon the chair for Transport, Public Works to second me. Thank you.

Hon. Diana Kapeen: Mr. Speaker sir, I rise to support the Nairobi City County Ward Development Fund Bill 2014. I want to assure the Members that we've had inclusive consultation. We've done thorough work having tabled the paper. We have followed all the procedures that are required of us by the law. Mr. Speaker sir, I would also like to bring to the attention of the House that the Bill was published on 14th November, 2013 by the Government Printers for debate and enactment by the County Government Assembly and therefore, thereafter the Bill lapsed pursuant to the Standing Order 134 and 131 and it was republished in the same form by the Government printers on 27th January 2014 as the Nairobi City Ward Development Bill 2014 (Bill number 3 of 2014) before its republication.

Mr. Speaker sir I would also like the, I would also like to inform the House that the Committee had seven meetings in total to deliberate on the Nairobi City County Ward Development Bill and attached to the Bill is our minutes for the Committee. During the consideration of the Bill stakeholders from the Executive, the Executive Member for Finance Hon. Gregory Mwakiongo informed the committee that the funds set aside for this Ward development were still available and the department for finance will implement the project once the Bill is passed.

The County Engineer Ms. Christine Ogut was also present during our meetings and she stressed the importance of us spending the money earmarked for development within the remaining months of the financial year. I would also want to state that through public participation an advertisement was put and no memorandum was received from the public neither in form of hard copy nor did email. So, we believe that the public concurs with us that we should decentralize funds and we go to work at the Ward level. We also have the assurance from the executive that once the Bill is passed then we are good to go and Nairobi County will be on the move. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Hon. Members, I propose the question that the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill number 3 of 2014) be read a second time.

Hon. Peter Imwatok: Mr. Speaker, I believe with your indulgence I have my five or ten minutes to speak about this Bill. Mr. Speaker as the County of Nairobi we are privileged. We have all the resources. At first place let me be very categorical in this one. I would never ever imagine or dream to oppose it, I support it. I support the Bill in totality simply because as I said Nairobi County we are blessed. We are not like Kilifi,

neither like Kajiado nor like Marsabit and Busia where I belong and where my ancestors are. We are in a very, very rich County; a County that accommodates 60 % of its GDP (Gross Domestic Product).

Mr. Speaker when I say this Mr. Speaker, I want to bring to the fore that when we passed the Finance Bill we had a vote of 1.27 billion, as our reflection towards the Ward development agenda. We are now on the fifth month, Mr. Speaker, and I will say this without fear or favor that apart from Machakos County and other counties whose projects we've seen going out, ours is still lagging behind simply because there is a lot of bureaucracy when it comes to development. I am happy for the Member who came up with the Bill, for the team, the Speaker's panel, the Clerk, as I was laughing before, and the Majority and the entire team that has worked tirelessly to make sure that this Bill comes this far.

Mr. Speaker today I was privileged to go to my Ward and I had to meet or go to the Engineers just to have a barrier; just a barrier which has been spoken of in my Ward for more than 10 years; a barrier which has cost me today only KSh10,000, Mr. Speaker. Why? There are many letters and correspondences on the same to the County in charge but there was no action taken simply because the workforce was not enough to weld this barrier Mr. Speaker. So when I support this Bill I mean the implementation process is very crucial. That is where we now need our Leader of Majority because after passing this Bill, we believe it can be signed into force with immediate effect so that we can devolve the functions from the central point of the government to the local point of the government where we have committees that will decide what they want to do and the immediate challenges and problems that affect our people.

The social welfare of our people is paramount. As you may understand, some of us are leading the areas that are not like the Majority Leader's area. He comes from Kileleshwa, but some of us have areas with social injustice, whereby people need small money just to survive a day. They need small money just to pay a meter. I remember I had a plan in my Ward of providing metered water. Unfortunately three quarters of the Ward could not raise KSh 2,500 and the project got stuck. Why? Because they are social low class people who cannot afford this. If they cannot afford a meal, how can they afford a meter for water, Mr. Speaker.

So, Mr. Speaker I would want to encourage the entire Assembly Members with also a caution, it is not a blanket cheque, as I hear most of them conversing about. This is a Bill that can build you or can destroy your career because there are checks and balances across the divide from the Central Government to the County Government through the auditors and the committees which will be set up in the City County Government. So, Mr. Speaker, I propose that through the Majority Leader, who is the head of the Implementation Committee, that we go in earnest because the financial year is coming to an end in June; we have less than four months to go. The procurement process is tedious in this County. If we have to build a road today we have to advertise tomorrow. It takes the process of the PPOA (Public Procurement Oversight Authority) Act which is not less than 14 days for people to express interest. After you open that tender to do evaluation it takes another 1 or 2 months. By the time we start awarding tenders; doing the process of tendering is three months. That means the financial year will be coming to an end. Then it means the vote that we put in the financial Bill of 1.27 Billion will not be utilized Mr. Speaker.

So, we want this Bill to be signed so quickly, so that we initiate the processes, the committees, the accounts so that we have meetings in our Wards to make the residents decide what they want done. And by so saying, as the mover of the Bill said, it's a collective responsibility. It's not about elected Members who are beneficiaries on this. It's about our people who are beneficiaries of this; it is about our *mamas* who have no water; it's about our brothers who are in 'second class' but there are no tarmacked roads in the streets of our estates Mr. Speaker. It's not about us as others would want to portray us as selfish leaders. We are not selfish leaders. Maybe if selfish is defined by the fact that we defend what our people want then let it be. But we say as an Assembly we are a distinct organ in Nairobi County. As a County, which has an Assembly arm, we make our laws and we are also a government of our own. We have to make laws that can devolve funds and functions and responsibility to the Ward level, Mr. Speaker. I beg to support the motion and I support 100%, fully, Mr. Speaker.

Hon. Speaker: The Hon. Wahinya.

Hon. Member for Ngando Ward (Mr. Peter Wahinya Kimuhu): Thank you very much, Mr. Speaker. I stand here to support the motion and perhaps make two remarks. Mr. Speaker, today as far as I am concerned, and I know many of my Members are sharing this happiness with me today, I think it is the beginning of the happy days as in my political career because where we are headed; this Bill is actually going to allow us to be able to implement our own manifesto. It is worth noting that every individual Member over here has made very many pledges at our grass root level and we thank you very much together with the support of *mheshimiwa* Diana and the very many Members who have actually helped us steer through this very very bumpy road.

Mr. Speaker, you'll recall Hon. Imwatak's words earlier on in his early comments. He did say that we are being mistreated in the offices of the County executive and more so in a certain department down towards the *barabara*, towards Jogoo road in a place we usually refer to as highway. It is the truth and nothing comes as close to the truth as far as what has been said is concerned. Perhaps I should ask that when you find time, speak to his Excellency the Governor. Let him know that by us having the Ward fund it automatically means that we are no longer going to visit his office. Not because we don't love him, but because we are already financed. We are no longer going to go to the highway office because we are already taken care of. And by virtue of that happening, automatically we will free his time so that he can do bigger things which we might not be able to do with the little money that we are going to get at the Ward level. So, this is a win-win situation.

We ask you, Mr. Speaker; to rush that message to him because the minute he remembers that that is where we are headed I am certain that he will marshal his forces to support us almost immediately. So, I say today is one of the happiest days in my career and it is setting precedence very many days of my happiness and I know Members of this Assembly are sharing that with me. With those few remarks, I say God bless our Assembly, God bless you, Mr. Speaker sir.

Hon. Speaker: Thank you very much, Hon. Wahinya. The Hon. Kotieno the Queen's English man.

Hon. Pius Otieno: Thank you, Mr. Speaker. Well the mood in the House is actually not for prolonging this debate but Hon. Members allow me to address one of the biggest institutions of this House called the Senate. Of late there has been a tug of war pitting members of the Senate against County Government. It is only two weeks ago that members of the Senate said that there is no work that is being done by County Governments. Indeed we are all aware that we were voted in, in March. In that period we were laying down structures. We were laying down institutions and were putting down legislations that will enable us to carry out development at our respective wards.

The wheels of development have begun to roll and the die has been cast. The people living in Nairobi are now beginning to have a new dawn; a dawn that is going to mark the genesis of development. If you clearly read Article 1 of the Constitution it spells out that the sovereign power belongs to the sovereign people of Kenya. And that sovereignty can be exercised either at the National Government or at the County Government. So when we are seated here today, in a nutshell, what we are doing is simply exercising that sovereign right and that sovereign right that we are exercising we are doing so by legislating how the people living in Nairobi are going to accrue development.

Hon. Members we are here as a result of devolution and devolved government. If you look at Article 174, it spells out the objectives of devolution and one of the objectives of devolution is to ensure that the people participate in the processes of development, in the process of governance and the people are included. If again we look at that Article 174, it gives the people the power to accrue economic, social and other forms of development. The people cannot get this development without legislating. Hon. Members of Nairobi, this is the biggest moment that I am reliving in this Assembly, that today we are passing this Ward Development Fund Bill.

We are passing this Ward Development Fund Bill and at the same time we are sending notice to the Senate that we are above the task and we can do actually what brought us here. We are not just people who are sitting in this Assembly, but we are alive to the fact that the people living in Nairobi are not getting development and the best way for them to get this development is by enacting this County Ward Development Fund Bill. By virtue of enacting this Ward Development Fund Bill, basically what we shall be doing is that we shall be trickling resources down to Sarang'ombe; we shall be trickling resources down to California; we shall be trickling resources down to Umoja and all those Wards whose Members are going to actually benefit from this fund.

While I am saying this I am alive to the fact that there have been differences between people who've been elected and those who've been nominated. Allow me to say this, that we are one. In these development matters we are one. Even me in my Ward I know I have two Members who are nominated and I am saying this development is not for Owino Kotieno. This development is for the people of Sarang'ombe just like the people of your Ward. It is now a matter of building bridges, having better working relationships between those who are elected and those who are nominated so that this Ward fund will not be said to belong to the person who has been elected.

The spirit of consultation and mutual understanding must be seen between those who've been elected and those who've been nominated so that we shall be walking on a straight path and on a journey that will have no differences. County Chief Officers of this County Government must also know that today we are passing this County Ward Development Fund. They must now start consulting with us with regard to the development plans that we have for our areas so that at the end of the five years and at the end of our term after 2014 they'll be able to do a report and probably challenge the Senate, challenge the National Assembly or challenge any other institution that has the tendency, at any time they wake up or whenever they stand on the podium, to hit the Governors or to hit at the devolved government.

I am saying for sure, that this County Ward Development Fund is going to ensure that the capital expenditure that was ear marked in the finance Bill is going to be utilized. Members we must pass this Bill because the people of Nairobi want it and they want it now. With those many remarks, I support. Thank you so much.

Hon. Speaker: Hon. Irungu.

Hon. Member for Komarock Ward (Mr. Samwel Irungu): *(Adjusts the microphone to a lower height)* I am a little bit tall. *(Laughter)* Mr. Speaker; this is one of the best things that have ever happened in this County. Today, Mr. Speaker, I woke up with the rude news on how the County Governments have attracted bad publicity because it has been a one man show but with the passing of this Bill, which I support, we are going to give our people what we call the principle of self-governance. What this means is that our people at the grass root will be able to identify projects. Secondly, they are going to follow the execution of the projects and thirdly and most important, they are able to enjoy the fruits of devolution.

We are seeing a lot of bureaucracy within the corridors of this hall, just as the Hon. President of the poor has vaguely put it. We are walking to the highways office; the highways and buildings office and in this corridor just to persuade officers to repair one high mast and it has taken one month of no response, Mr. Speaker. The moment we are empowered; the moment we have committees on the ground, we will able to identify projects and execute them immediately.

Mr. Speaker, there are aspects that devolution came to cure and these issues include the marginalized in our society; the issue of our youth as set out in Article 55 of our Constitution and the issue of older members of our society. Most importantly, if you look at part six, that talks about projects-- What qualifies to be a project? It is not defined. The sporting activity is now classified as a project. What that means Mr. Speaker and Hon. Members is that our young people are not able to idle around. We are able to organize sporting teams from the level of the Sub-Ward to the Ward to the Sub-County and to the whole County. Meaning this Bill is going to offer a lot of employment to our people.

Mr. Speaker, as I sit, may I say that since we joined this Assembly sometimes we would wonder how we would go to explain to our people why they cannot see anything on the ground. But I can promise that from now we'll not be able to idle around. We are going to sit in our committees, deliberate and pass whatever we are supposed to as oversight committees and a lot of change is going to be experienced. With those very many remarks, Mr. Speaker, I beg to support.

Hon. Speaker: The Hon. D. N. Mberia.

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker. I rise on a point of order number 91, because this House is pregnant, for you to put the question so that we can end this business once and for all and so that we can wait now for the Governor to assent to this Bill (*Laughter*) for the city now, just like *Mheshimiwa* Diana said to be on the move. Thank you, Mr. Speaker sir.

(Applause)

Hon. Speaker: I now, as directed by the Member in accordance with the Standing Order he just quoted, call the mover of the motion to reply.

Hon. Maina Njoroge: (*Blows into the microphone several times attracting laughter from Members*) Sorry, Mr. Speaker, I think I am actually excited over this---

Hon. Speaker: Order Member! Order! I am just informing the Members that he's very excited on this development.

Hon. Maina Njoroge: That is very true, Mr. Speaker. It's one of those moments in my life that I feel I am very happy about. Mr. Speaker I beg, I beg to move, it's very clear that everybody wants this passed and we want it to be done within the next, say, very few minutes and so I won't waste time here telling you a lot of nitty-gritties. Like everybody who has spoken here; all the Hon. Members who have spoken here have just spoken what I would have said. Kotieno, thank you very much. I want to ask Members to support the Bill as it is going to bring development to all 85 Wards and it will also devolve funds to the grass root level. So, Mr. Speaker I beg to move. Thank you.

Hon. Speaker: Hon. Members, I now put the question that the Nairobi City County Ward Development Fund Bill 2014 (Assembly Bill number 3 of 2014) be read a second time. Hon. Members, as many as of the opinion say 'yes' and as many of the contrary opinion say 'nay'. The 'yes' have it. Clerk?

Interim Clerk: Order number 15; Committee of the whole Assembly.

(The Speaker leaves the chair)

(Chairman of the Committee of the whole Assembly sits in between the two clerks at the clerks' table)

IN THE COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Hon. Members, allow me to pass to you my Happy New Year message. Hon. Members, we are now in the Committee of the whole Assembly and we will start with the Bill at Clause number 3. (*Consults with the Clerk*) What you have is Clause number 2, but the writing here has an error so you make that correction. It is supposed to be Clause number 2. Clauses 2,

Hon. Members, are we together? Now I make the proposal that Clause 2 be part of the Bill. The Hon. Chairperson for Transport and Public Works has some amendments.

Hon. Diana Kapeen: I propose that the Bill be amended as it appears in the Order Paper. Members, the reason why we amended the Bill in Clause 2 is to provide for the interpretation of the newly inserted term “ordinary revenue and projects”. So, I propose that the amendment stays as it appears in the Order Paper.

Hon. Deputy Speaker: Hon. Members, I now put the question that the amendments be included in the Bill. May as many of the same opinion say ‘aye’, may those of the contrary opinion say ‘nay’. The ‘ayes’ have it.

(Question put for amendments to Clause 2 and agreed to)

Interim Clerk: Clause 3.

Hon. Deputy Speaker: Hon. Members, I propose that Clause 3 be part of the Bill and I give the provision for the debate. Any proposed amendments? Hon. Diana.

Hon. Diana Kapeen: I propose that the proposed amendment to appear as it is in the Order Paper, that the Clause 3 be amended by inserting the word ‘further the objective of provision of Article 186 and 207 sub-sections 2(a) of the Constitution’, immediately after the expression “purpose of this Act is to”. This, the Committee did so that it can provide for the Constitutional and legal basis for the setup of the fund to be withdrawn from the Revenue Fund of the---

Hon. Deputy Speaker: Hon. Chairperson, can you use your microphone?

Hon. Diana Kapeen: I propose that the Bill be amended as it appears in the Order Paper, that is Clause 3 be amended by inserting the word “*further the objectives of the provision of Article 186 and 207, sub-section 2(a) of the Constitution*” immediately after the expression “*purpose of this Act is to...*”. This, the Committee noted would provide the Constitutional and legal basis for the setup of the Fund to be withdrawn from the Revenue Fund of the City County Government.

Hon. Deputy Speaker: Okay Members, I now propose the question that Clause 3 be amended as proposed. Any Member who supports the amendments? Hon. Irungu?

Hon. Samwel Irungu: Chairman, I rise to support the amendment because Article 186 is very clear on the functions of the National and the County Government. I support.

Hon. Deputy Speaker: Thank you, Hon. Member. Members, I now put the question that Clause 3 be amended as proposed. May those of the same opinion say 'aye'. May as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to Clause 3 and agreed to)

Interim Clerk: Clause 4.

Hon. Deputy Speaker: Hon. Members, I propose that Clause 4 be part of the Bill.

Hon. Diana Kapeen: I propose the Bill be amended as it appears in the Order Paper, that Clause 4 be amended---

Hon. Deputy Speaker: Excuse me, Hon. Member. Maybe for the benefit of Members, we are on page 090 on the Order Paper. Okay, proceed.

Hon. Diana Kapeen: I propose that the Bill be amended as it appears in the Order Paper, that Clause 4 be amended in sub-clause 3 by deleting the expression, "*most recent audited accounts of revenue*" appearing immediately after the expression, '*on the basis of*' substituting therefore the expression '*ordinary revenue collected in the previous financial year*'. The reason why the Committee decided to amend the Clause is because we were not sure we were going to get accurate and well audited yearly accounts.

Hon. Deputy Speaker: Hon. Members, order! Order in the House! Serjeant-At-Arms, please do not allow too much movement in the House.

Hon. Diana Kapeen: Through the advice of the County Executive for Finance we were advised that we can only get accurate accounts if we go backwards and not forward. So, Members, I propose that the Bill be amended as it appears in the Order Paper.

Hon. Deputy Speaker: Hon. Members, I now propose that Clause 4 be amended as proposed. Hon. Clarence.

Hon. Member for Kabiro Ward (Mr. Clarence Kipkemboi Muga): Thank you, Mr. Speaker. I think Clause 4, if we leave it as it is, I think the last audited report of this County is not yet ready. Possibly from three years ago this County has never been audited. So, if we leave this Clause as it is, I think its implementation will drag in terms of allocation of the revenue. So, I support the amendment.

Hon. Deputy Speaker: Thank you, Hon. Member. Hon. Members the silence tells me that I put the question. I now put the question that Clause 4 as amended be part of the Bill. May those of the same opinion say 'aye'. May those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to Clause 4 and agreed to)

Interim Clerk: Clauses 5 to 7.

Hon. Deputy Speaker: Hon. Members, without amendments I propose the question that Clauses 5 to 7 be part of the Bill. I now put the question that Clauses 5 to 7 be part of the Bill. May as many of the same opinion say 'aye', may those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clauses 5 to 7 without amendments and agreed to)

Interim Clerk: Clause 8.

Hon. Deputy Speaker: I propose the question that Clause 8 be part of the Bill. Hon. Diana Kapeen, the mover with amendments.

Hon. Diana Kapeen: I propose the Bill be amended as it appears on the Order Paper and the reason being it will provide a transition and continuity in the management of the Fund through the overlapping successful years.

Hon. Deputy Speaker: Hon. Members, I propose the question that Clause 8 be amended as proposed. Now, because of the silence, Members, I put the question that Clause 8 be amended as proposed. May those of the same opinion say 'aye', may those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to Clause 8 and agreed to)

Interim Clerk: Clauses 9 to 11.

Hon. Deputy Speaker: Hon. Members, I propose that Clauses 9 to 11 be part of the Bill. Any debate? No debate. Allow me to propose the question that Clauses 9 to 11 be part of the Bill.

I now put the question that Clause 9 to 11 be part of the Bill. May as many of the same opinion say 'aye', may those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clauses 9 to 11 without amendments and agreed to)

Interim Clerk: Clause 12.

Hon. Deputy Speaker: Hon. Members, I propose that Clause 12 be part of the Bill. There is an amendment on that Clause. Hon. Member Diana Kapeen.

Hon. Diana Kapeen: Clause 12, I propose that the Bill be amended as it appears in the Order Paper since the section 26 was proposed to be deleted and it is already deleted.

Hon. Deputy Speaker: Hon. Members I propose the question that Clause 12 be amended as proposed. Can I put the question, Hon. Members? Allow me now to put the question that Clause 12 be amended as proposed. May those of the same opinion say 'aye'. May those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to Clause 12 and agreed to)

Interim Clerk: Clause 13 to 25.

Hon. Deputy Speaker: Hon. Members, I propose that Clauses 13 to 25 be part of the Bill. Any debate? I propose the question that Clauses 13 to 25 be part of the Bill.

I now put the question that Clauses 13 to 25 be part of the Bill. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clauses 13 to 25 and agreed to)

Interim Clerk: Clause 26.

Hon. Deputy Speaker: Hon. Diana.

Hon. Diana Kapeen: I propose that the Bill be amended as it appears in the Order Paper and the reason being that we deleted the Clause in the belief that all Wards are equal and we wanted to avoid any conflict between the Executive, the Wards and any conflicts in the Assembly. So, we made sure that all Wards are equal.

Hon. Deputy Speaker: Hello, Hon. Members, are you in the House?

Hon. Members: Yes.

Hon. Deputy Speaker: Now, allow me to put the question that the Clause 26 be part of the Bill.

(Loud consultations)

Hon. Deputy Speaker: No, I propose that Clause 26 be amended as proposed. Can I put the question, Members? I now put the question that Clause 26 be amended as proposed. May as of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. The ayes have it.

(Question put for amendments to Clause 26 and agreed to)

Interim Clerk: Clause 27.

Hon. Deputy Speaker: Hon. Members, I put the question that Clause 27 be part of the Bill. I propose the question that Clause 27 be part of the Bill and now I put the question that Clause 27 be part of the Bill. May as of the same opinion say 'aye', may as of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clause 27 without amendments and agreed to)

Interim Clerk: Clause 28.

Hon. Deputy Speaker: Hon. Diana. There are two amendments, Chege Mwaura and Diana Kapeen. Hon. Chege.

Hon. Member of Ngara (Hon. James Mwaura Chege): Thank you, Mr. Speaker. I rise to seek an amendment on Clause 28(8)(a) and I am seeking that the Clause be amended in sub-section 8(a) by deleting the words "an education bursary scheme and can fund school fees, examination fees and continuous assessment tests and mock examination" that appears immediately after the expression "used for". Mr. Speaker, this is on the basis of Article 186 of the Constitution which talks of the fourth schedule that clearly stipulates the functions of the County Government and the National Government and Mr. Speaker, I would urge Members to see the wisdom---

Hon. Deputy Speaker: Point of Information, the Hon. Member, this is the Chairperson for Committees.

Hon. James Mwaura Chege: Much obliged, Chairman of Committees. Mr. Chairman of the Committees, I am just seeking the approval of the Members to see the wisdom in it so that we do not unnecessarily antagonize ourselves with the Bill and put ourselves to blame. We should amend the Bill and then of course we will put something that will give Members more leeway to be able to judge whatever would be of importance in matters of giving bursaries and such like things. I propose to move.

Hon. Deputy Speaker: Thank you, Hon. Member. I now propose the question that Clause 28 be amended as proposed. Who is supporting the amendment? Hon. Imwatok.

Hon. Peter Anyule Imwatok: Mr. Deputy Speaker and the Chair of Chairs, I would like to support the amendments bearing in mind the Devolution Act stipulates that there are some functions we have to do as a County Government and there are some functions which have to be given to the Central Government.

So, to do justice to our people other Counties are calling accelerated funds, projects, what have you, but for us we have social injustice, if I may put it like that, that needs to be addressed, so when we

have social welfare it is the best term to be inserted there, it can cover a broad perspective other than being specific on one. So, social welfare, encompasses a lot of issues, Mr. Deputy Speaker, I beg to support.

Hon. Deputy Speaker: Thank you. Hon. Members, without much ado allow me now to put the question that Clause 28 be amended as proposed. May as of the same opinion say 'aye', may as of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the first amendments to Clause 28 and agreed to)

Interim Clerk: Clause 29 and 30.

Hon. Deputy Speaker: Hon. Diana, you had an amendment on the same, Clause 28?

Hon. Diana Kapeen: I propose that the Bill be amended as it appears in the Order Paper. The reason why I and the Transport Committee amended the Bill is to widen the net on the kind of welfare and the programmes the Fund can apply to and in sub-clause 2, to remove the ambiguity on the percentage ceiling for the funds meant for welfare programmes.

Hon. Deputy Speaker: Point of correction, Madam Chair. You are supposed to be proposing amendments, you did not do amendments.

Hon. Diana Kapeen: Sorry?

Hon. Deputy Speaker: You are proposing for the amendments. Proceed.

Hon. Diana Kapeen: I am proposing that the amendment appear as it is in the Order Paper.

Hon. Deputy Speaker: Thank you. Hon. Members, on the same, Clause 28, I propose the question that Clause 28 be amended as proposed. Allow me to put the question that Clause 28 be amended as proposed. May as of the same opinion say 'aye', may as of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for second amendments to Clause 28 and agreed to)

Interim Clerk: Clauses 29 and 30.

Hon. Deputy Speaker: I think, Hon. Chege, we have captured all the amendments in 28 because we had three and all have been captured. Hon. Members, we are on Clauses 29 and 30.

I propose the question that Clauses 29 to 30 be part of the Bill. I now put the question that Clauses 29 and 30 be part of the Bill. May as of the same opinion say 'aye', may as of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clauses 29 to 30 without amendments and agreed to)

Interim Clerk: Clause 31.

Hon. Deputy Speaker: Proposed amendments? Hon. Chege Mwaura?

Hon. James Chege Mwaura: Thank you, Mr. Chairman. Again, I want to, through your indulgence, ask the Members to accept the amendments that the words in the Clause that say “*an educational bursary scheme, mocks and continuous assessment tests*” appearing immediately after expression sub-section 1 be deleted and subsequently be put in with whatever is going to be put. Again, the reasoning is the same as what I had proposed at Clause 28 which again covers the Members from outrightly looking like they are accepting things that are not in their jurisdiction. I propose the amendment, Mr. Chair.

Hon. Deputy Speaker: Okay, thank you. Let me have the amendments from Hon. Kapeen before I--- *(Consults with the Clerk)* Order. Just a minute, let us dispense the amendments for Hon. Chege first. Hon. Members, I propose the question that Clause 31 be amended as proposed. Who is supporting the amendments for Hon. Chege. Hon. Kitavi. Hon. Members are you alert? Are we together?

Hon. Members: Yes.

Hon. Deputy Speaker: Then, if we are together, when I put a proposal, then we are supposed to get someone who supports or opposes.

Hon. Member for Uthiru/Ruthimitu (Hon. John Kinuthia Waweru): Hon. Chairman, I stand to support the amendment given that we have different functions between the National Government and the County Government. So, I support the amendments.

Hon. Deputy Speaker: Thank you, Hon. Members. Members, allow me now to put the question that Clause 31 be amended as proposed. May as many of the same opinion say ‘aye’, may as many of the contrary opinion say ‘nay’. The ‘ayes’ have it.

(Question put for the first amendments to Clause 31 and agreed to)

Hon. Kapeen.

Hon. Diana Kapeen: I propose the Bill be amended as it appears in the Order Paper given that it will widen the net on the kind of welfare programmes the funds can be applied to and in sub-Clause 2, to remove the ambiguity on the percentage ceiling for the funds meant for welfare programmes.

Hon. Deputy Speaker: Hon. Members, I propose the question that Clause 31 be amended as proposed. Who is supporting the amendments?

Hon. George Maina Njoroge: I rise to support the amendment.

Hon. Deputy Speaker: Thank you. Hon. Members, allow me to put the question that Clause 31 be amended as proposed. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the second amendments to Clause 31 and agreed to)

Interim Clerk: Clauses 32 and 33.

Hon. Deputy Speaker: Hon. Members, I propose that Clauses 32 to 33 be part of the Bill. Hon. Members allow me to put the question that Clauses 32 to 33 be part of the Bill. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clauses 32 to 33 without amendments and agreed to)

Interim Clerk: Clause 34,

Hon. Deputy Speaker: Amendments by Hon. Diana Kapeen?

Hon. Diana Kapeen: I propose the Bill be amended as it appears in the Order Paper, because in Clause 34 sub-section 2(a) it reduces the period in which an MCA (Member of the County Assembly) convenes a public meeting to nominate the Chairperson for the Funds Committee and in sub-section 2(a) and sub-section 2(c), to cure the omission of the word "sub" when referring to sub-ward.

Hon. Member for Kasarani Ward (Mr. Martin Waweru Gichuhi): Chairman, I support the amendment.

Hon. Deputy Speaker: Okay, Hon. Members. *(Laughs)* I think he has just come in at the right time before I put the question, but it is okay. Hon. Members, I propose the question that Clause 34 be a part of the Bill. I now put the question that Clause 34 be amended as proposed. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to Clause 34 and agreed to)

Interim Clerk: Clauses 35 to 43.

Hon. Deputy Speaker: Hon. Members, I propose the question that Clauses 35 to 43 be part of the Bill and I put the question that Clauses 35 to 43 be part of the Bill. May as many of the same opinion say 'aye', may as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for Clauses 35 to 43 and agreed to)

Interim Clerk: Clause 44.

Hon. Deputy Speaker: Proposed amendments, Hon. Diana Kapeen?

Hon. Diana Kapeen: I propose that the Bill be amended as it appears in the Order Paper. The word "development" is kind of narrow so we want to bring up our County and therefore since the development is going to all the Wards, that is 85 Wards, the Committee felt it was better to call it the "County development".

Hon. Deputy Speaker: Hon. Members allow me to propose the question that Clause 44 be amended as proposed. Hon. Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Muriithi Warutere): Hon. Chair, I support the amendment as it is.

Hon. Deputy Speaker: Hon. Members, allow me now to put the question that Clause 44 be amended as proposed. May as many of the same opinion say 'aye' and as many of the contrary opinion say 'nay'? 'Ayes' have it.

(Question put for amendments to Clause 44 and agreed to)

Interim Clerk: Clause 45 to 56.

Hon. Deputy Speaker: Honorable members I propose the question that Clause 45 to 46 be part of the bill and I know put the question that clause 45 to 46 be part of the bill. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it.

Interim Clerk: Clause 47.

Hon. Deputy Speaker: Proposed amendments, Hon. Kapeen.

Hon. Diana Kapeen: I propose the Bill be amended as it appears in the Order Paper. The Ward Fund is not an open cheque as a colleague had earlier stated, so, we have put a penalty to any Ward member who thinks she or he is open to some free cash. So, that is the reason why we proposed that.

Hon. Deputy Speaker: Hon. Members, allow me to propose the question that Clause 44 be amended as proposed. Sorry, Clause 47 be amended as proposed. Hon. Nyang'ala.

Hon. Jacqueline Nyang'ala (Nominated Member from Kileleshwa Ward): Thank you. I would like to support.

Hon. Deputy Speaker: Thank you very much. Hon. Members, I now put the question that Clause 47 be amended as proposed. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it.

(Question put for amendments to Clause 47 and agreed to)

Interim Clerk: Clause 48.

Hon. Deputy Speaker: Hon. Members I propose the question that Clause 48 be part of the Bill and now I put the question that Clause 48 be part of the Bill. May as many of the same opinion say 'aye'? May as many of a contrary opinion say 'nay'? 'Ayes' have it. 49.

Interim Clerk: Clause 49.

Hon. Deputy Speaker: Amendments by Diana Kapeen.

Hon. Diana Kapeen: I propose the amendments as they appear in the Order Paper and the reason you have seen a slight increase in the Ward Development Fund is because there was an earlier allocation of 1.5 million for the bursary education and there was a vote for that money so instead of it going back or staying without use the Committee felt that it can be used in the social programs.

Hon. Deputy Speaker: Hon. Members--

Hon. Diana Kapeen: Sorry, in Social Welfare Programs.

Hon. Deputy Speaker: In support or opposing? Hon. Imwatak.

Hon. Peter Anyule Imwatak: Mr. Speaker, I stand to support with one point in mind. Yesterday I went to seek for the Bursary Fund and I saw a letter where a hundred and eighty five million has already been approved to be spent on this program. So far the money is available so we may use this Clause and approve that amendment.

Hon. Deputy Speaker: Hon. Members, I propose the question that Clause 49 be amended as proposed. And now allow me to put the question that Clause 49 be amended as proposed. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it.

(Question put for amendments to Clause 49 and agreed to)

Interim Clerk: First, Second, Third, Fourth Schedules.

Hon. Deputy Speaker: Clause proposed amendments, Hon. Diana Kapeen.

Hon. Diana Kapeen: I propose that the amendments be read as it appears in the Order Paper.

Hon. Deputy Speaker: Hon. Members on the schedule: First Schedule, Second Schedule, Third Schedule, Fourth Schedule, I now propose the question that all these Clauses and Schedules be part of the Bill. Hon. Members, I now put the question that First Schedule, Second Schedule, Third Schedule, Fourth Schedule be part of the Bill. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it.

(Question put for amendments to First Schedule, Second Schedule, Third Schedule, Fourth Schedule, and agreed to)

Interim Clerk: Long Title.

Hon. Deputy Speaker: Hon. Members, I propose the question that the Long Title be part of the Bill. Hon. Members I now put the question that the Long Title be part of the Bill. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it.

(Question put for Long Title and agreed to)

Interim Clerk: Clause 1.

Hon. Deputy Speaker: Hon. Members, I propose the question that Clause 1 be part of the Bill. I now put the question that clause 1 be part of the bill. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it. Hon.?

Hon. George Maina: Thank you, Mr. Speaker, sorry, Mr. Chairman Sir, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Wards Development Fund Bill No. 3 of 2014 and its approval thereof with amendments. Thank you.

Hon. Deputy Speaker: Hon. Members, allow me now to put the question which is that the Committee do report to the Assembly its consideration of the Nairobi City County Wards Development Fund Bill No. 3 of 2014 and its approval thereof with amendments. May as many of the same opinion say 'aye'? May as many of the contrary opinion say 'nay'? 'Ayes' have it.

(Bill passed at Committee stage, Second Reading, with amendments)

(The Chairman of Chairmen, Deputy Speaker leaves his seat and the Speaker resumes his Chair)

(The Speaker raises the issue of quorum resulting in loud consultations from Members)

Hon. Deputy Speaker: Hon. Members, I think it is not the prerogative of the Speaker to know whether there is quorum, *(Applause)* not unless the Speaker wants to sabotage the bill.

(Laughter)

Hon. Deputy Speaker: Mr. Speaker Sir, I beg to report that the Committee of The Whole Assembly has considered the Nairobi City County Wards Development Fund Bill (Bill No. 3 of 2014) and approved the same with amendments. Thank you, Mr. Speaker.

Hon. Speaker: Can I have the mover.

Hon. George Maina: Mr. Speaker, thank you very much. I beg to move that the Assembly do agree with the Committee in the said Report. Thank you.

Hon. Speaker: Hon. Members, I propose the question which is that the Assembly do agree with the Committee in the said Report. Hon. Members, I now put the question which is that the House do agree with the Committee in the said Report and will as many of the same opinion say 'yes'? And those of the contrary opinion say 'nay'? The 'ayes' have it.

(Bill passed at the Second Reading)

(Applause)

Hon. George Maina: Thank you, Mr. Speaker. Mr. Speaker sir, I beg to move that the Nairobi City County Wards Development Fund Bill (Bill No. 3 of 2014) be now read a third time.

Hon. Speaker: Hon. Members, I propose the question which is that the Nairobi City County Wards Development Fund Bill (Bill No. 3 of 2014) be now read a third time. Hon. James Chege.

Hon. James Chege Mwaura: Thank you, Mr. Speaker. I rise here, a very happy Member and elated because of what we have been able to achieve for the people of Nairobi. Mr. Speaker, allow me to first and foremost congratulate the Members of this Assembly for their steadfastness; for their patience and for their unity in this.

It has been a fight, sometimes it has broken us; sometimes we had fights; sometimes we had doubts but at the end of it all we have come out stronger; we have bonded; we've broken the barriers of party lines; we have broken the barriers of the elected and nominated when it came to this Bill.

I also want in this same breath to commend the Committee of Transport which is very well ably chaired by the only lady Chair, for having come out very superbly and thoroughly worked on this Bill. I happen to be a Member of that Committee and we have sat; we have known the 'ands' and the 'ends' and the dots and the commas because of the work that this Committee has put into the Bill.

We also thank you, for facilitating us to be able to even start meeting earlier which has made us even know how to do other Bills which are coming in future. In the same breath I also want to thank the Executive who came out and gave us their views and their necessary guarantees for support.

Towards my final remarks, according to Standing Order 135 (1), the Speaker has 14 days to put this thing into law. Mr. Speaker, with your indulgence I am humbly asking you to minus the 14 to one day, so that tomorrow we are able to take it to the Governor who again we will use this opportunity to ask to minus the 14 days again and put it to one and by the end of this week all these Members, as the Hon. Member from Dagoretti said, will not be seen hankering around your offices; they will be busy constituting the committees ready to start this important work.

Finally, Mr. Speaker, to the Members of the National Assembly who feel this is a ploy or a move to try and duplicate, I say, this is the mother of devolution. Every coin is going to all the 85 Wards and it is so difficult to segregate one part of the Ward. You can say as an MP (Member of Parliament) that that part of the Ward did not support me but as a Ward Assembly Member you cannot say that that estate, that village, that house did not support me.

So, devolution is going to the core and we are supporting this and I am saving my last remarks to the Hon. Njoroge G. Maina, my friend and a very good one. I want to thank him for having thought of bringing this, that has brought the Members together and for his brilliance and his steadfastness with the Bill. We are proud of him and on behalf of the Committee and on behalf of all these Members, we say thank you. Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Diana Kapeen.

Hon Diana Kapeen: Mr. Speaker sir, I would like to take this opportunity to thank the Office of the Clerk for having enabled the Transport Committee to go through the Bill by giving us technical assistance; of course we are not lawyers, but we got a lot of assistance from the Clerk. As Chege Mwaura said, we all know now the cons, dots and commas of the Bill and the Bill should not just be some piece of decoration to the County Members.

As you are aware, the Executive for Transport, Mr. Ondieki had requested that you bring your Roads for the 5 priority roads for development and I want to say it categorically that out of the 85 Wards, only 49 Wards brought their roads. We do not want the Transport and Public Works Committee to be held accountable for the non-performance but we want to encourage that as we pass this Bill we are going to have a Ward Development Committee; a Sectoral of that, I believe it's the work of the Majority and we are

going to keep the slow derailers on toe because we want devolution to start in Nairobi and we want to be an example to all the counties. I want to appeal and thank the Governor in advance because I know he is going to assent to the Bill so that we can fast track the use of our funds because of the limited time that we have over the financial year.

I would also encourage Members, that as you release the Bill to the Hon. Speaker, by now all of you have your Ward offices and at least have a structure, because I know the Bill will go through--- it has already gone through--- and we are just hoping that work will start from here. So, thank you, Members for supporting the Transport and Public Works Committee and thank you, my Committee for giving me the time to sit with you and prepare the Bill.

(Applause)

Hon. Speaker: The Hon. Imwatak.

Hon. Peter Anyule Imwatak: Mr. Speaker, it will be so bad for me to just wrap up this Bill without saying thank you to my brother. We shared once when it was in a paper but now it has emancipated into a proper Bill. My brother these are the fruits of your labour. Thank you so much my brother--

(Applause)

Mr. Speaker, I also want to thank 'authority'; Majority leader, he has assured us and he has given us his word that by tomorrow evening our Excellency --- as we thank him--- could have already assented to this Bill to make it a reality for Nairobi. To add onto that, I thank the Clerk's Office and the entire team. I think this is the most important Bill for this County among all Bills we have passed and it has been a most treacherous road that we have circumvented to reach where the Bill is now. It calls for some articulacy on how we are going about it.

Thank you, Clerk and the entire team; thank you, Speaker, for your direction and all you have done for the Committee on Public Works; I was there last week, I sat for about 5 minutes then the Clerk asked me why I rushed so quickly, and it was good because I saw the entire team of the Assembly was there keeping a watchful eye on what will take place. Thank you Chairlady of the Committee of Public Works and the entire team, you have a brilliant team, led by a lady, congratulations--

(Applause)

Lastly, Mr. Speaker, through the Majority, I want to just emphasize one point. That no one in their wildest of dreams should dream that we are joking on this Bill. Whether the County Government Executive Arm, whether it's Treasury, we have a vote of 1.27 billion ready; we budgeted for it. Immediately the Governor assents to this Bill, Majority Leader, we want to see that this money is released because we are short of time. Secondly, the Committee of the Assembly which is going to emancipate this process we ask

of the leaders that we want to challenge anybody from the County Management Committee Board that we will not take anything short of what we want to be and we will deal with them seriously.

(Applause)

No one should bring a road block to this Bill. I think the news is all over with regard to what other counties are saying and what they are doing. Mr. Speaker, we have the teeth to bite when it comes to our people, thank you.

(Applause)

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Mr. Speaker sir, I thank you this evening. This is the time that our baby has been born and we are very happy for this. Mr. Speaker this is the moment that Nairobi has begun to see what is supposed to be done. It is not like the time we were in darkness but it is the time that the sun has risen. I wish it were possible to have names ready, say, this evening, so that we can submit, because we want to start working.

Finally, let me thank the Committee of public Works for what they have done by giving us 5 roads on top of the Ward Fund. This is not the time we will condone any nonsense. It is the time we want to go out and work, to show those who call themselves--- as you know--- that we are the people who are able to work. Thanks.

Hon. Speaker: The Hon. Thuo please and then my friend Masiga.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Mr. Speaker sir, thank you for the opportunity. I want also to take this great opportunity to thank Members of this Assembly who have made sure that we have a Bill here and we know as the MCAs what we are supposed to do. We basically have 3 roles to play and there was one that was missing; full representation. Without resources at the Ward level, representation was not being done fully.

So, I am sure now we are so happy, you can see the faces; we are so happy and we will even be happier if the Executive expedites this process and we have this Bill become a law so that we go back to *mashinani* and do what we know best. So with those few remarks, I also thank God for the energy and expertise that Members of this Assembly have exhibited. We thank God, so much. Thank you, I am a happy man, I can now go and dance. Thank you.

Hon. Speaker: Thank you, Hon. Thuo, Hon. Masiga, please.

Hon. Member for Eastleigh South Ward (Mr. Nelson Marakalu Masiga): *Shukrani Bwana Spika, kwa fursa hii ambayo umenipatia. Kwanza ningependa kushukururu muelekezi ambaye ameweza kuleta mswada huu na afisi ya Clerk na ya Spika pia, na zile kamati zote zimeweza kuhusika katika kuhakikisha mswada huu umeweza kupita. Kwangu nitasema ya kwamba tulikuwa katika wingu jeusi lakini kwa sasa*

wingu jeupe limeweza kuonekana kwa sababu naamini ya kwamba ni mengi yamekuwa yakitupiga mioyo konde lakini sasa mioyo zetu zinaenda kujaa furaha na hatuendi kuwa na karaha. Naamini ya kwamba hata wana wa Nairobi watafurahia kwa sababu ni juhudi nyingi tumekuwa tukifanya na wengi wameweza kuwa na maadhara mbali mbali lakini sasa imefika wakati wakuweza kuchapa kazi. Basi naweza kuwaambia wenzangu imefika wakati wakuweza kukunja shati na kuweza kuchapa kazi. Shukrani.

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

Hon. Elias Otieno Okumu: Asante sana Mr. Speaker-- *(Laughter)* I think we are coming to an end of this debate. Okay, let me just assure Members here. It is my duty to protect this Bill now because I told the Governor about it sometimes back. I think we; the Speaker, the Clerk and I are going to take this Bill maybe tomorrow to the Governor and he is going to assent to it before us. He is going to sign in our very presence as we wait.

(Applause)

There is no compromise on this one; no compromise. *Ama namna gani?* So if you want to know the authority of this House-- *(Applause)* you are going to know it tomorrow. So, may I take this opportunity to also commend the work of Hon. Member for Umoja 1, Diana Kapeen and her team for doing a very wonderful job as well as the Clerk of this County Assembly. I always tell you people, this Clerk is number 1 in Kenya and you don't understand this.

(Laughter)

I always say this all the time, and you're always murmuring in the corridor; this Clerk is not good, this Clerk is not good but today he has proven that he is good and he is equal to the task because nobody knew we were going to get this Bill by today isn't it? So we must all work as a team, we are going to constitute the Committee of this Ward Development Fund and I don't think you are going to engage in shoddy work and corruption with regard to the use of these funds. I know you people; and almost everybody wants to be in this committee. About 127 Members; you all want to be in this committee, you must have reasons as to why all of you want to be in this committee.

Let us have 10 people who we are going to select from among you people and you are going to support whoever is going to be selected, isn't it? But, I don't want somebody to come and say, "You are not good because I am not in this committee." If you say so I am going to say the other one is going to say I am good because he is in the committee, isn't it? So Mr. Speaker *sitasahau kusema wewe ni mtu mzuri, umeongoza sisi vyema, wacha hata mimi niongee Kiswahili sanifu kwa sababu najua Masiga anajifanya na hiki Kiswahili chake-- (Laughter) Hata mimi Kiswahili ndio kitu nakunywa kama maji-- (Laughter)*

Mr. Speaker, Deputy Speaker *anani katiza wakati ninapongea sijui ana sababu gani?-- (Laughter)* So Mr. Speaker *ahsante sana kwa kuongoza sisi vizuri na uwe na moyo huo huo.* Also Members; nominated Members *mkae na huo moyo. Mlienda huko Ruiru mkafundishwa na sijui mlifundishwa nini hata hamjaongea hapa-- (Laughter) Mliharibu pesa tu. Hawajasema yale walifundishwa Ruiru.* What did they

go to do in Ruiru if they cannot participate and contribute and give us advice on these things? But also, very important is that *huko kwa Ward mtakutana na sisi na tutawaweka nyinyi kwa committee ama namna gani? Ahsante Bwana Speaker, ahsante sana.*

(Applause)

Hon. Speaker: Honorable members I will now, order members, order! I will put the question which is that the Nairobi City County Wards Development Fund Bill, Bill No. 3 of 2014 be read the third time. Hon. Members; as many of the opinion say 'yes', and as many of a contrary opinion say 'nay'. 'Yes' have it. Hon. Members I thank you. As you know we are still on recess. The House will resume as earlier communicated, thank you very much, thank you.

(House adjourned at 5.40pm)