



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Tuesday, 10th June, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PRAYERS

Hon. Speaker (Mr. Alex Ole Magelo): Good afternoon, Hon. Members.

COMMUNICATION FROM THE CHAIR

REQUEST FOR STATEMENTS; PERSONAL STATEMENTS

Hon. Speaker: Hon. Members, sometimes last week I issued a Communication in regard to request for Statements which was not very popular with you. Hon. Members, as you know we are all guided by Standing Orders and I hereby have the following to communicate to you today in regards to the requests for Statements. Hon. Members, you will recall that on the 4th of June 2014, the Speaker gave a communication which guided on Personal Statements provided for under Standing Order 80.

The Chair had noted rampant abuse of Standing Order number 80 and had guided accordingly on the same. The Chair then ruled that any Members wishing to give Personal Statements must give 2 hours prior notice by way of writing a notification to the Chair. Hon. Members, the Chair has since received several calls for further clarification on the matter and wishes to restate as follows; Hon. Members, like the Chair had earlier communicated indeed the provision of our Standing Orders on Statements are very concise on nature, methodology and manner of going about the order of business in the Assembly.

I wish to refer you, Hon. Members, to the provisions of Standing Order 40 and 41 regarding the management of Statements. Standing Orders 40 and 41 deal with Members' general statements and the Statements Hour which broadly provides for the procedure for undertaking requests under the said Standing Orders. Hon. Members, Standing Order number 40 has overriding stature on Statements. Standing Order 80 merely provides for the right to make Personal Statements by Members, it does not provide for the procedure for undertaking the same.

Hon. Members, the procedure for making Statements in the Assembly rests with Standing Orders 40 and 41 by discretion, the Chair retains the right under Standing Order 1 to guide on matters procedure for the Assembly, a duty which the Chair has executed with a lot of diligence. Hon. Members, I wish to restate as follows; henceforth all Members seeking to make Personal Statements pursuant to Standing Order must inform the Chair two hours prior to the plenary by way of writing a notice on their intention to make such Statements. Once again, Hon. Members, the Chair shall henceforth not allow Members, by omission or intentionally to misguide the House and derail its Business by abuse of procedure, the intent on orderly flow of business.

Hon. Members, we will be coming with the normal Statement Hour on Thursday at 5.00 p.m. We shall give you the details accordingly as to how you will be organizing yourselves. Any Member who goes against provisions of our Standing Orders to the detriment of the orderly conduct of business properly before the Assembly shall be subject to sanctions as provided for under Standing Order 104 and 105 respectively, I thank you.

MESSAGES

NOMINATION OF MR. ROBERT K. AYISI AND MR. JUDAH ABEKA AS CHIEF OFFICERS

Hon. Members there is a message from Hon Governor which you---. Sorry Hon Members; the First Assembly, Second Session Message from Hon. Governor:

Hon. Members, the Standing Order 39(1) relating to Messages from the Governor provides that "*The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly.*" In this regard Hon. Members, I wish to report that I have received two Messages today, 10th June, 2014, from the Governor vide a letter dated 6th June, 2014.

Hon. Members, the Message regards the nomination of Mr. Robert K. Ayisi as the Chief Officer, Health Services, and Mr. Judah Abekah as Chief Officer, Trade, Industrialization and Cooperative Development.

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

1. "NOMINATION OF JUDAH ABEKAH AS THE CHIEF OFFICER, TRADE, INDUSTRIALIZATION AND COOPERATIVE DEVELOPMENT"

As you are aware, Article 45(1) (a) of the County Government Act provides that Chief Officer shall be appointed by the Governor with the approval of the County Assembly, from among persons who are competitively sourced and recommended by the Public Service Board.

Pursuant to provisions of Article 45 (1) (a) of the County Government Act, I hereby nominate Judah Abekah as Chief Officer, Trade, Industrialization and Cooperative Development, Nairobi City County.

This is therefore to request the Assembly to approve the said Judah Abekah as Chief Officer responsible for Trade, Industrialization and Cooperative Development, Nairobi City County."

2. "NOMINATION OF MR. ROBERT K. AYISI AS CHIEF OFFICER, HEALTH SERVICE"

As you are aware, Article 45(1) (a) of the County Government Act provides that Chief Officer shall be appointed by the Governor with the approval of the County Assembly, from among persons who are competitively sourced and recommended by the Public Service Board.

Pursuant to provisions of Article 45 (1)(a) of the County Government Act, I hereby nominate Mr. Robert K. Ayisi as Chief Officer, Health Services, Nairobi City County.

This is therefore to request the Assembly to approve the said Mr. Robert K. Ayisi as Chief Officer responsible for Health Services, Nairobi City County. Thank you."

Hon. Members, I now direct that the relevant Sectoral Committees proceed with the vetting of the said nominees for Chief Officers for Trade, Industrialization and Cooperative Development and Health Services Departments. I thank you.

STATEMENTS

**PERSONAL STATEMENT SEEKING ALLOCATION OF TIME FOR CEC MEMBERS
TO PERSONALLY RESPOND TO STATEMENTS IN THE PLENARY**

Hon. Speaker: Hon. Dianah Kapeen.

Hon. Member for South C Ward (Ms. Diana Kapeen): Thank you, Mr. Speaker. I would like to lay a Personal Statement, Standing Order No. 40. Mr. Speaker sir, the Constitution provides for Kenya to create two levels; the national government and at the county level the constitution establishes an arm of government i.e. the Executive and the Assembly with distinctive roles; one of the roles of the Assembly is to oversight the work of the Executive.

The Standing Order ensures that the Executive is not represented in the Assembly and therefore it is the responsibility of the Sectoral Committee to take up issues raised by Members on the floor seeking information regarding the Executive. The Chairpersons of the Sectoral Committees further reply to the Statements requested, however it has become a common practice that the information given by the County Executive Committee Members is not satisfactory and therefore Members of the committee mostly do not own the responses.

It would only be better if the County Executive Committee Members themselves respond to these issues on the floor so that they can be interrogated by the Members. It is also important to note that even the Committees themselves do not have the capacity to inquire into the questions asked. Therefore I humbly present to this House that the Committee on the Rules and Procedures will revisit the Standing Orders so that the CECs can be allocated time to appear before the plenary of the Assembly to be interrogated by the Members a trend that has already been initiated by the National Assembly.

Hon. Speaker: Very well the committee on House Rules please expedite as fast as possible so that we may be able to come up with a solution. Next order please. Hon. Members we have several responses; this is from the Planning Committee, from Nelson Masiga, Hon. Charles Thuo, Hon. Kamau Thuo; all these look like they are for Planning Committee and I am sure the Planning Department is ready with responses. Another Statement is the one on the programme of consultancy for development of Eastleigh Nairobi and Statement requested by Hon. Mberia, Chairperson, again on City Hall Annex. So generally it is like the Planning Committee has the core business today. Hon. Ochar.

RESPONSE – STATEMENT ON STATUS OF CITY HALL ANNEX BUILDING

Hon. Member for Korogocho Ward (Mr. Maxwel Ochar): Thank you. Mr. Speaker, I think we have four Statements ready with us here. First I will start with the response to the Statement requested by Hon. David Mberia, MCA. Mr. Speaker, on 16th April 2014, Hon. David Mberia rose on the floor of the House pursuant to Standing Order No. 41(2c) and requested the Chairperson of Planning about the status of the City Hall Annex Building. He further asked the Chairperson to enquire and report on:

1. The list of all tenants occupying the City Hall Annex building;
2. The nature of all businesses in the building;

3. The current status of rent payment including schedules of rent before tax if any;
4. List of all tenable offices apart from those occupied by the County Government

Mr. Speaker sir, the committee wrote to the Executive member responsible for Lands Planning on 17th April 2014 requesting for a response to the Statement requested by Hon. Mberia and in this regard I wish to report to the Assembly as follows:

On the City Hall Annex report the County Secretary responded vide letter ref: VAL/18/112/4/GKM/AWK dated 28th April 2014. A summary of response is as follows:

1. Number of tenants occupying City Hall Annex building are 27;
2. The nature of businesses vary and include major commercial banks, advocates firms, valuers and SACCOs among others;
3. Current status of rent payment is 2,708,281 shillings paid in rent per quarter and 1,744,831 in outstanding arrears

Mr. Speaker, a copy from the response from the County Secretary has been attached herewith for ease of reference. Mr. Speaker, all the tenants are attached here and I will leave it for the House to pursue it and in case there is any query please we are ready to answer.

Hon. Speaker: Hon. Mberia, Chief Whip.

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker. According to me Mr. Speaker, the response is half-baked. First, the entire City Hall Annex or the tenants indicated here; the number of tenants indicated here is not true. I am going to do my own research and report to this House. Secondly, they are saying major Commercial Banks, in fact some of us are not aware whether the Family Bank has been given the space to operate at City Hall Annex---

Hon. Speaker: Actually, Hon. Mberia---

Hon. Chief Whip of Majority: We are not aware, Mr. Speaker sir---

Hon. Speaker: Hon. Mberia, I concur with you because I understand. Actually, Hon. Members and Chairperson of Planning, what has been put here, has been put here for your eyes only. Some of us have been in this City Hall for more than ten, fifteen, twenty years. Do understand that this is completely incorrect. If you tell us here now, Members, that Family Bank is already there and is not there even.

You know, it is wrong to give you this kind of information. I would like you again, your Committee to physically do the research. Those floors go up to number eleven and even up to ten there are private companies which are hidden in there. Do it yourself before you even go to the Secretary. If you go to the security, our own security, you will get the details of all the companies that are there. Then you can come

up together to agree with the Hon. Chief Whip because I understand and agree with you that this is completely wrong. If today you are told to walk out there, where is Family Bank?

(Laughter)

Thank you. Hon. Mberia.

Hon. Chief Whip of Majority: Mr. Speaker, I think---

Hon. Speaker: Let the Chairman finish up.

Hon. Chief Whip of Majority: Let me finish, Mr. Speaker---

Hon. Speaker: Hon. Chair, let him finish then you. Just take a seat.

Hon. Chief Whip of Majority: Just like the Chairperson for Roads and Transport said here, Mr. Speaker, we need the CEC Members to respond to our queries inside this Assembly.

(Applause)

We are not ready to be given half-baked answers. The other day the National Assembly in fact said they are going to amend the Standing Orders to make sure that the CECs respond to queries from the Members in the House and we are lucky the Member, *Mheshimiwa* Diana, has done it. We want to amend the Standing Orders to make sure the CECs or the Cabinet Secretaries in charge of Ministries here in the County come here and answer because when we give Statements; when we ask for Statements and then the Chairpersons give us undertakings, when they go there they are frustrated. We want them to come here and answer to us face to face.

Thirdly, Mr. Speaker, you can see the current rent payment is 2.7 and almost more than half of the rent is in outstanding arrears. I think there is something terribly wrong in this County Government. Thank you.

Hon. Speaker: Hon. Chairperson, then we close and go to the next.

Hon. Maxwell Ochar: Mr. Speaker, I will concur with my Chief Whip because for one, the Standing Order does not allow us to go and do physical counting before the House gives us authority to. We can be easily cheated, so in that I don't have any problem but I would ask my Chief Whip to accompany us when we are going there so that we do not miss any of his questions.

Hon. Speaker: Very well, Hon. Chair, please you go back and clarify all that is there. Hon. Elkana please and then Hon. Bishop.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): I wanted to add on top of the statement; Mr. Chairman, I am even worried. We don't even know the plot number of City Hall Annex, you have not stated it. Two; it is very illegal when you tell us that you are not allowed to go and examine. I don't know which Constitution or Standing Order you use in your Committee. You have all the powers to go and see whether what you are told is right. It is very wrong when you bring us a Statement here and you start to underrate it. Automatically I don't know whether you have the Committee Members. I don't see whether--- Are you competent?

(Laughter)

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

(Applause)

Hon. Elkana, you are out of order.

Hon. Maxwell Ochar: Mr. Speaker, first of all---

(Loud consultations)

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

Hon. Maxwell Ochar: ---first of all I want the---

(Loud consultations)

Hon. Maxwell Ochar: First of all, Mr. Speaker, I want the immediate speaker to withdraw the word 'incompetent' because---

Hon. Speaker: He was out of order.

Hon. Maxwell Ochar: Thank you. Can I proceed, Mr. Speaker?

Hon. Speaker: Please, proceed, Hon. Ochar.

RESPONSE – STATEMENT ON STATUS OF THE PROGRAMME OF DEVELOPMENT OF EASTLEIGH IN NAIROBI

Hon. Maxwell Ochar: Mr. Speaker, this is a response to a Statement requested by Hon. Kamau Thuo, MCA. Mr. Speaker sir, on 22nd April, 2014, Hon. Stephen Kamau Thuo, MCA rose on the floor of this

Assembly pursuant to Standing Order number 41(2c) and requested the Chairperson of the Planning and Housing Committee for a Statement regarding the status of the program on consultancy for the development of Eastleigh in Nairobi. He further asked the Chairperson to enquire and report on:

1. How far the County Government has gone with the program;
2. When the program will be concluded;
3. The preliminary report on the said consultancy program if any.

Mr. Speaker, the committee wrote to the County Executive Committee Member responsible for the Land, Planning and Housing on 22nd April, 2014 requesting to be furnished with written response on the Statement by Hon. Kamau Thuo. In this regard, Mr. Speaker, I wish to report to the Assembly as follows:

That on development in Eastlands, the County Secretary responded vide letter reference CPD/ABMNMN/076/BNG/MK dated 28th April, 2014. That Nairobi is supported by World Bank on the program in particular. The preparation of the study to inform the Urban Renewal Program, procuring of consultancy services on the same is ongoing and it is at the stage of requesting for proposal. Mr. Speaker sir, number 2, conclusion of the program will be determined by the consultancy study and other urban renewal elements that the Nairobi City County will undertake to pursue. Thirdly, Mr. Speaker, preparatory works of sensitization and consultation with Members of the County Assembly is ongoing while social mobilization and public communication yet to begin. Mr. Speaker sir, a copy of response from the County Secretary has been attached herewith for ease of reference.

Hon. Speaker: Thank you very much.

Hon. Speaker: Thank you very much. Hon Thuo.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you. Mr. Speaker, I must register that I am not satisfied with the answer given but I would rather rest my case. I must also say that I am starting to develop reservations and foreboding to requesting Statements and before I sit down I would in particular point out the part three of that response, whereby it is a big lie; this is because the Chairman has said that preparatory works of sensitizing and consultation of the Members of the County Assembly is ongoing and in this County I am sure this one has not happened. Allow me, Mr. Speaker, to also support the Chair of Roads that we indeed need the CECs to be coming to this Assembly because what our Chairmen are doing is they are just being given information, they don't own that information, they don't interrogate that information, Mr. Speaker.

Lastly, Mr. Speaker, if this trend continues some of us might be withdrawing from seeking Statements. It is very frustrating indeed. Thank you.

Hon. Speaker: Hon. Members, the response from the Office of Governor, County Secretary head of County Public Service; it is true from the look of things our Chairpersons are being dismissed with this letter thinking that they have what it takes to bring to the Members here.

Hon. Members, we all know Nairobi. The World Bank was responsible for the Eastlands Project, when I joined here in 1992. If you go to the books of Accounts, millions of dollars have been paid, to the Consultancy. Therefore, Hon. Chairperson for Planning, for the Members to be satisfied with this Statement, the response from the County Secretary is wanting.

This is not for the County Assembly, and this is a smack on the face of the Members of this Assembly and this is what I keep on crying about once again; are we paying for being good boys and girls, I say no. The office of the Clerk of the Assembly with the Planning Committee and the Planning Ministry of the County Government arrange a meeting; a preparatory to consult with the Members and take the Members through the issue of that Eastlands project and it should be done in less than 20 days where they will come and tell us what they mean by preparatory works of sensitizing Members is underway, one year and three months in the office.

I want you to convey this message to the County Government that the Speaker has noted with great concern, the half-baked information coming to the Chairpersons of Committees. It will not be acceptable. Members are not going to be the laughing stalk of this County. Thank you. The Hon. Bishop---

Hon. William Abuka (Nominated Member from Kibra): The Hon. Speaker for the County Assembly of Nairobi, sir, you almost said everything that I wanted to say except for one area that I really wanted to put emphasis on. First, thank you for giving me this opportunity to also put my reflections on this sharing of debate. Mr. Speaker, much as I would want to agree with the Chairmen on the need of the Executive Members to avail themselves for interrogation on areas where we feel we need more answers; I feel that with the blatant lies being peddled and the total disrespect to the Hon. Assembly on the information that is given, it will be an exercise in futility if a penalty clause is not inserted in the Standing Order.

The Standing orders ought to be changed and there in put a requirement for the Executive Committee member to come in. I think it would only be wise to say at the end of that sentence that any Executive member who gives false information to this Assembly or to the Committee of this Assembly will be penalized and very heavily so.

Mr. Speaker, Hon. Thuo almost concluded what I wanted to say, that the House feels so helpless in the hands of the Executive Committee members of this Government, that with all the respect and the honour and being the nice boys and girls that we are to them, they can lie once, twice, three, four or five times. What is creeping in is lethargy, cold feet, the spirit of helplessness where we are saying; does it really matter to ask a question? I think it is not lost to us that the information that is being sought for by the Members of this Assembly is not just – like you rightly put – for our eyes, but it is for our consumption and by extension the public that gave us the mandate to be in this House.

When we get false information today, tomorrow and the next day and relay the same information to people who really want to know what we are doing in the County Government, we are also lying to them

and that really undermines our credibility. I think this matter must be dealt with very firmly and what is more discouraging and disheartening, Mr. Speaker, I hate to say what I am going to say, but I lack the words with which to put it across better than I am putting it, that when somebody is lying to you today, tomorrow and the following day, this person---

(Consultations between the Hon. Speaker and the Clerk)

Hon. William Abuka: I want the Hon. Speaker to listen to this because he can tell me to sit down or walk out because of the words that I say. Thank you for the consultation; it really will help me put it better. Mr. Speaker, if somebody lies to you five times it is not less than underrating your intelligence, your capacity to synchronize or to decipher issues and come up with something that is consumable to the Assembly and to the public and underrating our intelligence is the worst. I personally feel and the Assembly Members feel really helpless, and thank you for the words that you have spoken, the way that you have put it, this matter ought to be handled with some firmness, some seriousness, and some penalty clause and also revive the spirit of participation in the Assembly debate. Thank you very much.

Hon. Speaker: Hon. Thuo. Thank you, Hon. Bishop.

Hon. Stephen Thuo: Thank you, Mr. Speaker. Before I fully rest my case I would also wish that you direct the Chair of that Committee to also avail the introduction of what the programme will be all about, the so called Urban Renewal Programme; the context, so that the Members can be well informed. Also, Mr. Speaker, there are so many other programmes the World Bank is doing with the County Government that our Members do not know about. I think we should also have a day where we will reflect on our work as an Assembly in how we are working with the Executive. Thank you so much.

Hon. Speaker: Hon. Chairperson, you have heard it from the Member himself so roll it please. Hon. Ochar, you still have unfinished business.

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Point of Order!

Hon. Speaker: Yes, Hon. Nyang'wara.

Hon. Samuel Nyang'wara: Mr. Speaker, considering the answer the Hon. Member has been giving on the floor of this House and all of them, he happens to be giving wrong information to this Assembly. Can we allow him to continue wasting our time here, giving us wrong answers?

Hon. Speaker: Order! Order, Hon. Nyang'wara! He is not wasting time, you must bear with him--

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Hon. Samuel Nyangwara: I am sorry.

Hon. Speaker: Order, Hon. Nyang'wara. You must bear with him, he has got the information that you as a Chairman would have been given if you were in his place.

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker. I withdraw 'giving the wrong information'.

Hon. Speaker: Thank you.

Hon. Samuel Nyang'wara: Mr. Speaker, I do not think this is the way we can go. It is high time you give an authority from the Chair; he goes and comes up with clear answers for the floor of this House. Mr. Speaker, it is not the first time that we are getting wrong answers from the Executive. Remember sometimes back when the issue of the Labour Committee came on the floor of this House and the answers they gave us, somehow we were forced to request the Chairman to go back and bring the correct answer. Mr. Speaker, it is high time that we put the Executive on notice as far as these questions on the floor of the House are being responded to.

Hon. Speaker: Thank you. Yes, Hon. Chief Whip.

Hon. Chief Whip of Majority: Mr. Speaker, to add onto what Hon. Nyang'wara is saying, I think the Members who sought for the remaining Statements can rise and tell the House, because they have copies of the same, they tell the House whether the information which is given to them is right or wrong, Mr. Speaker.

Hon. Speaker: It is wrong. You have heard them say it, the Members have said it. Hon. Ochar, can we finish up with you because the notorious Ministry is the one in charge of Labour and Planning. Those two CEC's.

(Laughter)

RESPONSE – STATEMENT ON THE DUMPING OF SOIL ON ROADS AND PATHWAYS BY PRIVATE DEVELOPERS

Hon. Maxwell Ochar: Thank you, Mr. Speaker. Response to a Statement requested by Hon. Nelson Masiga, MCA. Mr. Speaker, on Tuesday 2nd April, 2014, Hon. Nelson Masiga, MCA rose on the floor of the Assembly pursuant to Standing Order number 4(2c) and requested the Chairperson of the Sectoral Committee on Planning, Housing, Agriculture, Environment and Natural Resources for a Statement regarding the dumping of soil on roads and pathways by private developers. He further asked the Chairperson to enquire into and report on;

1. The number of approved houses for construction in Eastlands;
2. Whether the developers cleared with the Department of Environment.

Mr. Speaker sir, the Committee wrote to the County Executive Committee (CEC) member responsible for Water, Energy, Forestry and Natural Resources and Lands, Housing and Physical Planning, on 10th April, 2014, requesting to be furnished with a written response to the Statement by Hon. Nelson Masiga. Further, the Sectoral Committee on Agriculture, Environment and Natural Resources held a meeting with the Chief Officer, Environment and Forestry on 30th April, 2014 to verify on the matter. In this regard, Mr. Speaker, I wish to respond to the Assembly as follows; that on number of approved houses for construction in Eastlands;

Mr. Speaker sir, the CEC responsible for Lands, Housing and Physical Planning listed the following as the number of applications for construction in Eastland area for the last three months and their status is as follows;

1. Imara Daima, approvals are 3, unpaid 3, commenced 0.
2. Pipeline 1, unpaid, commenced 0.
3. Tassia 5, unpaid 2, commenced 8.
4. Uhuru 3, unpaid 0, commenced 1.
5. Harambee 0, unpaid 1, commenced 0.
6. Buru Buru 3, unpaid 3, commenced 2.
7. Umoja 4, unpaid 10, commenced 16.
8. Donholm 15, unpaid 3, commenced 3.
9. Komorock 4, unpaid 0, commenced 2.
10. Dandora 2, unpaid 0, commenced 0.
11. Kariobangi 8, unpaid 3, commenced 3.
12. Njiru 0, unpaid 1, commenced 1.
13. Utawala 7, unpaid 1, commenced 1.
14. Ruai 4, unpaid 5, commenced 0.
15. Embakasi 30, unpaid 3, commenced 7.
16. Bahati 1, unpaid 1, commenced 1.

On whether developers cleared with the Department of Environment, Mr. Speaker, the Chief Officer, Environment and Natural Resources informed us that the responsibility of approving or clearing construction works is vested in the Department of Housing and Physical Planning. The CEC, Lands, Housing and Physical Planning informed us that it is an offence under the City County by-laws for any developer to dump, excavated soil or construction debris on roads or pathways. The offence is punishable by a fine or imprisonment or both. Further, before a construction is approved it is a condition that the developer must prove in details that the debris resulting from the construction will be dumped in an authorized area.

Mr. Speaker, the statements were echoed by the CEC, Water, Energy, Environment and Natural Resources who stated that it is illegal for developers to dump earth soil on roads and pathways and so authority has been given by the Department on Environment. However, most private developers carrying

out the illegal activity do so during the night and it is the responsibility of the law enforcers to arrest and prosecute them. Mr. Speaker sir, I beg to lay this report on the Table of this Assembly.

Hon. Speaker: Hon. Ochar, continue with the final report so that I can make some rulings because I have discovered a lot of discrepancies here.

Hon. Maxwell Ochar: Mr. Speaker, response to Statement requested by Hon. Charles Thuo, MCA.

Hon. Speaker: Response on what, Hon. Thuo?

Hon. Stephen Thuo: Hon. Wakarindi is absent, Mr. Speaker.

Hon. Speaker: Who?

Hon. Stephen Thuo: Hon. Gathundo is absent, Mr. Speaker.

Hon. Speaker: Just a moment.

(Discussions between the Speaker and the Clerk)

Hon. Speaker: Okay, Hon. Chairperson for Planning, deliver this one tomorrow. However, before we leave you to rest, Hon. Chairperson for Planning---

Hon. Maxwell Ochar: Here I am.

Hon. Speaker: Take a seat, please. We realize you have come with several answers or responses to Statements required by Members and the buck, Members, stops at the CEC Planning not actually even with the County Secretary, because the County Secretary gets information from the technical men and women who are in Planning. Especially what you are going to read tomorrow is more controversial in this House and I do not want any controversy in this House anymore. I had enough last week.

Hon. Members, I direct that the County Secretary in charge of Planning be hereby called in person by the Department of Planning to answer to this. *(Applause)* Hon. Members, you are Members of the County Assembly of Nairobi, not Kajiado or Turkana and when you bring an answer--- And if I can refer to the response of the Member; for Ruai that what has been approved is only 4 buildings, I am a developer too and there is no way that in Ruai there are only 4 approved developments. When you pass there today in the evening, there are over 30 buildings going on, so what are you bringing us? And this is a warning to the CEC, Planning. The Chairperson for Planning, make sure these Members get what they have asked for.

We have no war with anybody including the Executive but I know that they care less about the Assembly, but in a very short time they will care. Get us information, these Members are elected, they are special Members brought here for special interests of this city; because for now the answer to Mr. Masiga, you go to the trenches now when it is raining, children will be falling from school, and it is all over. So, I do not want to use any language here that will be construed to be rude but I think the CEC and the County Government are taking the Members of this County Assembly for a ride.

(Applause)

Let this be the last warning, that if anything comes here; we will stop business and make physical inspections of what they have told us here. I do not want Members when they go back to their constituents; they are asked what happened; what happened? And yet we are here to deliver. I thank you.

Hon. Chief Whip of Majority (Mr. David Mberia): Mr. Speaker, on the same Statement, before we broke for recess I sought for a serious Statement concerning the grabbing of the plot belonging to Karen Health Center by PCEA church.

Hon. Speaker: Hon. Chief Whip, give me one minute, where is the Implementation? Anybody who was in Implementation today, what have you said about the pending Statement? Please allow Hon. Mbogori to respond because she had quietly told me that they had done it.

Hon. Magdalene Mbogori (Nominated Member from Kibra): Thank you, Mr. Speaker. As a member of Implementation Committee, today we discovered that there are over 30 Statements that have not been responded to coming from way back in February. As a Committee what we decided to do is to call the Chairperson of these Committees to come and tell us what their issues are, why they are not getting these statements on the floor, what is the barrier, what is happening with the CEC's and what the issues are, because that is our mandate. We can be able to give sanctions on these CEC's; we can be able to recommend sanctions on the CEC's on the fact that they are not responding to the Chairpersons on time. Thank you, Mr. Speaker.

Hon. Speaker: I think that puts this to rest. Hon. Chief Whip, you hear the Members are also concerned but that Committee is moving on very well. So, can we have action? Hon. Mbogori, can you move as quickly as possible so that these Members are satisfied with the answers they are given. If we have 30 questions unanswered and here we have 5 of them and all of them have come half-baked then you can see we are in a sorry state. I would also like to ask the Chairman of Chairmen, the Deputy Speaker, Hon. Ken Ngondi, to look into this because this is not a laughing matter and we do not want to be branded that we eat and sleep with the Executive, please. Where is Hon. Jaffer? Jaffer is not in?

(Hon. Jaffer walks into the Assembly)

Hon. Speaker: Oh, he is here.

MOTION

REPORT ON THE ASSAULT OF HON. CLARENCE MUGA BY THE COUNTY ASKARIS

Hon. Member of Parklands/Highridge Ward (Hon. Jaffer Kassam): Apologies, Mr. Speaker sir, I beg to move the following Motion that is, refer to leaf 2, that is the Order Paper for today.

Mr. Speaker sir, the Sectoral Committee on Justice and Legal Affairs made a resolution to investigate the assault of Hon. Clarence K. Muga, by the County *askaris* on 18th June, 2013. Mr. Speaker, I would like to add that it took a very long time because of the hurdles which we met and which we shall discuss within this Motion today. Following this, the Committee conducted its own investigation through conducting several sittings and summoning of the alleged assailants, the Head of Inspectorate and the officer in charge of General Store. The Committee, therefore compiled a report out of the investigations containing recommendations as they are contained in the said report. I request the Members to adopt this report. Mr. Speaker, sir, I now call Hon. Thuo Kamau to second this Motion.

Hon. Stephen Thuo: Thank you---

Hon. Speaker: Order, Hon. Thuo! Can you tell us exactly what you found and what your recommendations are so that it can be seconded.

Hon. Jaffer Kassam: Yes, Mr. Speaker, sir. I will go into the latest, it is a long report.

Hon. Samuel Nyang'wara: Point of Order, Mr. Speaker!

Hon. Speaker: Yes, please.

Hon. Samuel Nyang'wara: Mr. Speaker, you instructed this particular Committee to go and investigate and bring the report on the floor of this House. What we want is a report, Mr. Speaker and not a Motion. They have never tabled the report of Clarence Muga on the floor of this House.

Hon. Speaker: But this is a report, it is not a Motion. This is a report, 2nd report on Committee of Justice and Legal Affairs.

Hon. Jaffer Kassam: Mr. Speaker, sir, the report was tabled I think on---

Hon. Speaker: Yes, it was tabled, by the way. He tabled here and so now it is their Motion; it is the debate on it, by the way. It was here, it was---

Hon. Samuel Nyang'wara: Sorry, Mr. Speaker. I have been reminded that I was out of the country when the report was being Tabled.

(Laughter)

Hon. Speaker: So, you were right by the way, let him second.

Hon. Jaffer Kassam: Mr. Speaker, that is why it is very important we attend all the sittings. I will briefly go over the report. The County Assembly Sectoral Committee on Justice and Legal Affairs is established under the provision of Standing Order 191 and under the second schedule of Nairobi City County Assembly---

Hon. Speaker: Hon. Jaffer, just tell us your findings.

Hon. Jaffer Kassam: Yes. Mr. Speaker sir, our findings were that; when we met we found that Hon. Clarence Muga was indeed assaulted and going through the investigation we called witnesses and from there we came out with the following conclusion. With your permission I can go to the conclusion.

Hon. Speaker: Go ahead.

Hon. Jaffer Kassam: We were able to call 8 witnesses and these were; Mrs. Dorcas Gathera, Mrs. Fabiola Orog, Mr. Daniel Maraga, Mrs. Mildred Wafula, Mrs. Grace Kanja, Mr. John Langat, Mr. Daniel Nyakiamo and Mr. Nicholas Ondieki. Through our investigation we were able to pinpoint 2 people, that is Mr. Jeremy Murungi, who was positively identified by Hon. Munga, that he was the person who actually assaulted him and Mildred Wafula, who actually caused the mayhem. She cried foul so a big group of city inspectorate *askaris* who came started assaulting Mr. Muga who was sitting in his car.

Mr. Speaker, if I go briefly, it all started in the parking where Mr. Muga had parked opposite Family Bank, Muindi Mbingu Street. His car was towed and he was told that the car was here. When he reached here he was told that the car was taken to the General Stores and when he went to General Stores, after discussing he wanted to move his car out, the gates were closed and Hon. Muga was actually surrounded and pulled out of his car and brutally attacked and one of his legs was broken. So, when we went through the investigation we found two of these people, Jeremy Murungi was positively identified as one of the culprits who actually attacked and Mildred Wafula, who actually caused the mayhem. She was the Clerk in charge and refused to release the car.

So, in our recommendations, Mr. Speaker sir, we do recommend that the Director of City Inspectorate, Mr. Hilary Wambugu be suspended from duty to pave way for an independent investigation into the incident at hand and many other such complaints against the Department. Mr. Speaker sir, there have been very many complaints, I have another two, three reports which we will be presenting and it seems that the Director is not doing his job in the right way and he is sort of concealing some of the

evidence from the investigation and which we required. So, in light of that it is recommended that the appropriate disciplinary action be taken against the following for their actions of omission and commission in the incident;

- a) Mr. Hillary Wambungu, be suspended from duty to pave way for an independent investigation into the incident at hand and many other such complaints against the department;
- b) Mr. Jeremy Murungi, be prosecuted on charges of assault;
- c) Ms. Mildred Wafula, be prosecuted on charges of assault.

Hon. Speaker: Very well, thank you.

Hon. Jaffer Kassam: I call upon *Mheshimiwa* Thuo to second the report.

Hon. Stephen Kamau Thuo: Thank you, Mr. Speaker I would also want to support this particular report and also second it and give my apologies to the Hon. Clarence Muga who was assaulted sometimes last year. It is said that justice delayed is indeed just denied. In particular I will be watching keenly to see that especially the recommendation number four where four high ranking officers of Inspectorate should be investigated further, Mr. Speaker, as the Chairman has said, implemented.

As such I second this statement but I wouldn't sit down without asking your office and the office of the Clerk to advise us on the position of the County Commander. I also think that these guys need to be vetted and we need information on the same and advice on that matter. Everyone must be vetted, Mr. Speaker. Everyone who comes to work in this County must be vetted. Thank you.

Hon. Speaker: Very well. Hon. Members, you have heard that very sad report indeed we were all here when this happened and I am satisfied that the Members have done a proper thorough job now and it is up to the Executive now to see some things do not happen in future. You cannot go breaking the legs and limbs of our Members.

Secondly, Hon. Thuo you have come up with a very important issue one of our Members here Hon. Jacky Nyang'ala was threatened a week ago, and I personally send her to the Security Chief of the County of Nairobi and to my utter shock she was told to go to Central Police Station.

(Loud Consultation)

Now the question is what is the work of Mr. Munyambu? But I am glad the CID Chief in the City took up the matter because it was a matter of a threat which was issued through her phone and she was being threatened by people who come in and out of this City County.

And Members the other day I said we close this place for outsiders; I said we close so that only Members should have the access to this wing of the Assembly. I called and had a meeting with the security men together with the Clerk and some few Members here. You all remember the Wa Mari issue. On Hon. Wa Mari's case nothing has been done up to today, so indeed I will consult with the Clerk momentarily and give you an answer. Come, Mr. Clerk.

(Speaker consults with the Clerk briefly)

Hon. Members, I have consulted. The Committee on Justice should move with speed and find out who is Munyambu (*Applause*) and call him and interrogate him and find out whether he comes to work for the County Executive or he came to work for the County of Nairobi (*Applause*) and then from there I will give further direction. I thank you.

Hon. Jaffer Kassem: Thank you, Bwana Speaker, we will comply with your directives and I think in our next meeting we will summon him to come and appear and explain to us as you have directed. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Hon. Manyala one minute, Hon. Members I will come back to you. Hon. Manyala one minute. Hon. Members, we go back to the House Business.

Hon. Members I now propose the question on the second report of the Committee on Justice and legal Affairs on Assault of Hon. Muga by City Council Askaris on 18th June, 2013. Hon. Members, Hon. Jacky Nyang'ala and then Hon. Manyala and then Hon Alex.

(Question that the report be adopted proposed)

Hon. Jacqueline Awino Nyang'ala (Nominated Member from Kileleshwa): Thank you, Mr. Speaker sir, I am a Member of the Justice Committee and I stand here to support this Motion. We have so much to do in other reports and it takes such a long time.

In fact, I would like you to direct us; has the Director of City Inspectorate been vetted? Because he does not give us the proper attention that we deserve and during the writing of this report and many others as you know, Hon. Mberia was also assaulted by the same City Askaris and it takes a long time for them to come and the next thing Mr. Munyambu told us was that he had gone to see Keriako Tobiko and we said we are the ones who asked for the report.

I am not sure what he was going to say or to give to Tobiko. Anyway we told him that we wanted the report. So, I think we have a problem with the City Inspectorate. We have to overhaul the whole Department from all the Directors starting with Mr. Munyambu. I won't say much I just want to support.

Hon Speaker: Hon Akinyi.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you, Mr. Speaker sir. I rise to support the Motion. I think Mr. Munyambu is sleeping on his job and is growing too big for his shoes. Why am I saying that? I personally went to his office one time when I was threatened and he was swinging in his chair and he told me to write a statement. Lo and behold, I wrote three pages and he said he will come back to me, and up to now despite me calling him, he has done nothing.

Apart from that the City Inspectorate and all their Askaris have forgotten their role to an extent that when we are passing on the corridor of this Hon. House, they don't even stand up (*Applause*) they just sit and lounge on their sits to an extent that they are even about to tell you to even close the door on their behalf. Thanks, Mr. Speaker, something needs to be done urgently.

Hon Speaker: Hon. Alex Otieno--

Member for Mugumo-ini Ward (Mr. Alex Otieno): I am here to support the Motion. Mr. Speaker this is one of the worst Departments within the Nairobi County. The system, they are still using are those of 20-30 years ago; you have been here for long and you know. They don't respect the Members of the County Assembly. The Chief Officer in charge of security has been here for long and he has outlived his usefulness. So with the recommendation from this House I think we need to do something to the City Inspectorate. This is the department that goes around and tarnishes the name of the Nairobi County; they go out to look for money. In fact people in this department are there to look for how much they will collect within a day instead of working for the Nairobians.

And if you pass as a Member they will refer to you as an MCA for those of us who were there, as Councillors. That one has already translated who is an MCA. Like recently my colleague Peter, his car was towed to the Central Stores, someone had parked at his parking. When he came and blocked that car and they knew that the parking belonged to this particular Member of the County Assembly. They dared to bring the breakdown and tow the car of the County Assembly Member. What does it show, Mr. Speaker?

We need to be respected for us to respect them. And that's why several Committees are having cooked reports, as you have seen in the reports from Planning because they don't care. They give you whatever thing they feel like, so long as they fill that paper, so that you have a report with ten, five pages if that is okay. So, Mr. Speaker, we as the Members need to be serious and see that these people are disciplined and I would echo the report from the Chairman of Justice, if we start with the City inspectorate, then I think we will restore the respect we deserve. So, I support, Mr. Speaker. Thank you.

Hon. Speaker: Now we have an elder there call Hon. Bishop Abuka and then we go to Hon Maggy, I am sorry and then of cause we go to our dear---

Hon. William Abuka: Thank you, very much once again, Mr. Speaker, for noticing me. I only have one concern in this; I think Members will agree with me the most Hon. Mr. Speaker you too will agree with me. This House has gone a mile further to defend the employee of this Government. Some of the rottenness and things that are eye sore to the eyes and filthy to the spirit, we have contained them. We may make some recollection from within us as a way of guarding the public against intruding into this Government.

But the employees are adherently hell-bent on embarrassing, humiliating, and lowering morale of their County Assembly Members. Mr. Speaker, it is not something that can be talked about again. Some recollections must be done. My point of concern, if you will allow me to say is this, is if this people can be that dangerous to us during the day light--- one of them answered me when I was talking about parking; he said, "Bishop, we cannot be protecting your parking; you look for some Askaris to be protecting your parking. Anybody who comes here and finds it open can park there; if you want to protect it come very early in the morning." They told me in the presence of Member of the public outside this Government.

If they can be that dangerous to the County Assembly Members during the day, what will stop them from being firing squads of the opponents of this Hon. Members. What will stop them from being used by the people who are opponents of the City MCA? They will still collect any information from outside and any resources they can lay their hands to to really treat you with disdain and make you feel inferior and unable to perform. When you go back to the Wards you are somebody who is really down.

I want to request you, Mr. Speaker, with all due respect to the structures that are there, that this is another issue that must be taken up very seriously; the integrity of this House and the dignity of these Members must be protected at all cost. If that is what the Transition Authority is calling six guards and six Personal Assistants (PA's) and six protectors from everywhere, let them call it so, but lives must be protected. The integrity of this House must be protected and elsewhere and the dignity of these Members must be safeguarded. Thank you, Mr. Speaker.

Hon. Speaker: Okay, Hon. Maggy and then Hon. ---

Hon. Margaret Sewe (Nominated Member from Makadara): Thank you, Mr. Speaker. I rise to support this Motion. The dignity indeed of this House has to be maintained. On the issue of parking; to start with the yellow strip, sorry to say, they really help in marking parking for Hon. Members. One time I tried to convince an Askari to remove the yellow strip for me and they told me no. And then when I was at my parking I couldn't get settled and I asked him why he can't put the yellow thing around our parking so that they are protected when they are vacant and we want to park.

Mr. Speaker, on the issue of the integrity of City Askaris, something has to be done and with a little speed. Mr. Speaker, these groups of people are dreaded more than the Sungusungus or the Mungikis or the Chinkororos of this Country.

(Loud Laughter)

Hon. Speaker: Order, Hon. Nyang'wara! Order!

Hon. Margaret Sewe: Protect me, Mr. Speaker

Hon. Speaker: Order, Hon. Nyang'wara! Order!

Hon. Margaret Sewe: Thank you, Mr. Speaker sir, for protecting me. I don't know what it means when I am saying chinkororos and somebody wakes up from his chair as if he is the Chair or the President of Chikororos---

Hon. Speaker: Order! Hon. Nyang'wara! Order! (Laughter) Go on, Hon. Sewe.

Hon. Margaret Sewe: Mr. Speaker sir, I wish to urge this able House that if there is a refresher Course or some training of some sort that we can have these City Askaris undergo or be given some sort of good training so that they are able to conduct themselves with a little respect and decorum and to know even the public that they really have, let us provide this for them. If the Hon. Members can be mishandled like that, what about the general public who are at their mercies? So if the Hon. Members can have their legs broken, the men, what about the women? So, Mr. Speaker, I would urge this House that we do something in terms of retraining this very errant part of our Assembly. Thank you.

Hon Speaker: Yes Hon.--

Hon. Karen Wanjiku (Nominated Member from Njiiru): Thank you, Mr. Speaker. I have been standing. I have not been able to catch your eye. Thank you. I want to concur with *Mheshimiwa* Sewe that if Clarence has his leg broken imagine if it is me; they can break my neck. Now you can imagine if it is the public; can you imagine if an Hon. Member is treated that way what about members that we represent here; those common *wananchi* who can't even say a word.

It is unfortunate; Mr. Speaker and they don't know their work. In fact I think that they are supposed to reinforce, so that we can get more revenue for Nairobi County and so that we can be able to work and give good services. It seems they don't know their mandate. If they can be taken for a refresher course well and good and if they can't be able to change; there are many people without jobs, Mr. Speaker sir.

There are so many people without jobs and they are salivating for these jobs. If they cannot be able to work please let them go home. If we can send the CEC home who are the City Askaris not to go? They should go home if they don't know their work, Mr. Speaker. We should not be mistreated. In our streets they have started harassing sex workers, Mr. Speaker sir, just because we passed that Motion the other day. Mr. Speaker sir, I rest my case. I support the Motion.

(Laughter)

Hon Speaker: Hon. Muga to come because it was him that was affected. Give him chance please? This is the man who was battered. Order, Hon. Chairperson!

Hon. Member for Kabiro Ward (Mr. Clarence Kipkemboi Muga): Thank you, Mr. Speaker, for giving me this opportunity. First let me take this opportunity to thank the Committee of Justice and legal Affairs for having taken time to listen and understand what transpired during that time. I remember when I appeared before that Committee, I said I will talk with openness and the truth, nothing but the truth. If I remember that day very well I was new in this House. I would not have been that rude to the workers of this County because they had not known me. I went there with gentleness and introduced myself, I told them who I'm and possibly the mistake that their colleague could have done. But despite my introduction, I was still frustrated. It was so painful being taken to a police station when you have done nothing wrong. I was mishandled; somebody coming and touching your private parts is a big shame *(Loud Consultation)* I was wondering what about the public; how do they treat---

Hon Speaker: Hon *Mheshimiwa* did you say they were touching or hitting?

Hon. Clarence Muga: They hit me. *(Laughter)* Mr. Speaker, you know I was beaten and I was just imagining if I was handled in that manner what about the public; how will they treat a member of the public just in case either he was wrong or right. Every member of this County has a right. If you arrest him or her you have to explain. Coming back to this House I think we lack security. Even if I point to your, Mr. Speaker, look at the corridor around and look at your office, the Director of Inspectorate should have brought in intelligent smartly dressed guards to protect your office.

Look at your premises possibly where you live; it is the jurisdiction of the Director of Inspectorate to ensure that they guard even your home. If you look at the guards, they don't have uniforms; they are not equipped even they are not taught how to handle either Hon. Members or Executive Members or visitors who come to this County. So it comes to the big question; should we be continuing to live like this? Something has to be done and it has to be done know and I am told if you want to kill a snake, you start by beating the head and I think I concur with this report of Justice and Legal Affairs when they say that the Director must pack and go so that we can bring sanity to this department. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Mr. Good, Hon. Mbatia---

Hon. Member for Kariobangi South Ward (Mr. Robert Mbatia): Thank you, Mr. Speaker. It has been long since I stood here, but this is a very touchy issue and I want to say that I support this Motion and I support quick action on the City Inspectorate. Mr. Speaker, the City Inspectorate is the preface of the County Government. This is an enforcer; every department must have at least some officers that enforce

the rules and regulations that are put. This is mandated down to the City Inspectorate. Actually they interact with the general public more than any other officer. So when these people actually misbehave they bring back the bad name of the former City Council. Now the bad name that we are getting as the County Government comes from the actions of the county *askaris*. As *Mhemishiwa* Muga has said, actually it starts from the head, they lack ideas; these people lack ideas and we need to give timelines on this.

Mr. Speaker, the problem with this, and we were in the former Council, is that these people have been given monetary targets to meet daily. An enforcer cannot be given targets that you must make sure that you earn this much by the end of the day. They are divided into sections; actually I think they are now 8 or 9, which were the former constituencies. CBD has two; Starehe and CBD. They have targets and they have been told by the end of the day you must raise Ksh 123,000. We were always asking and I am still asking if everybody abides by the rules that day what will happen with those targets? So whatever, the first action that must be taken we should make sure that this enforcer, the City Inspectorate is not given monetary targets. That is not a source of revenue—

Hon. Speaker: Hon. Mbatia, what kind of targets are you talking about? Because---

Hon. Robert Mbatia: I mean *Bwana* Speaker, like maybe by the end of the month a department like Housing they are told you have this number of units we need this amount of money---

Hon. Speaker: Hon. Mbatia you are saying even the city *askaris* also do collection of revenue?

Hon. Robert Mbatia: Yes, Mr. Speaker. They collect every section which they call districts, they have the matatu termini they are told you have to make Ksh 150,000 by the end of the day and if you go to those senior people they call by the minutes every time they are asking how much has been raised, that amounts to harassing. Mr. Speaker when you give me a chance to collect money---

(Hon. Speaker consulting the Clerk)

Hon. Robert Mbatia: Thank you, Mr. Speaker.

Hon. Speaker: Hon. Mbatia before I forget the Chairperson of the Committee on Trade, can you investigate that report, because whatever they are doing is an illegal business because the collection of funds in this county is by the Treasury Department. Then that's why we are suffering, that's why the legs and the necks of the Members will be broken.

Hon. Robert Mbatia: True. Actually that's where the rubber meets the road. The problem is that the targets and a section like Dagoretti is told you must raise Ksh 200,000 by the end of the day.

Hon. Speaker: You see we are getting very important information Members.

Hon. Robert Mbatia: Bwana Speaker, so this Ksh 200,000 by the end of the day when you give that, it is a blank cheque you are giving to these rogue people. They will raise maybe Ksh 300,000 then and then remit 200,000 and this other money they divide amongst themselves. So, Mr. Speaker, we would like a reorganization of the systems and we establish why they have been given targets. So, I rest my case as I support. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Luchiri and then Hon. Kagiri—

Hon. Nancy Luchiri (Nominated Member from Kilimani): Thank you, Mr. Speaker sir. I stand to support this Motion. First I have a quote from John Rock, he says; “The end of the law is not to abolish or restrain, but to preserve and to enlarge freedom.” Men should be restrained from violating the rights of others. These city askaris are only protecting the cartels. The other day I was entering my parking; I met a foreigner there who told me; “Mama you want to park?” Then I asked why are you asking me that? He responded with; “I will get off my car and you give my parking at only 200/=.” I asked him; is this your parking? He told me it was his parking and if I didn’t go away he would blow off my head.

The city *askaris* were three of them. I was so terrified. I was parking behind him. He said that, I will run back and shake your car. The moment I called Mr. Lameck, this guy drove off. The city *askaris* stood there and did nothing. Is that not a cartel, Mr. Speaker sir? Something must be done. We are the legislators of this Nairobi County, we should stamp our authority. Mr. Speaker sir, we are in charge of Nairobi County, we are only 127 Members. Hon. Members from the National Assembly park their cars and they are well protected, why not us? I rest my case there. Thank you.

Hon. Speaker: Hon. Kagiri, then Hon. Alexina then we rest our case.

Hon. Member for Pipeline Ward (Mr. Samwel Kagiri): Thank you. I also rise to support the Motion and I want to concur with my fellow Hon. Members. Specifically, I want to ask Chairman of Public Accounts Committee (PAC) a question--- or to state that anybody who has ever been arrested either by askaris, the traffic officers and actually Mr. Speaker, I was saying that has any member ever been arrested by the traffic askaris even before we came to this place and see what kind of problems that a person faces with those people and before they bring you to either here or to the St. Peters place down, is a real hassle and you have to give them as much as let’s say the amount you have charged there for them to release you.

Recently a friend of mine called me and told me that he had been arrested by the officers who go with pickups around the city and he was arrested around 3 pm and he was calling me around 6p.m and they had arrested him and actually when he was crossing the road and when he resisted and told them he has not doing anything wrong, they told him they are going to accuse him of an offense he had not done and this was very serious, and he had to plead with them for them to release him.

These guys ask for money from morning to evening. if you want to confirm, when the driver of the truck goes to collect people who are doing wrong in this City Hall most of the people get in the pickup and

their culprits have to pay cash money to be released. People are harassed so much. I was saying that even when we were in Nakuru for a budget meeting, it is better you be arrested by a police officer because he will take you to Central Police Station rather than be arrested by an askari from City Hall. So I agree with Hon. Mbatia that these people have targets of money that they are supposed to take to their bosses; the same with what other police officers do in traffic and in other areas. So I think something serious needs to be done for this department to change so that they respect the Nairobians who are tax payers in this city. Thank you.

(Loud consultations)

Hon. Speaker: Order! Hon Members, we are respecting each other because one, I will give three members only. Hon. Chief Whip, Hon. Alexina is coming in and then Hon. Mbatia but to cap it up--- order! Order, Members! Actually these--- Order! Order, Hon. Members!

When we are discussing something serious touching on Nairobians, this I am sure the Chairman and the members of the Justice are listening to this. I will be very shocked if the Chairperson of this Committee will bring us half-baked information; you need to go out and investigate this department thoroughly and Trade Department, find out why do they do collection? What vote do they have? Where do they take the money?

Hon. Members, save Nairobians even you Members look at the vehicles used to carry Kenyans, the vehicles themselves are death traps. If that car gets into an accident no human being can come out alive. Look at them in the morning here when they are parked. I will be giving a direction tomorrow in regards to the parking of this city. That will be the last communication that I am going to make, the next communication is to take thorough action against the CECs in charge from the County Executive. Hon. Alexina then Hon. Mbau, Chief Whip., Kagiri, and then Imwatok we close.

Hon. Alexina Mudi (Nominated Member from Kabiro): Thank you, Mr. Speaker sir, for seeing me, that is for noticing me when I was standing up there. A lot has been said to contribute to this Motion, and mine is first and foremost to apologize on behalf of the Chairperson of Labour. I think he misbehaved in the House please as other Members are around we want to apologize and swallow the blame. Another thing, I want to emphasize that Mr. Speaker sir, something is really wrong, my parking is 117; it is just next to Ankara Hotel. I have never used this parking because the very first time I wanted to use this parking, I found a car that was there which was not even an official car, not even a colleague that has used this parking. What I did, I took the number plate of the same car I came with it here in the office to the Serjeant-at-Arms who is therefore in charge of the parking.

He said he was doing something; whatever was being done to date nothing has been done. I said it last time and I am repeating again. Our City Inspectorate, *pole*; they are lacking humility; they have no spirit of discernment; they are people without conscience and they behave like animals. Mr. Speaker, you have been in this in the last Assembly, with due respect to my able Speaker, you know the rules of the

House before and you know the rules today. If you are a principal taken to a school which is completely out of a place, somebody had a reason to take you there. It is either for you to play with the rules or change the rules. You have authority in this House; you have the authority on behalf of the Members and even the Acts of this County. Let us come out clean and let us come out, in the eyes of the public and in the eyes of the House. A Mr. Wambugu is just too old to sit in that office. He is been in this City Council cum County for over 30 years may be. He is like an old dog there is no way you can teach him new tricks.

Something must be done first and foremost to sweep the House and if the House is not cleanly swept, let us have an IQ. Please, Mr. Speaker, bear with me. By IQ I mean these people be taken for a training even if it is for two weeks, 20 people per every session. Let them come back changed, if they can't follow the new rules of the House, somebody must be shown the door. It is very embarrassing for us to keep on debating on the same thing, something that we debated on three months ago we bring it again three months ahead of us we are going to go through it.

These people should be taken for a test; these people should be vetted; these people should be disciplined; these people should be told what they are supposed to know and if they can't play, it is quite unfortunate then somebody should go home to set an example to the remaining. I am here to support the Motion and I hope after, this stern measures are going to be taken. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Mbau and then Hon Imwatak---

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Mr. Speaker, I am here to support the Motion but with some amendment. Because I have seen the report and I also have seen the committee actually deprived the Director. It is in the committee that the Director actually conceded that his officers at times do use excessive force and he had actually stated he sympathized with the Hon. Member. And on part four of the recommendations of the committee I have seen they have recommended the suspension of Mr. Wambugu, and from the same point the guy was very remorseful and whoever did it did not do it with his express authority; he never gave him consent to punish our Hon. Member.

I also wish to have the timeline of investigation, Mr. Speaker, should be there, and we should put the timeline of investigation. I am saying punishing Mr. Wambugu is like punishing the inspector General of the police when a police officer commits a felony, if he has not done anything with his express authority or it's like punishing our Hon. Speaker just for the fact that a Hon. Member did something outside there. I rest my case.

Hon. Speaker: Hon Chief whip, then Nyang'wara, then Imwatak and then Hon. Rose.

Hon. Chief Whip of the Majority: I rise to support the Motion because I am a victim of these hooligans. Mr. Speaker, I pity the Member who has just spoken, where dos the buck stop? No, Mr. Speaker, if your children are mannerless in school, the head teacher will call the parent and ask the parent; can you make sure that your kids have manners? The head of this department is the Director and

Mheshimiwa Mbau coming here to say that we spare Mr. Wambugu is a shame. The buck stops with the boss.

Mr. Speaker I am aware when we were councilors, in fact Wambugu directed his officers to carry Kang'ara high yet he was harassed and put in a truck full of shit. These guys have no respect for human dignity. Mr. Speaker, the colleagues have said that you are better off arrested by *askaris* than these city *askaris*. They are law enforcers, and when they are law enforcers and they break the law; with impunity where will Nairobians go; where will they run to? The other day, a *mkokoteni* pusher was thoroughly beaten because he did not have some 500 shillings.

Mr. Speaker, I was harassed almost sexually assaulted by these *askaris*. I am a member of this House, I called you to Karen and you came with the Leader of Majority and you heard what the traders told you, Mr. Speaker. Let me echo the sentiments of *Mheshimiwa* Mbatia, the law enforcer the City Inspectorate Department is not supposed to have targets. When you give them targets what they do and I can tell you for sure, it is only either two or three who will be brought to court, the rest will be released on the way after parting with 300 or 400 shillings.

Mr. Speaker, you are the president of this County Assembly, you must restore the dignity of this House; (*Applause*) you must restore the dignity of this House. If the Executive does not respect this House; if the Executive does not respect you, if you are the head of this House we are your subjects. Mr. Speaker, let the Executive respect this House; we are equal. We are two arms of this County Government; this House and the Executive. If an *askari* can tell our beautiful Member that her head will be smashed because some, 200 shillings have not been parted with, it is a shame.

Any communication we are going to make regarding the parking, Mr. Speaker, every Member in this House has a number, we want the numbers and secondly we want the names of the Hon. Members written on the parking slot. And if it is not possible I think the Clerk will advise otherwise because a member of the public cannot come and park at my parking and when I ask I am threatened that my head will be smashed.

Mr. Speaker, I think now the buck stops with you as the head of this House. If Members will come here and complain any more of being harassed in their parking slots we will hold you responsible because you are the head of this House. We respect you so much, Mr. Speaker sir. Protect the lives; protect the dignity of Members of this House.

Hon. Speaker: Thank you.

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

Hon. Speaker: Hon. Nyang'wara and then Hon. Rose then the Mover replies.

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker. I stand to oppose this Motion. I really can't allow a very wonderful report from this Committee with a very simple error at the end of it in the conclusion. The Committee has done its work well. I can see the response of the commander whom they are now alleging to be suspended. I am questioning the whereabouts of the officers who were in action and actually the ones who harmed Clarence Muga. The commandant gave the names of these officers. There is nowhere in the report that it has been said that these officers be suspended from duty.

Now, the good Chairman, a good friend of mine moves with speed to one Hillary Wambugu. Sincerely speaking, as much as the Hon. Good friend of mine, Hon. Chief Whip can say the buck stops with Wambugu; indeed, Mr. Speaker, the commandant Mr. Wambugu has given a very wonderful response to the Committee as far as the incident is concerned. He actually moved with speed to make sure he knows who were the officers, since Muga could not be in a position to identify the officers at that particular time.

(Loud consultations)

Hon. Speaker: Order! Order Hon.! Order, Hon. Nyang'wara!

Hon. Samuel Nyang'wara: Hon. Chief Whip.

Hon. Speaker: Hon. Nyang'wara, were those officers interdicted or suspended? To the best of your knowledge?

Hon. Samuel Nyang'wara: They were not, Mr. Speaker, because of the investigations that were on going.

Hon. Speaker: Even in spite of our report?

Hon. Samuel Nyang'wara: Mr. Speaker, I beg your indulgence in this because I am foreseeing malice that this particular Committee is unleashing on the Hon. Wambugu. At the same time, Mr. Speaker—

(Loud consultations)

Hon. Speaker: Order! Order! Order Hon. Members! Let him finish.

Hon. Samuel Nyang'wara: Allow me to have my say.

Hon. Speaker: Let him finish; let him finish.

Hon. Samuel Nyang'wara: When you have your way---

Hon. Speaker: Order Members! Let him finish. Let the Hon. Nyang'wara finish.

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker for protecting me. It's high time that the Hon. Members know that minority's views should be heard when you are going to have your way in this. A good friend of mine Clarence Muga is now told after one year to go to report to a police station so that the officers can be prosecuted. Indeed the officers named here Jeremy Murungi and Mildred Wafula instead of being prosecuted, we cannot subject an Hon. Member of this House to a court of law.

These Members should be suspended from duty. The Hon. Member has a duty on the floor of this House and in this Assembly to actually take care of the people of his Ward and not to be in court. I was requesting if they can amend this report and save one Hillary Wambugu and amend (b) and (c) on the same. These officers who assaulted Muga be suspended. Thank you, Mr. Speaker, I rest my case.

Hon. Speaker: Hon. Rose and then of course our articulate Hon. Jateso.

(Loud consultations)

Hon. Rose Ogonda (Nominated Member from Embakasi): *Asante sana Bwana Spika---*

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Listen to Hon. Rose Kula. Order Members!

(Loud consultations)

Order! Order! Order, Hon. Caro Muga!

Hon. Rose Ogonda: *Asante sana Bwana Spika kwa kunipa nafasi hii. Kwa maana hii ndio siku yangu ya kwanza ya kuongea kwa hii Assembly tangu ifunguliwe.*

(Loud consultations)

Kwanza Bwana Spika, nitaunga mkono Msada huu. Bwana Muga, ni diwani kama mimi. Wakati aliumia haikuwa vyema maana watu wake hawakumchagua akiwa na bandage. Mimi nilipomuona, nikasikia kwamba amepigwa na Askari nilihuzunika. Hata mimi nitaongea kama Mheshimiwa Andrew. Mimi ni wiki nne zilizopita, kesi ilitokea ya vijana wanaopiga viatu rangi na wako na barua kutoka kwa Waziri ya Trade na wako na leseni ile walipatiwa walilipa elfu mbili na mia saba. Waliposhikwa within the CBD niliambiwa wameshikwa nikaja mpaka kotini. Nilikaa one hour kabla hawajafikishwa kwa koti. Walikuwa wawili waliposhikwa na ni mmoja ndiye alifika. Nikauliza hao Askari kwa nini walikuwa wawili na wote wako na barua na majina yao yako kwa karatasi moja na mnawachilia mmoja. Kwa bahati mbaya huyo Askari hakujua ninaelewa ile lugha anayoongea. Aliniambia kama hutaenda kwa Wambugu sisi bado tutawashika

hata kama wako na barua. Mimi nikauliza huyu Askari. Umeongea ile lugha nimesikia na kwa Wambugu sipandi ndege nitaenda kwa Wambugu.

Mimi nikachukua huyo kijana because walikuwa wanataka, alipe elfu mbili nikamwambia asilipe because ako na barua kutoka kwa Wazara ile imeandikwa majina yao wote watu ishirini na tena ako na leseni ya City Council na haijamaliza one year. Ilikuwa na miezi miwili. Nikatoka moja kwa moja na huyo kijana na nikaita hao wengine walishikwa kama niko Uganda. Tukaenda kwa Wambugu na tukapatana na Wambugu na huyu polisi ameletwa juzi anaitwa Munyambu na kuna mwingine wa Investigations Kathurima walikuwa watatu.

Sasa mimi Bwana Spika nikauliza swali. Kama kazi hakuna Kenya na hawa vijana wameamua kupiga viatu rangi na wameamua kulipa kodi na haijamaliza hata miezi minne na mnawashika na kuna barua ya Waziri ni nani inatakikana aweke sahihi kwa hizi barua ndio mjue hii barua ni ya 'kanjo'? Bwana Wambugu aliita hao Askari vile walikwa wanne. Walikuwa Askari wawili wa kike na wanaume wawili. Walipopatiwa hiyo karatasi because huyo kijana alikuwa ametembea na photocopy ya barua ile ilitoka kwa Waziri na ile ya leseni, wakaambiwa ya kwamba wakiona yule ako na hiyo barua wasimshike.

Wambugu hakuridhika akaniambia that very, very day asubuhi walikuwa kwa mkutano na Secretary wa County ndio alisema kulingana na security purposes vile watu wako wabaya lazima watu watoke within NCBD. Sasa mimi nikauliza swali mtawarejeshea pes zao Ksh 270 ndio watoke; Ksh 2700 mtarudisha ndio watoke pale na mtawapatia mahali mbadala watafanyia kazi because nyinyi ndio mulirecommend barua wakapatiwa license? Ilinibidi nitoke kwa Wambugu, nikuje kwa Waziri nikachukua Waziri tukaenda naye kwa Lillian. Lillian akaongea akapiga simu ndio baadaye Wambugu akapeana authority wale wako na license within NCBD wasishikwe.

Mimi kile ningependa because wewe ndio Speaker wa Nairobi County Assembly. Maybe huendi Eastlands. Ukienda hapo karibu na bomb blast utashangaa kuona mama kama anakimbia na watoto wengine na ako na nyanya na ako na machungwa. Na saa hizo magari zinaenda kwa speed huwezi ukajua mtu atagongwa ama atakufa. Ningesupport vile Mheshimiwa Alexina amesema. Askari wengi wapelekwe for re-induction.

Sisi tumeletwa hapa na Nairobians. Saa zile mtu anaumia sisi ndio tutulaumiwa hakuna kazi tunafanya alafu second to that gari likibebe washukiwa kwa nini lipige kona liende sijui wapi, liende wapi, liende wapi ndio lije badaye. Kama gari lilikuwa limejaa lije na watu wanne. Saa zile umepiga simu kama mtu wako anakupigia simu akiwa ndani ya gari unawasikia vile hao Askari wanaongea. Unashindwa kama mimi niko na title ya Mheshimiwa sasa yule ako nje na hana title itakuwaje?

Kwa hivyo mimi hata kama Wambugu ako na authority nafikiri kuna zingine anasaidia lakini wewe kama Spika wa Nairobi chukua jukumu lako ukae na Wambugu chini wale wanaenda training waende na tena sioni kwa nini Department moja ndio mtu anakaa one year bila kubadilishwa na wote ni Askari. Kwa hivyo mimi mambo yangu nimemaliza. You are the Speaker, take action.

(Applause)

Hon. Speaker: Okay now the---

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, I was rising on a Point of Order because I wanted to express myself on what I am going through as I am just seated there. Mr. Speaker, as a famous American said the chicken has come home to roost. It's a reality, this Department now--- it is time we do something. Mr. Speaker, as I am talking to you I have a police case registered in Makongeni Ward emanating from the same Department. This is a Department the commandant; the in charge of Inspectorate in their respective Sub-Counties are working in cahoots with cartels of thugs in the estate selling all the spaces in our Wards and taking money to them.

I have more than twenty SMSs sent to me by the cartels and I reported to the police station but for the last two days I am scared of walking in this County. The same two people are being sought by the police in Makongeni and they are seen in City Hall roaming in some offices.

I think it is time we decide to make a difference or no difference. If I am a Hon. Member, I have a police case the same people are being sought by the police and are the same people coming to enter these inspectorate offices; it's uncalled for. Personally I wrote letters to Inspector Munyambu with regard to those people whose businesses were demolished on Outering Road when a bus ran into a train. This same, same Inspectorate Department headed by the Commandant Office in Makadara were moving people from Outering Road to my Ward which is Mbotela and giving them spaces for the furniture palace.

I wrote a letter expressing my dissatisfaction to the effect in case Jogoo Road as the plan goes for the urban renewal it has to do an expansion; if these people are allowed to invade my Ward it means it will be a challenge in the near future, Mr. Speaker. The same letter, the same content of the letter reached the cartels down there, instructing them that the distractor of your project is one area County Representative originating from the same office.

When I went to dig last week I was sent a message by the area commandant saying "man if you have a problem with them demolish yourself". Immediately the cartel sends me a message "*bomoa tutaita* Senator". Immediately the cartel sends me a message saying "*mbwa hii*" "*mbwa mwitu*". It is emanating from the same Department. Meaning us as Members, we have to live under fear. Just because the area commandant, those who are in charge of this Department have their cartels even to our own Wards inside our estates.

It is very wrong, it is very disheartening. It doesn't matter who will walk out of that Department. The thing is the chicken has come home to roost. It must be transformed; it has no choice. It has no choices. The Inspectorate Department must change. I feel so bitter, if I was elected to live in fear. I've even told the Serjeant-At-Arms here I am giving the two names. If they are seen in the precincts of the Assembly or the

County Government they should be arrested because the area police in Makongeni are looking for them for threatening my life. I beg to support the Motion, Mr. Speaker.

(Applause)

Hon. Speaker: The Mover of the Motion to reply. Take into account the threats to Members.

Hon. Jaffer Kassam: Thank you, Mr. Speaker. I wish to thank the Hon. Members for accepting to support the work of the Committee and its effort to ensure that Hon. Clarence Muga gets justice. I want to assure the Members that the Committee will follow up to ensure the implementation of recommendations.

While I am replying to this Motion I wish to bring to your attention that we have been given a Chief Officer to this Department which heads Safety and Compliance who is not a civilian but he is covered under the Police Force and therefore making it impossible for us to call him or for him to abide by the law of this County. He talks of Police Standing Orders and so on and so forth therefore it's a request here. I request you to ask the Executive to ensure we have a civilian public Chief Officer to head this particular Department.

Hon. Speaker: Hon. Chairman, are you saying Mr. Munyambu cannot answer to your request?

Hon. Jaffer Kassam: He covers under pretext of the police force. He has not been vetted. All the Chief Officers went through the vetting process unfortunately he is very special he can't be vetted because he was vetted by the Police Service Board therefore making it impossible to know his character as the Members of this Hon. House and as the Members of the Justice Committee. It is our request that we should have a civilian officer to head this particular Department. Mr. Speaker sir, it may come to the surprise of this House that we pay Kshs1.7 billion as salaries or employee expenses to City Inspectorate which is almost nonfunctional. So, in the coming budget we gave our recommendations for retraining, training facility upgrade and then I am just waiting to see what comes out of it.

Hon. Speaker: Hon. Chair order! Hon. Chair, when we are sending you even to find out about the ills of the Department so where do you get the assistance if Munyambu who is the head of security here is not answerable to you?

Hon. Jaffer Kassam: Mr. Speaker sir, we had a very difficult time investigating this case. There was a Hon. Member saying that Wambugu was very co-operative; that time Mr. Munyambu was not there but before he came Mr. Wambugu was very difficult until at one point we had to land into the office of the County Secretary to call her to answer to some of the questions. It was a very difficult investigation. It was not smooth as it's being purported here. The details are here and our minutes support our investigation. Secondly on the budget we have a very big problem and the House must look into the expenses---

(Loud consultations)

Hon. Speaker: Order Members! Order!

Hon. Jaffer Kassam: ---the expenses; the money we are spending to keep this Department which actually is of no use to us at all. With that I wish to thank the Members who have supported and thank you, Mr. Speaker sir.

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

(Question put and agreed to)

The Motion by Alex Otieno will be at 2.30pm tomorrow and the House Business Committee meets after the Rise of this House. Hon. Members, the Assembly is adjourned until 2.30pm tomorrow.

(The House Rose at 5:17 p.m.)