



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Wednesday, 5th March, 2014

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Mr. Alex Ole Magelo): I think I will sit first, to allow the Members to come in.

(Members entre the Assembly Hall)

Hon. Speaker: Once again, good afternoon, Hon. Members. The Nairobi City County Assembly; Second Session; Communication from the Chair. Hon. Members, I have the following communication to make:

COUNTY FISCAL STRATEGY PAPER FOR THE FINANCIAL YEAR 2014/2015

Hon. Members, on the 28th February, 2014, the County Treasury submitted to the office of the Clerk the County Fiscal Strategy Paper and this was done in line with the provisions of Section 117 of the Public Finance Management (PFM) Act 2012 and Standing Order number 206(1).

Further, in line with Standing Order 206(7), the County Assembly must consider and adopt with or without amendments, the County Fiscal Strategy Paper by the 13th of February, 2014. In this regard I would like to direct as follows: In line with provisions of Standing Order 206(1), the County Fiscal Strategy

Paper be committed to each central Committee, that notwithstanding the provisions of Standing Order number 206(7), this Committees should submit their recommendation to the Budget and Appropriation Committee in the next 7 days.

Hon. Members, after receiving the submission from the Sectoral Committees, the Budget and Appropriation Committee shall consider them and Table a report in the House in 14 days' time or by the 18th of March, whichever comes first.

SIGNING ATTENDANCE FOR PLENARY SITTINGS

Hon. Members, you will recall that on Wednesday, February 26th, the Chair issued a communication regarding Quorum which is arising out of lack of attendance of Plenary Sittings by Members. The Chair then committed to observe the situation over a week's period and take the necessary action if no change is recorded in the attendance of Plenary Sittings. Hon. Members, I indeed have unfortunately observed that there has been no change in attendance of Plenary and Quorum hitches continue to impede the conduct of business before the Assembly.

You are all aware that Article 194(1b) of the Constitution on vacation of office of Member of County Assembly, and respectively the Standing Order number 230 provides for modalities of dealing with Members who persistently miss Plenary Sittings. Standing Order 230(1) provides as follows; *"If during any Session a member is absent from eight sittings of the County Assembly without permission in writing from the Speaker, the Speaker shall report the matter to the County Assembly and the matter shall stand referred to a Committee of Privileges for hearing and determination"*. The provision summarizes as follows regarding a Member found to have flouted this provision; *At the conclusion of the debate on a Motion under paragraph (4) the Speaker shall not put a question but shall declare that pursuant to Article 103(1b) of the Constitution the office of the Member concerned has become vacant"*.

Hon. Members, in order not to force the Chair to act in this very punitive matter, it is in your own best interest to attend Plenary Sittings or inform the Chair of your absence by way of written notice. In the meantime, Hon. Members, I direct that all Members sign the attendance sheet at the end of the Assembly.

DECORUM DURING COMMITTEE MEETINGS

Hon. Members, the Chair made a communication during the last session regarding decorum both in Plenary and Committee meetings and on which he guided on the mode of dressing and presentation for Plenary and Committee meetings. However, the Chair noted with utmost concern that Members are increasingly flouting our own provision on the foregoing matter.

It has since come to my attention that the matter needs revisiting. I wish to issue further guidance as follows: Hon. Members, by practice and procedure and by interpretation of Standing Order number 177,

a Committee of the Assembly is merely an extension of the Assembly. The procedure practiced, precedence and custom as applies to the Plenary therefore directly apply to the Committee sittings.

The Chair therefore, takes great exception to Members who are increasingly attending Committee sittings in t-shirts, open shoes or other unauthorized attires. By its very nature, the implication of this being an Honourable and August Assembly is that our dressing and mannerism be formal and respectful.

Hon. Members, henceforth, the Chair will not take lightly Members whose dressing and mannerism during Committee sittings and Plenary bring the reputation of the Assembly into disrepute. Chairpersons of Committees are therefore advised to strictly enforce the provisions of our regulations, and the Speaker's rules on this matter.

UNSOLICITED VISITS TO COUNTY EXECUTIVE OFFICES

Hon. Members, the Chair has noted with great tribulation concerns raised by the Executive Members on unsolicited visits to the County Executive Offices. Hon. Members, there have been incidents of altercations involving Members and officers of the Executive which has only served to bring great disrepute to the Assembly and necessitates us to take appropriate action to prevent the same from recurring and I wish to guide as follows:

Hon. Members, the Constitution of Kenya under Article 185 bestows upon the Assembly legislative authority to makes laws and hold the County Government to account. The provision among others relating to the mandate is appreciated by the Chair, no less that Hon. Members appreciate it. Hon. Members, distinction must be made between oversight and sheer interference with the administrative duties of County Executive Officers. Hon. Members, it is becoming a habit for Members to pay unsolicited courtesy calls to Executive Officers within the County and cause commotions over one issue or another. I am actually expecting a report, I understand a Member yesterday had a fight with one of the officials in the County.

The Chair will not hesitate to act sternly against Members intent on bringing disrepute upon this institution by engaging unnecessarily in tiffs with the Executive Officers in their places of work. The Constitution's relevant statutes and our Standing Orders provide channels through which Members can exercise their legislative, representative and oversight mandates.

Hon. Members, nowhere is fiscal confrontation provided for as an avenue for oversight. Members are therefore warned to resist and desist from engaging in such destructive and unnecessary exchanges with the County Executive Officers. Hon. Members, as earlier stated in my communication, in regard to representation, with regard to your Wards, official matters must pass through the Clerk or the office of the Speaker. It is so guided. Thank you.

Hon. Members, there is a Notice of Motion from Hon. Andrew Macharia Mbau and further to my direction the signing of the register starts today. Hon. Mbau.

(No response)

Hon. Speaker: He is not in. Proceed.

Interim Clerk (Mr. Jacob Ngwele): Order number 7; Statements.

Hon. Speaker: Hon. Nyangala and then Hon. Mbogori.

STATEMENTS

REQUEST – STATEMENT ON THE INSTALLATION AND SUBSEQUENT USE OF TRAFFIC LIGHTS IN THE NAIROBI CITY COUNTY

Hon. Jacqueline Nyangala (Nominated Member from Kileleshwa): Thank you, Mr. Speaker. Pursuant to the Standing Order 41(2c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Infrastructure regarding the installation and subsequent use of traffic lights in Nairobi City County. Hon. Speaker, on Friday 28th February, 2014, Nairobi City County experienced total mayhem in what was supposed to be a transition from use of traffic police to traffic lights. It is alleged that the traffic lights were not synchronized. In most parts of the County, other roads do need to have traffic lights. Hon. Speaker, in the Statement the Chairperson should enquire into and report on:

1. Installation of traffic lights and who is responsible for the management, monitoring and evaluation;
2. The plans that the County has, underway for roads that do not have traffic lights especially junctions, if they still intend to use traffic lights solely in the future.

Thank you.

Hon. Speaker: Thank you. Hon. Members, the Deputy Chair of Works, can you give an undertaking on when you can reply to these questions from the Hon. Jacqueline Nyangala.

Hon. Member for Kasarani Ward (Mr. Martin Gichuhi): Thank you, Mr. Speaker, two weeks from now.

Hon. Speaker: Two weeks from now is--- Can we know the specific date? It is the other Wednesday, at 2.30 p.m. Hon. Magdalene Mbogori.

REQUEST- STATEMENT ON THE STATE OF NAIROBI CITY STADIUM

Hon. Magdalene Mbogori (Nominated Member from Kibra): Thank you, Mr. Speaker. Pursuant to Standing Order number 41(2c), I wish to request for a Statement from the Chairperson of the Sectoral

Committee, Labour and Social Welfare on the state of Nairobi City Stadium. Hon. Speaker, this month we have lost revenue amounting to Ksh 1.6 million as a result of the poor state of the stadium. The facilities at the stadium are not functional; the staff that was working at the stadium is no longer there and the security in the stadium is wanting. This forced our teams both netball and football to take our practices to Nyayo Stadium late last year costing the County Kshs 30,000 per month. Hon. Speaker, in the Statement the Chairperson should enquire into and report on:

1. Whether the County has a plan to employ new staff and if so when;
2. What is the County Government doing to improve the security at the stadium?
3. Whether the County Government has plans to renovate and upgrade the status of City Stadium and;
4. How the defunct City Council spent so much money on the renovation of the bathrooms and washrooms at the stadium and yet they are in a very poor state.

Thank you, Mr. Speaker. *(Applause)*

Hon. Speaker: Very well, Hon. Member, the Chairperson of Labour and Social Welfare, we need an undertaking on the issue of the stadium.

Hon. Member for Lower Savannah Ward (Mr. Alfred Ambani): Thank you, Mr. Speaker, Sir. The law is very clear; you could give me only three days to respond, next Thursday. Thank you, Mr. Speaker.

Hon. Speaker: Very well, next Thursday, 2.30 p.m, thank you. Hon. Mbau, you can move the Motion. Notice of Motion.

NOTICES OF MOTION

NOTICE – MOTION ON THE MARKING AND NAMING OF ROADS AND STREETS

Hon. Member for Mlango Kubwa Ward (Mr. Alfred Mbau): Thank you, Mr. Speaker. I want to give Notice of Motion that; **AWARE** that Nairobi City County has the highest population with the fastest infrastructure development, we are deeply **CONCERNED** that the failure to mark and name all roads and streets and to number all the buildings is hampering the aforementioned development; **NOTING** that this is crucial in order to see the provision of quick and efficient services such as courier, firefighting, security and postal services; this Assembly resolves that the County Government will move with speed and ensure all County roads, streets and buildings are marked and the building number should coincide with the land registration number where the buildings stands to facilitate land rates collection amongst other things.

Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Mbau, the Hon. Member from Mlango Kubwa.

Interim Clerk: Order number 8; Motions.

MOTIONS

MOTION ON THE ASSEMBLY'S SECOND SESSION CALENDER

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Thank you, Hon. Speaker. Motion number 8; under Standing Order part 6, 25(3), I wish to move the following Motion: **That** pursuant to Standing Order 25(1), this Assembly approves the calendar of the Assembly regular sessions for the Second Session of the Assembly as it appears in the notice paper. Thank you.

I am very sorry for that. Hon. Members, as you are all aware, we are getting into the Second Session of our Assembly and we need to revisit and revise our calendar to allow us go about our daily business of the Assembly. For that reason, Hon. Members, I would wish that we see the sense and reason as to why we need to pass this Motion and I kindly invite Hon. Paul Kigwathi to come and second my Motion.

(No response)

Hon. Deputy Speaker: *Kados* is not present in the House, the other Member of the House Business Committee who is my able Deputy Chief Whip, come and support the Motion. Thank you.

Hon. Member for Kariobangi South Ward (Mr. Michael Wainaina): Thank you, Mr. Speaker. I rise and take this opportunity to support this Motion because as we are all aware, this House needs the calendar and on that issue we need to support this Motion. So, I support it, or rather I second.

Hon. Speaker: Thank you, Hon. Members. I now propose the question **THAT**, pursuant to Standing Order 25(1), this Assembly approves the Calendar of the Assembly (Regular Sessions) for the Second Session of the Assembly as it appears in the notice. Hon. Members. Serikal.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you, Mr. Speaker sir. I rise to support the Motion as it is presented here; it is in order. Personally, I am in support because it gives time for the Committee Members to discuss whatever is going to be Tabled in the House. So, Hon. Members, it is very important to support it as it is. Thank you, Mr. Speaker sir; be blessed, Hon. Members.

Hon. Speaker: Hon. Millicent.

Hon. Member for Kariokor Ward (Ms. Millicent Mugadi): Mr. Speaker, I rise to support the Motion on the Assembly calendar. As you can see, our time has been well planned and therefore I support

this Motion. The arrangement also puts us on toes to realize what really needs to be given to us in terms of office furniture and work so that we can be able to deliver. Otherwise, I support the Motion.

Hon. Speaker: Hon. Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Mr. Speaker sir, I rise to support the same. Being a Member of the House Business Committee, I appreciate that we have been given what we can call 'health breaks' so that apart from the legislative work that we do, we also need to do the representation bit within our Wards for those who are elected and also to serve special needs for the special interest groups that have to address those other special needs. So, I think, Mr. Speaker, it is with this that I support this very healthy discussion and pray that when this is happening, at least you give us a good reason to go for this desired break. Thank you very much.

Hon. Speaker: Hon. Nyang'wara.

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker, I stand to support the Motion and again Mr. Speaker, I really want to put a request to your office. A number of Members of this Assembly, Mr. Speaker, who come from the other side of the city, from Eastlands, we want you to consider our request and that is if you would allow us continue with the Committees. Some of us have big loans with the banks and we cannot afford to pay considering you have given us about three months break as such we will not have enough money. We have requested from Sarah Serem now and again for our salaries to be increased but she does not want to hear us. We request if you can, allow us to have the Committee meetings go on so that we can be able to service our loans at the Family Bank, Mr. Speaker sir. I beg to support the Motion.

Hon. Speaker: The Hon. Member from Clay City.

Hon. Member for Clay City Ward (Mr. Erastus Mburu): Thank you, Mr. Speaker. I rise to support the Motion but on the same, I am requesting your able office to furnish our offices because we will be in those Wards all the time. Let us not run away from our electorates. However, right now most of the Members are having their office rents catered for by the County, but those offices are empty. So, Mr. Speaker, it is my humble request that the process may go on with speed and we have those offices furnished so that we may have somewhere to operate from. I support the Motion, thank you.

Hon. Speaker: Very well, Hon. Member of the great City of Clay. In a week's time we will be able to organize furniture for your offices. So, in a week's time you will get all the briefs.

(Applause)

Hon. Speaker: Hon. Manyala and then Hon. Mboku.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Mr. Speaker sir, I rise to support the Motion. However, this is the period that we should start rolling out and overseeing the implementation of the Ward Development Fund which we passed in this House. This is the time during which we can start the first phase in our Wards so that we can at least show the electorate that we were worth to have been given this task of County Representatives representing various Wards. With this, Mr. Speaker, I rise to support the Motion.

Hon. Speaker: Hon. Mboku Manoah.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Mr. Speaker, thank you. I rise to support the same. However, Mr. Speaker, I would like with your indulgence probably to request, during this period, the planned trips for Members of CORD and Members of Jubilee, can be organized so that at least-- because we have got some County Assemblies taking their Members outside the Country, Mr. Speaker, we would like to request that during this period a proper plan can come up so that Members of CORD can be taken maybe to Zimbabwe and Members of Jubilee to be taken to Sudan, Mr. Speaker. Thank you.

(Laughter)

Hon. Speaker: Order Member! Hon. Members, order Members! *(Laughs)* Hon. Members we have no trips for Jubilee or CORD Members, it is trips for Nairobi County Assembly and the Hon. Mwalimu agrees with that. Hon. Thuo.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Mr. Speaker. I rise to support this Motion and also say that the Member is in order when he says that the Members of CORD should go to Zanzibar--- and we know what happens there--- and the Members of Jubilee should go to Sudan; we are business people indeed, Mr. Speaker, thank you. *(Laughter)*. I rise to support that this House adopts the Order, or rather the calendar of this House which also leaves us with some time to be in our Wards. I hope as we conclude or rather when the time comes to conclude the First Session, Mr. Speaker, the mechanisms and structures will be in place for the Ward Development Fund; that is what I want to believe. That, by that time, the Executive and also your office will have done all that is necessary to make sure that we have that Fund at the grass root. I support.

Hon. Speaker: Hon. Rachael Kamweru.

Hon. Rachael Kamweru (Nominated Member from Embakasi West): Mr. Speaker, I beg to support the Motion keeping in mind that the special elect Members will also have time to do the programs that we are running and Mr. Speaker, as the rest of the Members are going to have their offices, we are also looking forward to our offices so that we are able to run our own programs --- *(Applause)* I beg to support.

Hon. Speaker: Very well, Hon. Ogeto.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker. I beg to support this Motion. In as much as the special elect also need their offices, Mr. Speaker sir, so that they can also do their duties; we don't know which duties they are going to do in these offices of theirs. Mr. Speaker sir---

Hon. Speaker: Order! Order Hon. Ogeto! Order! Hon. Ogeto order! Order! (*Laughter*) Order Hon. Ogeto! The Hon. Member for Kilimani, it is not in your interest to even know what the special elect will do--- (*Applause*) they have their business cut out in the Constitution of this country. Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Mr., Speaker sir, since I have found very good counsel from your Chair, I now realize that these Members, the special elect, have things which they must do in this Republic of Kenya. Mr. Speaker sir, because the mood of the House is in support of this Motion, I could wish, Mr. Speaker sir, and beg you to ask the Mover to reply.

Hon. Speaker: Very well, Hon. Ogeto; Kilimani.

Hon. Peter Warutere: Point of Order.

Hon. Speaker: On what Hon. Member?

Hon. Peter Warutere: Allow me, Mr. Speaker sir. I am rising on Point of Order number 80 owing to a question I had raised yesterday. Hear me out so that maybe you can make a judgment. I asked, Mr. Speaker---

Hon. Speaker: Hon. Member, can we finish this so that you can come up with your number 80?

Hon. Peter Warutere: Much obliged sir.

Hon. Speaker: Hon. Members, I now call the Mover of the Motion to reply. The Honourable Deputy Speaker.

Hon. Deputy Speaker: Thank you, Mr. Speaker, and again thank you Hon. Members for making this House become one of the best Assemblies in Kenya by way of contributing and contributing positively, not negatively. I hope when the time for putting the Question arises we are all going to be in agreement that we stamp the schedule to pass. Thank you very much.

Hon. Speaker: Hon. Members, I now put the Question **THAT**, pursuant to Standing Order 25(1), this Assembly approves the Calendar of the Assembly regular Sessions for the Second Session of the Assembly as it appears in the notice. Will as many as are of that opinion say "aye", and as many of a contrary opinion say, "nay", the "ayes" have it.

(Applause)

(Question put for the Assembly's Second Session calendar and agreed to)

Hon. Speaker: The Hon. Warutere, Chairperson for Trade, could we hear this burning thing that you have?

Hon. Peter Warutere: I want to remind you, the Hon. Speaker, that when you see a Chairman standing here twice or thrice, it means that the matter must be of substance; it must be weighty and that's why this Hon. Chairman of Trade wants your indulgence on an issue that we still strongly feel we need to interrogate and then maybe probably at the end of the day come up with a solution.

I asked a question here and I want again to come to the same. An Hon. Member yesterday said that the Committees of the House are the miniature of the big House and I don't want to dispute what is happening in the Planning Committee regarding the matters pertaining to Bowling Green. You said and I want to agree with you; I can't agree with you more, that we needed an Ad hoc Committee to interrogate the happenings around Bowling Green.

I still strongly believe apart from what is being done by the Planning Committee, we need this Ad hoc Committee like yesterday. We have burning issues that we feel, and we strongly believe their mandates are different and that the only avenue; the only arena that we can address the many issues that are arising with this issue of Bowling Green is through the Ad hoc Committee.

Therefore--- and it's through this persuasion that I am asking you through your indulgence to see if you can appoint an Ad hoc Committee to work hand in hand with whatever is being done by the Planning Committee and maybe report to this House. There are things that are being done. Even after we started the process we are still seeing this in the Press and the best way to lay this matter to rest would be by way of constituting an Ad hoc Committee so that it can report on the happenings around Bowling Green. With that, I think I rest my case, Mr. Speaker sir.

Hon. Speaker: Very well, Hon. Leader of Majority.

Hon. Majority Leader: Thank you, Mr. Speaker. I also want to support what Hon. Warutere is requesting. I think it is high time we must show leadership. This Ad hoc Committee; we must form it and I think it is going to investigate this issue of Bowling Green. So, just allow us to form the Ad hoc Committee to interrogate the Planning findings. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Thuo that is your Constituency, so you will definitely play a big role in that place. Hon. Members, once again, I stand before you. This time I will not take the responsibility of the Committee's shortcomings and as earlier said by our able Deputy Speaker, this is one of the best Houses in the whole country of 47 counties. I want to say as we always say, we are proud of you for your

contributions and indeed your prowess in safeguarding the interest of the Nairobian. Hon. Members, there is one thing we must agree on. We must do things in this Assembly. It has become now a point for Members to go to the Press and issue Statements on items that are supposed to be on the Floor of this House--- (*Applause*). The Committee on PAC (Public Accounts Committee); what they gave us (I and the Hon. Leader of Minority) yesterday as a Press Release is not what they went ahead to give. What you have actually done here--- (*Motions to a copy of an article in the Press*) is pre-empted your findings. You have already preempted.

So what are you going to Mombasa to do? What are you going to do and you have said that there are corrupt people who took billions? You have already crucified people. You have already taken people to the gallows. So now, I will make a ruling with regard to PAC tomorrow because I might as well cancel this issue of PAC because you have given all the details and if you don't have it, Members, get today's Nation and you will see --- "*...the, Report details how billions of shillings were paid out to ghost companies and Council employees.*"

I don't want the County Assembly of Nairobi to be taken to Court. I don't want us to end up in a Court of law. This you have done: you gave us yesterday a Press Release then you went ahead and released another Press Release. So, tomorrow you are going to--- the book you have been given to go and deliberate on--- we will find it all in the Press and I can tell you that will be null and void and that Committee will have nothing to do with PAC and I will give a ruling after I meet the Leadership of this House in regard to what has appeared in today's papers.

The other thing on the issue of Bowling Green, Hon. Members, you remember before I left for the U.S, I made a ruling that Planning investigates and brings us a report on the Table but you took the report to the newspapers. You took it to the corridors of Nairobi County. Corridors, corridors! This is not right; it is wrong for any Member, be it the Chairman, even myself as the Speaker, to speak on issues touching on the Assembly, on things that are on the Floor of the Assembly. Punishment will be imminent.

We must safeguard ourselves. We must safeguard ourselves. So what PAC has done--- with all due respect, because I know the Leadership of PAC is very able--- is done your investigation and told Nairobian what to expect, so you have finished your business by the way. You have finished your business. Hon. Members, on the other point on Bowling Green, tomorrow we will come with the Motion on formation of the Ad hoc Committee which will report back to this House on the issues concerning Bowling Green. So it is ordered.

(Applause)

Hon. Leader of Minority (Mr. Abdi I. Hassan): Mr. Speaker sir, I need some direction.

Hon. Speaker: Yes please, the Hon. Minority then the Hon. Akuk.

Hon. Leader of Minority: I just needed your guidance and direction, Mr. Speaker sir, on the same; on the issue of Public Accounts Committee. I think, Mr. Speaker sir, the Audit Report was a public document. Even before it came to this Assembly it had already been reported in the Media because the Auditor General had put it as a Public Document, Mr. Speaker sir. Is it right, Mr. Speaker Sir, or is it fair for this House to reprimand the Public Accounts Committee on the same?

(Applause)

Hon. Speaker: Hon. Leader of Minority, it is indeed, unless you want us to do our business in the Press. What I am saying---

Hon. Leader of Minority: Mr. Speaker sir, I just needed clarification because it is a public document and I think a week ago if somebody saw Citizen TV at 9, it was reported conclusively---

Hon. Samuel Nyang'wara: Point of Order.

Hon. Leader of Minority: Point of Order on what, Mr. Speaker sir? Mr. Nyang'wara should know how to respect Members.

(Loud consultations)

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

Hon. Leader of Minority: Mr. Speaker sir, it is public knowledge. Citizen TV reported on the Auditor General's Report last week if I am not wrong, Mr. Speaker sir, and I think it is wrong to reprimand the Public Accounts Committee on the same.

(Applause)

Hon. Speaker: Order Members! Order Members! First of all Hon. Leader of Minority we are not reprimanding anybody here. What we are saying is that as leaders of the County Assembly, it is not our duty, before we lay down the Report on the Table, to lay it before the Press. The Press can lay down any paper including anything they want but for Members of the County Assembly--- and I stand guided on this--- it will be wrong for us to go and put these things in the papers. Suppose these companies went to court to put an injunction on the County Assembly Public Accounts Committee? We will have no powers and Hon. Members, it is my order that no Member will do the business of Nairobi County Assembly in the Press. So it is ordered. Next Motion?

Interim Clerk: Order number 9; Motion.

Hon. Speaker: The Hon. Osman Adow Ibrahim, can you go ahead?

Hon. Member for Eastleigh North Ward (Mr. Osman Adow Ibrahim): Thank you, Mr. Speaker. The Motion is; that **AWARE** that the Constitution of Kenya 2010 grants the citizens of this republic comprehensive rights and fundamental freedoms; further **AWARE** that law enforcers, enforcement is crucial to a harmonious living and orderly conduct of businesses in the city; deeply **CONCERNED** that the enforcement of city by laws by the County *Askaris* most often borders on illegal and unconstitutional characterized by arbitrary arrests and harassment of Nairobi residents thus infringing on their rights and fundamental freedoms; **NOTING** that such arbitrary arrests and harassment expose the County Government to costly litigation from affected residents; this Assembly urges the County Government to urgently hasten the recognition and retraining of the County *Askaris* to ensure compliance with the Constitution in enforcement of County legislations and by-laws.

Mr. Speaker, I have on several occasions gone to assist people in City County jails. People are arbitrarily arrested in their offices; citizens are arrested for actually having done nothing wrong. Many cases I have seen are where some people are arrested for crimes committed by someone else. For example where the license is missing in an office, where they have not paid for license and to get to the employer, they arrest the employee, who has actually done nothing wrong, which is against the Constitution of Kenya, section 28 and 29 which reads:

Section 28 *“Human Dignity: Every person has inherent dignity and the right to have that dignity respected and protected.”* Section 29 *“Freedom and security of the person: Every person has the right to freedom and security of the person which includes the right not to be;*

- (a) Deprived of freedom arbitrarily or without just causes;*
- (b) Detained without trial. Except during a state of emergency, in which case the detention is subject to Article 58;*
- (c) Subjected to any form of violence from either public or private sources;*
- (d) Subjected to torture in any manner, whether physical or psychological;*
- (e) Subjected to corporal punishment; or*
- (f) Treated or punished in a cruel, human or degrading manner.”*

In many cases the City *Askaris* in arresting basically trample on all this rights, Mr. Speaker. This is what prompted me to bring this Motion today, so that Members can debate and send the message that such harassment or arbitrary arrests and kind of cruel treatment of citizens is unacceptable. Actually it is surprising that Kenyans so far look like they don't know their rights, because if they did, by now we should be having court cases running into billions of shillings, because this happens every day, in all corners of this City. With that, I would like Hon. Jacky Nyangala, to come and second this Motion. Thank you.

Hon Speaker: Hon. Jacky Nyangala.

Hon. Jacqueline Nyangala (Nominated Member from Kileleshwa): Thank you, Mr. Speaker, I rise to support the Motion--- to second the Motion, sorry (*Laughing*) Mr. Speaker, it is okay, we say that we want to collect revenue for the Nairobi County, and we do that every day and we have come up with ways to collect more revenue for Nairobi County. However, I think this enforcement of the City by-laws by the City Inspectorate always feels like--- and I have said it in my committee of Trade--- that they do not complement each other, the Inspectorate and the Planning. You find that a woman is being picked for selling *Kitunguu* for 100 shillings and then she is brought to court to be fined 2000 shillings.

I don't think that is right. What is the purpose of doing that? And again the City Inspectorate apart from the training that they should have, I think they should complement the Planning Department and not compete with them. I have had a case, where I told them that injustice had been done. You find that the licensing people are taking money from the market people and there comes the Inspectorate to arrest the same people. Now how can we as the County give licenses to people and then come back to arrest the same people? It does not make sense, Mr. Speaker. I Second the Motion. Thank you.

(*Applause*)

Hon. Speaker: Hon. Kairu

Hon. Member for Woodley Ward (Mr. David Njoroge Kairu): Thank you very much, Mr. Speaker sir. I just want to disagree with the Hon. Members and with the Motion and the reason why I am doing that is that everybody must respect the rule of law. Mr. Speaker sir, if you look at what happened today; people demonstrating and blocking the road because of the freedom rights and you take note of what our officers or the by-law enforcing askaris who contained the situation did, you will agree with me on my view that they have reformed. What we need to do is look for ways of directing the people to respect the rules that are made in this County, because, Mr. Speaker sir, if we allow women to sell *vitunguus* in our streets where our people are passing--- it will not be possible to enforce laws! Thank you.

Hon. Speaker: Hon. Manoah, Order Members! Order! Sorry, Hon Members, I now propose the question **AWARE** that the Constitution of Kenya 2010 grants the citizens of this republic comprehensive rights and fundamental freedoms; further **AWARE** that law enforcers, enforcement is crucial to a harmonious living and orderly conduct of businesses in the city; deeply **CONCERNED** that the enforcement of city by laws by the County *Askaris* most often borders on illegal and unconstitutional characterized by arbitrary arrests and harassment of Nairobi residents thus infringing on their rights and fundamental freedoms; **NOTING** that such arbitrary arrests and harassment expose the County Government to costly litigation from affected residents; this Assembly urges the County Government to urgently hasten the recognition and retraining of the County *Askaris* to ensure compliance with the Constitution in enforcement of County legislations and by-laws.

Hon. Mboku.

Hon. Manoah Mboku: Mr. Speaker, I rise to disagree with the Motion. If we agree with the Motion and send our City Askaris back to training we are going to incur costs. This City Askaris are trained, it's only the residents of Nairobi who are not trained. Mr. Speaker, what do we do with or what can the City Askaris do with somebody who is found urinating at City Park? Will he ask him; please I beg to arrest you? What will the City Askari do with somebody who is selling opium in the City streets? Is he going to ask him to allow him to arrest him? We cannot allow that, Mr. Speaker, let us train our people; let them follow the law, if they don't follow the law let our City Askaris arrest them and let them be judged and it is true that, Mr. Speaker, we will be collecting our revenue. I beg to disagree with the Motion. Thank you.

Hon. Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Mr. Speaker, as you see I also have my tablet today, like our friends from the lake, because the Constitution is very clear in Chapter 4 section 21; it talks about the fundamental rights of citizens.

Is this Motion in order, Mr. Speaker, first to say City residents are the only ones who have rights? Are they the only people who have the right in this City? We must understand, when this City Askaris have been sent out to implement the law, Mr. Speaker Sir, they must implement the Law. If they don't implement the law the same Members from this same House, Mr. Speaker Sir, are the same people who will be saying that there are no City Askaris or the Askaris are not working.

Mr. Speaker sir, this Motion--- and I also come from the same Committee which must defend this City Askaris. They have gone for training, if not so the Nairobi residents cannot also allow them to operate, when they know they have a training problem. Let the citizens be arrested for breaking the by-laws, because you have seen even the clips, Mr. Speaker sir, where the residents of Nairobi are chasing away these Askaris in the course of implementing the Law.

You see, Mr. Speaker Sir, like today there was a mess in the City and if the GSU were not brought in this City to quell the riots, the protesters could have not left. The charges they were protesting against were in a Bill, Mr. Speaker sir, which we passed in this Assembly. The protesters should question the Assembly and the Executive and even the High court. The implementation of the same has been an uphill task. Mr. Speaker sir, when you go to war you must be prepared. The city Askaris need to be armed so as to face those in the streets who are breaking the by-laws and are armed.

The Askaris encounter armed people. An example is what happened in Kangemi, Mr. Speaker sir. It was very bad and very sad. But again you find that the Nairobians were armed and ready to beat the City Askaris. Mr. Speaker sir, if we cannot allow the City Askaris to implement the law according to the way we have legislated in this Assembly, then this House has no business. You do realize, if we tell them not to go and implement the law--- the Nairobi residents are very tough headed including this Hon. Members, Mr. Speaker Sir--- if this City Askaris can't go and implement this law there is no revenue which will be collected from this County.

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

Hon. Moses Ogeto: Mr. Speaker sir, you may realize very well they are the same people, who fine, they are the same people who go out and at least try and get the residents of Nairobi who don't even pay some money for permits. They want to see the City Askaris coming to the door of their businesses so that they can go for the permit. Mr. Speaker Sir, I wish this House could support these City Askaris because if we don't support them, then Nairobi will be in a mess. I beg to oppose this motion, Mr. Speaker.

Hon. Speaker: Hon. Chief Whip of Majority.

Hon. Chief Whip of Majority (Mr. David Mberia): Thank you, Mr. Speaker. I rise to support the Motion. We all know that the Inspectorate Department is a law enforcement Department. I am privileged to have been in the former Nairobi City Council as a Councilor and we all know our City Askaris don't know the law. We are Members of this County Parliament and we will be making laws and if we entrust our laws with the same Askaris who have been there before, in fact we will be doing nothing. We will be--- (*Loud consultations*) Mr. Speaker, protect me from---

Hon. Speaker: A Point of Order from Hon. Mboku and you must specify.

Hon. Manoah Mboku: Mr. Speaker, is the Member in order?

Hon. Speaker: Order! Order!

Hon. Manoah Mboku: Mr. Speaker, I have just---

Hon. Speaker: Order! Order Members! Order!

Hon. Manoah Mboku: Mr. Speaker, I have just forgotten the Standing Order.

Hon. Chief Whip of Majority: Mr. Speaker, thank you, for the confusion. I was saying, we are law makers in this County and if we make laws and the law enforcers are the same Askaris who have been there since time immemorial, we will be doing nothing at the County Government level. Mr. Speaker, a Member of this House was assaulted and his legs broken by the same City Inspectorate Askaris.

The report is yet to be Tabled in this House with the recommendations. I am a victim of the same hooligans whom we are entrusting with the laws we are going to make in this House. I was sexually assaulted, Mr. Speaker, by the same Askaris (*Laughter*) and do you know, Mr. Speaker---

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

Hon. Chief Whip of Majority: You and the Leader of Majority, Mr. Speaker if you came to Karen---
(*Loud consultations and laughter*)

Hon. Speaker: Order!

Hon. Chief Whip of Majority: Can you protect me, Mr. Speaker, *tafadhali* I don't have any interest in this motion, but, Mr. Speaker, I want our City Inspectorate Department to be surgically reformed to conform with the new Constitution. They must follow the law. If we make the law as Members of this House we will follow the law that we make.

But the people we are entrusting to enforce are not following the law. They cannot go and demolish, whether it is a house; whether it is a structure without a court order and without a notice and call that enforcing the law. It is breaking the law. As Members of this House we must protect the laws we make; we must at all costs. But the people we entrust to make sure that they are fully implementing the law are the same people who are going to break the same law with impunity.

Mr. Speaker, we cannot allow it to happen in this House. We know every Department in this Government is given a target; a target to habitually arrest traders who have already paid cess to this Government. How can the citizens pay cess to this Government and the same Government will come and arrest them and take them to court? What kind of law is that, Mr. Speaker?

Mr. Speaker we want to review all the by-laws and I would wish you to protect me from this point of orders. I think I have some few minutes to finish my speech. We want to review all the by-laws to conform to the new Constitution. We know that there is a Chief Officer by the name of Mr. Mnyambu who was appointed by His Excellency the Governor of this County to be the head of this Department; we would like to know who vetted Mr. Mnyambu, because as we all know this Department needs somebody who is new and somebody who is neutral.

We know the members of the Police Service. We want to vet all the Officers, all the senior Commanders of this Department to make sure that they conform to the new Constitution. We are not going to do things like they have been done before. We are a new Government whether somebody has an interest in this Department or not but as a House we must speak as one voice.

We are waiting for the Nairobi Metropolitan Police Bill which will help a lot in reforming this Department and finally you all know, as Nairobians, our people are very much afraid of the Askaris more than they are afraid of the Police. Why, Mr. Speaker? These City Askaris, a majority of them are hooligans; they are thieves. We would like every officer; every top commander to be vetted by this House and those who will be seen as incapable or not qualified to be in their job, must be retired, Mr. Speaker.

Finally, Mr. Speaker I would like the Committee on Justice and legal Affairs to Table the report on Munga and the report on Mberia because as I said, I was sexually assaulted by a very old woman, Mr. Speaker, when I went to Karen--- (*Laughter*) to stop the demolitions in my Ward---

Hon Speaker: Order Member! Order! Hon. Chief whip your time is up---

Hon. Chief Whip of Majority: So, Mr. Speaker sir, I beg to support this Motion with my whole heart.

Hon Speaker: Hon. Members, I wish to draw you to pay attention that notwithstanding the provisions of Standing order 94(4), this Assembly orders that each speech in a debate on any Motion including a Special Motion , be limited in the following manner; a maximum of three hours with not more than twenty(20) minutes for the mover and ten (10) minutes for each other Member speaking , except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of fifteen (15) minutes each and that ten (10) minutes before the expiry of the time, the Mover be called upon to reply and that priority in speaking be accorded to the Leader of the Majority party , the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee in that order.

Hon. Manyala.

Hon. Elizabeth Manyala: Mr. Speaker sir, I rise on a Point of Order number 104 on Grossly Disorderly conduct. Mr. Speaker sir, let us respect this House. If you read Article 104(b) it says that a Member--- number one says; *“a Member whose conduct is grossly disorderly; if the Member concerned knowingly raises a false point of Order.”*

Mr. Speaker sir, Hon. Manoah Mboku has just risen (*Applause*) on a false point of order and incidentally ridiculing this Hon. House. Is he in order to come--- and we are debating a very important Motion--- to come and make people wallow in a miasma of deceit?

(*Laughter*)

Hon. Speaker: Hon. Member very well, it is written so, but, Hon. Mboku did not contribute. He never contributed and therefore, I want to say this; it is clear for Hon. Manyala and for the benefit of Members, I think you are now clear on some of the false Point of Orders. So, the Hon. Millicent

Hon. Millicent Wambui Mugadi: Mr. Speaker, thank you. I rise to support this motion and my main argument is that it is not that we are attacking the City Askaris, but I do understand that the last time the City Askaris were employed we were in the analogue system, now we are in the digital system. So by taking them to a refresher course, we are trying to bring them out of the analogue way the Nairobians think.

And also we are asking the County to invest in enlightening the Nairobi citizens or residents on their rights and how to work together with the City Askaris. Mr. Speaker, I have been a victim of these City Askaris and some of them do take advantage of the fact that they are City Askaris and you cannot even differentiate who is a policeman and who is a City Askari. They go their extra mile to harass the residents of Nairobi and as my Hon. Member said, some traders or some members of the public do pay their cess and they are harassed on daily basis.

The City Askaris have turned their career into an extra means of minting money and it's obvious. We are always called on to bail out our own people, who even have proof that they are paying cess daily. They have trading licenses but at the end of the day they are being harassed. I rise here to support this motion, for the betterment of Nairobi; for the betterment of the people of the Nairobi County and also for the betterment of revenue collection for the Nairobi County.

Hon. Speaker: Very well. The Hon. Thuo, then the Chairman---

Hon. Stephen Kamau Thuo: Thank you, Mr. Speaker. Forgive my Chairman, Mr. Jaffer, who is the Chairman of Justice and Legal affairs. Mr. Speaker, thank you, for the opportunity to contribute. Indeed we have good officers called Askaris of Nairobi and actually they know how to perform. They do their duties diligently, because they also answer to their officers who are above them. Some of us are not surprised when we see these officers harassing the members of the public. We are not surprised; we are not. Personally, I am not surprised to see the Askaris doing the same. I am also not surprised, Mr. Speaker, to see them asking for *hongo* or bribes. These are people who are demoralized, Mr. Speaker. *Na ni lazima wajisaidie; lazima askari wajisaidie ikiwa wale maaafisa ambao wako juu yao ni wakora. Ni lazima wao wajisaidie wenyewe, Bwana Spika kwa sababu---* (*Loud consultations*) Give me time to contribute. Mr. Speaker, protect me. You know, Mr. Speaker, this is reality *na hii ndio mambo Members wa hii Assembly hawataki kusikia. Ni lazima tuangalie---*

Hon. Speaker: Point of Order on what? On what, Hon. Member?

Hon. Erastus Muiruri Mwaura: Mr. Speaker, is the Member who was on the floor in order, to mix English and Kiswahili?

Hon. Stephen Kamau Thuo: Thank you, Mr. Speaker, I am not talking Kikuyu, I am talking Swahili and English.

Hon. Speaker: Order! Order! Hon. Thuo, Karura, you need to use one language consistently. You can choose to go the way of the Hon. Kiswahili man.

Hon. Stephen Kamau Thuo: Thank you, Mr. Speaker; I had to drive that point home in Kiswahili to make sure that our Members understand. Mr. Speaker---

Hon. Speaker: Order Member! Order! Can you withdraw that, that “*Members can understand*”?

Hon. Stephen Kamau Thuo: Mr. Speaker, I withdraw and I apologize. In short and clear, I support this motion and also ask my Chairman to come up with a Bill to look into the welfare of the Askaris and how they manage themselves and how they conduct themselves as they go about their duties.

But I must also say one thing about the City Askaris, Mr. Speaker, their welfare is wanting and some of the things they do, though they are not justified; though they are bad things, have to be done in one way or the other. So it is--- I know Hon. Mberia, you were attacked some time back--- you said an old woman attacked you but these are the things that they have to do once in a while. That is what they do to the members of the public. You are a *Mheshimiwa*, if they did that to you, what would they do to a resident of Gitari Marigu, Korogocho or Mathare? So this debate is good because it provokes the Members’ line of thought, Mr. Speaker, and I support it fully. Thank you.

Hon. Speaker: The Hon---

Hon. Member for Kariobangi South Ward (Mr. Michael Wainaina Wanjiku): Thank you, Mr. Speaker sir, I rise to support this motion. Mr. Speaker I want to support this motion with reasons. As we can remember last year, our Hon. Member was attacked and beaten thoroughly by the same Askaris, reason being that he went there just to ask why his car was towed. Mr. Speaker what the mover of the motion is trying to say is this; these Askaris--- we are not saying that they don’t work, they do work, but their working tactics are the ones which are bad.

Mr. Speaker, last year I witnessed right where Githurai buses do park, a woman being shot. She was shot because of this excessive force and I want the Members first of all to go through what the Mover of the motion has done. What he is saying. He is not saying that we do away with the City Askaris but as we are all aware, we have the police reforms which are on-going. They are not on-going so that we can do away with the police in this country. We are doing this so that the police can see you as a human being.

Mr. Speaker, it’s only a person, I don’t know from which county who cannot run away when they hear that these City Askaris are doing their operations. They can even attack mwananchi from a super market mistaking him for a hawker and the way they handle them as they throw them into the lorry, or squeeze them into their pick-ups is cruel. Mr. Speaker this is all that the Mover of the motion is trying to say, that it is good also to have our City Askaris being orderly. In addition, even after they have arrested they ought to know that under the new Constitution we have rights; each and every person has rights, be it the Askari or the wananchi.

Thirdly, I want to say this; when I was growing up in Kariobangi--- Mr. Speaker, I want you to catch this--- at my tender age in primary school, I used to see City Askaris coming in their uniforms and work sheets which show that they have reported in Kariobangi area. Mr. Speaker, that is all gone, because now you can’t differentiate a City Askari from a thug; I am telling you, and we can do this by practice. We take

three (3) Hon. Members from this House and we walk down town here and we will say that we are City Askaris, Mr. Speaker, we are going to arrest people yet we don't have the identification.

So through the uniforms and work sheets showing that our City Askaris have been sent to do this work, we will also minimize misconduct and will ensure that the Askaris conduct themselves accordingly. As we are all aware they are usually needed to have their identification numbers. But sadly, as it is now, even if we went and collected the money in down town here, the citizens would not know whether we are City Askaris or not. So, I support this motion and again I will ask this Hon. Members, please, to see more than just coming to say that they don't support this motion. They should see the other side of the story. So, Mr. Speaker, I beg to support this motion.

Hon. Speaker: Hon Leader of Minority---

Hon. Leader of Minority: Thank you, Mr. Speaker sir. As I support this motion, I want to condemn in the strongest words possible what has happened today. The matatu crew and the taxi crew caused havoc in this city with a lot of impunity today. Some of us are coming from Ukambani, we are not like the Leader of Majority who is coming from Kileleshwa and near town here. I was stuck in the jam for 3 hours, and the jam was deliberately caused by this hooliganism from the matatu industry. I want to urge His Excellency the Governor not to budge, but to stand very firm and not allow the matatu crew to hoodwink this County.

The Finance Act was passed by this House and these people must know how to follow the rule of law. The Finance Act was passed by this House, they can come and petition the Budget Committee on the same if they feel the fee which they are being charged is excess. And I think the Budget Committee through its Chairman has wisdom to look into that, Mr. Speaker sir.

Coming to the motion; retraining of the staff, not only the Inspectorate but all the county staff should be trained to conform to the new Constitutional order, Mr. Speaker sir.

(Applause)

Mr. Speaker sir, as an Assembly it is our obligation to make sure that laws and orders are being followed from the highest person to the lowest. In as much as we want the County Askaris to enforce the law, they go beyond that and they break the same rules which they are supposed to enforce. I think it is not right for the County Askari not to follow the law. As much as you want the revenue to be increased in this County, it is not right for this House to ask the County Askaris to break the rules and laws which this House forms, just for us to get the revenue which this County needs.

I think, Mr. Speaker sir, when you look at the Kenya Revenue Authority which collects 70% of revenue which is being consumed by this country, they follow the due process of the law, and the City Askaris should not be the exception. Mr. Speaker sir, as we are speaking now, the Assistant County Police

Commanders are now being vetted by the National Police Service Commission. Why shouldn't the County Askaris be vetted? Why? They should be vetted to conform to the new Constitutional order. I feel pain when a Member stands here and says we need rogue City Askaris.

It is painful, Mr. Speaker sir, when a Hon. Member comes and asks the City Askaris, "*Why are you demolishing this structure without notice?*" And the Askaris start beating the Hon. Member. It is painful for Members to support such rogue behaviour. Today is our Whip, Mberia, tomorrow it will be the Leader of Majority or the Leader of Minority. We are not exceptional, because in our park I don't have that badge for them to respect me; the same goes for the Leader of Majority. Mr. Speaker sir, this House should uphold the rule of law. With those few remarks, I beg to support.

Hon. Speaker: Hon. Muga---

Hon. Member for Kabiro Ward (Mr. Clarence Muga): Thank you, Mr. Speaker sir, for giving me this opportunity. First, I would like to say this, having been a victim of these Inspectorate staff; I have three points to say. First, as much as Nairobian or I as the Member of this County would want to have or own, we need to obey the rule of law, and the City Askaris' mandate is to ensure that whoever breaks the law is apprehended and taken to court. I believe we have our courts here.

My second point is this, as much as we are in support of these people, first they have to be retrained. Why should I say so? Some were handpicked. It is true others were handpicked; they do not know what is called public relations whereby when they apprehend someone, they give him a reason as to why they are apprehending him/her. As Kenyans or Nairobian, we have our rights, everybody has got rights. When you are apprehending me tell me what I have done. If I have broken the law, let me understand as to why you are taking me; let me understand the reason why you are doing it.

Thirdly, the National Service or the Kenyans in uniforms, the Kenya Police are being vetted, as the Minority leader has said. If they are vetting the National Police, why not these people? Why not the Nairobi Inspectorate? We are talking about the leadership, not everybody; the staff ought to be retrained, the leadership; their leaders ought to be vetted afresh because we know first, that those people who are in this department are corrupt. So these leaders must be vetted afresh, so that we bring in fresh blood, those people who will ensure that they uphold the Constitution to the letter. So, Mr. Speaker, I stand here as a victim, knowing that I was harassed and embarrassed as a member of this County and at the same time my leg was broken. Thank you, Mr. Speaker. I support the Motion.

Hon. Speaker: Before we hear from the Hon. Jaffer, can we hear from Hon. Carol Muga, then the Chairperson of Legal---

Hon. Caroline Muga (Nominated Member from Harambee): Thank you very much, Mr. Speaker. I rise to support this motion. I want to say something. If my memory serves me right, a few weeks ago; I believe it was last week, a very senior member of this government was ordered to be arrested and the AG

(Attorney General) said that “*I cannot embarrass him*”. I believe that no Kenyan should be embarrassed with an arrest. It can be done with dignity. It can be done in a way that even if that person was with her or his child, the child will not feel embarrassed over their dad or their mum or their grandmother or their son or their daughter.

I believe as Members of this House we represent the rights of the common *mwana*. So, if we as legislators are going to say we want money and so we don't care how people are arrested, I think that is so wrong. We need to protect the dignity of our people. Yes, collect money, but go about it in a way that will not infringe on the rights of that person. I believe the law says that you are innocent until proven guilty. So, you should not be handled as if you are guilty. They have to prove your guiltiness.

Another thing I want to say is that it can happen to any of us, because I believe these people are no respecter of persons. They don't care whether you are a *Mheshimiwa*. We have heard so many complaints come to the floor and even to the House and even to your attention, Mr. Speaker, that they were mishandled and manhandled. So, I think this is very wrong. These officers need to be retrained and those who cannot toe the line be sent home. Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Jaffer

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Thank you, Mr. Speaker. I stand here to support the motion.

(Applause)

Now, what is wrong with capacity building? If we could overhaul the whole Constitution and put in Bill of Rights, why not have our people taken for capacity building? We have a very big training college in Dagoretti and I think it should serve the purpose. We are blocking a huge chunk of land and there is no training going on there. I think that retraining is not a big issue and I fully support it. It is only that we have delayed we should go ahead as soon as possible.

Number two; regarding the way the arrests are being done, yes there are bad apples and usually there are problems. We have also been victims of that. But, I think the answer is in the retraining and the reorganization and I think the Executive has started by bringing in a very seasoned police officer who has not been vetted; Bwana Munyambu. So I am sure that the signs are there but I stand here to support because this is the only branch of the Executive who have the powers of entering into a building. No other person is allowed or has legal authority to enter buildings. So here we have our enforcement officers who can enter your building even your bedroom. So imagine if they are not properly trained, what would be the results? So with that I would not go ahead much, but, support with my full ideas and knowledge. Thank you.

Hon. Speaker: Can we have Hon. Nyang'wara, then Hon. Kambi

Hon. Samuel Nyang'wara: Mr. Speaker, I stand to oppose this motion with very simple reasons. Mr. Speaker, when we were here, discussing the speech of the Governor, some Hon. Members were getting out and they were not interested in discussing the speech. We cannot come here with Motions, trying to compel the Governor on what he is supposed to do and he came to the floor of this House and the Hon. Governor, His Excellency Kidero, outlined on how he is going to improve this particular department, Mr. Speaker.

The Motion before this House, Mr. Speaker, is trying to do what exactly the Governor has promised this House, he intends to do. He even told us how he is going to make sure that they are well armed to execute their mandate. Some of these laws, the Hon. Members are saying here, we are the ones who make these laws; and by the way, Mr. Speaker, we don't use the by-laws in this County. We use the laws which the Hon. Members make. Mr. Speaker, with regard to the by-laws, these are the laws which were used by the defunct City Council and are no longer in place.

It's a high time the Hon. Members came up with Bills in this House that will compel the Executive to actually handle the residents of Nairobi in a proper manner. But when we try to compel the Governor to move with speed on an issue he actually told us that he was going to deal with, I feel we have lost the point. The Motion is reading from a different script and I want to oppose it for that very simple reason and I would like to actually inform my good friend here who was manhandled or mishandled by an officer, Mr. Speaker, it was simply because the Hon. Member was under the influence of something else. Mr. Speaker--

(Loud Consultations)

Hon. Speaker: Order Member! Order!

Hon. Samuel Nyang'wara: Can you protect me, Mr. Speaker?

(Loud Consultations)

Hon. Speaker: Order Member! Order! Hon. Members, that is a very serious allegation on the part and person of the Hon. Member and I would request the Hon. Nyang'wara, a Member of the Speaker's panel to apologize and withdraw.

(Loud Consultations)

Hon. Speaker: Order Member! Order! Order Honourables!

Hon. Samuel Nyang'wara: Mr. Speaker--- *(Loud consultations)*.

Hon. Speaker: Order Member!

Hon. Samuel Nyang'wara: I once more want to add--- to thank you for your guidance and I stand before this Assembly to apologize and withdraw those remarks. But--- (*Loud consultations*)

Hon. Speaker: Hon. Kambi.

Hon. Samuel Nyang'wara: But, Mr. Speaker, I want to request that you---

Hon. Member for Dandora Area II (Mr. Stephen Murathi Kambi): Thank you, Mr. Speaker.

Hon. Speaker: Order! Order! Order! Order! Hon. Kambi.

Hon. Stephen Murathi Kambi: You have already said enough!

Hon. Samuel Nyang'wara: The Hon. Member is not properly dressed, Mr. Speaker. He's harassing me, Mr. Speaker.

(Loud consultations)

Hon. Speaker: Hon. Member, have you finished your contribution?

Hon. Samuel Nyang'wara: Not yet, I've got three minutes remaining, Mr. Speaker.

Hon. Speaker: Okay, go ahead, go ahead. Go ahead. (*Loud consultations*) Order Members! Order! Order, Hon. Kambi!

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

Hon. Speaker: Order *mheshimiwa*, Chairperson of trade!

Hon. Samuel Nyang'wara: Mr. Speaker, I once more want to register that the Motion on the floor is quite not in order because we know as per the address of the Governor of Nairobi, he was going to deal with this issue. I want to request that the officers we are trying to--- (*Loud consultations*)

Hon. Speaker: Order Member! Order!

Hon. Samuel Nyang'wara: The officers that we are trying to crucify, Mr. Speaker, are officers we know very well. There is not even a single one that was handpicked. They are well trained and they are executing their mandate as per the laws of this County. These officers take care of our cars outside there, Mr. Speaker. (*Loud consultations*)

Hon. Speaker: Order! Order! Consult quietly! Consult quietly Members.

Hon. Samuel Nyang'wara: And We understand there is nobody who is a hundred percent good, but for those officers who have actually mishandled our--- the Hon. Members or our residents, the residents of Nairobi, Mr. Speaker, the law is very clear, the law is very clear. We don't have even a single case that a resident of Nairobi has accused the officers or *Askaris* of the Nairobi County for mishandling them. *(Loud consultations)*

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

Hon. Samuel Nyang'wara: Mr. Speaker--- *(Loud consultations)*

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

Hon. Samuel Nyang'wara: Mr. Speaker we are speaking as per---*(Loud consultations)*

Hon. Speaker: Order Hon. Kambi! Last warning.

Hon. Samuel Nyang'wara: Mr. Speaker, even the Members who have testified on the floor of this House, not even one of them has gone to a court of law because--- *(Loud consultations)* Mr. Speaker, protect me please. *(Loud consultations)*

Hon. Speaker: Order Member! Order! Order! Order Members! Order!

Hon. Samuel Nyang'wara: Not even a single person, Mr. Speaker, has gone to court or has moved to court to actually--- *(Loud consultations)*

Hon. Speaker: Order, order, order Hon. Members, order Hon. Nyang'wara your time is up. I think, *(Loud consultations)* Order Members! Order!

Hon. Samuel Nyang'wara: You can check, Mr. Speaker.

Hon. Speaker: Order Hon. Nyang'wara! *(Loud consultations)* Order! I think--- *(Loud consultations)* Order Members! Order! *(Loud consultations)* Order Hon. Members! Hon. Nyang'wara, our Member who was attacked reported to the police station and actually just to correct you--- *(Loud consultations)* Order Members! To correct you, you should be asking where the reports of the Legal Committee are. Hon. Kambi. *(Loud consultations)*

Hon. Stephen Murathi Kambi: Thank you, Mr. Speaker sir. Kindly take your seat my good friend. Kindly take your seat my very good friend. (*Loud consultations*) Mr. Speaker sir, kindly protect me, I am on the floor. Kindly protect me.

Hon. Speaker: Order Members! Order! Hon. Kambi, on the floor.

Hon. Stephen Murathi Kambi: I beg to support the Motion on the floor, Mr. Speaker sir, with very clear reasons. The reason as to why this House is on business today, lest we forget, is because we were given a Constitutional mandate by our voters who are the Nairobians at large. Mr. Speaker sir, the issue here is not about the Executive or the Legislators. The issue here is about our electorates and I believe they are our direct bosses because they gave I Stephen Kambi an opportunity to represent the people of Dandora Ward II in this Hon. House. It is so unfortunate, Mr. Speaker sir, that some Members are behaving as though they inherited the positions that they do hold.

They should not forget when seated here you represent the people of a certain place or a certain group with special interests in the County of Nairobi and it is so dishonorable, Mr. Speaker sir, when we Members turn against ourselves because of the Executive. Nobody is against the Executive but we as the Legislators have the Constitutional mandate to ensure that whatever is being implemented by the Executive side is what is in accordance with the law and with the needs of our people on the ground. We are the link between the people on the ground and the Government of the day. It is so hurting, when a Hon. Member stands in this Hon. House and accuses another Hon. Member that he or she was under some influence of something else. I don't think it's--- (*Loud consultations*)

Hon. Speaker: Order Members! Order!

Hon. Stephen Murathi Kambi: I don't think, Mr. Speaker sir, it is right. I represent a society that is not very well equipped in terms of information. I believe I am probably amongst the top ten respectable people from where I come from. When I stand here I represent a society that is poor in terms of information and Mr. Speaker sir, they don't have the right to come and stand in this Hon. House and express their anger and their needs. So, I beg to support the Motion on the floor because the reasons are so clear.

It is not about our political party lines and it is high time we as Members, put our political differences aside. When we enter the--- when a Member enters that door he/she should leave political party affiliations outside of that door. When we come here we have a common interest. We come; we fight for our people as a House, because I foresee doom and I foresee trouble and I foresee political suicide of most of these Members in this House, two years down the line. I don't know what I'll go to tell the people of Dandora II; I don't know the reason that I'll have to give my electorates who are my direct voters and my direct bosses as to why I did not implement the policies that I had agreed together with them that we'll implement. Since the implementing force, Mr. Speaker sir, is on the Executive side I beg that this floor be used for developmental issues.

Issues that affect and are directly linked to the common *mwananchi* because if you are not here--- if you were not voted into this place then you are in the wrong place, I believe and if you do not represent people in this place then you are also in the wrong place. Even those who don't have Wards, they represent people with special needs. They represent people of special groups. Every Member in this House has a representation, Mr. Speaker sir. We should not carry ourselves as individuals. So when a Member talks recklessly here, he's painting a very bad image of the County of Nairobi. I beg to support the Motion, Mr. Speaker sir. Thank you very much.

Hon. Speaker: Very well, that is very articulate of Hon. Kambi. Can we have Hon. Alexina then Hon. Bishop. Order Members! Order!

Hon. Alexina Mudi (Nominated Member from Kabiro): Thank you, Mr. Speaker sir, it is so, so interesting. One, I am humbled just to be here and contribute towards this Motion. It's very interesting that we Nairobians, we leaders of this city, we want to sit here and pretend. We just want to come here and be heard and not contribute to what actually is there to be done.

One, the City *Askaris* are people that have got an arrogance of the highest order that cannot be described. To begin with, they go to the salons; they go to the kiosks; they carry the weighing machines; and whatever they can find. The traders and the City *Askaris* know each other by sight and when the traders spot the City *Askaris* they take off. You are a lady seated in the salon, you are picked by the City *Askaris*. They do not care whether you are a client or you are the owner of the business. Is that respect? Is that Constitutional? If the police officers are being vetted, who are these City *Askaris* that they cannot be vetted? What do they carry that is above, that cannot be seen? We are not here to crucify--- (*Loud consultations*)

Hon. Speaker: Order! Order Members! Listen to the Hon. Member speaking.

Hon. Alexina Mudi: We are not here to crucify any City *Askaris* or an individual. But we are here to assist one another. Let these people be taken for a re-training to have an IQ (Intelligent quotient) and a PR (Public Relations). I am here to support the Motion.

Hon. Speaker: The Hon. Bishop then Hon. Leader of Majority.

Hon. William Abuka (Nominated Member from Kibra): Thank you very much, Mr. Speaker for giving me this opportunity to share briefly. Mr. Speaker, if you allow me only one or two minutes, I'll just give or share my experience by giving an example in relation to the Motion. (*Loud consultations*)

Hon. Speaker: Order Members!

Hon. William Abuka: Mr. Speaker I--- (*Loud consultations*)

Hon. Speaker: Hon. Members order! Are you not proud of this wonderful English that is coming out of these Hon. Members of the County Assembly of Nairobi? Then, listen to the Members belt out the queen's language.

Hon. William Abuka: Mr. Speaker I stand to support this Motion but I just want to beg your indulgence in sharing an experience, because we as human beings really sometimes learn from other people. Mr. Speaker, I've come through this highway before and I told you it was a very torturous experience. I once worked for Nation and one of the times Marshalls East Africa used to advertise a lot with us. I was the one that was contracted to do the advertisement. Mr. Speaker, let me share this with you. It will be a learning experience for us.

One day when we were taking vehicles to Marshalls East Africa, the watchman at the gate sometimes would order clients to park their vehicles and wait for service and he was doing it so arrogantly. He was doing it so disrespectfully that so many of those clients declined now to be serviced by Marshalls East Africa. They lost hundreds of millions. When we learnt this we really tried to convince Marshalls to come back but they declined to come back.

Let me tell you that when Marshalls' authorities learnt that the very person they were paying twelve, fifteen thousand was the person that was killing their business at the gate, they took everybody in their security team for re-training and they boosted that department with new blood. That experience was shared by Nation and we, all of us were taken back to TQM, Total Quality Management. I tell you, Mr. Speaker, we rose from a collection of flex budget 200 million to earn 800 million per month.

I did this again two years ago in Chemelil when I was acting chair and Mr. Speaker, I saw this work. I really want to agree with Members that when we work on attitude change by employing change management through re-training of our personnel--- because, Mr. Speaker, we really cannot create new human beings. We can only mentor. We can only train. We can only expose to change and then the very persons that pose a picture of rotteness could be the best employees in terms of productivity and boosting of our revenue collection.

It is a really good strategy for us now to embark on not only the inspectorate for re-training but the entire lot that are actually in decision making from policy formulation and the top there at the Executive, so, that as a County and as a Government we may improve on our public relations; we may improve on our revenue collection and we may improve on also service delivery to the electorate.

Let me stand here as a balance between the extreme positions, that these people need re-training. They are our people, we cannot ask them to leave when we have not given them an opportunity to really re-engineer their thinking and engagement with the public and I think this is the best option for us because truly we cannot re-create human beings. We cannot chase everybody away but again we cannot let them lose to harass, to torture, to give people sleepless nights by the way they handle people. So, I beg to

support this Motion, Mr. Speaker. That these-- our people, need re-training so that our productivity may increase. Thank you.

Hon. Speaker: Hon. Leader of Majority.

Hon. Karen Wanjiku (Nominated Member from Njiiru): Point of order.

Hon. Speaker: Order on?

Hon. Karen Wanjiku: Order 91, the Mover to reply. Standing order 91, that the Speaker ask the Mover to reply.

Hon. Speaker: Very well, but the Leader of Majority has stood up and so we will do that, Hon. Member.

Hon. Leader of Majority: Thank you, Mr. Speaker, I am here to support the Motion. But after supporting this Motion, also respect is two-way traffic. We, also, as Members, we must have respect. That is the reason why I wanted to contribute when the Chairman of Legal and Justice Affairs is here. Yesterday-- it's just in some few hours ago that the Speaker read the riot act here and gave a very stern warning about the person who was fighting with the officers yesterday. The one who was fighting them was the Chairman of Legal Affairs. He went to the County Treasury at Treasury's office and drew a gun.

So, there are some times when we blame these officers and we are the people who are fighting them. Therefore, he should not come here to pretend. He should not come here again to pretend that he is supporting the re-training of the Askaris. For these people, we must understand and the Mover of the Motion must understand that the three months training is not enough for them to broaden their knowledge and understanding. Three months is not enough. So we should increase the number of months for them to go for refresher course because they don't have PR.

They are very arrogant as they carry out the arrests. I was a victim of these people sometimes back. I am a victim and you know always, personally, I am a very polite citizen. *(Laughter)* I am a very polite citizen. In fact I don't fight outside there. I am just fighting you inside here. *(Laughter)* So, I respect the rule of law. These people sometimes spent 10% of their time working for the County. Ninety percent is theirs. I am telling you the truth. Ninety percent is theirs, so, I will just ask the Executive to just take these people back to training.

I think they are--- because in as much as you are talking about this, we have our Serjeant-At-Arms here who we just scooped from among the City Askaris of the Executive side. I know we are going to take them for training a little bit also, *(Laughter)* for them to have PR--- public relations, because I know they have that three months training; three months training so--- *(Loud consultations)*

Hon. Speaker: Order! Order Members! Order!

Hon. Leader of Majority: Without wasting time, Mr. Speaker, we agree that we are supporting this Motion but we should also conduct ourselves in a manner that these people must respect us. If I come to your office, because it's your office, I should respect it. Why would I want to fight you in your office? Why do you want--- because sometimes you want somebody to sign for you a cheque, then you use force. You should not fight in this case. So, I think we should also be respectful and they also, will respect us. So, Mr. Speaker, I think it's high time you called the Mover to reply because I think he's also tired. So, Mr. Speaker, I beg to support.

Hon. Speaker: Very well, the Hon. Leader of Majority. Hon. Members, I now call the Mover of the Motion to reply, the Hon. Adow.

Hon. Osman Adow: I say thank you Members. I think I got much more support than I thought I would get. For those who said they were opposing, I think they got the message or they didn't understand the essence of the Motion. We are not against anybody; we are not against the Executive; we are not against the *askaris*; we are for them actually. This Motion is actually for them because this supports them in doing their work better. It will make them more acceptable to people and in that way then, it's a support.

We know that we need to collect more revenue; we know that laws must be obeyed by citizens but then the people who are enforcing the law should also know the law and that's why they need that extra training. But also we need to do our part here. I think some of those laws they are currently enforcing are actually outdated and unconstitutional. Those are things that we need to change in this House so that their job outside there also becomes easier, because now they are operating on laws that are outdated; laws from colonial times which I think were made maybe in the fifties and forties so that is what we need to change now. I thank you all for supporting this Motion.

Hon. Speaker: Hon. Members, I now put the question that **AWARE** that the Constitution of Kenya 2010 grants the citizens of this republic comprehensive rights and fundamental freedoms; further **AWARE** that law enforcers, enforcement is crucial to a harmonious living and orderly conduct of businesses in the city; deeply **CONCERNED** that the enforcement of city by laws by the County *Askaris* most often borders on illegal and unconstitutional characterized by arbitrary arrests and harassment of Nairobi residents thus infringing on their rights and fundamental freedoms; **NOTING** that such arbitrary arrests and harassment expose the County Government to costly litigation from affected residents; this Assembly urges the County Government to urgently hasten the recognition and retraining of the County *Askaris* to ensure compliance with the Constitution in enforcement of County legislations and by-laws. Hon. Members as many of the opinion say "aye". And as many of the contrary opinion say "nay". The "ayes" have it.

(Question put for the Motion on City County Askaris' retraining and agreed to)

Further to this we have passed several Motions here and we would like these Motions to move very fast in regard to the citizens of Nairobi. Next; Hon. Members, the Assembly adjourns and before it adjourns I want to thank you. You can see the House is full. This is not because of the Speaker, but, it is because of your commitment to the people of Nairobi. The House adjourns to 2:30 p.m. tomorrow. I thank you.

(The House Rose at 4.47 p.m)