



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Wednesday, 14<sup>th</sup> October, 2015

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker Ms. Millicent Mugadi in the Chair)*

#### PRAYERS

**Hon. Temporary Deputy Speaker:** Sergeant-At-Arms please ring the bell for 10 minutes because we don't have quorum.

*(Quorum bell is rung)*

Hon. Members we still don't have quorum. Sergeant-At-Arms you may ring the bell for five more minutes.

*(Quorum bell is rung)*

Sergeant-At-Arms nobody should leave the Assembly please, thank you. Clerk please confirm the quorum. We may proceed.

#### NOTICES OF MOTION

##### ADJOURNMENT ON A MATTER OF COUNTY IMPORTANCE

**Hon. Temporary Deputy Speaker:** You may proceed.

**Hon. Member for Makongeni Ward** (Mr. Peter Imwatok): Madam Speaker, thank you for giving me a chance. Yesterday before this House I tabled a Notice of Motion to adjourn the Assembly pursuant to Standing Order number 30 (2) on an important issue of a guy who passed on in Kenyatta Hospital after 18

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hours in an ambulance. The Speaker on the Chair yesterday ruled that he was to give time to discuss that. That is a matter of urgency. I thought you could allocate immediate time today to take precedence from yesterday because we could not discuss the same yesterday.

**Hon. Temporary Deputy Speaker:** Hon. Imwatok that is noted and I will allocate time after we finish reading the Finance County Bill.

### IMPLEMENTATION OF INCOMPLETE PROJECTS

**Hon. Peter Imwatok:** Madam Speaker, thank you for that. I again stand to give a Notice of Motion: **THAT** aware that the 2015/2015 budget was passed and included allocation for capital projects including the Ward Development Fund. Deeply concerned that despite the allocation of the said capital projects have suffered slow implementation by the County Executive and thus hindered the delivery of service to Nairobi residents. Noting that the biggest impediment to implementation of projects including Wards Development Fund projects remains endless delays in the procurement functions. Realizing that there are numerous complete projects from the preceding financial years that are yet to be completed while the Assembly has moved ahead to allocate additional monies for 2015/2016 budget. This Assembly resolves that the County Executive move with speed to implement all pending or incomplete projects from the year 2014/2015 within the next 90 days and report back to the Assembly on the progress regarding the same at the lapse of the said period.

## STATEMENTS

### RESPONSE TO STATEMENT ON RESETTLEMENT OF DEEP SEA SLUM RESIDENTS

**Hon. Temporary Deputy Speaker:** Where is the Chairperson of the Sectoral Committee on Transport and Public Works?

**Hon. Member for Lucky Summer Ward** (Mr. Kennedy Oduru): Thank you Madam Speaker, I have a response to a statement requested by Hon. Jaffer Kassam. On Tuesday 2<sup>nd</sup> July, 2015 the Hon. Jaffer Kassam, MCA rose on the floor of the Assembly pursuant to Standing Order number 41 (2)(c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a statement regarding the status of the settlement of the Deep Sea slum residents in Parklands Ward.

Hon. Madam Speaker, after consideration of the response the Committee found it to be unsatisfactory and resolved to seek for further clarifications. The Committee had its meeting with the County Executive Committee Member responsible for Roads, Transport and Public Works on 13<sup>th</sup> August, 2015. The CEC tabled a report on the resettlement of Deep Sea residents.

In this regard, I wish to report to the Assembly as follows: that the CEC responsible for Roads, Transport and Public Works informed the Committee that the resettlement of Deep Sea residents was being handled by the Kenya Urban Roads Authority (KURA). The report indicates that 1071 persons from Deep Sea are affected by the project. The report further states that the consultative meetings between

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KURA and the Deep Sea leaders and residents have been held at different times and there is a resettlement Committee which agreed to give a resettlement allowance to the persons affected by the project. Additionally, a total of Ksh. 5,557,000 has been paid as a resettlement allowance to the residents affected by the project.

Madam Speaker, attached is a copy of the report on the agreement between KURA and the Deep Sea residents. I beg to lay this response, thanks.

**Hon. Temporary Deputy Speaker:** Do we have Hon. Marion? The Chairperson of Sectoral Committee on Culture and Community Services? Hon. Marion? Okay, Jaffer Kassam

**Hon. Member for Parklands Ward (Mr. Jaffer Kassam):** Thank you Madam Speaker, I went through the response and I am satisfied that the whole issue was taken into consideration and 1076 affected persons have already been paid though the amount paid per person is Ksh. 5000 and is too little. However, I think it is not within our jurisdiction so we will take it up with KURA. Otherwise I am satisfied, thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Marion Githinji, is she in the House? Not in the House. Hon. Diana Kapeen? The Chairperson of the Select Committee on Wards Development Fund project? Hon. Diana? Not in the House. We decided that we are not going to read the response if the Chairperson of the specific Committee is not in the House. What is it? Statement? Go on.

### REQUEST FOR STATEMENT ON EL NINO RAINS

**Hon. Peter Imwatok:** Thank you Madam Speaker for the first time I've seen the very tough eyes from the iron lady. May I request a statement pursuant to Standing Order number 41 (2) (c). I wish to request for a statement from the Chairperson of the Sectoral Committee on Public Works and Planning on the oncoming El Nino rains.

Hon. Speaker, poor drainage system is a leading reason as to why the City always suffers floods during heavy rainfall. For example the construction of a perimeter wall in a drainage system along Likoni Road next to Engen Petrol Station threatens to cause blockage and flooding in the area during El Nino. In the statement the Chairperson should inquire into and report on:

1. Evidence of approval of the construction of the said perimeter wall on the public drainage system
2. Size of the land where the drainage system is built and whether the resident engineer is aware of the encroachment
3. Action taken against negligent County Government officers who approved the construction.

I beg to lay Madam Speaker.

**Hon. Temporary Deputy Speaker:** Chairperson of Public Works and Planning.

**Hon. Member for Kasarani Ward** (Mr. Martin Waweru): Thank you Madam Speaker, I think the Hon. Member is not being specific because he is talking about his own Ward whereas we have 85 Wards. There is a report which we are doing for all the 85 Wards so the Member---

**Hon. Temporary Deputy Speaker:** Are you a member of Public Works and Planning?

**Hon. Martin Waweru:** Yes, I am the Chair. He should give us time to come up with a comprehensive document for all the 85 Wards.

**Hon. Temporary Deputy Speaker:** How soon?

**Hon. Martin Waweru:** The document is on the way. Maybe by one week we will be through.

**Hon. Peter Imwatok:** Madam Speaker, sorry for that. I know the procedures and the precedent of the House requires a Member to exercise an oversight role. I will not exercise a representative role on behalf of 85 Wards. What I have said is to be specific. This is a perimeter wall which has been built on a drainage system where we are currently stuck between the drainage system construction which is taking place and the El Niño which is coming. That is why I am inviting the Public Works Committee plus the Planning Committee to visit the area to check the surveyors to ascertain where the original drainage system in this area was.

**Hon. Temporary Deputy Speaker:** Chairperson?

**Hon Martin Waweru:** Madam Speaker, what the Hon. Member--- I think we have visited his Ward. He didn't show us this---

**Hon. Temporary Deputy Speaker:** Order! The Chairperson is on the floor.

**Hon. Martin Waweru:** Let us give a response in 2 weeks Madam Speaker.

**Hon. Temporary Deputy Speaker:** Thank you.

**Hon. Peter Imwatok:** Madam Speaker kindly, let's not allow this House to be a House of jokes and shenanigans.

**Hon. Temporary Deputy Speaker:** But the Chairperson of Public Works has already told you--- he is dealing---

**Hon. Peter Imwatok:** Madam Speaker, for the Chairperson to allude that he's been to my Ward to inspect the drainage system is wrong. It is a lie. He must stand before this Assembly to apologize because my people are watching thinking I am lying here. It is not right.

**Hon. Temporary Deputy Speaker:** Chairperson, are you telling this House---

**Hon. Peter Imwatok:** I've never seen him in my Ward.

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order! Order! Order! Let's do this; Hon. Members the Chairperson has given you his word. In the next two weeks I'll expect a response and a proper response for all the 85 Wards. Remember the Chairperson is not dealing with your Ward only. He has 85 Wards to deal with. I believe all Wards have almost the same problem like you, thank you. Yes?

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Madam Speaker, I think my ears do not mislead me.

**Hon. Temporary Deputy Speaker:** Yes, go on!

**Hon. Maxwell Ochar:** The Hon. Member asked the Committee for Public Works and planning and yesterday I gave an undertaking in this House that we are going to visit his Ward on Tuesday and again when I was looking at our Calendar I found out that on Tuesday it will be a Holiday, so including this one, we the planning Committee are going to visit that Ward on Monday next week and by Thursday next week the answer will be on this floor. Thank you.

**Hon. Temporary Deputy Speaker:** Ok, Order! Imwatok!

**Hon. Peter Imwatok:** Madam Speaker, allow me for the interest of my Ward to explain why I am insisting on this, unless I am here to just make people happy. What I have said, the reason as to why I sought for this statement, number;

1. Njiwa road from Kaloleni is under rehabilitation and re-tarmacking now, but the contractor has moved out of site because they cannot continue working before the drainage system place is cleared.
2. They have given a notice for all illegal occupants of that area to demolish their business premises hence this big baron has built on top of a drainage system. That's why I am saying the Public works Committee where he belongs, where they approved this road worth 20 million to be built, the contractor has come but he cannot proceed with the job because another person has grabbed the drainage system Madam Speaker---

**Hon. Temporary Deputy Speaker:** Yes Hon. Mauti!

**Hon. Member for Kwa-Reuben Ward (Mr. Elkana Mauti):** Thank you Madam Speaker, I think the Member should aware that, if you have been given an allocation for road construction, you make even the drainage system, not the County. When an allocation is made for construction, drainage should be part of it and if not then the Member failed on his oversight role. Remember the road must be constructed with the drainage system.

**Hon. Temporary Deputy Speaker:** Chair!

**Hon. Martin Waweru:** Madam Speaker, what the Hon. Member is talking about, we are not the people to enforce for the demolition to happen, let him ask the right question to the right people. Not the Public Works because there's enforcement which deals with that.

**Hon. Peter Imwatak:** That's why Madam Speaker, I have asked the planning Committee not only the Public Works Committee. I want the public works Committee to come and ascertain whether really the road approved for construction is within the parameters of the Bill of quantities and the planning Committee to come and ascertain the other issues of planning, is not you.

**Hon. Temporary Deputy Speaker:** Chair Order! I think the planning Committee has said they will come to your Ward on--- Order Imwatak! The planning Committee has said they will come to your Ward on Monday. Chair had given you two weeks, you have been given on Monday, I think that's fair enough, we may let the case rest. Next, Zulfa!

**Nominated Member (Hon. Zulfa Mohammed):** Thank you Madam Speaker, thank you my friends and colleagues. I stand on Standing Order number 80 on a personal statement.

**Hon. Temporary Deputy Speaker:** She is on a Point of Order!

**Hon. Zulfa Mohammed:** I wish to register my concerns in this House Madam Speaker, there was a case at Highridge Primary school, I appreciate that it might not be here for debate but I---

**Hon. Temporary Deputy Speaker:** Order Imwatak! Continue Zulfa

**Hon. Zulfa Mohammed:** Thank you for protecting me Madam Speaker, Mine was just to raise a concern about the incident that happened at High ridge and I want to bring this to the attention of this House because as leaders of the County Assembly we cannot just relent and let this incident happen Madam Speaker, there was a very bad rape case at High ridge Primary school that was actually done by a teacher and I appreciate that the Member of High ridge is ready to lead a delegation of Women to High ridge for us to go and assess the situation. However, I would like the sector concerned Hon. Kitavi to come in and intervene and make sure that the head teacher of that school has answers for this House, I will bring that as a statement consequently. Thank you.

**Hon. Temporary Deputy Speaker:** I think I have seen Hon. Marion Mbugua. You had a response to a statement requested, so can you go ahead.

**Hon. Temporary Deputy Speaker:** Ok the Chairperson of Sectoral Committee on culture and Community Services, there was a statement that you were to give to Hon. Marion, it had been requested by Marion. Do we have the Chairperson of culture and Community Services or any Member? There's no Member you may proceed. Yes

**Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya):** Madam Speaker, the question that was asked by Hon. Marion is a very pertinent issue. This is an issue that should be taken seriously by that

particular Committee. How the County is prepared on the upcoming El nino rains and we take that one for granted Mr. Speaker, because as we are speaking the Executive are doing their own things in fact without involving stakeholders and the Members of this County Assembly.

**Hon. Member for Kahawa West Ward** (Mr. Patrick Ngaruiya)...That response should be brought to this Assembly so that we know how and the levels of preparedness the County has on the El Nino rains, thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Alright. Yes Hon. Mauti.

**Hon. Member for Muru Kwa Rueben Ward**, (Mr. Elkana Mauti): Madam Speaker I am so much worried because most of our Members are not in touch with current affairs because the High Court ruled out of Order about El Nino.

*(Laughter)*

**Hon. Elkana Mauti:** So Members should be aware of the current affairs because the High Court had ruled out of Order about El Nino. So there is no question about how we are prepared because automatically the court has ruled null and void about El Nino.

**Hon. Temporary Deputy Speaker:** Yes Hon. Karen.

**Hon. Nominated Member**, (Ms. Karen Wanjiku): Thank you Mr. Speaker sir--- Ok--- Madam Speaker---

**Hon. Temporary Deputy Speaker:** Order Hon. Karen,

**Hon. Karen Wanjiku:** Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Karen.

**Hon. Karen Wanjiku:** Madam Speaker, is it in Order for an Hon. Member to stand here and mislead this House that there were some people who went to the court to go and take El Nino, we know El Nino is a very serious thing, I do not know whether they were already born when we had El Nino last. It is a serious issue and we should not joke about El Nino, all Nairobians are looking at us, what are we going to do about the drainages? We cannot joke about El Nino, we have to be prepared, thank you.

**Hon. Temporary Deputy Speaker:** Hon. Mauti I think you are misleading the House by what you are trying to tell the House unless you have a court Order or a court response sent to this House about the El Nino otherwise the Member who requested for the Statement is right and by tomorrow if there will be any Member of Culture Committee, we will have to make sure that they give back the response, thank you. Yes Hon. Isaack.



**Hon. Member for Mwiki Ward**, (Mr. Isaac Ngige): Thank you Madam Speaker, I think I want to go back to the issue of the response to the Statement requested by Hon. Marion. This Statement was requested on 29<sup>th</sup> of July.

**Hon. Temporary Deputy Speaker**: Are you a Member of that Committee?

**Hon. Isaac Ngige**: And the Member was issued with a response today, so where is the Committee of Culture to respond on this floor.

**Hon. Temporary Deputy Speaker**: Is there any Member? Any Member of Culture? You want to tell us that the whole Committee is not here?

**Hon. Isaac Ngige**: I think Madam Speaker that is what we are trying to say. If the Member was issued with a Statement today, then should have been the Chairperson or the Vice Chair or a Member to respond to the Hon. Member on this particular matter.

**Hon. Temporary Deputy Speaker**: Any Member of Culture. Yes Hon. Manoah.

**Hon. Member for Nairobi South**, (Mr. Manoah Mboku): Madam Speaker what is happening is, these responses come but Chairmen are usually not notified, we usually get these responses here instead of getting them early enough so that we prepare on how to respond on it. The Chairman was here, probably he had not been briefed and that is why---

**Hon. Temporary Deputy Speaker**: Are you a Member of the Committee?

**Hon. Manoah Mboku**: I am a Chair and that is why I am talking like this. Madam Speaker, we are given these responses short of time.

**Hon. Temporary Deputy Speaker**: Order! Ladies and gentlemen Order! Yes.

*(Loud consultations)*

**Hon. Nominated Member**, (Ms. Jackline Nyangala): Madam Speaker the Chairman was here and you directed that Marion was not here and he walked out, he was here with the response.

**Hon. Temporary Deputy Speaker**: But how come the whole Committee is not here?

**Hon. Jackline Nyangala**: She is here.

**Hon. Temporary Deputy Speaker**: Hon. Janet proceed. Order Imwatok, I will throw you out.

**Hon. Nominated Member** (Ms. Janet Kimondo): Madam Speaker, we shall give a response tomorrow, when you called Hon. Marion, our Chairman was ready but she was not in so she has walked in and our Chairman has walked out until tomorrow.



(Applause)

**Hon. Temporary Deputy Speaker:** Ok next. Hon. Shadrack you have a Statement?

**Hon. Member for Baba Dogo Ward,** (Mr. Shadrack Juma): Thank you Madam Speaker, Hon. Speaker pursuant to Standing No. 41(2)(c), *I wish to request for a Statement from the Chairperson of the Select Committee on Budget and Appropriation on stalled projects in the County. Hon. Speaker, there were several capital projects in the budget for the 2014/2015 and 2015/2016 financial years which has stalled since the introduction of IFMIS system of procurement. These projects includes one market stall, two projects under Transport and Public Works and two projects under Ward Development Fund all in Baba Ndogo Ward. Hon. Speaker in the Statement, the Chair should inquire into and report on measures put in place by the County Executive to ensure that all the stalled projects are rolled out as soon as possible.* Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Chairperson of Budget. Chairperson go on.

**Hon. Member for Embakasi Ward,** (Mr. Michael Ogada): Thank you very much, we are going to give a response on Thursday next week.

**Hon. Temporary Deputy Speaker:** The following statements are due to a response today Wednesday 14<sup>th</sup> October 2015:

1. Statement requested by Hon. David Kairu from the chairperson of Sectoral Committee on Health Services regarding the appointment of the Board Committee Members in Mbagathi, Mama Lucy and Mugomoini. Chairperson of Health? Manoah?
2. Statement requested by Hon. Herman Azangu from the chairperson of Sectoral Committee on Justice and Legal Affairs regarding private towing land rovers which were to patrol within Industrial area. Chairperson of Legal?

**Hon. Member for Parklands ward** (Mr. Jaffer Kassam): Thank you madam Speaker, we had a meeting today with the Chief Officer, Security and Compliance, because there was nothing coming forth after writing. They promised us by Tuesday next week we shall have the response, thank you madam Speaker.

**Hon. Temporary Deputy Speaker:** Statement requested by Hon. Maurice Akuk from the chairperson of Sectoral committee on Labour and Social Services regarding the use of Udugu playgrounds by Kenya National Youth Service to dump soil excavated from road construction in Highrise ward.

**Hon. Member for Makongeni ward** (Hon. Peter Imwatok): Madam Speaker yesterday we met on the statement, the answer which was given to us were not much satisfactorily and we are here to give a response probably next week as Labour Committee.

**Hon. Temporary Deputy Speaker:** Ok. Statement requested by Hon. Maurice Akuk from the chair of Sectoral Committee on Water and Sanitation regarding the ongoing of the Nairobi Dam restoration programme.

**Hon. Member for Mugomoini ward (Mr. Alex Otieno):** Thank you Madam Speaker, we will present our response on Wednesday next week.

**Hon. Temporary Deputy Speaker:** It better be. Statement requested by Hon. Samuel Nyangwara from the chairperson for the Sectoral Committee on Labour and Social Services regarding the youths guarding the manicure lawns along Uhuru highway

**Hon. Peter Imwatok:** Madam Speaker regarding the same, yesterday we a meeting with the County Public Service Board over employment of youth along Uhuru Highway and we will give comprehensive statement next week.

**Hon. Temporary Deputy Speaker:** Statement requested by Hon. Elkana Mauti from the Chairperson of Sectoral Committee on Justice and Legal Affairs and Select Committee on Budget and Appropriation regarding a state officer holding two civil service offices in the County?

**Hon. Jaffer Kassam:** Madam Speaker though the statement was brought to the committee for us to respond, it was a joint statement with Labour but so far we have not received any response from the department or the sector concerned.

**Hon. Temporary Deputy Speaker:** I'm confused, please repeat what you said Hon. Jaffer Kassam?

**Hon. Jaffer Kassam:** This was a statement request for regarding an officer, a CEC holding two offices and it was brought to us and to the Labour Committee, unfortunately so far we have not received any response from the CEC or from the sector concerned. We are still waiting, I'm told we will have a joint sitting with the Labor but so far as far as my committee is concerned we have received no response from the executive, thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** So, is the Labour Committee aware of this?

**Hon. Peter Imwatok:** Madam Speaker, we are aware. In fact the question was misdirected to Legal Affairs. Legal Affairs deals with Jambo pay and the rest. Any issue of employment is dealt with the Labour Committee, it is before our Committee. As I said yesterday, we had the Nairobi County Public Service Board with us and the response is coming up next week comprehensively, Madam Speaker.

**Hon. Temporary Deputy Speaker:** Statement requested by Hon. Marion Githinji from the Chairperson of Sectoral Committee on Culture and Community Services regarding County Executive Disaster preparedness on the El Nino that we have had. Yes Hon. Mauti?

**Hon. Member for Kwa Reuben ward** (Mr. Elkana Mauti): Madam Speaker I have not heard about the destiny [fate] of the Sectoral Committee on Justice and Legal Affairs about the Statement that I had requested. Which day? Can we continue and leaving like that and there is no response? Let him be specific and tell us when we are going to receive the response.

**Hon. Jaffer Kassam:** Madam Speaker I think the Hon. Member should be attentive. The issue was clarified by the Labour Committee, that they met the Public Service Board over the issue and they will be issuing a Statement next week if what I heard was correct.

**Hon. Temporary Deputy Speaker:** Statement requested by Hon. Isaac Ngige from the Chairperson of Sectoral Committee on Transport and Public Works regarding the status of drainage works of storm water management in Mwiki road. Yes Hon. Janet

**Hon. Nominated Member** (Ms. Janet Muthoni): Madam Speaker you have talked about a Statement asked by Hon. Marion regarding El nino, that does not fall under our docket. That is docket of environment, it is not Culture.

**Hon. Temporary Deputy Speaker:** Committee of Environment? Chairperson of Environment?

*(Hon. Temporary Deputy Speaker consults the Clerk)*

Hon. Janet I'm made to understand it is Culture because it is concerning---the content was directed to the Committee of Culture because the content falls under Culture.

**Hon. Janet Muthoni:** Ok, but I have not seen the Statement from the Committee but I will do a follow up on whether it is Culture, Environment or Public Works

**Hon. Temporary Deputy Speaker:** So when do we get the response?

**Hon. Janet Muthoni:** Next week

**Hon. Temporary Deputy Speaker:** Which day?

**Hon. Janet Muthoni:** On Thursday.

**Hon. Temporary Deputy Speaker:** Thank you. Statement requested by Hon. Isaac Ngige from the Chairperson, Sectoral Committee on Transport and Public Works? Chairperson of Transport and Public Works?

**Hon. Member for Lucky Summer ward** (Mr. Kennedy Oduru): Thank you Madam Speaker, we wrote to the Executive and to date we have not got any response from their side, so what I'm requesting is that if you can give the Committee more time so that probably we can answer on Thursday next week because we deliberated the same in our Committee this morning of which we directed our Clerk to write a reminder to the Executive, thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Kagiri

**Hon. Member for Pipeline ward** (Mr. Samuel Kagiri): Madam Speaker I requested for a Statement from the Budget and Appropriation Committee and they brought a response which was not satisfactory, I think that is two months back, and yet they have not given the reply. Please I need the reply. Two, I also requested for a Statement from the Education Committee on the number of schools we have in the County and how they are distributed and today we are in the fourth month and I have not received the response and I don't see it appearing in the pending Statements list, thank you.

**Hon. Temporary Deputy Speaker:** Hon. Isaac

Hon. Member for Mwiki ward (Mr. Issac Ngige): Madam Speaker I want to respond to the Chairperson because this Statement I requested last week and I remember the Speaker actually commented on it because it touches on the issue of drainage and very dangerous trenches that were dug five months ago in Mwiki and the rains are about to come, so my request would be if you would compel the Committee to make a site visit to Mwiki and actually see the intensity of that problem then probably they will compel the Executive to give a response as soon as possible.

**Hon. Temporary Deputy Speaker:** Any response Chairperson?

**Hon. Kennedy Oduru:** Madam Speaker, we wrote then we wanted to compare the notes and if that is the situation then it will force us just to go and make a site visit as soon as possible, thank you.

**Hon. Member for Kahawa west ward** (Mr. Patrick Ngaruiya): The reason as to why I have stood is because when I see the Chairpersons of these particular Committees is like they go beg the Executive to get responses. Like now when I hear the Chairman of Public Works talk about a response by Hon. Ngige he is like he is begging.

Madam Speaker I also rose on this floor requiring a response on response to do with wheelbarrows that were procured by the Department of Environment. Up to now they have refused to tell the truth and shed light as to why they went ahead and procured substandard wheelbarrows. To date, the Committee has tried to reach the Director of Supply Chain Management but no answer has never come to this particular House. Madam Speaker it has reached a point where we should know that some of these things we are requesting they really affect us and they affect the people we represent and they should be taken with the seriousness they deserve. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Imwatok

**Hon. Peter Imwatok:** Madam Speaker on behalf of the Chairman of the Agriculture Committee where I sit and happen to be the Legal Advisor to the Committee, I know, madam Chair this issue of wheelbarrows has been the song of the Deputy Minority Leader for almost about four months but I can authoritatively say we are issuing him with a copy of the response from the Executive next week. At least some of us took this wheelbarrows, we worked with them, they have broken down, we welded them they

are back to work so Madam Speaker he will get the answer and I hope this time around he will be satisfied with the answer and he stop this ping pong.

**Hon. Temporary Deputy Speaker:** Hon. Chair Hon. Imwato I think it would be good if all the Chairpersons would be, when asked for the responses, they would bring the responses back immediately because like what you are saying is, he has been singing the same song for the past four months. Imagine if all the Committees will be bringing responses after every four months! We will not be moving anywhere so it is advisory that all Committees with immediate effect take a week to bring a response. In four months is quite a long time to bring a response for wheelbarrows and the whole Nairobi City County is watching.

**Hon. Peter Imwato:** Madam Speaker what I can remember we even invited the Hon. Member to come before the Committee after the response. I don't know whether he was invited---I'm not always in the Committee madam Speaker 24/7 but what I can attest to him now before we move to the next agenda is he waits for the response next week so that we go. There is a very important Motion of a man who died after waiting for 18 hours in the ambulance madam Speaker. We cannot continue asking for a wheelbarrow when a man died in an ambulance for 18 hours madam Speaker. Kindly.

**Hon. Temporary Deputy Speaker:** Hon. Jackyline Nyangala

**Hon. Nominated Member (Ms. Jaqueline Nyangala):** Thank you madam Speaker, I would like to register my concern about a response I have been waiting for three months from Planning about the kijiji next to Nairobi primary, the drugs going around, the prostitution going around. That has been with them I think from July. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members I think we are all talking about the same thing. Responses should be brought back immediately because Jaqueline has been asking for response three months down the line. The Deputy Minority has been asking for responses four months down the line. If the Chairpersons of Committees cannot bring back the responses immediately I think we also make it difficult for the Executive to implement and for things to move. It is a challenge to all of us. Let us bring responses immediately we are asked. Yes, Hon. Member?

**Hon. Michael Ogada:** Madam Speaker, first of all the responses cannot be in this House within a week. Let us not talk of impossibilities because of the way we should reach the other arm of Government. We have to give them 7 days, we write a letter, that letter is being written by the Assistant Clerk and he took it to the Senior Clerk. The Senior Clerk did the letter again to the Clerk and from there is when it is being taken to the County Secretary. From the County Secretary to the department concerned. So, you can see those road blocks so whatever happens it cannot happen within a week because that efficiency is not there.

Number 2, Hon. Nyangala is telling me that we should not read her Statement tomorrow because she will not be there and I said to this House just last week that most of our responses are coming here on Thursdays. Madam Speaker, let us not play ping pong the way Hon. Imwato is saying, when the report is here let the report be here and then we read it once and for all. When the Member is not there it means that

he or she is not interested. We shall give it to you the Speaker and then it will be out of our hands. Thank you.

**Hon. Temporary Deputy Speaker:** Next.

## BILL

**BILL FOR AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO GIVE STATUTORY RECOGNITION TO COMMUNITY AND NEIGHBOURHOOD INITIATIVES IN COMPLEMENTING COUNTY GOVERNMENT SERVICES TO ENABLE STRUCTURED COOPERATION BETWEEN THE COUNTY GOVERNMENT, RESIDENTS AND BUSINESSES AND TO GENERALLY REGULATE AND FACILITATE THE ACTIVITIES OF THE ASSOCIATIONS AND TO GIVE FURTHER EFFECT TO ARTICLE 10 OF THE CONSTITUTION AS REGARDS THE PRINCIPLE OF PARTICIPATION OF THE PEOPLE AND FOR CONNECTED PURPOSES – FIRST READING**

**Hon. Maurice Akuk:** Point of Order.

**Hon. Temporary Deputy Speaker:** What Order?

**Hon. Maurice Akuk:** Madam Speaker, I am coming on Point of Order number 80. Yesterday I stood before this Assembly and you were present, and I asked a question and the Majority Leader who is a member of the County Assembly Service Board took an undertaking that today the name of one Mogire will be forwarded to this Assembly as the Deputy Clerk of the Assembly. Can you give directives, Madam Speaker.

**Hon. Temporary Deputy Speaker:** The name, as I am made to understand, has not yet been forwarded and I do not see the Majority Leader anywhere in the House. So, I will give communication so that the name can be committed tomorrow. I would like to submit the Bill to the Planning and Housing Committee---

**Hon. Daniel Mutiso:** Madam Speaker, I understand that this matter is in the courts so how can we discuss matters that are in the court?

**Hon. Temporary Deputy Speaker:** Hon. Jaqueline Nyangala.

**Hon. Jaqueline Nyangala:** Which matter is he talking about that is in court? I do not think the Member understood what we were talking about. We are not talking about his relative Ngwele---

**Hon. Temporary Deputy Speaker:** Hon. Mutiso, please enlighten the House, which matter are you talking about?

**Hon. Daniel Mutiso:** Madam Speaker, I am talking about the same matter which---

**Hon. Temporary Deputy Speaker:** Which one is it, please be specific.

**Hon. Daniel Mutiso:** Of the Deputy Clerk.

**Hon. Temporary Deputy Speaker:** What has happened?

**Hon. Daniel Mutiso:** Madam Speaker, I am not in a position to explain but maybe you can follow up.

**Hon. Temporary Deputy Speaker:** Hon. Karen.

**Hon. Karen Wanjiku:** Madam Speaker, it is clear that this House has a mandate of the High Court. If any matter is in court and you remember very well when we discussed the matter that was in court about the 4 billion that the Governor was not supposed to borrow we were told that we can discuss it. The Speaker himself told us that they had gone for a workshop and they have been told that it is our mandate. Nobody can come here with a court order because if everyone comes here with a court order how will we be able to do our work? We can discuss any matter, anybody, anytime in this Assembly.

**Hon. Temporary Deputy Speaker:** Hon. Snaitch.

**Hon. Michael Wainaina:** Madam Speaker, I think it will be good and in order that you give the Hon. Member so that he can enlighten the House on which matter is in court and who took it to court and whether he has a court order. So, Madam Speaker, I would beg you to give him time to explain to this House.

**Hon. Temporary Deputy Speaker:** The Hon. Member himself has said he cannot speak much on that and I would ask him to look for time from the House. We can schedule more time for you tomorrow so that you can enlighten the House. Hon. Akuk.

**Hon. Maurice Akuk:** Thank you, Madam Speaker, for giving me an opportunity to inform the House because I believe that I was the one sitting in that Chair yesterday and the question before the House is not about a Deputy Speaker or the courts. It is about an Acting Deputy Clerk and the Majority Leader indicated to us that an appointment was made for an Acting Deputy Clerk with immediate effect from last week and the name he gave was a Mr. Mogire and he was to try and furnish the Assembly with



the minutes of that particular meeting. So for my colleague to stand before the House and talk about litigation, I am actually very perplexed. I am perplexed because even the litigation itself is illegal.

This Deputy Clerk had not been appointed and he went to court to sue this Hon. House. Madam Speaker, it is quite perplexing and we need to know the truth. The Hon. Member from Makongeni stood before us yesterday and requested to be told why it is that we are still faxing information? We are faxing letters to one Clerk Hon. Ngwele to sign while he is abroad. I think Hon. Member is for everyone nowadays so just give him the name for now. However, I must state categorically--- Madam Speaker, you remember that we went to court because even the Clerk is Acting, he has not been approved by this House, he has not been approved by this Assembly. Section 13 of the County Government Act 2012 is very clear, Madam Speaker please give us a direction.

We want this Clerk and Deputy Clerk to be approved by this House. If the Board cannot be clear let Members come together and we approach this issue soberly. Without this we are going to be taken round and round and I do believe that it is time and even if you do not have authority, please report back to the authority of this House that we are tired of playing games.

This gentleman always talks about the law and the law has not been followed in this particular Assembly. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Akuk. If the Majority Leader undertook to submit to the House the minutes or official documents of appointment of Mogire we will give it to him and we will ensure that the communication has not passed so that he can give the communication tomorrow. As for the confirmation of the Clerk and the Deputy Clerk, I leave it to the Committee that deals with appointments and the House Business Committee to furnish us with the right information on the way forward so that the names can be brought into the House and we can confirm them next week. Next Order.

I have said the County Service Board will bring us the official names of the Clerk and the Deputy Clerk so that we can confirm them, probably next week when they are ready. I know it is a procedure and we may as well let the procedure be followed.

**Hon. Peter Imwatok:** Madam Speaker, that confirms to me as I ask the question, that the undertaking which was given by the Majority Leader yesterday which I am happy---

*(Majority Leader enters the House)*

**Hon. Peter Imwatok:** Welcome, Majority Leader, he can give us a response. He is in the House, Madam Speaker. *(Applause)* I can see everyone is roaring now, the Majority Leader has come to give us an answer.

**Hon. Temporary Deputy Speaker:** Majority Leader, welcome to the House. The Hon. Member was requesting for the Minutes that you took an undertaking yesterday to furnish the House on the appointment of the Deputy Clerk, Mogire.

**Hon. Majority Leader:** Madam Speaker, in fact I do not know what was going on so why don't you just give me time I digest?

**Hon. Temporary Deputy Speaker:** Okay, you have been given the time, Majority Leader, you may sit. Next Order.

**Hon. Majority Leader:** Madam Speaker, that was the question?

**Hon. Temporary Deputy Speaker:** Yes, that was the question from Hon. Imwatok.

**Hon. Majority Leader:** Okay, Madam Speaker, I think we were supposed to bring the name today and we had a Board meeting but the Minority Leader was not in for the confirmation of the Minutes for us to bring the name. So, nobody was there and I cannot confirm the Minutes alone and at the same time propose.

**Hon. Majority Leader:** His name is Mogire, I don't know why they want the name and yet I said yesterday that he is appointed by the Board to be the Deputy Clerk of the Nairobi City County Assembly. Which other name do you want again?

**Hon. Temporary Deputy Speaker:** We want the official minutes, documents and an appointment letter which I think the House deserves to have it tabled.

**Hon. Temporary Deputy Speaker:** Madam Speaker let me see if I will be able to bring the appointment letter tomorrow. Can I sit down now?

**Hon. Temporary Deputy Speaker:** Yes

**Hon. Majority Leader:** Thank you

**Hon. Temporary Deputy Speaker:** Next Order. Order Imwatok! The Majority has spoken, so let's give him time till tomorrow.

Next Order please! I say Order! Order! I have ruled.

**BILL****THE NAIROBI CITY COUNTY FINANCE BILL 2015, ASSEMBLY BILL NUMBER 8 OF 2015****SECOND READING**

**Hon. Michael Ogada:** Thank you very much madam Speaker. I beg to move that the Nairobi City County Finance Bill number 8 of 2015 be read a second time.

Madam Speaker, this is the 3<sup>rd</sup> finance Bill that the Committee has had the privilege to review and hence it marks a great achievement not only for the Committee but also for the Assembly. Clause 2(a) of the bill seeks to rename the debutant finance Act 2013, Nairobi City County revenue Act 2013. As Members are aware, this was the first such Bill to be considered by the Assembly Finance Bill, by their very nature they are amendment Bills hence are never stand-alone pieces of legislations as they only aim to alter other statutes.

In the case of Nairobi County where such primary laws on various sources of revenue are non-existent, it is proposed that the bill would be amended to read the revenue act. Further Madam Speaker, and as Members may recall the Finance Act 2013 was in no way exhaustive on all the charges that could be imposed by the County, this Bill has been proposed to incorporate areas that were left out of the Finance Act and make them enforceable within a legal framework.

In addition, the Bill has also marginally revised upwards some charges that were originally charged based on unrealistic market survey. The following are some of the charges that are proposed for alteration through the finance bill 2015 as presented;

1. The proposed deletion of section headed informal sector aims to absolve hawkers, street vendors, small traders and service providers operating on the streets, verandas or temporary building from paying any charges. This is a timely reply for the many city hawkers who could not afford the original charges that were ranging between Ksh.2,000 to Ksh. 7,000.
2. The amendment to land rates aimed to reduce the amounts payable for the unimproved side value from 34-25. The Committee will be proposing further amendments on this schedule. Madam Speaker the proposed amendments to the parks and recreation services would have the net effect of harmonizing the amounts payable for political rallies, using lawns grown in all the County parks by increasing the charges between Ksh.40,000-50,000 to Ksh.100,000 and also reducing charges for lunch time preaching on lawns by Ksh.1,000 across all parks.
3. Further the amendments target to ease the burden for those who wish to use the various parks for business development. The Bill proposes to reduce the charges for shooting of both gospel and secular music at City Park from Ksh.7, 000 to Ksh.5, 000.

4. In the health sector, the bill proposes to reduce the charges for various services offered at Pumwani Maternity Hospital by an average of ksh.25 to make them more affordable as well as to realign them to the notion of universal access to health care.
5. In the fiscal planning sector, there is a proposed reduction in rental charges for shops in Embakasi.
6. In the trade sector, the amendments aim to extend the deadline for instituting penalties for the late payments of rent from the 15<sup>th</sup> to the 10<sup>th</sup> of every month. In addition, the Bill has proposed to reduce the rent for Kahawa market by Ksh.600 from Ksh.1200 to Ksh.600. The Committee will be proposing further amendments on this schedule.
7. The Bill has introduced charges under the fire and rescue department aimed at ensuring that various institutions and operatives are licensed for fire and related services. This is an important input since there is need for business to take extra care in order to ensure that we at the very least forearm ourselves on any eventuality.
8. There are proposed introduction of sign taxes under the solid waste management, introduction of charges such as noise pollution and classification of exhausters per track are interventions whose effects cannot be over emphasized.
9. The Bill has proposed the introduction of various fees for utilization and hire of various county equipment under the highway section. The fees range from Ksh.200 to Ksh.20, 000 to a range of services. This is meant to ensure that the phase facilities at the disposal of the County Government do not remain idle but deliver returns during times of related activities.
10. The Bill has proposed to rename and re-categorize charges that are payable by various communication company's. The broadening of the money transfer beyond MPESA would bring on board other avenues of money transfer not included in the act.
11. The Bill has proposed to introduce the charges of various aspects of weight and measures being a devolved function. The charges were inadvertently left out of the principle act.
12. The Bill had brought on board the charges of vetting control, cooperatives and liquor licensing which had earlier been gazetted but not yet approved by the County Assembly. The charges are implemented as per the fourth schedule of the Constitution.
13. The Bill has proposed to re-categorize the charges that are payable by various private educational institutions. This is aimed at ensuring that institutions not only pay money based on the number of pupils that they actually enroll. Madam Speaker, this is a summary of most of the changes that the budget Committee thought wise.
14. Madam Speaker on City Inspectorate, treatment for flies, the Committee proposed to reduce it from Ksh.2, 000 to Ksh.1, 000.

On the fire department; the charges for the following items were revised as shown in the schedule;

1. The County Government had proposed that every building and house in Nairobi be paying for fire license. They were supposed to be paying Ksh.12, 000 but we realized that it was

going to affect nearly everyone in Nairobi and therefore the Committee decided to delete it. We are not going to allow the residents of Nairobi to pay for the sake of it.

2. We only agreed that commercial buildings are going to pay in a range of between Ksh.12,000 and Ksh.14,000 for fire licensing. There was also a proposal that churches across the city pay for the same. It became a bit difficult for the Committee. During the stakeholders meeting, most of the pastor's raised several issues and as such the Committee has recommended as follows that;
  - a. Small churches are going to pay Ksh.2,000 instead of Ksh.4,500 for fire
  - b. Medium churches are going to pay Ksh.4,000 instead of Ksh.12,000
  - c. Large churches are going to pay Ksh.10,000 instead of Ksh.25,000
  - d. Café's were supposed to pay for fire and hence the Committee has recommended they pay Ksh. 5,000 instead of Ksh. 10,000
  - e. Fish and chips café's to pay Ksh. 2,500 instead of Ksh. 5,000
  - f. Milk shops to pay Ksh. 2,500 instead of Ksh. 5,000
  - g. Traditional beer operators to pay Ksh. 3,000 instead of Ksh. 5,000
  - h. Juice parlors to pay Ksh. 2,500 instead of Ksh. 5,000

On land rates, the Committee looked at it and having been taken to court by several institutions over the rates that were set, we are happy that the County Government won the case because based on the rates that we currently pay, the Committee has decided that people of Nairobi are going to continue paying 34% of the latest valuation role which was actually valued in 1982.

Madam Speaker these are further amendments that the Committee proposed;

1. Food and hygiene; the County Government proposed that outside catering people; I wish to retaliate that the intent of my Committee is to make sure that they do not drive people out of businesses because of the high rates of unemployment and therefore we will do everything possible to make doing business in Nairobi as easy as possible. The County Government proposes that they get a license of Ksh. 50,000 per year. My Committee has reduced that figure to Ksh. 7,000
2. Eating houses were supposed to pay Ksh. 20,000 for licenses but the Committee has proposed that they pay Ksh. 7,000
3. Food packing were supposed to pay Ksh. 10,000 but the Committee has proposed they pay Ksh. 7,000
4. Dairy and butchery were supposed to pay Ksh. 10,000 and Ksh. 50,000 respectively but we have reduced them all to Ksh. 7,000

5. Bar and restaurants were to pay Ksh. 20,000 for licenses but we have proposed Ksh. 7,000

Madam Speaker, the other eye catching one is about supermarkets which were supposed to pay Ksh. 10,000 for licenses but we have increased it to Ksh. 20,000.

**Hon. Michael Ogada:** .....Hypermarkets were supposed to pay 10,000. We have increased it to 60,000. And then fishmongers and what have you who are supposed to pay 10,000, we have proposed that they pay 7,000.

Some of the other charges which were proposed are hotel liquor. They were proposed to pay 20,000 but they are going to pay 15,000. And then small slaughter houses which were supposed to pay 20,000 are going to pay 7,000.

Madam Speaker, when you go to City Mortuary, we have got the following proposed changes: Documentations, that is burial permit, currently goes at 1,000 Kenya shillings. We realized that most of the bodies which are taken to City Mortuary belong to the poor. We have reduced it to 500 shillings. Burial site fee, we have reduced from 1,000 to 500. A copy of certificate for death registration currently goes at 1,000. We have reduced it to 500. Death after 5 years, we have reduced from 1,000 to 500. Temporary graves, they currently pay 10,000 and we have reduced it to 7,000. For children, we have reduced from 5,000 to 4000. Cremation charges were greatly reduced. Cremation charges are from 9000 to 13000. For children, it is 6000 to 9000. Infants, 4000 to 6000.

Madam Speaker, this section is just for weights and measures which were excluded in the original document which was not really included--- I don't want to read everything.

Madam Speaker, when you go to an area like the industrial plants, factories, workshops and contractors and large industrial plans with over 75 employees, currently they pay a license of 150,000. In order to balance, we had to increase it to 200,000 Kenya shillings. For outdoor advertisements, their application fee is from 14,000 to 10,000. So, Madam Speaker, I urge all Members to support this Bill as a way of ensuring that we experience development within our Wards. It is important to remind Members in no uncertain terms that the availability of monies for Ward Development Projects is highly dependent on how quickly the County Government Assembly can dispense off this important legislation and allow the County to proceed to collect various charges in terms of revenue.

Madam Speaker, I want to assure Members that the amendments contained in the report are all well intentioned and they have arisen from the views which the Committees received from the public including some Hon. Members of this House like Hon. Karen. The submissions from the County Treasury and the balancing act of the Budget Committee. The Budget Committee would wish to appreciate and commend all the residents of this great City who took time and presented various memoranda to the Committee for interrogation. Their input has indeed been integral and most informative to the resolutions of the Budget Committee. It is worthwhile to recall that in line with the requirements of Section 132 (a) of the

PFM Act 2012, the recommendations of the Minister for Finance have been taken into account in their entirety.

Madam Speaker, I beg to move and call upon *Mheshimiwa* Irungu to come and second.

**Hon. Member for Komarock Ward** (Mr. Samuel Irungu): Madam Speaker, it is my duty and honor to second this Motion. I want to say that this Finance Bill is the Finance Bill for the people and by the people of Nairobi. Madam Speaker, I want to say briefly that this is good news for the people of Nairobi. The issue of health diagnostic services having been brought down, the issue of hawkers and vendors, the issue of rental markets, because the Executive had proposed that the charges be charged on 10<sup>th</sup> of every month, and the Committee in its wisdom was able to consider the 15<sup>th</sup>.

Madam Speaker going to churches, the only way we can guarantee that all the Hon. Members are going to be in this House come 2018 is by making sure that freedom of worship is respected. The way we are charging fire charges from 4000 to 2000, 12 to 4, I can keep on saying that. Madam Speaker, look at the way it has catered for the poor people. Because we have seen Harambees all over trying to raise funeral expenses, we have reduced it from 1000 to 500 for burial permits. Go to land rates, from 34% to 25%. Madam Speaker, I have not even gone to where we get a lot of votes. The people who vendor chips, juices and all that, we have drastically reduced. Madam Speaker, I have not even mentioned the people of Embakasi who came to the Committee and said 8000 is too much. This is good news, 4000. With all this, I want to support this is good news because Nairobi County is not going to go the Kiambu way. Madam Speaker, with those few remarks, I support.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Members, Hon. Karen.

*(Loud consultations)*

**Hon. Karen Wanjiku:** Thank you Madam Speaker. I am very happy, I must say, because when we were having a public participation for this Financial Bill, I was very angered because I could not understand how we ignored the people who are the taxpayers and who voted us in but today I am a very happy person especially representing gender in this County and representing my party and making sure the Jubilee Manifesto we made. That Jubilee manifesto and the CORD manifesto---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order! Order! A Member is on the floor.

**Hon. Karen Wanjiku:** It is the same manifesto. It had the same things.

**Hon. Temporary Deputy Speaker:** Order Ndigirigi!



**Hon. Karen Wanjiku:** So, I am here to make sure that manifesto is manifested. And I am very happy, going to the Financial Bill, I was to say that this one is going to make that dream come true if it is implemented.

Mr. Chairman, I want to thank you because of reducing those licenses for those small scale businesses. I must say that I have been a hawker for more than 10 years.

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order Karen! Hon. Ogeto?

**Hon. Moses Ogeto:** Madam Speaker, is the Member in order to speak about coalitions in this House and yet, Madam Speaker, you know very well that this coalition of the Government is led by CORD which is led by the Governor, His Excellency the Governor of the president of CORD. Madam Speaker, we want to debate this and we would wish her to expunge this CORD debates because we are serving Nairobians and Jubilee. Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Karen, stick to your point.

**Hon. Karen Wanjiku:** Thank you very much. I respect you very much. Thank you for the advice, I will follow it to the letter. As I go on, Madam Speaker, I want to talk about slaughter houses. I have noted that you have refused---

**Hon. Temporary Deputy Speaker:** Point of Order on what, Hon. Manyala? And don't say what Hon. Ogeto has just said. Let's save time.

**Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala):** I am setting a good precedent here because if a Member has erroneously mentioned something which is not going well with the procedures of this House, she is supposed to withdraw so that it goes to the records. And for your information, party ideology does not come to this Financial Bill. So, can this Member withdraw?

**Hon. Temporary Deputy Speaker:** Hon. Karen.

**Hon. Karen Wanjiku:** I don't understand but let me talk about the slaughter houses.

**Hon. Temporary Deputy Speaker:** Hon. Karen!

**Hon. Karen Wanjiku:** I withdraw Madam Speaker. But it is the same. Madam Speaker, I want to talk about the slaughter houses. As you notice, I come from Njiru where we have small and big slaughter houses and I have noted that they have reduced those licenses. I am very happy because that will help them do their business well and make profits that will help their families and even the Country. About health, I was very irritated when I saw that in Pumwani Maternity, laboratory tests have been added and I want to thank the Chairman and his Committee that he took the amendments and the proposals we talked about in the public participation and they have reduced those laboratory charges. I also want to talk about

the graves. As you have noted, we have so many people dying and we have noted the *matangas* we go every day. Sometimes we don't know what to take there. We have seen that you have reduced those charges which were previously increased.

I want to talk about the weights. The weights are new introductions. I think I will bring those amendments. I still have time to bring those amendments. As you consider Njiru, we have quarries. We have sand harvesters there and with these new taxes, I think they should be there but they should be smaller. It should be lesser than this but they are new. So, I am going to bring those amendments. I want to thank this Committee because the proposals we made were taken into consideration. Even the civil society memorandums and I want to believe that you forwarded this for them to see. I support. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Ogeto.

**Hon. Moses Ogeto:** Madam Speaker, *ningependa kupongeza kamati ya pesa*. Madam Speaker, this Committee has done a wonderful job and I wish and I see the mood of the this House and whatever they have done, just call the mover to reply so that we can be able to expunge another Motion which is in waiting so that we can be willing and help the Nairobians to leave His Excellency the Governor of Nairobi to implement the same as soon as possible. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members, I call upon the mover.

**Hon. Michael Ogada:** Thank you very much, Madam Speaker and also Members of this Hon. House. We are glad as a Committee because we said our Committee is a Committee that must listen to both the Members of this House and also the general public. Therefore, everything that was proposed and brought to the Committee, we took it upon ourselves to make sure that we balance them and everybody was satisfied. So, I am glad that the Members of this House are really happy and appreciating the effort that the Budget Committee has been putting. Thank you very much and this should be the mood as we continue because our main aim is to ensure that we get development.

Madam Speaker, what I would also like to urge the Hon. House is that, we are going to take another serious move as Budget Committee. In the next two weeks, we are going to follow on the implementation status of the development projects as they appear in our budget program of this year. We really want the support of this House. We will be landing on any officer in the County Government who seems to be sitting on the Budget because we cannot be talking all the time proposing budgets, appreciating budgets and then officers sleep in their offices pretending to be frustrated by others. We don't care whether they are frustrated or not, what we care is whether there is development. That is the baseline. So, my Committee is going to start reigning on them in the next two weeks and there will be hue and cry from all over the County. Thank you very much.

*(Applause)*

*(Question that the Bill be read a second time, put and agreed to)*

**A BILL FOR AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO AMMEND COUNTY LEGISLATION RELATING TO TAXES, FEES AND CHARGES FOR SERVICES AND FOR OTHER REVENUE RAISING MEASURES BY THE COUNTY GOVERNMENT AND FOR MATTERS INCIDENTAL THERETO**

(Second Reading)

**Hon. Temporary Deputy Speaker:** Hon. Imwatok? He is not in the House, we may proceed.

**MOTION**

**Hon. Temporary Deputy Speaker:** Chairperson of Sectoral Committee on Legal.

**ADOPTION OF THE REPORT ON THE VETTING OF THE NOMINEE FOR THE CHIEF OFFICER, NAIROBI CITY COUNTY INFORMATION, COMMUNICATION AND E-GOVERNMENT**

**Hon. Jaffer Kassam:** Thank you, Madam Speaker.

**THAT** this Assembly adopts the report of the Sectoral Committee on Justice and Legal Affairs on the vetting of the nominee for the Chief Officer, Nairobi City County Information, Communication and E-Government, laid on the Table of the Assembly on Tuesday, 29<sup>th</sup> September, 2015.

Madam Speaker, the Committee on Justice and Legal Affairs is established under the Standing Order 199 (f) and under the Second Schedule. The Committee is mandated to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve except those under the Standing Order 185, that is, Committee on appointments.

The Committee has Membership of 17 Members and, Madam Speaker; I want to take this earliest opportunity to thank the Members for the contribution on the process of vetting the nominee. The nominee for the Chief Officer for Information, Communication and E-Government, Mr. Kennedy Okong'o Odiwuor was referred to the Committee on 2<sup>nd</sup> July, 2015 by the Speaker. The Committee did not receive any submission from the public on the nominee. The nominee was vetted by the Committee on 22<sup>nd</sup> July 2015 as per the requirement in the advertisement for the post.

Madam Speaker, he holds an MBA (Information Systems) from the University of Nairobi and Master of Science in ICT Policy from Jomo Kenyatta University of Agriculture and Technology (JKUAT) and BSC (Engineering) from JKUAT. He is currently an ICT consulting expert at Telephone Systems International in United Arab Emirates and a member of the Universal Service Advisory Council of Kenya.

He submitted to the Committee that he is suitable for the position as he is passionate about working in the ICT field in order to offer high standards of services and he has the passion to work for the Government so as to improve service delivery and expand and support ICT infrastructure even though the pay is lower than what he earned at his past organization. He has never been convicted of any offence or

sentenced to serve in prison. Has never failed in his official or personal record and has never discriminated anybody on any grounds.

Apart from his qualifications--- Madam Speaker, we will just go on what the Committee observed. The Committee observed that the nominee failed to prove that he had developed or participated in the development of ICT solution. He failed to demonstrate to the Committee that he could perform his duties under pressure independently, for instance, he stated that unless he is given an assistant, it would be difficult for him to perform his work effectively.

Therefore, Madam Speaker, the Committee requests this House to disapprove Mr. Kennedy Okong'o Odiwor as Chief Officer for Information, Communication and E-Government, Nairobi City County.

Madam Speaker, I beg to move and request Hon. Kiama to second this Motion.

**Hon. Member for Kayole Central Ward** (Mr. Jackson Kiama): Thank you, Madam. Speaker. I beg to second the Motion. The Committee, we were about 19 Members, deliberated that the nominee doesn't fit to be member of the ICT, so I beg to second.

*(Question proposed)*

**Hon. Temporary Deputy Speaker:** Hon. Jacky.

**Hon. Jacqueline Nyangala** (Nominated Member): Thank you, Madam Speaker. I would like to register the fact that I am in this Committee of Justice and Legal Affairs, and I was at the vetting of this gentleman. People have put their names here and signed and I want to say that some people who were not in the vetting have signed here. So, they were not there even to say, 'I am standing here to oppose'. I am the only one who wants to register that this guy is the most qualified, he did not fail to show us that he was qualified. I want this to be registered that this man is very qualified for this job. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Jacky Nyangala, you are opposing because people did not sign?

**Hon. Jacqueline Nyangala:** No! I am opposing because I think he is qualified and I did not sign for this report. I refused, so I am registering my opinion that he is qualified. I am opposing that he is not qualified. Thank you.

**Hon. Temporary Deputy Speaker:** Okay. Hon Ogeto.

**Hon. Moses Ogeto:** Madam Speaker, if you see the Committee's Observations and recommendations, first, we don't know the person who should be the Chief Officer, ICT. If you see, the nominee had different names. When she appeared before the Committee, she didn't verify his names correctly.

**Hon. Temporary Deputy Speaker:** Hon Ogeto, you are confusing us. Please, clarify your gender, is it a she or he.

**Hon. Moses Ogeto:** Madam Speaker, I am saying that when this gentleman came before this Committee, he didn't verify his names. As you can see in (i), an affidavit to testify due to his additional names in some documents and testimonials. We wanted to know if the same gentleman has the same names. He had more than four names, others appearing in his own certificates and others were appearing in his identity card. His identity card was not tallying with his certificates and there was no affidavit which was shown to be tabled before the Committee.

Madam Speaker, another resolution which we made is that the Committee failed to have developed. There was no documentation. Whatever was advertised in the dailies that this person must have developed a database. I don't know if this Assembly wishes to approve somebody who doesn't understand the IT personnel in a capacity of what is happening. Even what is happening with Jambo Pay today, there is a problem. It happens that no officer understands the system. Madam Speaker, whatever you want to bring before this Assembly--- the Hon. Member who has spoken didn't ask, yet she was present. She didn't know and herself she is the one who asked even for this documentation. What she has said today before this Assembly is just a lie before this Committee because those people who attended the same Committee heard this.

Madam Speaker, as you see the last observation, he is not an IT expert. Simply because even the Jambo pay which was launched, he was not aware. He was not aware of the Jambo Pay system which our members of the public are paying. The gentleman has been flying all over overseas; he doesn't even understand the Kenyan Constitution. Madam Speaker, I wish this Assembly would approve the Motion which was registered by our able Chairman, Jaffer Kassam, I support the Motion.

**Hon. William Abuka** (Nominated Member): Thank you very much, Madam Speaker. I am not a Member of this very good Committee, but I am perplexed by several inconsistencies that are coming from the Committee. I think we are ending up more confused now as Members receiving this report than before they gave it to us.

**Hon. William Abuka:** You can even see---Madam Speaker order the House---

**Hon. Temporary Deputy Speaker:** Order Hon. Isaac!

**Hon. William Abuka:** You can even see that the same members of this Committee cannot even differentiate between a she and a he, completely out of it, really struggling to reconcile that. Madam Speaker you can even see the bid to overemphasize their unequal stakes and yards that were used to measure this man's ability notwithstanding, the same Chairman coming here to give us excellent

accolades, this man is a graduate of Nairobi University, a graduate of Jomo Kenyatta University of Agriculture and Technology a Bachelor of Science and is working at the UAE as an expert.

So I don't know this Oduor man, I am not a Member of this Committee but if this Committee can do the Honorable thing, either disqualify themselves from giving the report now, go and write it afresh ad write it correctly and differentiate between a she and a he, and know who holds three degrees and an expert in a foreign land surely can manage data, if they don't know Jambopay, that was not part of the questionnaire for the interview. I feel the Committee despite their numerous successes in the past is today letting this House down, unless there is more than meets the eye and please underline that. What you want to use to disqualify this man you are refusing to say it because you feel that it is going to embarrass you. Thank you.

**Hon. Temporary Deputy Speaker:** The Mover of the Motion--- Hon. Janet, sorry.

**Hon. Janet Kimondo** (Nominated Member): Thank you Madam Speaker. I am here to support the Motion and especially on my side I feel that we need an ICT Committee in the Assembly because they should do oversight so when you bring in, like now I see the CEC of ICT, she just sits there is no oversight and that is why we having going in circles and even having problems with Jambopay. So I support the Motion.

*(Applause)*

**Hon. Temporary Deputy Speaker:** Hon. Manyala.

**Hon. Elizabeth Manyala:** Thank you Madam Speaker, I have looked at the report and these are the reports that I call--- Anyway it is not properly done because when you are vetting somebody, of which I have vetted even the CEC I have had the opportunity in the Appointment Committee. Every Member of that Committee must be present, and every Member of that Committee must append his or her signature. But in the event that there is a dissent or a differing opinion from what other members feel, then an appendix should be attached to the report saying that despite that the Member appearing before the Committee and we found that the Member is suitable I as so and so a Hon. Member this or that, I feel that this Member met the threshold of this docket in which he or she had applied to. Now, coming to what he is on what had been advertised, this is a Member who has got two degrees. Jomo Kenyatta University is one of the best; I

happened to be a Lecturer in that esteemed prestigious university. In terms of ICT it is the first university that has even developed---

**Hon. Moses Ogeto:** Point of Information.

**Hon. Temporary Deputy Speaker:** Hon. Member, do you want to be informed?

**Hon. Elizabeth Manyala:** No I don't want to be informed because this is a Member of that Committee who has done a mediocre job and if Jomo Kenyatta University the first university to have developed or invented a laptop in this Country that many Countries are coming to---

**Hon. Temporary Deputy Speaker:** Order Hon. Ogeto! The Member is on the floor.

**Hon. Elizabeth Manyala:** Many developed Countries are coming to benchmark and see the good practices that this esteemed university is offering, and actually when you appoint an officer, it does not mean that the officer is going to do the routine of developing a Jambopay or his work is now policy ad guide. So I don't know how you can verify a candidate that he has not committed---

**Hon. Temporary Deputy Speaker:** Order Manyala! Yes Bishop.

**Hon. William Abuka:** Madam Speaker just to bring to your attention that the House probably lacks quorum.

**Hon. Temporary Deputy Speaker:** Stick to the point.

**Hon. William Abuka:** Lack of quorum.

**Hon. Karen Wanjiku:** Point of Order!

**Hon. Temporary Deputy Speaker:** Yes Karen.



**Hon. Karen Wanjiku:** The Standing Order is very clear that if a Member stands on a Point of Order he should say the Point of Order he is using, Madam Speaker and if he doesn't know we can continue and call the mover to reply.

**Hon. Temporary Deputy Speaker:** Hon. Manyala.

**Hon. Elizabeth Manyala:** Madam Speaker I think it is a high time again we go back for training so that the Hon. Members get to understand the nitty-gritties on how to quote their Standing Orders and not to interrupt unnecessarily or being shenanigans or being a show biz of any kind. Anyway like I was saying Madam Speaker---

**Hon. Temporary Deputy Speaker:** Order Hon. Ogeto! Let the Hon. Member finish, you have spoken for more than one time. The Hon. Member is not abusing it is very clear; if you are standing on a Point of Order please.

**Hon. Elizabeth Manyala:** Thank you for protecting me Madam Speaker because what I am saying is so painful because if somebody who has gone through Nairobi University of which Hon. Ogeto is an alumni and he is questioning and then again he made a smooth transition which everybody knows it is called Jomo Kenyatta University of Technology and Agriculture. It is known is known and has been accredited in the 3<sup>rd</sup> World Countries as one of the best universities in the world. And as I had even mentioned earlier they are the first university that has invented a laptop. What more does this Committee still need from candidate? And this candidate has a wealth of experience of where he has worked. Just because of Jambopay which is somebody's idea which also you can learn on the job and he is not going to do the routine, he is going to do policy work. Is that tantamount to the candidate being denied? I only pray that this candidate be given this opportunity. Thank you Madam Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Karen.

**Hon. Karen Wanjiku:** Thank you Madam Speaker. I want to say that I am supporting this report because first of all, we do not have a Committee that is mandated to vet this nominee. The Justice

Committee has no mandate whatsoever to vet this nominee because I don't want to read the Standing Orders; but you read it at your own time. You look at the Justice and Legal Affairs and you will see there is no ICT mandate or E-Government or anything like this. Therefore, as the Hon. Member who was here said, we need first of all to constitute the ICT Committee that will be given the mandate to vet this nominee and also after that to do oversight. Who will be overseeing this E-Government? We cannot do work without oversight because that is one of our mandates and is very vital.

I don't want to take much time but I want to say, that we are not discussing the university from which Mr. Kennedy Okong'o went, we are discussing him as a nominee. You know about universities, in fact the University of Nairobi is more prestigious than that. But we are not looking at our universities; we are looking at our nominee, what he will deliver in Nairobi County. As you realize, this County wants to automate everything. How can we then give a mandate to somebody that we don't know their name or even their gender? How can we then give a mandate to him to conduct this whole County? I don't want to talk too much we don't have much time, please call the Mover of the Motion to reply.

**Hon. Temporary Deputy Speaker:** The Mover of the Motion, to reply.

**Hon. Jaffer Kassam:** Madam Speaker I take this Opportunity to congratulate Hon. Members for contributing to this Motion because the office of the Chief Officer with the right and proper gender and the right qualification, only with the right information, then we will be able to help this Assembly execute its mandate effectively. Thank you Madam Speaker.

*(Question is put and agreed to)*

**Hon. Temporary Deputy Speaker:** Hon. Members the House stand adjourned until tomorrow 2.30. p.m.

*(The House rose at 4.40 p.m.)*