



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Tuesday 17<sup>th</sup> March, 2015

The House met at 2.30 p.m.

*(Hon. Temporary Deputy Speaker on Chair, Mr. Samwel Nyang'wara)*

#### PRAYER

**Hon. Temporary Deputy Speaker:** Sergeant – At – Arms to ring the bell for the next ten minutes so that we can attain the quorum.

*(Quorum bell ringing)*

**Hon. Temporary Deputy Speaker:** Hon. Members, we have not attained the requisite number of the quorum still. I order the Sergeant-At- Arms to ring the bell again for the next five minutes

**Temporary Deputy Speaker:** Order Hon. Members, Clerk we can now proceed.

#### NOTICES OF MOTION

**Temporary Deputy Speaker:** Hon. Karen Wanjiku meanwhile Hon. Martin Waweru can you approach the Chair.

**Hon. Karen Wanjiku** (Nominated Member): Thank you Mr. Speaker sir, I beg to give Notice of the following Motion, that aware that article 26 of the Constitution of Kenya 2010 gives Citizens of this Country and residence of Nairobi City County a right to life. Further aware that other services including County Health facilities and Primary Health care have been devolved to the County Government.

Pursuant to paragraph 2 of verse 2 of the fourth schedule of the Constitution, concerned that most of the County Health facilities are in a deteriorating state with inadequate Medical supply, lack of crucial medical equipment and human resource. This Assembly urges the County Government to put all County Health Facilities with requisite equipment, materials, sufficient medical supply and adequate well trained personnel to ensure that residents of Nairobi County get the required services.

Hon. Speaker I beg to give another Notice of the Following Motion, that aware that article 53 of the Constitution of Kenya 2010 stipulates that every Child has the right to free and compulsory Education.

Further aware that the function of this Education has been devolved pursuant to paragraph 9 part 2 of the fourth schedule to the Constitution of Kenya, deeply concerned that many school going children including the Nairobi City County cannot access Early Childhood Education and others cannot be retained in schools due to lack of school fees especially those in informal settlements in the County.

Noting that basic Education is one of the key pillars of a functioning Education system, this Assembly urges the County Government to ensure that there is free Education in all Early Childhood Education Centers in the County.

**Temporary Deputy Speaker:** Thank you very much Hon. Karen the same will be submitted to the House Business Committee so that it can be allocated time. Clerk!

## STATEMENTS

**Temporary Deputy Speaker:** There was supposed to be a statement response from Sectoral Committee on Environment and Natural Resources. The Chairperson! Hon. Ngaruiya's statement Hon. Zulfa, are you the Chair?

**Hon. Zulfa Mohammed** (Nominated Member): I am standing in for the Chair Mr. Speaker.

**Temporary Deputy Speaker:** Fair enough.

**Hon. Zulfa Mohammed:** But I realize that Hon. Ngaruiya is not in the House.

**Temporary Deputy Speaker:** Is there anybody who knows the whereabouts of Hon. Ngaruiya? What do you think about?

**Hon. Zulfa Mohammed:** I suggest we move on while we see if he will walk in as we are continuing with business Mr. Speaker.

**Hon. Leah Mumo** (Nominated Member): Point of Information

**Temporary Deputy Speaker:** Whom, do you want to inform, you want to address the Speaker on behalf of Hon. Ngaruiya. Permission not granted Hon. you cannot inform the House unless you know the whereabouts of Hon. Ngaruiya or he has given you the permission as to why he is not in the House?

Thank you Hon. Zulfa, for the Chair for Environment and Natural resources I think we will wait for Hon. Ngaruiya. Let us give him the benefit of doubt maybe he is late somewhere. Meanwhile the Chief Whip will actually look for him. If he will not be in for this particular statement, then it will not see the light of the day unless otherwise.

There was a Statement response from the Chairperson of Sectorial Committee on Culture and Social Services for Hon. Alexina Moddy. I think I saw the Chairman for Culture. It is a request so Hon. Alexina Moddy, take your time. You were requesting for a statement? It's okay, go ahead.

**Hon. Alexina Moddy** (Nominated Member): Thank you Mr. Speaker sir, Pursuant to Standing Order 41 (2) (c) I wish to request for a statement from the Chairperson of the Sectorial Committee on Culture and Community Services regarding the operation of a Bar near Kiumbuini Primary School in Kangemi.

Mr. Speaker sir, the Free Town bar is located 200m away from Kiumbuini Primary school, contrary to the provisions of section 12 (c) of the Alcoholic Drinks Control Act 2010. Mr. Speaker in the statement the Chairperson should enquire into and report on:

1. Reasons why the liquor license was issued to the owner despite its a proximity to a primary school contrary to the law and
2. Measures the County Government is taking to prevent licensing of bars to operate near schools. Thank you.

**Temporary Deputy Speaker:** Hon. Chair for Culture.

**Hon. Member for Harambee Ward** (Mr. Ronald Milare): Thank you Mr. Speaker, as you are aware liquor licensing is a devolved function and according to Alcoholic Drinks Control Act of 2014 which was passed by this House the issue of distance was removed and the law she is referring to is for 2010 Act which has been superseded by 2014 Act and therefore she should read the Act that was passed in this House, Mr. Speaker.

**Temporary Deputy Speaker:** Order Hon. Chair for Culture, Milare are you in any manner suggesting that you want to respond to that particular question now?

**Hon. Ronald Milare:** I have the response Mr. Speaker so if you allow me to do so well and good or I can give a comprehensive statement on Tuesday next week.

**Temporary Deputy Speaker:** Why should it be next week?

**Hon. Ronald Milare:** Am traveling to Mombasa this evening.

**Temporary Deputy Speaker:** Okay! Hon. Moddy you will get the response next week on Tuesday, the Hon. Member will be out of this precinct of the Assembly by today evening. Fair enough. Hon. Nancy Luchiri.

**Hon. Nancy Luchiri** (Nominated Member): Thank you Mr. Speaker sir for this opportunity Pursuant to Standing order 41 (2) (c) I wish to request for a statement from the ----

**Hon. Leah Mumo:** Point of Information.

**Temporary Deputy Speaker:** You cannot interrupt a Hon. Member you are on a Point of Information under which Standing Order?

**Hon. Leah Mumo:** 74.

**Temporary Deputy Speaker:** You want to address the Speaker then you must approach the Speaker first, before you move to the microphone. Hon. Luchiri can you precede!

**Hon. Nancy Luchiri:** Okay, thank you Mr. Speaker, I wish to request for a statement from the Chairperson of Sectorial Committee on Planning and Housing regarding the grabbing of Land LR.No.487 which is a pathway, along Kangemi Road.

**Hon. Nancy Luchiri:** Hon. Speaker, ----

**Temporary Deputy Speaker:** I am capable to----

**Hon. Nancy Luchiri:** I am concerned.

**Temporary Deputy Speaker:** Okay thank you.

**Hon. Nancy Luchiri:** Hon. Speaker the land LR. No. 487 along Kangemi Road has been grabbed by an unknown developer who has stationed five containers blocking pedestrians from using the pathway.

Hon. Speaker in the statement the Chairperson should inquire into and report on:

1. Owner of the Containers
2. On whose authority were the containers stationed on the said land and
3. Measures being taken by the County Government to stop grabbing of Public Land.

Mr. Speaker sir, why I am concerned about this is because the pedestrians walk along that way and there are a lot of accidents because this private developer has decided to put containers just along the way and it is a highway. So you can imagine the number of people we lose every day, week, month and on yearly basis. Mr. Speaker sir, this is an urgent matter that should be taken care of. Thank you.

**Hon. Leah Mumo:** Point of Order.

**Temporary Deputy Speaker:** I will give you a Point of Order Hon. Mumo, maybe the Chairman for Planning. When are you bringing the response?

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Give us 14 days.

**Temporary Deputy Speaker:** Hon. Luchiri are you comfortable with 14 days.

**Hon. Nancy Luchiri:** Mr. Speaker it is an urgent matter but if he insist on 14 days I don't have anything to say I will just wait. Thank you.

**Temporary Deputy Speaker:** It is a clear indication that if he insists then you are going to be comfortable with the 14 days.

**Hon. Nancy Luchiri:** I am not comfortable with that but since he is insisting on 14 days I will wait.

**Temporary Deputy Speaker:** Order Hon. Luchiri that is fair enough, 14 days.

**Hon. Nancy Luchiri:** Thank you.

**Temporary Deputy Speaker:** Hon. Mumo what is your Point of Order.

**Hon. Leah Mumo:** Thank you Hon. Speaker I want the Hon. Lady who was here to tell us if she is properly dressed because this is a House of Rules and Regulations.

**Temporary Deputy Speaker:** Hon. Luchiri.

(Laughter)

**Hon. Nancy Luchiri:** Hon. Speaker if you compare my dressing code with the Hon. who has just left this---

**Temporary Deputy Speaker:** Order Hon. Luchiri, we want to know if you are properly dressed or not. You cannot compare yourself with other Hon. Members. But having noted the kind of shoes you are wearing I understand that maybe you are celebrating, because you are in Masaai attire but I will give a comprehensive Statement tomorrow concerning dressing mode in this Assembly. Hon. Zulfa.

**Nominated Member (Hon. Zulfa Mohammed):** Thank you Mr. Speaker sir, I need your attention. However, I can see Hon. Ngaruiya is in the House now and if you can allow me to respond to his Statement.

**Hon. Temporary Deputy Speaker:** Permission granted.

**Hon. Zulfa Mohammed:** Thank you very much Mr. Speaker sir. I am standing in for the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural resources in response to a Statement requested by Hon. Ngaruiya Chege MCA.

**Hon. Temporary Deputy Speaker:** Hon. Members I am kindly requesting you to consult in low tones.

**Hon. Zulfa Mohammed:** On Wednesday 2<sup>nd</sup> July 2014 the Hon. Ngaruiya Chege, MCA rose on the floor of the Assembly pursuant to Standing Order 41(2) (c) and requested the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources for a Statement regarding the monthly cleanups.

Mr. Speaker sir, the Committee responded to the Hon. Member on the floor of the Assembly on Wednesday 30<sup>th</sup> July, 2014, however the Member was not satisfied with the response given and the Speaker directed that the Committee further provide detailed clarification of the following issues;

1. The specific roles of the area MCA during the Ward monthly clean up exercise
2. A breakdown of how funds budgeted for the exercise in the previous financial year 2013/2014 were utilized

3. The budgetary allocation in the current financial year 2014/2015 per Ward for the exercise and the program for implementing the exercise

The Committee wrote to the County Secretary with a copy to the County Executive Committee Member responsible for Water, Energy, Forestry, Environment and Natural Resources on the 8<sup>th</sup> August, 2014 requesting to be furnished with a detailed clarification on the aforementioned issues. The County Secretary responded through a letter REF: COENF2/1/432 dated 11<sup>th</sup> August, 2014. The Committee still found the response provided not satisfying and requested for further clarification on the same. However the Executive delayed in responding and as such the Committee invited the responsible Chief Officer on Wednesday 11<sup>th</sup> March 2015 where she clarified on the issues raised.

In this regard Mr. Speaker I wish to report to the Assembly as follows, that;

**A. THE SPECIFIC ROLES OF THE AREA MCA DURING THE WARD MONTHLY CLEAN UP EXERCISE**

Mr. Speaker the Member is not concentrating on the response, I beg your indulgence. Thank you. The Committee was informed that it is not possible for the Executive to allocate any roles to Members of the County Assembly with respect to the cleanup exercise since it is the responsibility of the Executive to secure a clean environment within the jurisdiction of the County. However, the area MCA is expected to be notified by the Ward Administrator and to mobilize the area residents to participate in the exercise. In addition, MCA's are welcomed to provide any support to the initiative. The objective of the Executive with regards to monthly clean ups is to ensure that the public participation enshrined in every service delivery that requires their participation.

**A. A BREAKDOWN ON HOW FUNDS BUDGETTED FOR THE EXERCISE IN THE PREVIOUS FINANCIAL YEAR 2013/2014 WERE UTILISED**

Mr. Speaker sir, the Chief Officer responsible for Environment and Forestry stated that the clean-up exercise was launched on 29<sup>th</sup> June 2013 and budget cycle had lapsed leaving no window to incorporate the budgetary requirement of the exercise into the overall budget. To this end, no funds were allocated for the cleanup activity during the financial year 2013/2014.

**B. THE BUDGETARY ALLOCATION IN THE CURENT FINANCIAL YEAR 2014/ 2015 PER WARD FOR THE EXERCISE AND THE PROGRAMME FOR IMPLEMENTING THE EXERCISE.**

Mr. Speaker sir, the Committee was informed that the exercise is conducted on a rotational basis among the Sub-Counties within Nairobi County. Further the exercise was allocated Ksh. 6.688 million in the financial year 2014/ 2015. The allocation was meant for the procurement of protective clothing such as nose masks and hand gloves. Currently the sector has procured 1,700 wheel barrows, 2,550 rakes and 2,550 big shovels. Each elected MCA shall be allocated 20 wheel barrows, 30 rakes, 30 big shovels as from the week commencing 16<sup>th</sup> March, 2015.

The equipment shall be used by the youth during the cleanups and shall be distributed as decided by the area MCA. All equipment shall be serialized for accountability purposes. In addition the sector shall consider providing water and soft drinks for participation in the next financial year. In addition, the County Government shall prepare certificates that can be awarded to various individuals and institution/groups who attend the monthly cleanups.

Mr. Speaker sir, the Committee shall be monitoring closely the implementation of the exercise to ensure that the intended objectives are met. The Committee shall further request the relevant Executive Sector to prepare a policy so that this noble idea receives a legal backing.

Mr. Speaker sir I beg to lay this response. Thank you and I am hopeful that the area MCA will appreciate the efforts that were given by this particular Committee.

**Hon. Temporary Deputy Speaker:** Fair enough. Hon. Ngaruiya the Member for Kahawa West Ward.

**Hon. Member for Kahawa West Ward** (Mr. Ngaruiya Chege): Thank you Mr. Speaker for giving me this time to respond to a statement I had requested not now but late last year. First of all I want to commend the Committee on Agriculture, Environment and Natural Resources for taking their time and after the response from the Executive they were also not satisfied and they did a good job.



The reason as to why I was not satisfied is because for one the report was a googled and downloaded from the internet and it was not touching on the issues of Nairobi County. The information that was there was copied from somewhere and pasted---

**Hon. Temporary Deputy Speaker:** Order Hon. Ngaruiya! You were not satisfied then, are you satisfied now?

**Hon. Ngaruiya Chege:** This is just a background.

**Hon. Temporary Deputy Speaker:** You do not give a background on an answer that you were not satisfied before.

**Hon. Ngaruiya Chege:** I am now satisfied Mr. Speaker but on the role I am not but I do not want the Committee ---

**Hon. Temporary Deputy Speaker:** Order Hon. Ngaruiya! With due respect, you requested for a Statement and you already have the response. Where are you not satisfied with the response?

**Hon. Ngaruiya Chege:** Mr. Speaker I just want to commend the Committee especially on issues to do with budgetary allocations because that is a good job and I see us rolling our sleeves and going to the ground because when you have such kind of tools even if it were you, the number of youth you would employ with your own cash would be enormous. On issues to do with certificates I am very happy that we motivate these groups and the residents to participate so that they can own that particular exercise but the way it was done I believe it was not to the benefit of the public.

I also wish that the Executive takes the initiative of publicizing this particular exercise. Let us as Members of the County Assembly be notified in advance so that we can also be aware and prepare. It does not require the Ward Administrator to notify a person who is elected by the public that we are going to have an exercise in our Wards.

Issues to do with water and soft drinks is an area where the MCAs were faced with a lot of challenges because you are informed on Friday that there is going to be an exercise and then on Saturday morning you are told to provide water and soft drinks.

I want to commend the Committee for allocating that in the budget such that now as Members of the Assembly representing our respective Wards we are not going to have difficulty on that, thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Ngaruiya that is a well done job by the Committee on Environment and Natural Resources. What is it Hon. Ochar, the Hon. Member for Korogocho?

**Hon. Member for Korogocho Ward (Mr. Maxwell Ochar):** Thank you Mr. Speaker for giving me this time to address you. It is my pleasure to stand here today as a king. I want to thank the CORD fraternity for banging the seat of Kajiado Central. Mr. Speaker these ladies and gentlemen---

*(Loud consultations)*

**Hon. Ngaruiya Chege:** Mr. Speaker if you allow politics in this particular House--- we are going to play politics it is dishonorable.

**Hon. Temporary Deputy Speaker:** Order Hon. Ngaruiya! Hon. Ochar can you take up your seat! Order!

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order Hon. Members! Hon. Ochar take up your seat! Hon. Ochar stood on a Point of Order, Standing Order number 74 he wanted to address the Speaker and I gave him that benefit of doubt. Hon. Members you cannot--- Order Hon. Member! I know you want me to chase you out so that you can allude that the Speaker chased me out because I was supporting the party.

I gave him the benefit of a doubt and was listening keenly. You could have allowed me to get his words then rule him out of order.

**Hon. Temporary Deputy Speaker:** .... But I just want to request you Members that once you have stood for a Point of Order, there is no need for other Hon. Members shouting. You wait for me to give you the podium, and then you can say what the Point of Order of yours is. And for this case, I want to say that I have not heard what Hon. Ngaruiya was saying. He was only making noise. I will give you permission to say whatever you want.

**Hon. Ngaruiya Chege:** Thank you Mr. Speaker. I think if you allow politics to take course in this Assembly, we are also prepared.

**Hon. Temporary Deputy Speaker:** Order! Whoever wants to speak, I will give him a chance to speak. Order Hon. Ngaruiya! Take up your seat.

**Hon. Ngaruiya Chege:** We are politicians and we will take it on.

**Hon. Temporary Deputy Speaker:** Hon. Members, I just want to request you. This is a Hon. House. If there is anything you have heard that does not augur well, you are supposed to rise up on a Point of Order. I will give you a chance to speak. Can you allow Hon. Ngaruiya to finish? Order Hon. Ochar! Hon. Ngaruiya, can you finish?

**Hon. Ngaruiya Chege:** Hon. Speaker, thank you. What I am saying is that the Hon. Members should realize that when something is done and finished, we don't have to bring it on, especially on this floor of the House. I think we have enough business that we are supposed to conduct in this House, not just petty politics that you bring from wherever you come from to this House. We are going to take it on, and we take head-on. We are not going to fear because I know Maxwell Ochar. He wants to show the other Members that he can be the Majority Leader of this particular Assembly. Mr. Speaker, we want him to present his case properly so that at least we can---

**Hon. Temporary Deputy Speaker:** Hon. Ngaruiya, Order! Order Hon. Ochar! Hon. Moddy, on a Point of Order.

**Hon. Alexina Mudi:** Thank you Mr. Speaker sir. I am standing here on a Point of Information. May the Hon. Member be informed that each one of us here is not in a Theology school. We are here on political agenda. Therefore, let him be further informed that there is nothing that was stamped and passed. So in politics, there is no past tense. It is always present continuous, thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Order! I have heard from the Deputy Minority Leader. I have heard from the Hon. Moddy. And I want to request for your time because Hon. Ochar wanted to address the Speaker. Allow me to get his bit of words.

*(Applause)*

**Hon. Maxwell Ochar:** Thank you Mr. Speaker for protecting me. I will not use vulgar language in this House. I will forgive those who use vulgar language on me. Mr. Speaker, I want to thank the CORD fraternity for the gallant fight they put in Kajjado Central and brought the seat back home where it belongs to. Mr. Speaker, these gentlemen and ladies worked like lion and lioness looking for food for her cubs. Mr. Speaker, I want to thank my colleagues for their patience when we were there and accepting defeat. This is what we call democracy.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Ochar. Hon. Members, I am very sure that whatever Hon. Ochar has spoken here was only addressing the Speaker and he has done so. I don't think it was meant for you. I want Hon. Ochar, after this Assembly, to approach the Speaker at his office so that he can get further directions as far as how business is supposed to be conducted in this House. Clerk, can we proceed? Hon. Wainaina.

**Hon. Michael Wainaina:** Thank you Mr. Speaker. At times I wonder. You know the excitement that the CORD fraternity has. You cannot celebrate when you have put your sofa set outside---

**Hon. Temporary Deputy Speaker:** Order! I brought that particular issue to rest.

**Hon. Michael Wainaina:** Mr. Speaker, let me address you. You cannot celebrate when you put your sofa set outside and when the neighbor wants to grab it you celebrate it.

**Hon. Temporary Deputy Speaker:** Order! I have already given instructions. Order! Order! Hon. Wainaina, I have already dealt with that particular issue and I have instructed Hon. Ochar to see the Speaker in his office.

**Hon. Michael Wainaina:** But you gave him time to address you.

**Hon. Temporary Deputy Speaker:** On the same issue, no. Unless you have something else. Thank you. Clerk, can you proceed? Chair of Budget and Appropriation Committee it's your time. Hon. Chair of Budget and Appropriation, can you take your seat?

*(Hon. Imwatok walks in)*

Hon. Imwatok, this is a Honorable House that should be given the kind of respect it deserves. We cannot allow you to dress in the manner you are dressed and the kind of things you are doing on the floor of this House. For that very simple reason, because I have not seen you once or twice, you have done it severally, I order you out of this Assembly for this particular day.

*(Hon. Imwatok is escorted out of the House by the Sergeant- At- Arms)*

And if he has signed, Sergeant-At-Arms, you are not supposed to accord Hon. Imwatok this particular day.

Hon. Chair, Budget and Appropriation.

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you very much Mr. Speaker sir. I stand to request your indulgence on behalf of the Budget and Appropriations Committee. We were to bring a report on the fiscal strategy paper which is due but as a Committee we have realized that it was brought a little bit late and the Sectorial Committees were not able to go through the document properly. And also, we are duty bound to ensure that there is public participation which we have all not done. So, I was requesting

this House maybe to grant us a week or two so that we may be able to look at this document properly. Thank you very much.

**Hon. Temporary Deputy Speaker:** Hon. Chair, considering the timelines, sincerely speaking, two weeks is too much. Maybe, simply because you said a week or two, we will give you one week. Is that okay?

**Hon. Michael Ogada:** Thank you very much Mr. Speaker sir. My Committee is very committed. I can commit that by Thursday next week, we will be able to bring the report.

**Hon. Temporary Deputy Speaker:** We know that your Committee is very active and it can do within one week. Thank you. Clerk, proceed.

### MOTION

**Hon. Temporary Deputy Speaker:** Chairperson. I think you moved this particular Motion unless and otherwise you want to reply.

**Hon. Kennedy Oduru:** What it was, was that by the time we left, I was called by the Chair to reply. So, that is exactly what I am doing.

**Hon. Temporary Deputy Speaker:** Fair enough. Can you reply now?

**Hon. Kennedy Oduru:** Okay. Thank you Mr. Speaker sir. I hereby reply for the particular Motion whereby Hon. Chege really supported. And for the many of us who really supported this, it is very nice. The information that we found---- we found exactly how it was. It is better we support the Motion so that we can have this.

**Hon. Ngaruiya Chege:** Mr. Speaker, why is the Chairman misleading this House?

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

**Hon. Kennedy Oduru:** Therefore, it is very---

**Hon. Temporary Deputy Speaker:** Order Hon. Chair for Public Works and Roads! Hon. Ngaruiya that is a very serious allegation you are making. Can you approach the microphone?

**Hon. Ngaruiya Chege:** Thank you Mr. Speaker. It is not allegations but the Chairman of this particular Committee alleges that I supported this particular Motion. Why is the Chairman misleading this House? We advised the Chairman to ensure that this particular Motion is taken back to his Committee and they sign because only seven Members had appended their signature. And here he is, presenting the same Motion in this Assembly misleading this particular House. I would advise that he withdraws so that at least we can debate and deliberate on this particular issue. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Chairman, in deed, I have gotten information that the Chairman, or the Speaker who was on the Chair on that particular day, had given you time so that the Members of the Committee can go and sign because they had not signed. You did not have a quorum for that particular--- unless and otherwise you want to challenge the ruling of the Chair of that particular day - I think you could have done so - then proceed. I remember Hon. Ken Ng'ondi requested you to go and make sure that the Members have signed.

Hon. Members, I just want to refer you back to that particular report and confirm to you that this particular report is properly before this House. This particular report was adopted, the minutes are attached, an Hon. Member of this House proposed, in fact a Member of the Committee, and another Member of that particular Committee seconded. ....

**Hon. Temporary Speaker:**...and it is not a must that all Members have to sign the report but more than a quorum of the Committee signed, we don't have any reason as to why we should reject it, unless they did not meet the quorum. Yes Hon. Masiga.

**Hon. Nelson Marakalu Masiga:** Mr. Speaker sir I believe when the report was read here there was a direction taken by the then Speaker Kennedy Ngondi sitting in the Chair, he ordered the Chairman to take the document and make sure the Members have signed before he puts the question. How can we put a question on a document only the minority have signed, only seven Members have signed, not the majority?

**Temporary Deputy Speaker:** Hon. Members, Order Hon. Members! This report was laid on the table of the Assembly on 18<sup>th</sup> February, 2015 and it was approved by the office of the Speaker and I want to confirm to you that what the Standing Orders allows is that the minutes must be proposed and seconded at the same time.

There is nowhere in the Standing Orders that all the Members must sign that particular report unless, Order! There is no meeting do you want to imply that there was no quorum when they were having this particular meeting? You must table the evidence you cannot give such kind of blatant information without giving evidence.

*(Loud Consultation)*

Order! If you want to give such kind of information you can approach the microphone and if you don't give a proper information pertaining to that---

**Hon. Karen Wanjiku:** Mr. Speaker sir, I want to give you some information which is very important. The Mover of the Motion replied and it was stopped where the Speaker was supposed to put the question. So I don't understand what we are discussing because you are supposed to put the question we either say nay or yes.

**Temporary Deputy Speaker:** Order Hon. Karen. He was stopped on the way when he was replying and told to go so that the Members can sign. Once the report has been adapted, once the meeting has been done, you cannot go and have another meeting for Members to sign.

Hon. Oduru either you support this particular Motion or you reject it. Hon. Oduru, can you reply.

**Hon. Kennedy Oduru:** Thank you Mr. Speaker for your good advice, there is none of my Committee Members who is complaining ---

**Temporary Deputy Speaker:** Hon. Oduru can you reply.

**Hon. Kennedy Oduru:** Okay! Thank you Hon. Members for having supported this Motion and it is very important that we support it, so that these recommendations should be taken by this Hon. House that everything pertaining to the CCTV should be in a working condition. Thank you very much for your cooperation.

**Hon. Temporary Deputy Speaker:** Hon. Members I now put the question that pursuant to Standing order No. 18, that this Assembly adopts the report on the Sectoral Committee on Transport and Public Works on the Inspection visit to the County control server room of the Closed Circuit Television CCTV traffic cameras held on 12<sup>th</sup> February, 2015 laid on the table of the Assembly on Wednesday 18<sup>th</sup> February, 2015.

*(Question put and agreed to)*

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order! You have not reached the requisite number for division. You are only five Members standing. So---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order! Hon. Masiga, can I hear you? Approach the microphone.

**Hon. Nelson Masiga:** Mr. Speaker sir, they have reached the number. They are supposed to be five.

**Hon. Temporary Deputy Speaker:** You have reached the number that is supposed to be?

**Hon. Nelson Masiga:** They are supposed to be five. Not what you are trying to---. Don't mislead us Mr. Speaker sir. Do not mislead us.

**Hon. Temporary Deputy Speaker:** Order Hon. Members! Order! I am satisfied that the Hon. Members have claimed for a division. I have considered that there is a reasonable doubt as to the outcome of the vote. Indeed, it is true. I want to apologize on the same. Thank you Hon. Masiga. More than five Members are supposed to be standing still for the bell to be rung for the division. Clerk.

*(Clerk approaches the Chair)*

**Hon. Maxwell Ochar:** Mr. Speaker---

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

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Hon. Ochar what do you want to say?

**Hon. Maxwell Ochar:** Mr. Speaker, I want to say that we are setting a very bad precedent in this House because after the Speaker has ruled on something, we take the Speaker back to his ruling again which is very wrong.

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

**Hon. Maxwell Ochar:** Mr. Speaker this is a very bad precedent because the Speaker has the final say.

**Hon. Temporary Deputy Speaker:** Hon. Ochar, you must familiarize yourself with the Standing Orders. The Hon. Members after I've made a decision more than five Hon. Members are supposed to stand to request for a division bell to be rung so that you can get--- if you have the numbers you will still have them. I order the Sergeant-At-Arms to make sure that the doors are closed---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order! Yes?

**Hon. William Abuka** (Nominated Member): Mr. Speaker I only want to draw your attention to what happened. What transpired on the floor here is that four people make big noise, they stood up, dragged the fifth person to accompany them in the confused noise making. Mr. Speaker---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order Hon. Warutere! Hon. Wainanina and Hon. Karen Order! Order! Can you give Hon. Abuka time to say what he has? If he is misleading the House you will get your time, Order Hon Abuka!



**Hon. William Abuka:** Mr. Speaker unless the Members are only out to confirm the obvious that their voice must carry the day in every debate, they must win every discussion and that only belongs to those in the wilderness, those who live with people, human beings know that sometimes we lose, sometimes we will win. Only four people stood up and the rest of the whole Houses said Ayes, so the chapter is closed.

**Hon. Temporary Deputy Speaker:** Order Hon Abuka! You are out of order to say the chapter is closed, order. We must move on. Hon Abuka thank you for that particular information but since we don't have the CCTV cameras here and I had already made a decision that we were supposed to go for a division bell and I have so ordered, I want the Hon. Members who have said Nay to give one person and the Hon. Members who have said Yes to give one person---

**Hon. William Abuka:** Unless Mr. Speaker you are confirming that they are controlling you.

**Hon. Temporary Deputy Speaker:** Order Hon Abuka! Order! Order! Hon Warutere Order! Order! Hon Abuka Order! Can you approach the microphone and apologize and withdraw those remarks, Hon Members cannot control the Speaker, you must withdraw Hon Abuka

**Hon. William Abuka:** I will withdraw after you have listened to me, please! This is what I am saying, Mr. Speaker, there is no forum or Assembly where we have four people who must speak garbage and they have to continue speaking, that is not right.

**Hon. Temporary Deputy Speaker:** Hon. Abuka, with due respect. Order!

**Hon. William Abuka:** Mr. Speaker you are confirming that they are controlling you.

**Hon. Temporary Deputy Speaker:** Order Hon. Abuka! For the last time, withdraw those remarks that Hon. Members can control the Speaker.

**Hon. William Abuka:** Mr. Speaker, I am properly learned in English, I withdraw because you want. Thank you.

**Hon. Temporary Deputy Speaker:** Go and take your seat. The Standing Orders only control this particular House and Hon. Abuka, I want you to get me that nobody can withdraw simply because the Speaker wants. You withdraw because the Standing Orders demands so and there is no Member here who can say such a number stood unless the Clerk. The Clerk did the count and has confirmed that five Members stood and I stand by that. Yes Hon---

**Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi):** Thank you, Mr. Speaker for getting my attention. Mr. Speaker, you must be aware that this House is a House of rules and procedures. You made a ruling on this matter and you're swallowing on your ruling Mr. speaker.

**Hon. Boniface Kitavi:** It is very unfortunate that a few people here can make noise and then you do according to what they are saying.

*(Loud consultations)*

**Hon. Boniface Kitavi:** Mr. Speaker---

*(Loud consultations)*

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

*(Loud consultations)*

**Hon. Boniface Kitavi:** What happens is this Mr. Speaker---

*(Loud consultations)*

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

*(Loud consultations)*

**Hon. Boniface Kitavi:** Give me audience Mr. Speaker---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Take your seat!

**Hon. Boniface Kitavi:** I am passing my point---

**Hon. Temporary Deputy Speaker:** Take your seat Hon. Kitavi!

**Hon. Boniface Kitavi:** Mr. Speaker---

**Hon. Temporary Deputy Speaker:** I want to take you to the Standing Orders.

**Hon. Boniface Kitavi:** In future you will be making a ruling Mr. Speaker---

**Hon. Temporary Deputy Speaker:** Order Hon. Kitavi! I want to take you through the Standing Orders.

**Hon. Karen Wanjiku:** Point of Order Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Order! Order Hon. Karen! Hon. Warutere, Hon. Wainaina whilst I am on my feet you are supposed to---

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Hon. Masiga and Hon. Shadrack, Order!

*(Hon. Nelson Masiga and Hon. Shadrack Juma exchange words)*

**Hon. Temporary Deputy Speaker:** Order! Hon. Masiga and Hon. Shadrack. I give you the last warning.

**Hon. Nelson Masiga:** *We kwenda huko umejikalisha hapo na tulikuelect na karatasi.*

**Hon. Temporary Deputy Speaker:** Hon. Masiga I've heard you. Can you withdraw from the House?

**Hon. Nelson Masiga:** No! No!

**Hon. Temporary Deputy Speaker:** Hon. Masiga you must withdraw from the House. I order you to withdraw from the House. Order Hon! I have ordered Hon. Masiga out of the House. I don't want--- Order! Order! Sergeant-At-Arms Order! Order! Hon. Masiga I don't want to compel the Sergeant-At-Arms to take you out. Hon. Mumo, Hon. Asha take your seats! I know what I am doing. Hon. Masiga. Can the Sergeant-At-Arms--- I order the Sergeant-At-Arms to get Hon. Masiga out of this House.

*(Applause)*

*(Hon. Nelson Masiga is escorted out of the House by the Sergeant-At-Arms)*

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Hon. Members I want to request you to have respect in this House. You cannot abuse other Hon. Members in this House and because he has insisted on shouting at me, I declare this case--- I want to name him now that he must see the Committee on Powers and Privileges. He must appear there so that other Hon. Members can know that this is a House of rules and procedures. You must respect it. With due respect the Standing Orders allow once the Speaker has made a ruling on any Motion that five Members or more can stand up to compel a bell to be rung for division so that the counting can be done to know who has really won. Five Members stood here. It is only the Clerk who can inform the Speaker how many Members have stood.

It's quite unfortunate that Hon. Masiga can simply ignore the rules and the Standing Orders and shout at the Speaker. It doesn't matter who is on the Chair. Can the bell be rung so that division can be done? All the doors should be--- Order! We want to do the counting for those who are supporting this particular Motion and those who are against the Motion. The Clerk will read out the names so that you can vote.

*(Loud consultations)*

**DIVISION**

Can we get one person for those who are saying nay and those who are saying yes? I have ordered the Sergeant-At-Arms to close the doors. Nobody is supposed to get out of that particular door. Hon. Oduru, can we get one person from your side? Hon. Karen one person here, so that when he is reading the names you can take up the vote. Clerk can you read the names? Hon. Members we must vote before anybody gets out.

*(Question carried by 34 votes to 12)*

**AYES:** Peter Isuha Vukindu, Obonyo Mike Guoro, Clarence Kipkemboi Munga, Samuel Ndung'u Njoroge, David Njoroge Kairu, Amos Mbuthia Mukami, Isaac Njoroge Ngige, Shadrack Juma Nyambu, Kennedy Oduru Nyarumba, Maxwell Ochieng Ochar, Peter Wanyoike Gitau, Samuel Irungu Mwangi, Michael Ogada Okumu, Kados Paul Muiruri Kiguathi, Ronald Melkizedek Milare, Kenneth Irungu Mwangi, Osman Adow Ibrahim, Wilfred Oluoch Odalo, Magdalene Mbogori, Petronilla Achieng, Margaret Sewe, Joyce Bocha Nabwire, Rose Nancy Luchiri, Abdi Mohammed, Nancy Nyambura Mwaura, Alexina Likono Moddy, Susan Karimi Njue, Jane Muasya, Hawa Dafala Absumum, William Abuka, Tabitha Wothaya Ndigirigi, Asha Abdi Sosso, Carolyne Achieng Muga.

**Teller for the Ayes:** Hon. Clarence Kipkemboi Munga.

**NOES:** Patrick Ngaruiya Chege, Peter Muriithi Warutere, Daniel Mbugua Mari, Samuel Kagiri Mwangi, Michael Wainaina Wanjiku, Rosemary Wairimu Macharia, Imelda Nafula Wanjala, Leah Mumo Matee, Karen Wanjiku Githaiga, Tabitha Akinyi Juma, Zulfa Hakim Mohammed, Marion Njeri Githinji.

**Teller for the noes:** Hon. Karen Wanjiku Githaiga.

**ABSTAIN:** Samuel Nyang'wara.

**Hon. Temporary Deputy Speaker:** Order Hon. Members, Standing Order 72(4) and I read it: During division Members shall maintain order in the County Assembly and shall be in their designated seats and must remain seated until the result is announced. I now want to announce the result to you Hon. Members. Those who are for the Motion are 34, those who are not for the Motion are 12, only one Member abstained and absent are 80. So those Members who are for the Motion have taken the day. Clerk can you proceed.

## MOTION

**Hon. Member for Kabiro Ward** (Clarence Kipkemboi Munga): Mr. Speaker I will want to move the following Motion with few amendments:

That aware that there has been a huge number of youth and women who contribute greatly to the development of Nairobi City County; further aware that the economic constraints the County is facing mostly affect youth, women since most of them are unemployed; deeply concerned that these youths and women cannot access credit facilities from financial institutions due to lack of security and guarantors. This Assembly urges the County Government to establish a youth, women development fund kitty to be disbursed across the County to youth, women and people with disability as grants.

Mr. Speaker, why did I come up with this kind of Motion? It is because of the challenges that our youth and women and people with disability are facing across the County. We have been saying that these youth and women are the leaders of tomorrow, specifically the youth, and if we can't do anything as a County we will not be empowering these youth and so bringing a gap between the able and those who are unable to take care of themselves.

I urge this Hon. House to support this Motion on that ground.

Secondly, Mr. Speaker is we need to bridge the gap between the poor and the rich. If you look at youth, women and people with disabilities, majority of them are the poorest in this County. We cannot continue like that because we belong in the same society. When somebody sees you with something, he or she admires and wants to have it. So that gap brings about insecurity because they actually need to survive economically. Women and youth are a great and reliable workforce in this County and at the same time they are hardworking, great researchers and innovators, and they embrace technology, especially the youth, which moves the County in terms of economy.

Thirdly, by giving them grants, we will be creating employment, enhance security and poverty eradication. We need a working County. If I go back to this great quote that says 'An idle mind is devil's workshop and so it is important that we create these funds so that youth can have something at hand instead of idling around while they could be generating some income.

Fourth, if we create these funds, Mr. Speaker, it will add value not only to our products but the services these youth, women and people with disability will be creating. Income generating activities like establishing car wash, waste management activities e.g. recycling of waste and will add value. They will be manufacturing products like manure, charcoal and plastic bowls. All these will not only add value to the products they are going to produce but will also ensure that create income for them.

Lastly, desperation from the youth who are incapacitated due to of lack of resources either to start a business because they don't have resources is affecting them. I urge this Hon. House to really support this Motion because it will create employment and also empower women, youth and people with disability across the County. I call upon Hon. Zulfa to second the Motion. Thank you, Mr. Speaker.

**Hon. Zulfa Hakim Mohammed** (Nominated Member): Thank you, Mr. Speaker sir, I rise to strongly second this Motion that is apparently very passionate to me as a Special Elect in this House. It is very clear that Nairobi is one unique County that holds overwhelming demand of this particular Motion.

We as the first House under the devolved system of Government are going to be held responsible on what legacy we leave in Nairobi. This issue is really significant and I want to believe that the Nairobi County will have adequate funds to realize this particular Motion. In line with Chapter 11 of the Constitution of Kenya, The principles of Devolved Government Article 175 (b) 'County Governments shall have reliable sources of revenue to enable them to govern and deliver services effectively.'

Mr. Speaker, Nairobi County Government needs to realize the potential of the youth, women and people with disabilities. It will be very important that at the end of the day, the Nairobi County should put respectable implementation that will enable the youth and women tap into their talent and come up as entrepreneurs and again give Nairobi County revenue. We cannot be oblivious to the fact that the President of this Country, Hon. Uhuru Kenyatta has prioritized this sector and we can see it through Uwezo Fund and the Youth Enterprise Fund. So it will only be noble for us as Nairobi County to do it.

I take this opportunity to urge the Governor of this County to actually take the women, youth and people with disabilities' issues very seriously. We are not felt on the ground as Special Elect, we are held to task and asked questions, what are we doing as Special Elect? So this is one of the things. I want to thank Hon. Munga for coming up with this particular Motion because this will give us a platform as Special Elect.

I want to believe that all the women in this House will agree with me that we need something to work on. We can decide on the modalities later but we need a platform to work on as Special Elect and we want to work with the Elected Members in all the Wards to ensure that these women, youth and people with disabilities are empowered in whatever way, big or small but it has to be legacy that we will leave in this County. I urge this House to kindly rise up and support this very noble Motion. Thank you.

*(Question proposed)*

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

**Hon. Boniface Kitavi:** Mr. Speaker sir, before Hon. Karen says there is no Quorum, allow me to contribute.

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

**Hon. Temporary Deputy Speaker:** After Hon. Kitavi, your Point of Order will be taken. Just give Hon. Kitavi the respect he deserves.

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Order! Hon. Kitavi is a Chair of Committee in this House. You will only speak after he has---

**Hon. Boniface Kitavi:** Thank you for protecting me, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Kagiri, the Chair has ruled that you will have your time or you approach the Chair.

**Hon. Boniface Kitavi:** Mr. Speaker sir, we are aware that some Members here are fond of saying there is no quorum when we have very important business in this House. Thank you for reading their minds beforehand. Mr. Speaker sir, I think the person who brought this Motion, *Mheshimiwa* Munga, had a very good idea. The philosophy behind supporting young people is very noble. The passion he has for supporting young people is very ideal and timely.

However, I stand here to oppose this Motion on the following grounds;

One, the Motion is urging the County Government to establish grants. If young people are given grants, and according to the encyclopedia, definition of a grant is monies that are given to somebody and you don't pay back. Do you want to give our young people money that they are not going to pay back to this County? We shall be creating people who are so dependent yet we have to avoid dependency syndrome. Young people need to be enabled with loans so that they can be able to pay back the loan. They have to sweat and work for it. The previous speaker who was here, Hon. Zulfa talked about the National Youth Fund that young people are getting in this Country, I want to inform the Member that the money given is not free money; those are not grants but loans that young people are going to pay.

If you look at our County, we have got so many problems to think about that should be given a priority at this moment. Talk about potholes, insecurity, darkness; we have huge problems. Even though the idea is good, the wording of that Motion is the problem. If you want to help people, don't give them free things, teach them how to get those things. There is a wise saying which goes 'Teach a man how to fish but don't give them fish.'

Mr. Speaker, it is true that the youth are a resource to this County and the future leaders of this Nation but by giving them grants we are not enabling them to become those leaders that we want them to become. For that particular matter, I oppose this Motion.

**Hon. Temporary Deputy Speaker:** Hon. Luchiri.

**Hon. Member for Pipeline Ward** (Mr. Samuel Kagiri Mwangi): Point of Order.

**Hon. Temporary Deputy Speaker:** What is your Point of Order, Hon. Kagiri?

**Hon. Samuel Kagiri Mwangi:** Mr. Speaker, Point of Order under Standing Order 32. Yes, this Motion is very important but it is barely an empty House and I don't think it will have an impact when there are no Members to discuss the Motion. Thank you, Mr. Speaker, we are out of quorum.

**Hon. Temporary Deputy Speaker:** Standing Order No 32. I think Hon. Members you've familiarized yourself with that Standing Order, it talks about quorum during the proceedings of the County Assembly. Clerk, can you confirm. Indeed there is no quorum, I instruct the Sergeant-At-Arms to ring the bell for eight minutes.

*(Quorum Bell ringing for eight minutes)*

**Hon. Temporary Deputy Speaker:** Hon. Members, it seems we don't have a quorum and we cannot be in a position to realize any after the bell has rung for eight minutes. Because of that, tomorrow you may not have any business in the House if the House Business Committee will not meet at 9:00 a.m. tomorrow. For that simple reason, I announce that the House Business Committee meets tomorrow so that we can have the business as usual in the Assembly.

Thank you very much, this Assembly stands adjourned to 2:30 p.m. tomorrow.

***The House rose at 4:40 p.m.***



