



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Tuesday, 23<sup>rd</sup> June, 2015

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Temporary Deputy Speaker** (Mr. Samuel Nyang'wara): We don't have a quorum, I now direct the Sergeant-At-Arms to ring the bell for ten minutes! When we don't have a quorum, our Standing Orders dictate that, nobody gets out.

Hon. Members, I have been informed that we now have a quorum.

### NOTICE OF MOTION

#### AMENDING OF THE FISCAL STRATEGY PAPER

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Pursuant to the provisions of Section 108 of the Public Finance Management ACT 2012, this Assembly resolves to amend the Fiscal Strategy Paper adopted in the Assembly on Thursday, 2<sup>nd</sup> April, 2015, as contained in the annexure ---.

**Hon. Temporary Deputy Speaker:** Thank you, Chairman!

## STATEMENTS

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

### FUNDS TO NAIROBI COUNTY PROMISED BY THE CHINA GOVERNMENT

**Hon. Member of Eastleigh South** (Mr. Nelson Masiga): Thank you, Mr. Speaker sir. Pursuant to Standing Order 41(2) (c), I wish to request for Statement from the Chairperson of Select Committee on Budget and Appropriation regarding some money promised by the China Government to Nairobi County Government.

Mr. Speaker, it is alleged that His Excellency the Governor of Nairobi County received Kshs.87 billion, fund for various projects, while on his tour to China in 2013.

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

- i. The exact figure promised to the County Government
- ii. If the money were grant or loan
- iii. The terms and conditions if it was a loan

This is the second time I am asking the question. I have never been given an answer.

**Hon. Temporary Deputy Speaker:** Indeed, it is almost a year now that question was asked on the floor of this House and the Chairman; you have to explain first why you have never answered that particular question, almost a year.

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you very much, Mr. Speaker sir, I remember the same *Mheshimiwa* asking that question sometimes back and as you know as Budget Committee, we try to be very effective as possible. I tried to fast track the response to this Statement. I was first referred to Mr. Wainaina, I went to his office, he became so evasive and then I was advised to deal with somebody called Mr. Osogo, who refused to give me response to that Statement---

**Hon. Temporary Deputy Speaker:** Order, Chairman! With due respect, naming some persons who cannot defend themselves on the floor of this House is a serious offence. You have to withdraw that one and give the correct statement.

**Hon. Michael Ogada:** Mr. Speaker sir...

**Hon. Temporary Deputy Speaker:** This is the Department of Finance and none of those guys you are talking about work in that particular department---

**Hon. Michael Ogada:** Mr. Speaker sir, I withdraw but you see it is the fact that the Members who were in that delegation seems just to have been dealing with some issues which are neither here nor there and that is why they are not very much ready to give that response. But, Mr. Speaker let me undertake maybe by Wednesday, I will try my best to me up with a conclusive report about it.

**Hon. Temporary Deputy Speaker:** So ordered. Wednesday 2.30 PM, that is tomorrow. Yes Hon. Masiga

### **EASTLEIGH MARKET PUBLIC PRIVATE PARTNERSHIP AGREEMENT**

**Hon. Nelson Masiga:** Thank you, Mr. Speaker sir, a request for Statement: Pursuant to Standing Order 41(2) (c), I wish to request for a Statement from Chairperson of Sectoral Committee for Planning and Housing regarding the Eastleigh market private and public partnership agreement.

Hon. Speaker, it is now over 4 years since the defunct Nairobi City Council entered into public---

*(Hon Leah Mumo rises on a Point of Information)*

**Hon. Temporary Deputy Speaker:** Whom do you want to inform?

**Hon. Nelson Masiga:** I don't want to be informed, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Whom do you want to inform?

**Hon. Leah Mumo:** He is a Member of Planning Committee.

**Hon. Temporary Deputy Speaker:** But he is a Member of Eastleigh Ward? Which Standing Order are you referring to Hon. Mumo? Can you go ahead Hon. Masiga!

**Hon. Nelson Masiga:** I think we should go back to be retaken through the Standing Order that any Member can stand and ask a Statement regardless which Committee you are coming from.

Hon. Speaker, it is now 4 years since the defunct City Council of Nairobi entered into to a Public-Private Partnership Agreement regarding Eastleigh Market.

**Hon. Temporary Deputy Speaker:** Order, Hon. Masiga! Hon. Mohammed, I saw you walking in wearing much respected attire and you cannot respect the mace before this House; you cannot respect this House simply because maybe somebody somewhere is seated on the Chair. Can you go back and respect this House the way it is supposed to.

*(Hon. Abdi Mohammed walks out and returns back bowing to the mace)*

**Hon. Temporary Deputy Speaker:** Thank you very much Hon. Mohammed

*(Applause)*

**Hon. Nelson Masiga:** I will start again. Thank you, Mr. Speaker, Pursuant to Standing Order 41(2) (c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Planning and Housing regarding the Eastleigh Public-Private Partnership Agreement. However Mr. Speaker it is now 4 years since the defunct City Council of Nairobi entered into to this partnership.

In the statement the Chairman should inquire into and report on:

- i. When the partnership was signed
- ii. Content of the agreement
- iii. Measures taken by the County Government to recover the lost market revenues

**Hon. Temporary Deputy Speaker:** Hon. Chairman for Planning

**Hon. Member for Imara Daima Ward** (Mr. Jairo Atenya Asitiba): Thank you, Mr. Speaker sir; I beg to be given 2 weeks for response.

**Hon. Temporary Deputy Speaker:** Hon. Masiga, two weeks are you comfortable with it? So ordered, two weeks. What is it Hon. Mumo? Do I have your Statement with me? Okay, Hon. Mumo, go ahead.

## **GARBAGE COLLECTION CONTRACT TO CREATIVE CONSOLIDATED**

**Hon. Leah Mumo:** Thank you, Mr. Speaker. Pursuant to Standing Order 41(2) (c), I wish to request a Statement from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding garbage collection in the County by Creative Consolidated.

A private cleaning services company, Creative Consolidated, has been contracted by the County Executive to offer cleaning, garbage collection in the City yet the County vehicles and staff have been collecting garbage in the same area where the company is supposed to be collecting.

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

- i. Reasons as to why the County staff are collecting refuse in areas where Creative Consolidated has been contracted to serve.

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

**Hon. Leah Mumo:** I have not finished.

**Hon. Temporary Deputy Speaker:** Go ahead. You put a full stop and---

**Hon. Leah Mumo:** Thank you, Mr. Speaker. On a second note, I just want to tell the Hon. Member who has been here, that you cannot ask yourself questions.

**Hon. Temporary Deputy Speaker:** Order, Hon Mumo! You cannot ask---

**Hon. Temporary Deputy Speaker:** Order Hon. Mumo! With due respect, can you ---

**Hon. Leah Mumo:** I need directions because I stood in this House with a Statement from the Planning Committee, and you told me to sit.

**Hon. Temporary Deputy Speaker:** Order, Hon Mumo! Can you freeze please! Take up your seat. Hon. Mumo, you have stood on the floor of this House requesting for a Statement, you cannot turn around and start asking for questions, yet we are not yet done with your Statement.

**Hon. Leah Mumo:** But I was seeking directions.

**Hon. Temporary Deputy Speaker:** Order! I gave you directions long time ago that any Member on the floor of this House is permitted to ask any questions from any Committee. It doesn't matter whether you are sitting in that Committee or not. What you are supposed to know is that you are all Hon. Members. There are no Committees Members sitting in this House, there are only Hon. Members who are sitting in this House. Hon Masiga was in order to ask that question.

**Hon. Leah Mumo:** I stood with a Statement for the Planning Committee but I was gagged.

**Hon. Temporary Deputy Speaker:** Order! Who gagged you!

**Hon. Leah Mumo:** The Speaker, I was seeking direction.

**Hon. Temporary Deputy Speaker:** Order! I have given proper directions now. Hon. Chair for Environment.

**Hon. Zulfa Mohammed** (Nominated Member): Thank you, Mr. Speaker on behalf of the Environment Committee and the Chair, I would like to request your Hon. Office to give us three weeks due to the many pending Statements. Thank you.

**Hon. Leah Mumo:** I didn't hear.

**Hon. Temporary Deputy Speaker:** Order, Hon. Mumo! You were engaging yourself on other issues when you were supposed to listen.

**Hon. Zulfa Mohammed:** Hon. Mumo, with due respect, three weeks please! Three weeks is fine?

**Hon. Temporary Deputy Speaker:** In three weeks' time, Hon. Mumo?

**Hon. Leah Mumo:** Thank you, Hon. Speaker but we will be on recess.

**Hon. Zulfa Mohammed:** Mr. Speaker, I have to apologize for that, probably the first thing after recess. We will give back the Response the first week after recess.

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

**Hon. Leah Mumo:** The urgency of the matter cannot wait until we come back from recess. Kindly one week.

**Hon. Temporary Deputy Speaker:** What is the urgency, Hon. Mumo?

**Hon. Zulfa Mohammed:** Mr. Speaker sir, please let me clarify an issue here with this Department. We have been having several pending Statements and it is not our wish to bring half-baked Statements on the floor, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Mumo, the acting Chairperson as per now, has requested that particular question after recess, what is the urgency there? It seems that work is being done. So let her bring an answer to the floor of this House at the time she has actually requested.

**Hon. Leah Mumo:** Thank you, Hon. Speaker, I represent the people of Nairobi, and my interests are the people of Nairobi.

**Hon. Temporary Deputy Speaker:** I totally agree with you. Hon. Chair, you seem to be represented in this House by Hon. Mumo. Why can't you bring the Response next week on Thursday?

**Hon. Zulfa Mohammed:** It is my pleasure to have her as my MCA. Probably, I can just clarify on one issue if you allow me, just to reduce the urgency she is talking about and I hope the Committee will allow me to say that Creative is a pilot project, so we will take it from there. Just know that Creative is a pilot project that is being undertaken by the County to check whether we can be procuring the services or not.

**Hon. Temporary Deputy Speaker:** Hon. Mumo, it seems your question has already been answered.

**Hon. Leah Mumo:** Not satisfied.

**Hon. Temporary Deputy Speaker:** Where are you not satisfied?

**Hon. Leah Mumo:** Time frame.

**Hon. Temporary Deputy Speaker:** I thought the Hon. Acting Chair has actually said Creative is a pilot project they are doing.

**Hon. Zulfa Mohammed:** Hon. Mumo, I think you want me to do some exercise, but I am most obliged. I am saying Creative is a pilot project undertaken to see whether the County can be procuring garbage services or it is easier for the County workers to work. So we are just taking that as a pilot project to see if it is going to work better than when the workers are on the ground. Thank you. That is in a nutshell *Mheshimiwa*. Please allow me to sit, I am fasting.

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

**Hon. Leah Mumo:** Thank you Mr. Speaker. She has not answered my question. I want to know whether they are being paid. Are they being paid?

**Hon. Temporary Deputy Speaker:** Hon. Mumo, Order! Hon. Madam Chair, with due respect, if that could have been the answer that you requested to give after recess, then I am worried. Order, Hon. Mumo!

**Hon. Zulfa Mohammed:** Mr. Speaker I think I asked you for permission to just clarify on Creative, I was not officially answering the Statement, Mr. Speaker. I was just mentioning something that will--- because she said it was urgent and I was just trying to clarify that issue but it is good intention to bring a full Response in this House.

**Hon. Temporary Deputy Speaker:** I am totally convinced that you have been answered sufficiently. Hon. Mumo, if you are disagreeing with that, then you have to table documents on the floor of this House that the particular company was actually contracted to do the work.

**Hon. Leah Mumo:** Are they being paid?

**Hon. Temporary Deputy Speaker:** Who knows? You have to prove before this House. She has told you that it is a pilot project. If it has been contracted, then you bring the documents on the floor of this House.

**Hon. Zulfa Mohammed:** Mr. Speaker let me repeat again that we are going to bring a Response as a Committee what I told her was just a clarification. This House is very professional.

**Hon. Temporary Deputy Speaker** Hon. Mumo you will have to address the Chair.

**Hon. Zulfa Mohammed:** Hon. Mumo this House is very professional and as long as your Statement is official, then you will get an official Response.

**Hon. Temporary Deputy Speaker:** Order Hon. Chair, you will have to bring that particular Response on Thursday next week. Hon. Members, the following petitions are due for response. Petition by residents of Githurai Ward on the grabbing of Public Social Hall, football pitch and land meant for dispensary presented on 17<sup>th</sup> June, 2014 and the response was due on 17<sup>th</sup> August. Hon. Chair.

**Hon. Member for Imara Daima Ward** (Mr. Jaruis Atenya): Thank you Mr. Speaker sir, I hope when I was here last week I gave you two weeks owing to the response and they have not yet expired.

**Hon. Temporary Deputy Speaker:** So you will bring the answer next week on Tuesday.

**Hon. Jairus Atenya:** Yes Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Okay, statement requested by Hon. Samuel Kagiri from the Chairperson of Sectoral Committee on Water and Sanitation regarding the sanitation in City Hall Annex.

**Hon. Member for Mugumoini Ward** (Mr. Alex Otieno): Thank you Mr. Speaker sir, the Statement was wrongly directed and it was supposed to be handled by Sectoral Committee on Health, Water and Sanitation it is the interior sanitation and the one we handle are the external sanitation, what I mean by external it's the Sewerage but this one is right inside the toilet that falls under Health Mr. Speaker sir.

**Hon. Temporary Deputy Speaker:** Order Hon. Chair, the Sewerage & Water Department is in your docket, then I will have to authorize from the Chair that you liaise with the Committee on Health so that they can assist you to do this work.

**Hon. Alex Otieno:** Mr. Speaker sir, let me read the statement requested by Hon. Samuel Kagiri from the Chairperson of Sectoral Committee on Water and Sanitation regarding the Sanitation in the City Hall Annex. That one directly falls under Health Mr. Speaker sir.



**Hon. Temporary Deputy Speaker:** Chairman Health Committee.

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you Mr. Speaker, we are handling the matter at the Committee level probably by the end of this week will have informed the House. Thank you.

**Hon. Temporary Deputy Speaker:** When are you informing the House because the statement was due today?

**Hon. Manoah Mboku:** Mr. Speaker we engaged the Officer concerned and I think he has done a statement and we are yet to discuss it at the Committee level probably tomorrow and maybe by Thursday we will bring a comprehensive report.

**Hon. Temporary Deputy Speaker:** So Ordered that Statement should be on the floor of this House on Thursday at 2.30pm. Statement requested by Hon. Samuel Kagiri from the Chairperson of Sectoral Committee on Transport and Public Works regarding Trans Army plot 10 road in Pipeline. I have information that the Chair, I thought you were not in, now that you are there then you will have to answer.

**Hon. Member for Lucky Summer Ward** (Mr. Kennedy Oduru): Thank you Mr. Speaker sir, we had received the response from CEC and what it is, is that when we were going through it and we considered to make a site visit, of which we are planning to make our site visit next week, since we had other site visits before that. So we therefore, request if you can accord us two weeks from now so that we can get a comprehensive response thank you sir.

**Hon. Temporary Deputy Speaker** Order Hon Chairman, you have a responsibility in this House and probably you must be aware that in two weeks' time Members will be on recess.

**Hon. Kennedy Oduru:** Mr. Speaker sir this is what I am regarding as two weeks. When I say two weeks it's the calendar days of the Assembly.

**Hon. Temporary Deputy Speaker** Are you in any manner suggesting that you will answer that particular question after recess?

**Hon. Kennedy Oduru:** Exactly sir.

**Hon. Temporary Deputy Speaker** Hon. Kagiri! Is he in the House? So ordered you will bring that answerer after recess.

Statement requested by Hon. Dianah Kapeen from the Chairperson of the Sectoral Committee on Agriculture, Environment and Natural Resources regarding the illegitimate sand and ballast selling business along Popo Road and Ole Shampa Road in South C. the Hon. Chair, Agriculture, Environment and Natural Resources.

**Hon. Member for Kariobangi North Ward** (Mr. Michael Wainaina): Mr. Speaker, on behalf of the Chair, we were not able to go to the site so we ask for permission so that we can give that response Thursday next week.

**Hon. Temporary Deputy Speaker:** Can you give us the reasons as to why you were not able to go to the site?

**Hon. Michael Wainaina:** The reason as to why we weren't able to go to the site is that we had other 3 sites which we were visiting Mr. Speaker.

**Hon. Temporary Deputy Speaker:** You considered them so important that it didn't have a question to be answered on the floor of this House?

**Hon. Michael Wainaina:** Not considered more important but they came earlier, before the statement of South C.

**Hon. Temporary Deputy Speaker:** Okay, when are you bringing the answer now?

**Hon. Michael Wainaina:** Next week on Thursday.

**Hon. Temporary Deputy Speaker:** Next week on Thursday, it is so ordered. Is Diana Kapeen in? Next week on Thursday.

#### **THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL 2015, ASSEMBLY BILL NUMBER 6 OF 2015.**

**Hon. Temporary Deputy Speaker:** Chairman, Budget and Appropriation.

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you very much Mr. Speaker sir. I think the House is aware that we did look at our Supplementary Budget sometimes back and as a requirement of the law, once a supplementary budget has been passed then it has to be followed by an appropriation supplementary. We have been struggling to get a copy of the same from the Government printers but they have really taken time but today we have it and it was brought here for the first reading.

My plea is just with the Members that we do pass this document, the Appropriation Bill. It is just an authority for the County Government to continue spending as you authorize them in the supplementary budget. Otherwise you have not got much because already the document was passed. I will call upon *Mheshimiwa* Isaac to come and second it.

**Hon. Member for Mwiki Ward** (Mr. Isaac Ngige): Mr. Speaker, thank you for this opportunity. As the Chair has pointed out this is a matter of mere procedure therefore it does not need much. We are urging the House to pass it when the time comes. I second it Mr. Speaker.

**Hon. Temporary Deputy Speaker:** I now propose the question,

*(Question proposed)*

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

**Hon. Member for Kahawa West Ward** (Mr. Chege Ngaruiya): Thank you Speaker. You know this thing is long overdue. I rise to support the Supplementary Appropriation Bill. I want to say that it is not our responsibility as an Assembly or as a Committee to keep reminding the Executive of their responsibilities because we passed the supplementary budget in March. It has taken 3 months for us to give them authority to spend that particular money. What we are doing right now, an illegality has happened and now we want to legalize an illegality. We are going to do so because we have no option. We have also been included in that mix.

I think what we need to do as an Assembly, because very soon we are going to pass budgetary estimates for 2015/2016. Are we going to give them authority to spend in September? The CEC Finance and the people in charge of budget should realize that they should follow the law all the time. It is a mistake that has happened. We have fallen prey to that mistake that has happened as a result of the Executive not taking charge and not being responsible. Mr. Speaker, I hope it is not going to happen but let us not continue reminding these guys all the time. Let us do what is right. Let us always commit this House to uphold what it requires, thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** That is a very serious allegation; I know the Executive is represented in this House by Chairpersons of various Committees. The Chair of Budget and Appropriation Committee, you are comfortably seated yet a Member is alleging that there is a mistake that was done somewhere.

**Hon. Michael Ogada:** Mr. Speaker sir, I think every Member of this House is entitled to their opinion and I think it is only procedural and proper that we allow them to raise issues because we are here to learn and even to make corrections. It is something we have noticed. Another thing which makes these documents to be late, particularly when they are taken to the Government Printer, you find there is a very long queue there. So, sometimes it really takes a lot of time for this document to be in place. Otherwise, we have taken note of that and to that effect, even my Committee met with those people today in the morning to remind them to make sure they bring the document on time.

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

**Hon. Jacqueline Nyangala** (Nominated Member): Thank you, Mr. Speaker, it doesn't seem like we have a problem with passing this Bill. So, I would like to request the mover to reply. Thank you.

**Hon. Temporary Deputy Speaker:** Much obliged. Hon. Chair.

**Hon. Michael Ogada:** Thank you very much, Mr. Speaker sir. I really want to thank Members of this House for having taken a shorter time to pass this document.

Mr. Speaker sir, I think one thing that we need to appreciate is that, if these documents, some of which we are saying are procedural, are not passed on time or if we don't pass them at all, it comes with a lot of implications because the general public can go to court and they can challenge whatever both the County Assembly and the County Executive have been spending. It is only proper that we pass it. Thank you very much.

**Hon. Temporary Deputy Speaker:** So far, the mover of this Bill has replied and I have always told Members that you need to be in this House early enough to make any contribution. So, my good friend, the Whip in the Minority side, you are time barred. But you are at liberty to approach the Chair and handle those issues that you feel are pertinent--- I think you can clear them, thank you.

*(Question put and agreed to)*

## COMMITTEE OF THE WHOLE ASSEMBLY

*(Order for the Committee read)*

*(The Temporary Deputy Speaker (Mr. Samuel Nyang'wara) left the Chair)*

## IN THE COMMITTEE

*(The Temporary Chairperson (Ms. Millicent Mugadi) took the Chair)*

### NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATE BILL, 2015 (NO. 6 OF 2015)

**The Temporary Chairperson:** Hon. Members, we are now in the Committee of the whole House. We are considering the Nairobi City County Supplementary Appropriate Bill, 2015 (No. 6 of 2015); Committee of the Whole House.

**Hon. Michael Ogada:** Thank you, Madam Chair. I beg to move that the Committee do report---

**The Temporary Chairperson:** Chairperson, you are lost?

*Clause 2*

**The Temporary Chairperson:** Can you read Clause 2 for us, Chairperson, please! I believe the Bill was circulated to you Members, so we cannot read the Clause again. If you don't have the Bill, kindly, you can share with your next Hon. Member. Can we continue? I propose the Question that Clause 2 be part of the Bill--- Hon. Members, are you with me?

*(Loud consultations)*

**The Temporary Chairperson:** Everyone has this Bill. The Bills were circulated in your pigeon holes; that means you don't open your pigeon holes. Kindly, make it a habit of opening before you come to the Assembly.

**Hon. Temporary Chairperson:** The Bills were circulated in your pigeon halls and that only means that you do not open them. Kindly make it a habit of opening your pigeon halls before you come to the Assembly. Yes Hon. Mumo.

**Hon. Leah Mumo:** Thank you madam chair. With all due respect, this is the time we need our ipads because we cannot walk around carrying papers like hawkers for three weeks. You cannot expect a Hon. Member to be carrying a paper today.

**Hon. Temporary Chairperson:** I believe that's why we are passing the supplementary Bill so that we can be able to put some money aside for the ipads

**Hon. Leah Mumo:** Then I wish you told us yesterday so that we carry them

**Hon. Temporary Chairperson:** Thank you. Hon. Members I propose that clause 2 be part of the Bill

*(Question put and agreed to)*

**Hon. Temporary Chairperson:** Chairperson continue. You have the Bill. We are not allowed to read the clause again since you have the Bill. It's a long clause Hon. Members. You can take it to go and read it at home, meditate, yes.

## FIRST SCHEDULE

**Hon. Temporary Chairperson:** I propose that the first schedule be part of the Bill

*(Question put and agreed to)*

## SECOND SCHEDULE

**Hon. Temporary Chairperson:** Hon. Members I propose that the second schedule be part of the Bill. Order in the House! Masiga and Marion Order!

*(Question put and agreed to)*

**Hon. Temporary Chairperson:** Please I need your attention, we are in this together.

### CLAUSE 1

**Hon. Temporary Chairperson:** Hon. Members I propose that clause 1 be part of the Bill. Hon. Members I put the question that Clause 1 be part of the Bill.

*(Question put and agreed to)*

**Hon. Temporary Chairperson:** Hon. Members I am calling the mover.

**Hon. Michael Ogada:** Madam Chair I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Supplementary Appropriations Bill 2015 Assembly Bill No. 6 of 2015 and its approval thereof without amendments. Thank you Madam Speaker

**Hon. Temporary Chairperson:** I put the question which is that,

*(Question put and agreed to)*

*(Hon. Temporary Deputy Speaker resumes the Chair)*

*(The mace is raised)*

**Hon. Temporary Chairperson:** Hon. Speaker, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Supplementary Appropriation Bill 2015, Assembly Bill no. 6 of 2015 and approved the same without amendments.

**Hon. Michael Ogada:** Thank you Mr. Speaker sir. I beg to move that the Assembly do agree with the Committee in the said report.

**Hon. Temporary Deputy Speaker:** I will propose the question.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Michael Ogada:** Thank you Hon. Speaker. I beg to move that Nairobi City County Supplementary Appropriation Bill, 2015, Assembly Bill no. 6 of 2015 be now read a 3<sup>rd</sup> time.

**Hon. Temporary Deputy Speaker:** I will propose the question that,

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Temporary Deputy Speaker:** Thank you Hon. Members. The Bill has been passed by the County Assembly and it will now proceed to the Governor's office for ascent. Thank you.

*(Hon. Mumo rises on a Point of Order)*

**Hon. Temporary Deputy Speaker:** What is it Hon. Mumo? Under which Standing Order? Hon. Mumo, with due respect, order! Some time back, the Chair gave directions that you were supposed to bring a written statement two hours before you intend to read it out. Notwithstanding that one, I will give you the benefit of doubt. You approached the Chair and you requested to give your statement. Two minutes. You can give your statement from where you are.

**Hon. Leah Mumo:** Thank you Hon. Speaker. I stand in this House to condemn what happened yesterday in Kibera. I, being a Member of the Health Committee, have gender issues at heart. You cannot go out there just because someone has not done her job at the right time and you go burning clinics and toilets. When the boys were burning those toilets, did they even think about the outbreak of cholera in Kibera? I rise in this House to condemn it and it is a very bad act. The Hon. Member from Sarang'ombe should go back and tell the people that those toilets and clinics were not for Ann Waiguru. They are for the people of Sarang'ombe. They didn't think about the women who take their children to those clinics. They did not even think about the toilet. They have been staying with flying toilets and they go burning just because of Ann Waiguru. It is so sad.

*(Hon. Pius Otieno rises on a Point of Order)*

**Hon. Temporary Deputy Speaker:** Order! Are you standing on a Point of Order on the same? Are you aware that this is a personal statement, Hon. K'Otieno?

**Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno):** That is why I want to elucidate on the nature of personal statement. This is one thing that I have been telling the Clerk of this Assembly. One, we need to have thesauri either here or this side. Other than thesauri, we also need to have a dictionary in this House so that we differentiate what is personal statement because I thought by 'personal' probably her life was in danger. Something personal, something internal, something within her circumference. Because when we say personal, then you start talking about Ann Waiguru. And these matters that were being raised, have not been raised by the people living in Kibera. Central Bank of Kenya has said that there are fictitious payments and one of the payments went to a certain person who is now saying he is consulting for NYS. Why do we not have decorum and use the privileges and this House in a manner that is going to benefit either people living in Kibera, Embakasi or any other estate?

**Hon. Temporary Deputy Speaker:** Thank you very much. Were you done with your personal statement? Indeed as Hon. Pius Otieno has said, personal statements should be personal. You cannot go out of your way to impeach other Members.

**Hon. Leah Mumo:** Thank you, Hon. Speaker. It is a personal statement on why I represent the Health Committee and it is a health issue which is dealing with Gender that brought me in this House. So, I want to tell the Hon. Member that I am in order.

**Hon. Temporary Deputy Speaker:** Hon. Members, I think next time we are going to check on these personal statements seriously and we are going to put measures in place so that we can cap Members who actually infringe this particular Standing Order. When you have a privilege you do not have to abuse it. Let us put that particular issue to rest and move on. Clerk.

#### **THE NAIROBI CITY COUNTY REGULARIZATION OF THE DEVELOPMENT BILL 2015; ASSEMBLY BILL NUMBER 1/2015**

**Hon. Temporary Deputy Speaker:** The Chairperson, Sectoral Committee on Planning and Housing.

**Hon. Jairus Atenya:** Thank you, Mr. Speaker sir. I beg to defer this item because there is still a lot of work to be done yet.

**Hon. Temporary Deputy Speaker:** You had better hurry up, Chairperson and bring it to the Floor of this House. I grant you that particular request. Hon. Mumo Matemu can you take your seat?



*(Laughter)*

**Hon. Temporary Deputy Speaker:** Hon. Mumo Mate not Matem. I apologize for that. I hope we are not playing to the gallery. You cannot stand time in and time out on a Point of Information all the time, personal statement---

**Hon Leah Mumo.:** I want to address you.

**Hon. Temporary Deputy Speaker:** You cannot address the Chair from where you are standing. Hon. Mumo, with due respect---

**Hon. Leah Mumo:** It is a Point of Information, I want to inform.

**Hon. Temporary Deputy Speaker:** Do you not think you are becoming too much?

**Hon. Leah Mumo:** No.

**Hon. Temporary Deputy Speaker:** Whom do you want to inform? *(Laughter)*

**Hon. Millicent Mugadi:** *(Inaudible)*

**Hon. Temporary Deputy Speaker:** Hon. Millicent, I have a lot of respect for you and being a Member of the Speakers Panel, I think you are above.

**Hon. Member:** *(Inaudible)*

**Hon. Temporary Deputy Speaker:** Then she must sit down and if you are consulting please consult in low tones. You cannot consult a Member when he or she is at the same time engaging the Speaker.

**Hon. Leah Mumo:** It is a Point of Information.

**Hon. Temporary Deputy Speaker:** Whom do you want to inform? Hon. Mumo Mate, you will have to approach the Chair because you are persisting on numerous occasions. Can you approach the Chair? Yes, Hon. Imwatak.

**Hon. Member for Makongeni Ward (Mr. Peter Imwatak):** Mr. Speaker, we do not have a quorum in the House.

**Hon. Temporary Deputy Speaker:** Hon. Imwatok, you are a major cause to the quorum of this House, you have just walked in.

**Hon. Peter Imwatok:** But I am in the House, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** You have not been in the House!

**Hon. Peter Imwatok:** I am just in the House, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** You are a major problem to setting up a quorum in this House. You have just walked in and you are telling the Speaker that there is no quorum without even stating the Standing Order you are standing on. Order! Take your seat. If you want to stand to give information you must stand on a Standing Order number and simply because you did not quote the number of the Standing Order you stood on---

**Hon. Peter Imwatok:** *(Inaudible)*

**Hon. Temporary Deputy Speaker:** Order, Hon. Imwatok. Standing Order number 74 is when you want to address the Chair, it is not about the quorum. Can we proceed? Members of the House Business Committee are meeting immediately after this Assembly at the foyer. Last week on Thursday I made a ruling on the floor of this House that Hon. Elkana Mauti--- I saw him walking in, I do not know where he has disappeared to. He is supposed to apologize to this House on allegations he brought that were not factual. He went to a cyber and typed whatever he felt like typing and he did not even sign it and tabled it as a document in this House. It was not admissible and I told him to come and apologize.

I want to give him one more chance that tomorrow he must appear before this House and apologize on the same or else I will forward his name to the Powers & Privileges Committee so that it can deal with him. Thank you very much, Hon. Mulatya, I know he is your neighbor, go and pass that information to him on the same. Thank you very much, the House stands adjourned until tomorrow, 2.30 p.m.

***(The House rose at 5.00 p.m.)***