



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday 25th November, 2015

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the chair)

PRAYERS

Hon. Deputy Speaker (Mr. Kennedy Ngondi): Hon. Members at the gallery, please can you come down. Serjeant-At-Arm, can you find out the Hon. Members who are sitting up there! Let's come to an order Hon. Members, we may proceed!

PAPERS

Hon. Deputy Speaker: Hon. Members, Order No. 5 the report of Select Committee on Ward Development Fund on Progress of implementation of the Ward Development Fund Act 2014 January 2015. The Chairperson for Ward Fund and the Vice Chairperson! Do we have any Member from the Ward Fund Committee, who may be in a position to tell us on these papers to be laid today before the Assembly?

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): Yes Mr. Speaker, I am a Member of the Ward Development Committee and I think the paper has not been signed by the Speaker, because by the time we were coming to the Assembly it was in the Speaker's office.

Hon. Deputy Speaker: Okay! Hon. Member it has been brought to my attention that the report has already been approved and it is with us here, may you precede to the desk of the Clerk and get further direction. Maybe as you go through the report we may jump a bit and give you some seconds to go through the report and we will revert back again.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The report of the Sectoral Committee on Labour and Social Welfare, on the consideration of Nairobi City County Person with Disability Bill, 2015 the Chairperson for Labour! Can we get the Vice Chairperson for Labour to table the report? Hon. Wanyoike can you precede to the desk! As he precede, to take instruction can we get the representatives of the Ward Development Fund Hon. Wainaina.

Hon. Michael Wainaina: Thank you Mr. Speaker, I would like to lay the following paper, Pursuant to Standing Order 186, I beg to lay the following paper on the table of the Assembly today Wednesday, 25 November, 2015. The Report of the Select Committee on Wards Development Fund on the Progress of Implementation on the Ward Development Fund Act 2014 January 2014 to December 2015. Thank you Mr. Speaker.

Hon. Deputy Speaker: Well noted. Hon. Wanyoike!

Hon. Member for Dandora Area I Ward (Mr. Peter Wanyoike): Thank you Mr. Speaker, Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Wednesday, 25 November, 2015. The Report of the Sectoral Committee, on the Labour and Social Welfare on the consideration of the Nairobi City County Person with Disability, Bill No. 2 of 2015. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Wanyoike!

NOTICES OF MOTION

Hon. Deputy Speaker: Under Order No. 6.

Hon. Michael Wainaina: Hon. Speaker, I beg to give the Notice of the following Motion. That the Assembly adopts the report of the Select Committee on Wards Development Fund on the Progress of Implementation on the Ward Development Fund Act 2014 January 2014 to December 2015. Laid on the table of the Assembly today Wednesday 25 November, 2015.

Hon. Deputy Speaker: Thank you Hon. Sinac!

STATEMENTS

Hon. Deputy Speaker: Hon. Peter Imwatok!

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Hon. Speaker, First of all I thank you before I give this statement, I would want on behalf of the Catholic Church Members to officially welcome the Pontiff (*Applause*) to the capital City of Kenya and Nairobi County Government and entire Assembly Members we say *Baba Wa Kanisa ya katoliki Karibu Nairobi*.

Mr. Speaker, may I now put a statement across pursuant to standing order no. 41 2 (c) I wish to request for a statement from the Chairperson of Sectoral Committee on Transport and Public Works. Kindly Mr. Speaker, protect the Majority Leader? He is canvassing about me as I am speaking. The Condition grants.

Hon. Deputy Speaker: I don't think that is true, may you concentrate because he has not communicated in any way.

Hon. Peter Imwatok: Transport and Public Works----

Hon. Deputy Speaker: Please Hon. Member, can you proceed!

Hon. Peter Imwatok: Mr. Speaker, the County Government receives conditional grants from National Government to supplement financing for various devolved functions amongst which is the roads and Transport Services. Hon Speaker in the statement the Chairperson should enquire into and report on:

1. Detailed breakdown of money in the Transport and Public Works Department as received in fuel levy conditional grants to date;
2. Detailed list of breakdown projects or City roads the above funds have been used on;
3. Work plan for the expenditure 2015/16 road maintenance fuel levy fund conditional grants as contained in the County allocation of revenue act 2015.

Mr. Speaker, statement number 2 if am allowed to read----

Hon. Deputy Speaker: Proceed!

Hon. Peter Imwatok: Mr. Speaker, pursuant to Standing Order No. 41 2 (c) I wish to request for a Statement from Sectoral Committee on Health Services regarding the use of Conditional grants. The County Government receives Conditional grants from the National Government to supplement financing of various devolved functions amongst which, is the Health services.

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

1. Detail breakdown of moneys the Health has received in the conditional allocation date.
2. Details list of breakdown expenditure of the above funds across City hospitals and
3. Work plans for expenditure 2015 conditional allocation for free maternity health care.

Mr. Speaker, I beg to withdraw this Statement because Mheshimiwa Shinach had also read the same Statement before this Assembly yesterday. Kindly let me table only one Statement Mr. Speaker.

Hon. Deputy Speaker: Noted!

Hon. Peter Imwatok: Chairman for Public Works come and-----

Hon. Deputy Speaker: Please can you take your seat. Chair for Transport, can you do the undertaking. You are the Vice Chair for the Transport? We don't have any Vice around. You may proceed.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you Mr. Speaker, the fuel levy fund was abolished so it does not exist ---

Hon. Deputy Speaker: Can you please!

Hon. Adow: Mr. Speaker we can answer this question by Thursday next week.

Hon. Deputy Speaker: Thank you, and please respond to the Statement on Tuesday at 2.30 p.m. Hon. Members under Order No. 7 the following request to Statement will be responded to; the one requested by Hon. Maurice Akuk, from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the use of Undugu Sports Grounds by the National Youth Service to dump soil excavated from road construction in High rise Ward.

The Chairperson for Transport Committee, are you ready with the response. Clerk, do we have this report ready. As the Clerk peruses his documents may we move to the second roman (b), this was a Statement requested by Hon. Elkana Mauti and was directed to Transport and Public Works regarding a State officer holding a civil servant office in the County. That is Mwakanogo. Is this Statement ready? Hon. Member converse in low tone please! Hon. Kathundo, please!

There is correction under roman (a) on the Statement requested by Hon. Akuk. It ought to have been taken up by the Labour Committee and not Transport and Public Works. So Labour Committee do you have this report of Undugu's sports ground ready.

Hon. Member for Dandora 1 Ward (Mr. Peter Wanyoike): It is ready! Thank you Mr. Speaker,---

Hon. Deputy Speaker: Order Member there is a lot of movement in the House. Hon. Kathundo please can you sit down.

Hon. Peter Wanyoike: Mr. Speaker, I beg to give a response that was raised on the floor by Hon. Maurice Akuk on Tuesday 22nd September, 2015. Pursuant to the Standing order 41 2 (c) and requested the Chairperson of Labour and Social Welfare, for the Statement response regarding the use of Undugu Sports Ground by the National Youth Service to dump soil excavated from the road construction in Highrise Ward.

According to the Hon. Member the National Youth Service has been using the ground to dump soil excavated from the road construction in High rise Ward making the ground inaccessible. The Member further asked the Chairperson to enquire into and report on:

1. Why the ground-----

Hon. Deputy Speaker: Hon. Member, the Vice Chair, please can you move to the response?

Hon. Member Wanyoike: Thank you Mr. Speaker, The Chair the Officer gave the response via a letter ref: 99515 dated 19th October, 2015 on the matters stating that Undugu Society Holding the trust to the ground on behalf of the area Community and they have an allotment letter hence limiting the County intervention.

Mr. Speaker sir, according to Chief Officer a communication was sent to the following relevant officers; the Ward Administrator High rise Ward and District Officer and Officer in-charge of Nairobi National Youth Service (NYS) on Friday 22nd October 2015 and that the excavated soil dumped in the ground will be cleared.

Mr. Speaker sir, the Committee was assured by the Chief Officer in the same letter that the Ward Administrator and Sub-County Sports Officer will make sure that the ground is back to its former usage state. Mr. Speaker sir, I beg to lay the response, thank you.

Hon. Deputy Speaker (Mr. Kennedy Ng'odi): So what is the current status before the Member response?

Hon. Peter Wanyoike: Mr. Speaker sir, right now the soil which had been dumped was already removed, what is remaining is just the grading of the ground.

Hon. Deputy Speaker: Hon. Member, Akuk.

Hon. Member for Nyayo High-rise Ward (Mr. Maurice Akuk): Thank you Mr. Speaker sir. I am glad you asked the Member if there is anything that has been done and I am very shocked that the Chairman of the Labour Committee replied to this House that the soil we are talking about has been removed. Yet Mr. Speaker sir, I don't know how well we can articulate issues within this Assembly of Nairobi City County.

Mr. Speaker sir, it is quite sad that even the report that has been laid before you with a Committee of 17 members. None of these members could actually tell that the date indicated on that report, if you have the report just look at the date. The letter of response is written on 19th, the action they intend to take after the date the letter was written is on the 2nd of October, Mr. Speaker sir. Surely do we work on reverse? Is that a response to lay before this Assembly? Does it mean that none of these 17 members could pick a simple thing like the date, the errors on that report? Because if the letter was written on 19th, and they are telling us they will do this work on the 2nd of October, I am wondering if 19th of October and 2nd of October, which one comes first Mr. Speaker sir?

It definitely shows that this Committee was either not serious in looking at the response they were given, and this Committee should have even paid a visit to the area we were referring to actually to ascertain the problem I had complained about. I am shocked that he stands before the House and tells us that the soil was removed. That is a lie. When they gave me the response yesterday, I asked them whether they have come to the ground to see what is happening.

Mr. Speaker they have never come, they don't even know what we are talking about. Mr. Speaker, Nyayo High-rise Ward is only 0.4 square kilometers; it is a small area, one of the smallest Wards in this County.

Mr. Speaker sir, we only have one sports ground and that is Undugu Grounds, and it is the only one that has been used to dump soil and to dump garbage by NYS, nothing has been done up to date. If you look at the date that I asked for this statement Mr. Speaker sir, it is nearly two months. If the Committee is not serious, kindly refer this to the Liaison Committee so that we can be attended to as the people off Nyayo High-rise Ward but bringing a report that has errors to this Assembly definitely or it clearly shows that they do not respect this Assembly, Mr. Speaker sir. Thank you.

Hon. Deputy Speaker: Thank you Hon. Akuk. *Mheshimiwa* Wanyoike, your response is in dispute and the Member is not in agreement with your position. If you maybe at least tell the Hon. Members whether the Committee visited the playground, and when was the visit, so that we can help save the situation.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. I think to start with, the date given there was a typing error; it is supposed to read 2nd November, Mr. Speaker.

Hon. Deputy Speaker: But did you note that in your report?

Hon. Peter Wanyoike: I think Mr. Speaker we noted with him that there was an error but already the response---

Hon. Deputy Speaker: But you could have taken an initiative and maybe made corrections before you table it before the Assembly and if anything it could have been captured in the Hansard from you saying that there was an error.

Hon. Peter Wanyoike: Yes Mr. Speaker. I think we corrected with him yesterday, Mr. Speaker because we called him. Mr. Speaker, if you could give me time to continue, I think we did not visit the ground, simply because we---

Hon. Deputy Speaker: Hon. Wanyoike, how did you come to know that the ground has been cleared?

Hon. Peter Wanyoike: I think the Chief Officer gave us a response.

Hon. Deputy Speaker: You need to own a report as a Committee, Hon. Member.

Hon. Peter Wanyoike: Mr. Speaker, there is one Member who sits in the same Committee and shed light that the ground was cleared.

Hon. Deputy Speaker: Hon. Member, I direct that the report is not adapted by the House and it should revert back to the Committee and then you give at least a clear report by Tuesday, 2.30. p.m. and make sure you visit the playground. Hon. Wanyoike, the Committee must visit the playground on Monday to ascertain the clear position.

Hon. Peter Wanyoike: Thank you, we will do that.

Hon. Deputy Speaker: Thank you. Hon. Elkana Mauti requested a Statement from the Chairperson of the Sectoral Committee on Transport, Roads and Public Works regarding the state officer who is holding a civil servant's office in the County. Is this report ready? Then the office of the Clerk please you need to--- Is the report ready from the Labour Committee? Hon. Imwatok please sit down. Can you sit down?

Hon. Deputy Speaker: We have the Vice Chair here.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. The response is ready.

Hon. Deputy Speaker: Go straight to the response please.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. Mr. Speaker sir, the Secretary County Public Service Responded via a letter reference 39 dated 6th October 2015 on a matter stating that H.E the Governor under Section 301 (31d) and 44 (1d) of the County Government Act 2010 is the appointing authority of persons to hold the office of County Executive Member and of the County Secretary respectively.

Mr. Speaker sir, according to the officer, the County Public Service Board did not take part in the appointment of the current County Executive Committee Member as the Acting County Secretary and hence was not in a position to respond to the issue raised. Mr. Speaker, I beg to give the response. Thank you.

Hon. Deputy Speaker: But you see now Hon. Wanyoike--- Order Members! I think the Committees are not serious with their work. A Member requested for a statement and then you are bringing us the position of the Public Service Board. You as a Committee what were your recommendations?

Hon. Peter Wanyoike: Mr. Speaker we were not to append recommendations because already the Public Service Board was not in a position to appoint---

Hon. Deputy Speaker: But what were your findings as a Committee? Is it in order, does the law allow the Governor to appoint someone to act, someone in the position of CEC Member, does the law allow that?

Hon. Peter Wanyoike: Mr. Speaker, according to the Act, it is in order.

Hon. Deputy Speaker: It is in order?

Hon. Peter Wanyoike: Yes.

Hon. Deputy Speaker: Which Section of the law are you referring to? Order Members! Can you give us the terms of reference which section of law?

Hon. Peter Wanyoike: County Government Act, that is Section 301 and 44 (1).

Hon. Deputy Speaker: What does it say?

Hon. Peter Wanyoike: Mr. Speaker unless you give me time.

Hon. Deputy Speaker: Yes. Can you read? Hon. Nyangwara.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Mr. Speaker, if you look at this particular question very clearly, is like even the answers they have given is like they are trying to evade answering that question. This particular Board is an independent organization in this County and we fail to understand why they are unable to answer that particular question. I was requesting that if this same question can be redirected to the office of the Governor so that they can give us the answer, Mr. Speaker.

Hon. Deputy Speaker: Well noted. Order Hon. Members, I am advised by the Clerk that I ought not to have given Hon. Nyangwara an opportunity to speak because he is contradicting the position of the Committee which he is also a member. Hon. Nyangwara, don't mislead this House next time. Hon. Imwatok.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker I believe I was the acting Chair on that day the County Public Service Board came before the Labour Committee, and what our able Vice Chair has given, is the exact position that the Service Board gave to us as a Committee. If I put in verbal; *'the prerogative in appointing any acting officer in the County is not defined in the Act, whether it is a civil servant, whether it is somebody within the system of the Executive. It is the prerogative of the Governor and it is in the public--*

Hon. Deputy Speaker: *Mheshimiwa* Imwatok, what we want here please---

Hon. Peter Imwatok: Let me finish.

Hon. Deputy Speaker: We are in the Assembly and it dictates that we must have rules and procedures. Can you give us the terms of reference where now we are able to capture the Articles and Clauses of the law please?

Hon. Peter Imwatok: Mr. Speaker the questionnaire was given in the report by our Committee which he was supposed to read. My able Vice Chair has just quoted the County Government Act we cannot carry it because we are supposed to answer the question. It is upon now the---

Hon. Deputy Speaker: You could have included it in your report.

Hon. Peter Imwatok: It is there, Mr. Speaker.

Hon. Deputy Speaker: So that it becomes our property.

Hon. Peter Imwatok: Okay Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Alex Ouda.

Hon. Member for Mugumo-ini Ward (Mr. Alex Ouda Otieno): Thank you Mr. Speaker sir. I think that the question that we are asking, lets now do a comparison, assuming that this is the National government, and the question we are asking a Cabinet Secretary---

Hon. Deputy Speaker: Order Imwatok!

Hon. Alex Ouda Otieno: A Cabinet Secretary, Mr. Speaker being appointed to act as a Principal Secretary. If we compare the two, because this the County government and we can compare with the National government. So the officer we are asking for is a Cabinet Secretary and the post he is acting for, is the post of a Principal Secretary, Mr. Speaker. This is a matter of common sense, Mr. Speaker.

Hon. Deputy Speaker: Hon. Alex, we can only be guided by the law. We do not want to talk about common sense here in this case. Please put your facts right. Hon. Mauti please proceed; whether you are in agreement with the report or what?

Hon. Member of Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker sir. I think the Committee has done nothing because right now they don't have their findings. I don't see like there is anything to discuss here. The Committee should go back and sit and bring us their findings.

Hon. Deputy Speaker: Thank you Hon. Elkana. And I am in agreement with the Hon. Member that please the Committee for Labour get your acts right. You must do the right thing to this Hon. House by way of getting us the correct position of your findings not bringing us what the County Public Service Board has told you. Thank you. And this must be before we go to the recess. Can we proceed?

Hon. Nelson Masiga had requested for a Statement from the Committee of Transport and Public Works regarding the deteriorated state of roads in Eatleigh South Ward. Is the report ready? And you must be very brief.

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker, it will only take me one minute. Hon. Speaker, on 22nd October 2015, the Hon. Nelson Masiga, MCA pursuant to Standing Order No. 41 (2c), ---

Hon. Deputy Speaker: Order! Can you go to the response, because we already know that Hon. Masiga had requested for the Statement.

Hon. Samuel Irungu: In this regard Mr. Speaker, I wish to report to the Assembly as follows:

1. The last time that the roads were rehabilitated, the Chief Officer responsible for Roads, Transport and Public Works stated that Kiambiu Road was last rehabilitated on 10th of September 2015 where stone pitching for the base repair was done. However, the said Chief Officer further informed that there were no records available on the last time that Mutarakwa Road was repaired that is 17th Street Umoja Street, Ole Semoine Road and 19th Street were rehabilitated.
2. Whether there were plans by the County Executive to upgrade and maintain the roads and when; the Chief Officer informed the Committee that there were plans to maintain the roads through grading, graveling and cutting of drains as short time interventions. She further informed the Committee that there were plans for sourcing for funds and construction of Mutarakwa Road and so is the rehabilitation of other roads. However, the Chief Officer could not state the time when the repair of the said roads were to commence.

Mr. Speaker, I beg to lay this response. Thank you.

Hon. Deputy Speaker: Thank you Hon. Member. Masiga, *na ile Kiswahili yako kidogo tu alafu---*

Hon. Deputy Speaker: Thank you Hon. Member, Masiga

Hon. Member for Eastleigh South ward (Mr. Nelson Masiga): Thank you Mr. Speaker sir, I wish to register my disappointment with this Committee simply because the said Kiambio road today members of the public were planting bananas on that road, so saying that it was repaired on 15th September that is an illusion, a utopian thinking---

Hon. Deputy Speaker: Order, order please don't use non-parliamentary language here, please, please!

Hon. Nelson Masiga: I said utopian thinking, that is a parliamentary language

Hon. Deputy Speaker: No, no, no before that you said illusion, that is not acceptable here. It is kind of being insane.

Hon. Nelson Masiga: That is the right word I should put Mr. Speaker simply because the residents of Kiambio are now planting bananas in those roads, simply because the roads are in very pathetic state. So I wish to state that the Committee didn't do their work, they didn't go for site visit so they were just misled by Chief Officer to bring a report here which is half baked which does not have the facts that holds water. Thank you.

Hon. Member for Komarock Ward (Mr. Samwel Irungu): Mr. Speaker I believe the Member must have gone through this response. What the Chief Officer states is that the Chief Officer informed the Committee that there were plans to maintain the roads through grading, gravelling and cutting of trees for short term interventions. It goes ahead and says-and he knows that for the road to be maintained, for road to be tarmacked it has to be factored in the budget-there were plans for sourcing of funds for construction of the said roads.

Mr. Speaker I think that is reasonable for this Committee because our work is to find out whether the CEC and Chief Officer are doing something in as much as the Hon. Members are concerned.

Hon. Deputy Speaker: So far has anything been done

Hon. Samwel Irungu: Mr. Speaker what the Chief Officer informed the Committee is that grading and pitching has been done, maybe due to some rains the stones peeled off but I believe work must have been done. Mr. Speaker with your discretion the Committee can just go out on a fact finding mission and see whether the same has been done.

Hon. Deputy Speaker: So I direct the Committee maybe to do a follow up

Hon. Samwel Irungu: Mr. Speaker we will be going to respond maybe in three weeks

Hon. Deputy Speaker: Thank you.

(Loud consultations)

Hon. Member [in] three weeks the Assembly will be on recess

Hon. Samwel Irungu: Mr. Speaker perhaps you can allow me to consult my Chairman

Hon. Deputy Speaker: As he consults let's move on the Statement requested by *mheshimiwa* Leah Mumo and was directed to the committee on Agriculture, Environment and Natural Resources regarding the garbage collection in the County Creative Consolidated Private Cleaning Services Company. Chair for Environment? Is the report ready?

Hon. Member for Pipeline Ward (Mr. Samwel Kagiri): Yes the report is ready Mr. Speaker but I am told the Member who requested for the Statement is not in the House and she said she will get the report on Tuesday next week.

Hon. Deputy Speaker: Is it coming up for the first time? Or it has been deferred to some point, last week or the week before?

Hon. Samwel Kagiri: Unless I check---

Hon. Deputy Speaker: OK if the Member is not present in the House I direct that she should be around when you are giving the response, thank you.

Chair for Transport, response regarding the public parking at Sunkem and Nairobi law court. Is the report ready? You may proceed. And I understand there is a lot of extortion in this car park

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Mr. Speaker I will be very brief and we also had impromptu visit by some of the Members to those parking and the report we have and what we saw do not add up. It is not in concurrent with what we witnessed.

Hon. Deputy Speaker: So what are you suggesting?

Hon. Osman Adow: I read the response for Members to respond then we take up the matter further for an official visit because the visit we made was not official. We go for an official visit and bring out the findings.

Hon. Deputy Speaker: So what do you think, can we defer the question and you get all the facts in place?

Hon. Osman Adow: Yes I think so

Hon. Deputy Speaker: Thank you that is noted. Chairperson for Public Works, response in regard to ongoing El Niño rains and be very brief.

Hon. Member for Lucky Summer ward (Mr. Kennedy Oduru): Thank you Hon. Speaker sir, this was requested by Hon. Peter Imwatok. In this regard I wish to report to the Assembly as follows:

It was split into three categories whereby

a. Evidence of plot for the construction of the said parameter wall on public drainage system

The Chief Officer informed the Committee that they have no evidence of approval of the boundary wall for plot LR209/12292/2 next to Engen petrol station along Likoni road. He further stated that all approvals for boundary walls are made under the office of the Chief Officer, Urban Planning and Housing

b. Size of the land the drainage system is built and whether the resident engineer is aware of encroachments

The Chief Officer informed the committee that the drainage system along Likoni road is on a road reserve which is 30 m wide. She further stated that they are not able to determine whether the plot LR209/1229/2 is encroaching on Likoni road until a survey report is submitted by the Chief Officer responsible for Lands on the same. In addition the Chief Officer informed that the resident engineer for rehabilitation of Njiwa road is not aware of any encroachment since the survey report has not been submitted by the surveyors.

c. Action taken against negligence County Officers who approached the construction

The Chief Officer stated that no action has been taken to any officer of the Roads, Public Works and Transport as none of the approvals of the boundary wall of plot LR209/12292/2 were given by the sector.

Mr. Speaker sir I request that the Member be further interested in passing the Statement that he directs the question to Special Committee on Planning, Lands and Housing who are charged with the oversight of the matters. With regard to El Nino preparedness the Chief Officer informed that the County Executive sub-committee consisting of the sectors was formed to liaise with national disaster committee to handle the cases of El Nino rains in the County. In addition the Chief Officer stated that following actions amongst others were being taken on the same:

- i. Drainage cleaning activities were being done through Sub-County administration
- ii. Coordination with the national government agencies in tackling drainage hotspots in the County
- iii. Civil engineers deployed in each Sub-County to oversee drainage improvement activities in ensuring mobility

The Chief Officer further stated that on the short term under Nairobi Metropolitan Services Improvement Project (NMSIP) the following was being done:

- i. Procurement of prioritized drainage infrastructure improvement projects which are at an advanced stage with a budget of Ksh.400m

- ii. Procurement of drainage maintenance tools and equipment at a budget of Ksh. 50m
- iii. Implementation of intergrated urban water management strategy including drain water, harvesting urban parks and urban agriculture

In the long term the Chief Officer informed that the following action amongst others have been taken

- i. Development of storm water drainage master plan with operations and maintenance manuals
- ii. Implementation of priorities trunk investments

Mr. Speaker I beg to lay this response.

Hon. Deputy Speaker: Hon. Imwatok? He has left the House?

Hon. Member for Kahawa West ward (Mr. Patrick Ngaruiya): Thank you Chair for giving me this opportunity to interrogate that particular report especially on that particular area on disaster and El Niño preparedness.

I have listened to the good Chairman and I have heard how the County is coordinating at the ground and at the national level. Mr. Speaker I have realized those who represents the people are nowhere in the picture. With people who know where and in which particular area where there is a problem and it needs to be addressed. So I don't think what the Executive thinks of these Members because if am asked in Kahawa West which particular areas are prone to floods I will be in a better position to explain but this particular people are doing things haphazardly even without involving the person on the ground.

Right now as we are speaking here Nairobi, and it just rained two or three days, it is in a very pathetic condition. I respect my Chairman here, he needs to tell us where are these guys and how are they working on the ground because me I have not seen them at any one point, I even asked, I was asking engineer Wamugunda where is this disaster preparedness and how are they doing their own things because we need to know so that at least we can even know the numbers we need for this particular people to contact them in case of such kind of a phenomenon arises.

Also the chairman needs to tell us was the things budgeted, how much was put in the budget to know that if Nairobi had allocated Ksh.100m how has that particular money been utilized or how has that money been used to prepare or carry out this particular rains, thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you, chairman briefly

Hon. Kennedy Oduru: Thank you Mr. Speaker it is a good question and it is being captured. In our resolution, the first one, the procurement of prioritized drainage infrastructure improvement projects which are at an advanced stage with a budget of Ksh.400 m.

Hon. Deputy Speaker: Maybe the Member did not get the response in good time so that he could go through it but I think his question was addressed. Hon Nyangwara you have an observation as the last one?

Hon. Member for Viwandani Ward (Mr. Samwel Nyangwara): Mr. Speaker I have also listened to the Chair and actually what he has given is exactly what the Executive has given him. This particular Committee was supposed to visit the entire parts of Nairobi and ascertain as to whether this particular report is valid. A few weeks ago a school in my ward, even up to now if you go, you would think it is a swimming pool. I would want to know which measures have they put in place because this particular El Niño rains is a prolonged one and we are told it is going to cover the entire of December maybe up to mid-January. This is a very clear indication that the County of Nairobi is not well prepared to tackle this issue of El Niño rains.

We want to request this Committee once again if they can summon the executive so that these issues are well addressed; we don't want to be receiving calls even in the middle of the night when there are rains. We want to see water flow freely to the rivers. If we put up proper tunnels dug like other Counties are doing we can be much better to make sure that we drive the El Niño waters to the lake.

They are really affecting our people, they are affecting us; if you move around the roads in Industrial Area you will actually not be in position to ascertain whether they were tarmacked road or not. The roads have been washed away and indeed as Hon. Member of Eastleigh said that members of his ward were planting trees on that particular road it is true. Let this particular Committee be serious, maybe before we go to recess they give us a proper report on whether they are prepared or not, thank you.

Hon. Deputy Speaker: Thank you. Hon. Nyangwara and the entire Assembly as part of your mandate as elected leaders one of the major mandates you were elected on the platform of representation. I think it would be prudent and fair enough if all our Members proceed to the Committee on Transport and Public Works which deals with the El Niño effects to register areas where their Wards are most affected. Maybe as matter of concern so that the Chief Officers could pick up immediately. It will at least help us a lot. As Hon. Nyangwara has said maybe the school in your Ward has been submerged and nobody has brought this to the attention of the Executive.

Hon. Member: Point of Information, Mr. Speaker.

Hon. Deputy Speaker: Information declined. Hon. Snaich.

Hon. Michael Wainaina: Thank you Mr. Speaker. I just wanted to notify the Member of the Committee that I am also heavily hit by the floods and as we speak, I have the photos with me and I will print and proceed to your Committee tomorrow so that you can see because even the youth who are picked so that they can unblock the drainage, they are no longer in our Wards, Mr. speaker.

So, in short, I will print the pictures I have with me and I will try to engage even the Executive because of the urgency but there is no response. But, Mr. Speaker, as you have directed, tomorrow I am going to print these pictures and proceed to the Committee so that they can see as an example. And again, I would also like to see whether they will act upon it because even the Chair is my neighbor; we are neighboring in Wards. So, it will be a test. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Margaret Sewe.

Hon. Margaret Sewe (Nominated Member): Mr. Speaker, thank you for giving me this opportunity to just give in my little contribution on this. What I wanted to say is that we don't need to be given a blanket amount of like 400 million. I think it is prudent that we are given a proper breakdown on how the 400 million is spread out and how the priority areas are marked and what drainages are built, the fresh one and maybe the old ones in order of priority so that we deal with this El Nino disaster effectively and decisively. Thank you.

Hon. Deputy Speaker: Hon. Ogeto.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you Mr. Speaker sir. I want to register the displeasure on the information we are talking about. Mr. speaker, it happened that I, as Hon. Ogeto, went ahead and even drafted some letters which I will table before this House on Tuesday because we were requested even to pick the distant places within our various Wards. To date, nothing has happened. That is why I want to second my Hon. Sewe's views that let us know this budget which was given and how it is has been spent and what it is going to help for the few remaining days because as you understand, this rain called El Nino is not business as usual. Thank you.

Hon. Deputy Speaker: I noted that as the last speaker but be whip, in two words.

Hon. David Mberia (Chief Whip, Majority): Thank you Mr. Speaker. According to the views or the contributions of the Members, it seems the Committee did not do a thorough job. The Chairman has said that 400 million has been set aside. So far, we don't know when the Elnino will end. We don't know whether the 400 million will be enough or less. But how much has been spent so far Mr. Speaker sir? The Members who are elected directly from the Wards are complaining that they were not even involved when the Executive was doing whatever they were doing. I believe the Chairman and the entire Committee must go back to the drawing board and bring a thorough report of which Ward has been affected by the El Nino rains and how much has been spent so far, for transparency and accountability. Thank you.

Hon. Deputy Speaker: Thank you. The Chairperson for Public Works and your Committee, please, maybe for the concern of Members, you need to move very fast because El Nino is not something you are able to negotiate with. It will come and it is already there. So, take the concern of the Members seriously and so something about it as a Committee. You must make sure you push these people. Hon. Members, I direct that the response G, H, and I be brought before the Assembly on Tuesday 2:30 p.m. and by that we bypass and move to the next order, order no.8. Is it?

There is a communication which has just come in and this is pushing us back to order no. 3. On your Order Paper, order no. 3 should be messages. Hon. Members, I have a message to communicate.

MESSAGE FROM THE GOVERNOR

Hon. Members, Standing Order no.39 (1) relating to messages from the Governor provides that Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly. In this regard, Hon. Members, I wish to report that I have received a message today 25th November 2015 from the Governor vide a letter of the same date.

Hon. Members, the message regards the renomination of Mr. Kennedy Okong'o Oduor as Chief Officer, Information, Communication and e-Government. Hon. Members, I now wish to convey the following message:

Notification of rejection of County Chief Officer, Information, Communication and e-Government

Please refer to your letter Ref: NCCASM/001104/015 date 19th October 2015 notifying me of the County Assembly rejection of Kennedy Okong'o to the position of Chief Officer Information, Communication and e-Government. I do not find merit in the reason given for the rejection. I am therefore appealing to the County Assembly to reconsider its position and approve the proposed appointment. Thank you.

Hon. Members, I now direct that the Sectoral Committee on Justice and Legal Affairs to proceed with the vetting of the said nominee for the Chief Officer responsible for Information, Communication and e-Government and table a report on Tuesday, 1st December 2015. Alex ole Magelo, Speaker of the County Assembly.

We may proceed.

(Loud consultations)

There is no Standing Order which has provided for any interaction on the Message from the Governor. Can we proceed?

(Loud consultations)

Hon. Chege, this is a House of procedure and rules. You are standing under which Standing Order? Can you take your Standing Order and revisit the messages?

Hon. Member for Ngara Ward (Mr. Chege Mwaura): Mr. Speaker, the issue that you have brought about was deliberated yesterday---

Hon. Deputy Speaker: Hon. Members, what I am reading is a communication from the Office of the Speaker.

Hon. Chege Mwaura: The communication from the Speaker is also erroneous because the issue was deliberated some time ago and there is a HANSARD report to the same.

Hon. Deputy Speaker: Have you gotten the communication correct?

Hon. Chege Mwaura: Yes. After six months Mr. Speaker.

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Members!

Hon. Chege Mwaura: Mr. Speaker, the Governor cannot run through the backdoor.

Hon. Deputy Speaker: What you are communicating now, this is not the right time to communicate the same. You have time on Tuesday when we indicate the same. What I am reading is a message.

Hon. Chege Mwaura: Mr. Speaker, the message is wrong.

Hon. Deputy Speaker: It has been allocated time on Tuesday. So, you will communicate. Please be responsible and understand the Standing Orders correct.

Majority Leader: Mr. Speaker. I don't think whether the Speaker and you are fair to this House.

(Applauses)

Yesterday, we had a meeting of House Business and the Clerk advised the Committee very well, that the procedures must be followed. Why, through backdoor, is the Speaker directing the Committee of Justice to act on it? And yet, that is the reason why he is not coming to the Assembly. We are not going to follow that.

(Loud consultations)

Hon. Deputy Speaker: The Assembly is active and alive. It is you with the guns. And the Standing Order is very clear. Under Standing Order no. 39 (b), it provides for the messages. The Speaker will appoint a day for the consideration of the message or refer the message to the relevant Committee of the County Assembly for consideration. The same has been directed to the Justice and Legal Affairs. The matter is coming up. You will have all the time to deliberate on this, agree, disagree, reject, pass or approve. But today is not a day for anger or to act on it.

(Loud consultations)

Hon. Chege Mwaura: Mr. Speaker, we are not angry. All we are saying is that the Speaker cannot give us a wrong communication.

(Loud consultations)

Hon. Karen Wanjiku: Thank you Mr. Speaker sir. This is a House of procedures. We cannot be---

Hon. Deputy Speaker: Can you state your standing orders?

Hon. Karen Wanjiku: Standing Order no.1.

Hon. Deputy Speaker: One is a reserve for the Speaker.

Hon. Karen Wanjiku: 74, I want to address you.

Hon. Deputy Speaker: To address the Speaker is to say Mr. Speaker sir.

Hon. Karen Wanjiku: Yes Mr. Speaker sir.

Hon. Deputy Speaker: It does not provide you to talk to the Speaker.

Hon. Karen Wanjiku: I want to inform the House Mr. Speaker sir. Let me give this very important information. Mr. Speaker sir, this is a House of procedures. We cannot be given an unprocedural message and be told to act on it. We said very well when we were discussing that report, when we rejected. That we need an ICT committee to be constituted so that it can vet the e-information.

Hon. Deputy Speaker: Hon. Members! Proceed, Akuk.

Hon. Maurice Akuk: Mr. Speaker sir, thank you very much for giving me this opportunity to clarify one thing to you and to understand from your Chair. Whenever there is a rejection, what is the procedure? The procedure is very clear and we cannot be duped by the Speaker of this Hon. House who clearly understands the procedure of this Hon. House. It requires that whenever there is a rejection of any nomination from the Executive side, it has to take six months before it is brought back to this House.

So, it is illegal and we request for you as the Chairperson of this plenary today to kindly withdraw, kindly withdraw the message. However much it is not provided for in the Standing Orders, we know the procedures of this House and what it requires. Please give us your attention and please rule by what the procedures do require. Do not take that seat and make a mess of yourself. Thank you.

Hon. Deputy Speaker: Thank you. Order Majority Leader! Please don't act in anger. Hon. Members, this is a House of Debate and facts. Hon. Members, allow me to communicate. Hon. Members, the Speaker's Panel to meet on Friday on the same agenda at 10.00 a.m. to consider---

(Loud consultations)

Can you sit down please! I am saying that Members of the Speaker's Panel--- Order members! What does that mean to you?

(Loud consultations)

Thank you. Can you sit down? Can you sit down so that I complete what I am conveying? Hon. Members, please, can you sit down? Hon. Hashim, sit down! Hon. Members, as requested by the House, I

withdraw the communication and direct that Members of the speaker's panel sit on Friday to peruse because---

(Loud consultations)

Hon. Deputy Speaker: Order Members! The law dictates that we must have a response in regard to the Statement of the Governor, and so the same originator of the letter will have to communicate back. What do you want him to communicate back? That is what I am talking about. Clerk can we proceed!

PROCEDURAL MOTION

Hon. Leader of Majority: Thank you Mr. Speaker. I think you are in a good mood now. Pursuant to provisions of Standing Order number 126(1), this Assembly approves the appointment of the following Members nominated by the Committee on Selection to the Select Committees.

1. Hon. Samuel Nyangwara MCA be removed from the Select Committee on Labour and Social Welfare and appointed to the Select Committee on Trade, Tourism and cooperatives
2. Hon. Dan Oria MCA be removed from the sectoral committee on Trade, Tourism and Cooperatives and appointed to the Sectoral Committee on Labour and Social Welfare
3. Hon. Alexina Moody MCA be moved from the Sectoral Committee on Labour and Social welfare and appointed to the Select Committee on Delegated Legislation
4. Hon. Alfred Ambani MCA be moved from the select Committee on Wards Development Funds and appointed to the Sectoral Committee on labour and Social Welfare
5. Hon. Peter Imwatok MCA be moved from Sectoral Committee on Labour and Social Welfare and appointed to the Sectoral Committee on Health services
6. Hon. Elizabeth Sang MCA be moved from the Sectoral Committee on Health services and appointed to the Sectoral Committee on Labour and Social welfare.
7. Hon. Diana Kapeen MCA be moved from the Committee on Water and Sanitation and appointed to the Sectoral Committee on Trade, Tourism and Cooperative
8. Hon. Wilson Ocholla MCA be moved from the Sectoral Committee on Trade, Tourism and Cooperatives and appointed to the Sectoral Committee Agriculture, Environment and Natural Resources
9. Hon. Margeret Sewe MCA be moved from the Sectoral Committee on Agriculture, Environment and Natural resources and appointed to the Sectoral Committee Trade, Tourism and Cooperatives
10. Hon. Jairus Atenya MCA be moved from the Select Committee on Delegated Legislation and appointed to the Select Committee on Ward Development Funds

Mr. Speaker I do not have much to say and I call on Hon. Peter Warutere to come and second the Motion.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): I stand here to second the Motion. The time has come to put order in the Committees and going forward we ask the Majority Leader to reconstitute all the Committees henceforth. Three years are over and we need new blood in most of these Committees. I second.

Hon. Deputy Speaker: Thank you.

(Question Proposed)

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Thank you Mr. Speaker for giving me this opportunity to oppose this Motion. Mr. Speaker this House as Members have said is supposed to follow rules and laws and therefore one individual cannot decide that when certain individuals are not in his circle then he changes and tosses Members from one particular Committee to the other even the dust has not settled.

I can give you examples Mr. Speaker, Hon. Diana Kapeen has not even settled in the Water Committee and today she has been subjected to another Committee. Mr. Speaker how long is this particular individual going --- I withdraw that. How on earth do we give somebody a lot of powers to be misusing this particular House whenever he thinks ---

Hon. Deputy Speaker: Order! Hon. Member you cannot discuss a conduct of a Member without a substantive Motion. Please can you withdraw that!

Hon. Patrick Ngaruiya: Mr. Speaker I am not discussing the conduct of a particular individual. What I am saying is that this is something that keeps happening in this House. It is continuous and therefore these particular Hon. Members will have no say. We will not allow the changing of names now and then if it seems fit to a certain individual.

Hon. Deputy Speaker: Order Hon. Members! Hon. Mwalimu, I have not seen anywhere indicated here apart from Members being nominated by the Selection Committee which comprises of 17 members. Hon. Member do not mislead the House by saying an individual made the selection. It is the Selection Committee which has presented the report through the office of the Majority leader in line with the Standing Orders.

(Applause)

Hon. Patrick Ngaruiya: Mr. Speaker is it the Committee that has presented the names for that particular amendment? I don't believe so---

Hon. Deputy Speaker: And I repeat. That pursuant to the provision of Standing Order no. 156 (1), this Assembly approves the appointment of the following members who have been nominated by the Committee on Selection to their respective Committees nominated by the Selection Committee. Please you may proceed.

Hon. Patrick Ngaruiya: So let us assume that it is the Select Committee that has done this work---

Hon. Deputy Speaker: We are not assuming please! We are following the Standing Order no. 156. Can you withdraw and take up your seat.

Hon. Patrick Ngaruiya: I have not finished.

Hon. Deputy Speaker: No No! Can you sit down?

Hon. Patrick Ngaruiya: I have not finished.

Hon. Deputy Speaker: You have been cut short by the Speaker. Just take up your seat please

Hon. Patrick Ngaruiya: We will never achieve anything if you keep on gagging Members in this particular House

Hon. Deputy Speaker: I am not gagging you

Hon. Patrick Ngaruiya: ...such that somebody cannot even

Hon. Deputy Speaker: Order Hon. Members! We cannot sit here to listen to assumptions. We are here to conduct business in the Assembly. Hon. Kagiri.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Mr. Speaker is the Member in first of all in order to come and talk on behalf of other Hon. Members who are in this House yet they can talk for themselves? I think he is out of order completely. He should refer to the Order Paper as you stated that the Selection Committee looked up these names and agreed to them. If the Members are not complaining then who is he to come and comment on their behalf?

Hon. Deputy Speaker: Thank you. Hon. Njoroge

Hon. Member for Woodley Ward (Mr. Njoroge Kairu): Thank you very much Mr. Speaker sir. I rise here to second the procedural motion but again I would like to---

Hon. Deputy Speaker: The Motion had already been seconded.

Hon. Njoroge Kairu: I would like to support.

Hon. Deputy Speaker: Ok thank you.

Hon. Njoroge Kairu: But again Mr. Speaker sir I would like to ask the person who has done so---

Hon. Deputy Speaker: Please. It is the Select Committee.

Hon. Njoroge Kairu: I would like to ask the Select Committee to allow Members sometime to exercise their democracy so that we can grow into better debating in the House.

Hon. Deputy Speaker: Order Hon. Njoroge. What do you mean by democracy? Whip can you sit for a while.

Hon. Njoroge Kairu: Mr. Speaker the reason as to why I am saying this is because some Committee Members---

Hon. Deputy Speaker: Order Hon. Njoroge! Please do not bring in allegations. Hon. Chief Whip.

Hon. Majority Chief Whip: Thank you very much Mr. Speaker for the opportunity to oppose the list. I believe that this County Assembly is made up of two coalitions.

Hon. Deputy Speaker: Order Hon. Members!

Hon. Chief Whip: One from Jubilee and the other from CORD. I don't know the reason as to why the Leader of Majority, who is my boss picked only Members from CORD coalition Mr. Speaker sir---

Hon. Deputy Speaker: Order granted.

Hon. Chief Whip: To be substituted. I am not party Mr. Speaker sir to this madness---

Hon. Deputy Speaker: Order Hon. Member! Please use parliamentary language

Hon. Chief Whip: The power which has corrupted the leadership of---

Hon. Deputy Speaker: Please Hon. Whip, can you withdraw the word madness

Hon. Member for Highrise Ward (Mr. Maurice Akuk): Mr. Speaker sir---

Hon. Deputy Speaker: Hon. Akuk please take your seat. Hon. Chief Whip withdraw the word madness. We do not have mad people in the House

Hon. Chief Whip: Mr. Speaker you have become a debator. Use it there---

Hon. Deputy Speaker: Please can you withdraw.

Hon. Chief Whip: I am not withdrawing Mr. Speaker sir.

Hon. Deputy Speaker: Can you then go out..

Hon. Chief Whip: Thank you.

(Hon. Chief Whip walks out of the Assembly)

Hon. Deputy Speaker: Hon. Akuk

Hon. Maurice Akuk: Hon. Speaker I was standing on a Point of Order to correct the fellow colleague who has walked out and it will be unnecessary to talk about it now. Thank you

Hon. Deputy Speaker: Can you take your seat. Can we call the mover to reply before I put the question?

(Applause)

Hon. Leader of Majority: Thank you Mr. Speaker. As much as the former nursery school teacher--

Hon. Deputy Speaker: Please can you withdraw that Hon. Majority Leader

Hon. Leader of Majority: Mr. Speaker before I moved Hon. Diana Kapeen, came to my office and requested to be taken back to the Trade Committee, the same applies with Hon. Nyangwara. Mr. Speaker we are going to increase more Committees in Naivasha tomorrow and therefore he should expect more changes. If I do not interfere with his House then why is he complaining?

Hon. Deputy Speaker: Order Hon. Majority Leader!

Hon. Leader of Majority: May I take this opportunity to thank all the Members who supported this Motion. I am also aware that in every market there must be a mad man

Hon. Deputy Speaker: Order Hon. Majority!

(Laughter)

Hon. Leader of Majority: I thank you very much for---

Hon. Deputy Speaker: Majority Leader we are not in a market place but the Assembly

Hon. Leader of Majority: Thank you. I withdraw the word market and I thank you for standing with me during this trying moment

(Laughter)

Hon. Deputy Speaker: Thank you. Hon. Members allow me to put the question

(Question put and agreed to)

Order! Why this mass movement? Serjeant-At-Arms can you close the door. We are in a serious business of the Bill which is going through the second reading. Do not allow any Member to walk out of the Assembly, unless as a matter of urgency. Kindly come and seek permission from the Speaker.

Can we proceed?

THE NAIROBI CITY COUNTY PERSONS WITH DISABILITIES BILL 2015, ASSEMBLY BILL NUMBER 11 OF 2015. AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO PROVIDE FOR THE RIGHTS AND REHABILITATION OF PERSONS WITH DISABILITIES TO ACHIEVE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES TO ESTABLISH THE COUNTY BOARD FOR PERSONS WITH DISABILITIES AND FOR CONNECTED PURPOSES.

Second reading

Hon. Deputy Speaker: Serjeant-At-Arms do not allow any Member to walk out of the Assembly.
Hon. William Abuka

Hon. Nominated Member (Mr. William Abuka): Thank you very much Hon. Speaker for giving me this opportunity to share my thoughts and indeed take part in the spread of my mandate as a Member of

the County Assembly representing persons with Disability. Today I must express delightedly that I am very excited upon the presentation of this Bill.

Hon. Speaker sir, I beg to move that the Nairobi City County Persons with Disabilities Bill 2015, Assembly Bill number 11 of 2015 be read a second time.

Hon. Speaker sir, the persons with disabilities in Nairobi County face number of challenges. The best is to address such through this Bill. The Bill seeks to a establish a Board for persons with disabilities which will assist in developing policies for PWDs, equal opportunities for people with PWDs and advice the CEC Members on provisions of National Government on social welfare of PWDs and also register them in the County in liaison with National Council of Persons with Disabilities whose mandate as PWDs Act of the National Government is to register PWDs.

As such, Mr. Speaker, the Committee fully supports, that is the Committee of Labour and Social Welfare, this Bill seeks to address itself to issues. However, the Bill requires fine-tuning through proposed amendments so that it can serve the intended purposes.

In summary, the Bill addresses itself to the following:

- Setting of rights and privileges of persons with disabilities
- General protection of persons with disabilities from any discrimination and promote their welfare.
- Availing essential health services to persons with disabilities and maintaining their registration within Nairobi County in liaison with National Council of persons with disabilities.

Hon. Speaker sir, pursuant to Article 196 (b) of the Constitution of Kenya under Standing Order 121(3), the Committee placed an advert in the local dailies for representation and amendments from the public on the Bill. Following the notice, the Committee received written memoranda from the following stakeholders:

1. National Council for Persons with Disabilities
2. Commission of Human Rights
3. National Gender and Equality Commission
4. Nairobi City County Department of Education, Youth, Gender and Social Services and Sports
5. Nairobi City County Assembly Select Committee on Budget and Appropriations
6. Submission by members of the public, namely; Mr. Nyambura Ndung'u, Mr. Martin Njoroge and F. T. Moranda

All the stakeholders were agreeable in principle with the Bill, although proposed amendments to certain Clauses.

Mr. Speaker sir, the Committee will propose amendments to the Bill in Clause 4,5,7,8,10,11,12,13,14,15,17,18,21,24,25,26,30 and 31. Some of the amendments are editorial while others are to cater for the concerns of the stakeholders.

Mr. Speaker sir, just before I call the seconder to second this Bill, I said in introduction that I am very excited today that indeed such a Bill is coming to the floor of this Hon. House. The Bill would want to strictly address itself to matters of disability which is very critical in the lives spread across this County. More than two or three times--- I beg that the Majority Leader and our school teacher consult in low tones.

I have seen where I am harassed. Members of our good community, although suffering challenges, come to consult with us, they have no room. Some of them have been beaten by our own askaris, some have been snatched their kiosks and stalls, some are suffering all manner of ailments and challenges. The Speaker and the Majority Leader have twice rescued me from their hands and this is because we had no law put in place. This is why I found it necessary to put in place legal mechanisms to try to address the challenges that this Hon. Lovely people are addressing.

Mr. Speaker sir, I have twice come across statements that are so demeaning from the Executive wing of this Government. I am saying this without fear of contradiction that when I ask how many disabled people have been employed by this County Government and how are they being helped, how have they been helped in mainstreaming, once or twice I have been told, Bishop Abuka, we are giving them licenses to do shoe shining and hawking. That was not good enough. I think with this Bill, bringing into place the Board, employment opportunities will be created, economic empowerment processes will be put in place and people that are suffering challenges or disabilities will for once feel that they are part of the community they are being mainstreamed and getting their due honour.

With this, I want to call the Vice Chair of the Labour Committee, my friend Mr. Wanyoike to second this Bill. Thank you.

Hon. Member for Dandora Area I Ward (Mr. Peter Wanyoike): Thank you, Mr. Speaker. Outside there, people living with disabilities are facing many challenges. I want to thank the sponsor of this Bill and the Labour Committee for the input. The Bill will set the light and privilege of the people living with disability and also protecting their right. I beg to second.

Hon. Deputy Speaker: Thank you, Hon. Members.

(Question that the Bill be read a second time)

Hon. Deputy Speaker: Hon. Karen.

Hon. Karen Wanjiku: Thank you, Mr. Speaker sir. I want to support this noble Bill. It is a high time that this County follow the Constitution of Kenya because the Constitution is against discrimination and marginalization of the disabled and the rest. But today, we are talking about the disabled and this Bill shortly is talking about the rights of the disabled. I am happy that in the dog Bill we have exempted the

disabled from paying licenses for dogs; that was very good. This Bill, according to the memorandum of objects and reasons, provides for the rights of persons with disabilities and requires the County Government to take progressive measures to the maximum of its ability to avail resources for the full realization of those rights of the disabled.

Mr. Speaker sir, we had a problem when we were doing the budget estimates because we were told that we cannot be given funds for the disabled because we did not have a Bill. I believe if this Bill passes, we will not have any excuses to say that you cannot give the disabled who are very much marginalized, to give them equitable resources just like other Nairobians and other Kenyans. With those few comments, I beg to support and beg my fellow Members to support this Bill in numbers. Thank you.

Hon. Deputy Speaker: Hon. Snaich.

Hon. Member for Kariobangi North (Mr. Michael Wainaina): Thank you, Mr. Speaker. According to my observation, there is no objection of the Bill. For us to save time, I would like you to call the mover of the Motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Before I call the mover, there was a Member on the floor. Elizabeth Manyala, may be wants to register her support or opposition to the Bill. Please, can you proceed Hon. Manyala. Order, Hon. Manyala, please! Your time has been taken up by destructed---

Hon. Elizabeth Manyala: Mr. Speaker, this is---

Hon. Deputy Speaker: Hon. Manyala, can you please sit down?

(Leader of Majority rises on a Point of Order)

Hon. Deputy Speaker: Declined. Can you sit down, Hon. Manyala? Order! Please! May I call the mover to reply?

Hon. William Abuka: Hon. Speaker sir, I must say I am sweetly surprised by the level of support. Indeed even from body language Members are saying that this is a Bill that that they don't even want to express themselves more than what is already on paper. I really want to deeply register my appreciation and say that from today onwards, people with disabilities in this County will for once feel that they are part of the larger community that are being mainstreamed, economically empowered and giving accessibility and all that is necessary to feel that they are part of the larger community. I really want to thank you very much, Hon. Members.

(Hon. William Abuka spoke off the record)

Hon. Deputy Speaker: Please, the mover, that has been overtaken by events. You can't take us back when we have already put the question that there is a contributor. No, we will have Committee of the Whole Assembly and you will bring on board the ideas.

(Question put and agreed to)

Hon. Deputy Speaker: Let the Clerk read the Bill.

COMMITTEE OF THE WHOLE ASSEMBLY

THE NAIROBI CITY COUNTY DOG CONTROL AND WELFARE BILL, 2015 (ASSEMBLY BILL NO. 9 OF 2015).

(Hon. Speaker consults the Clerk)

Hon. Deputy Speaker: Serjeant-At-Arm, can you take your seat? Let the Clerk read the Bill first.

THE NAIROBI CITY COUNTY PERSONS WITH DISABILITIES BILL, 2015 (A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO PROVIDE FOR THE RIGHTS AND REHABILITATION OF PERSONS WITH DISABILITIES TO ACHIEVE EQUALIZATION OF OPPORTUNITIES FOR PERSONS WITH DISABILITIES TO ESTABLISH THE COUNTY BOARD FOR PERSONS WITH DISABILITIES AND FOR CONNECTED PURPOSES

(Second Reading)

Hon. Deputy Speaker: Hon. Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you, Mr. Speaker sir for catching my eye. My observation is that I don't think we have a quorum in the House. Under that circumstance, I think it is illegal to continue with the business.

Hon. Deputy Speaker: I can't buy that, Hon. Warutere that it is illegal, but now, let's get confirmation from the Clerk whether there is quorum or lack of quorum in the House.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Point of Information.

Hon. Deputy Speaker: Granted.

Hon. Maurice Akuk: I tend to believe that Hon. Warutere is not familiar with the rules and procedures of this House. The rules of this house require that at the beginning of the plenary, we need a quorum, but when the plenary starts, you don't need a quorum.

We can even be five people and continue with the business of the House. To add on that and to give him more information, I know he is tired and he is a catholic like me. If you are not aware, I am the Chairman of the Catholic Association of the Nairobi City County Assembly and we are invited this evening to the State House. I am sure that he is looking at the Committee of the Whole House and he wants to skip that.

Because I stood on a Point of Information, Mr. Speaker sir, the Committee of the Whole House also requires a quorum of a third for it to transact business. When we get to Order No. 10, Mr. Speaker sir, kindly consider that because it will be an illegality to have the Committee of the Whole House with Members less than 43. Thank you

Hon. Deputy Speaker: Thank you. Order, Hon. Members! I just want to refresh the mind of the member of the Speaker's panel a bit. Under Standing Order No. 31, we have quorum at the commencement of the County Assembly, and as well under Standing Order No. 32, we have quorum during the proceedings of the County Assembly.

Hon. Members, it has been brought to the attention of the Chair that there is lack of quorum which I am in agreement with. Under Standing Orders and powers bestowed upon me as the Chair, Hon. Members, I direct that the House stands adjourned to Tuesday next week, 2:30 p.m. thank you and have a blessed weekend as you welcome Pope to our Country. Thank you.

(The House rose at 4:30 p.m.)