



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Third Session

Thursday 26<sup>th</sup> February, 2015

The House met at 2.30 p.m.

(Hon Speaker Mr. Alex Ole Magelo on the Chair)

### PRAYERS

### NOTICES OF MOTION

**Hon. Member for Sarang’ombe Ward** (Mr. Pius Owino Otieno): Hon Speaker I wish to give Notice of the following Motion pursuant to Standing Order number 31: That aware that the High Court in a ruling on Monday 23<sup>rd</sup> February, 2015 declared the Constituency Development Fund (CDF) unconstitutional and gave the National Assembly a year to align the act to the new Constitutional order, further aware that the Constitution in Article 1 provides that all sovereign power belongs to the people of Kenya and can only be exercised in accordance with the Constitution and that the same Constitution goes ahead to declare in Article 1(4) that the sovereign power of the people is exercised at the National and County level.

Further aware that Article 202(1) declares that revenue raised Nationally shall be shared equitably among the National and County Governments, noting that it is against this backdrop that the court ruled on the unconstitutionality of CDF Act; deeply concerned that County Governments do not get enough allocation currently and that CDF money being channeled by County Governments may bolster development, this Assembly adjourns for the purpose of discussing and ventilating on the recent ruling that declared the CDF kitty as unconstitutional. Thank you Mr. Speaker

**Hon. Member of Parklands Ward** (Mr. Jaffer Abdulahab Kassam): Hon. Speaker I beg to give Notice of the following Motion: That aware that the County transport including County roads, traffic and parking, street lighting, public road transport is the function of the County Government and part 2 of the Fourth Schedule of the Constitution; further aware that recent years have witnessed an increase in population, working and residing within Nairobi City County; concerned that several backstreets in Parklands and Ngara areas have been blocked by waste paper and bottle vendors who have turned the area into stores of their goods. This Assembly urges the County Government to clear all such structures that have been constructed along the back street in Parklands and Ngara areas. Thank you Mr. Speaker.

**Hon. Speaker:** Hon. Members on the adjournment of definite matters of urgent County Importance, we will slot it after Motion 8. We will give it time there, thank you. Next Order. Yes, what is it Hon Ogeto?

**Hon. Member of Kilimani Ward** (Mr. Moses Ogeto Nyangaresi): Mr. Speaker sir, I'm on Point of Order 74 which says to address you. I want to address you on Nairobi County Public Service Board on the advertisement of the job vacancies in the County Government. In the disciplined forces all over the world you cannot advertise a security detail especially junior officers in the County or in any part of this Republic. As I have grown up I have never seen an advertisement of an OCPD; I have never seen an advertisement of DTO; I have never seen---

*(Hon. Speaker consults with the Clerk)*

**Hon. Speaker:** Hon Ogeto, approach the Chair please.

*(Hon. Ogeto consults with the Hon. Speaker)*

**Hon. Moses Ogeto:** Thank you Mr. Speaker for such correction but through your indulgence--- I want your attention Mr. Speaker, I want to address you, through your indulgence to give me direction on the security of the County, even the Country, the only position which I know which must be advertised is the position of Inspector General, that is why---

**Hon. Speaker:** There is a Point of Order.

**Hon. Moses Ogeto:** I am on a Point of Order Mr. Speaker sir.

*(Consultations)*

**Hon Speaker:** Hon. Ogeto, you are on a Point of Order.

**Hon. Moses Ogeto:** Yes Mr. Speaker sir, that's why---

**Hon. Speaker:** There is something I want to ask you before you proceed. This advertisement, was it in paper or in radio or —

**Hon. Moses Ogeto:** Mr. Speaker sir, this advertisement is on the paper, The Standard page 11, which has advertised other jobs which I'm concurring with, but the job of security even in America which is the superpower don't advertise —

**Hon Speaker:** There is a Point of information but Hon. Ogeto but once again approach the Chair Hon. Ogeto, because I need to see what you are reading. Order Members! Order!, can I see what you are reading?

*(Hon. Ogeto is reluctant to hand over the document to the Hon. Speaker)*

**Hon. Speaker:** Order hon. can I see what you are reading? Why do you want to read for me and you are on Point of Order?

*(Hon. Ogeto hands over the document and consults with Hon. Speaker)*

**Hon. Majority Chief Whip** (Mr. David Mberia): Mr. Speaker I wanted just to inform the Member---

**Hon. Moses Ogeto:** Thank you Mr. Speaker, I think Hon Mberia has not even read the magazine, I do believe so I think he should just go and read the magazine. I do believe---

**Hon. Speaker:** order! Order! Order!

**Hon. Moses Ogeto:** Mr. Speaker sir, I have not said what I wanted to say. Concerning what we see in disciplined forces' promotions, we are not against the advertisement of the Chief Officer but as a Member of the same Committee we cannot advertise a Commander or an Inspector to come and joke with hawkers in the City. How can you employ a graduate to come and start looking after the hawkers who don't even understand the system or even a by-law in the Republic of Kenya? A graduate who has never gone to school or to any training school---

**Hon. Speaker:** Order! Order! Hon. Ogeto you are not telling us what you want us to do.

**Hon. Moses Ogeto:** I am trying to say that this one, I wish you give me direction that as I also want to remind you that we have never seen advertisement for the OCS, OCPD in this Republic.

**Hon. Speaker:** Order Hon Ogeto! Are they employing an OCS or OCPD?

**Hon. Moses Ogeto:** Mr. Speaker sir, security in the County is manned by the Inspectorate Department. It has a training school where we the Members are supposed to advertise for positions. Our electorates should be given a chance to join the same training school so that they can start from the junior rank heading up.

**Hon. Speaker:** What you are trying to tell the House is that instead of advertising the jobs of security personnel, they should promote what we have?

**Hon. Moses Ogeto:** Thank you Mr. Speaker sir---

**Hon. Speaker:** Is that what you are saying?

**Hon. Moses Ogeto:** The County should do---

**Hon. Speaker:** Okay, I have understood you. I will make my ruling on Tuesday, 2:30 p.m. when I have gone through the paper work.

**Hon. Moses Ogeto:** Thank you, Mr. Speaker sir.

**Hon. Speaker:** I need your help on that issue.

**Hon. Moses Ogeto:** Thank you, Mr. Speaker sir.

**Hon. Speaker:** Hon. Leader of Majority, papers to be laid on the table.

## PAPERS

**Hon. Leader of Majority** (Mr. Elias Otieno): Thank you Mr. Speaker. I beg to lay the following papers on the table of the Assembly today Thursday, 26<sup>th</sup> February, 2015: Half year Report for the period between July to December 2014 for Water, Energy and Natural Resources Sub-Committee. I beg to lay.

**Hon. Speaker:** Thank you Hon. Leader of Majority. The Half year Report for the period between July and December 2014 for Water, Energy and Natural Resources Sub-Sector stands committed to the Sectorial Committee on Water and Sanitation to take necessary action, thank you. Next Order!

## STATEMENTS

**Hon. Speaker:** Hon. Chairperson, Trade.

**Hon. Member for Mabatini Ward** (Mr. Wilfred Odalo): Yes, Mr. Speaker. Through you, may I know if Hon. Kamau Thuo is in the House so that I may give the response?

**Hon. Speaker:** Hon. Kamau Thuo, Hon. Kamau Thuo is not in.

**Hon. Wilfred Odalo:** Yes, I can see Hon. Ngaruiya is in the House.

**Hon. Speaker:** Order Hon. Chairperson! Go to the next of Hon. Ngaruiya Chege.

**Hon. Wilfred Odalo:** Thank you, Mr. Speaker. Hon. Speaker sir, on Thursday 30<sup>th</sup> October 2014, the Hon. Ngaruiya Chege, MCA, rose on the floor of the Assembly; pursuant to Standing Order 41 (2) (c) and requested the Chairperson Trade, Tourism and Co-operative Committee for a Statement on Kahawa West Market regarding:

1. Whether the extension was approved by the Physical Planning Department
2. The exact number of stalls that were approved
3. How the County Government was to benefit from the additional stalls
4. Whether the alleged amount paid by stall is collected as revenue by the County Executive.

Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Trade, Industrialization, Co-operative Development and Tourism on 6<sup>th</sup> November, 2014, requesting to be furnished with a written response to a Statement by Hon. Ngaruiya Chege.

In this regard, I wish to report to the Assembly as follows;

Mr. Speaker sir, the County Executive Member of Trade, Industrialization, Co-operative Development and Tourism Committee responded via letter Ref: NCC/TRD/TRA/003 as follows;

- a. Minute 37 of the Social Service and Housing Committee held on 14<sup>th</sup> September, 2014 gave approval to extend Kahawa West Market. The approval was granted and a letter recommended by the Finance Committee referred in the same Minute.
- b. Phase one proposed 71 stalls to be established, paving way for phase two with initial 112 stalls earmarked for development.
- c. The main purpose and benefit for this extension was to decongest the business community within the area that had tripled more than had been expected 10 years back. Thus facilitate an orderly business environment between the traders and the County Government. In that way, the County will be able to receive an extra administrative charges, rates and licenses for all the stalls and boost the revenue flow.
- d. By constructing the stalls, the swelling number of informal traders operating within and around the market will be absorbed and the idea of the illegal trade around the market will lose its meaning.
- e. The taxpayers will certainly appreciate the effort of the County Government for creating more jobs for the County residents.
- f. County revenue base is expected to grow from Kshs. 3.8 million to Kshs. 8.2 million per year.
- g. The project will finally help remove all shanties surrounding the existing market which are sometimes used as hideouts by thugs who pose danger to the businesses. This will improve security.
- h. The extension of the market was approved by Department of Physical Planning and a copy of the approved plan is here attached.
- i.

Mr. Speaker sir, I beg to lay the response, thank you.

**Hon. Speaker:** Hon Ngaruiya.

**Hon. Member for Kahawa West Ward** (Mr. Ngaruiya Chege): Mr. Speaker, thank you so much for giving me this opportunity to respond to the Committee's work. I want first of all to commend the Chairman and his group for a job well done. This Committee has gone an extra mile to interrogate, investigate, visited the site, and called the Committees of Development and even involving the Committee in charge of the welfare of the market.

Mr. Speaker, I want first of all to say, I am satisfied on revenue collection but the area where I will keep complaining is on the Physical Planning. This is an area, if I were to state clearly, that the physical planners who came up with that plan, I don't want to accuse them of being incompetent or unprofessional because I believe you do not propose extension of market in an existing market inside the market. What we can see is that inside, even the fire Assembly point has been approved for sub-division.

Also, they are looking for empty spaces inside the market and even sub-dividing the workshops. I believe that the people who came up with the first planning had a reason why they left the workshop open, why they left the fire assembly point open, why they left the empty spaces and here again another drawing comes up.

Mr. Speaker, I believe the person who went round sub-dividing inside the market did it corruptly. It is a high time that these officers who are doing unscrupulous jobs---

**Hon. Speaker:** Mr. Chairman would like to have a Point of information.

**Hon. Wilfred Odalo:** Mr. Speaker, I am really taken aback because my Hon. colleague was in the meeting and he told the Committee clearly that he assisted the group for their plan to be approved. So I don't know why the same person who assisted the group for their plan to be approved is the same person who is now claiming the open spaces were used. Thank you, Mr. Speaker.

**Hon. Ngaruiya Chege:** Mr. Speaker, I never assisted any group to come up with such kind of a plan. What I am against--- you can see they have attached the plan, it is an existing market and they sub-divided the fire assembly point and somebody puts his--- appends his or her signature.

**Hon. Speaker:** What are you on, Point of Order or Information?

**Hon. Member for Utalii Ward** (Mr. Wilson Ochola): Thank you, Mr. Speaker. As a Member of Trade, I think the Hon. Member is trying to mislead the House.

**Hon. Speaker:** Order! That is not the information you are bringing to us.

**Hon. Wilson Ochola:** Mr. Speaker, why don't you let me clear this so that the order can give the---

**Hon. Speaker:** No! No!

**Hon. Wilson Ochola:** Okay.

**Hon. Ngaruiya Chege:** Thank you, Mr. Speaker, please protect me so that I can deliver the point home. Mr. Speaker---

**Hon. Speaker:** Yes, Point of Information.

**Hon. Zulfa Hakim (Nominated Member):** Thank you Mr. Speaker, I want to tell the Hon. Member that I think the Trade Committee did their due diligence and he should refer this matter to the Chair for Planning. Thank you.

**Hon. Speaker:** On what?

**Hon. Jacqueline Nyangala (Nominated Member.):** Mr. Speaker, I am a Member of Trade Committee and we were in this meeting for about three hours, we just came out at about 2:30pm. The Hon. Member was with us and the approved plan was from Planning and he said it was approved but he had some questions, so like my Hon. Member said we did what we had to do. For the planning and the map, he can take it back to Planning. Thank you.

**Hon. Speaker:** Actually, when the Member stood up, he very well said that the Trade Department did their work thoroughly but he is interrogating the Physical Planning and he has a right to do that because he will eventually send it there. Order! Hon. Ngaruiya, finalize.

**Hon. Ngaruiya Chege:** Thank you Mr. Speaker, I said that whatever they used, it is this planning. This is what I am interrogating and when you go around the market and I would wish if the Trade Committee finds it in order, I would say that they never interrogated the plan.

According to the structures that have been constructed, this thing, if handled the way it is Mr. Speaker and we pass it in this Assembly, it will be chaotic. They have said clearly that this is phase one. According to B, they have constructed 71 stalls. The Chairman went up to where the stalls were and it is wrong because the stalls that were constructed were more than 71 in phase one. They are not inside the proposed physical planning diagram we have here.

*(The Hon. Member tables the document)*

Mr. Speaker, number two, the phase two project, they are talking about of 112 is the one near Kahawa Station Road. That is where now if this Development Committee if approved by this House, they are going to displace traders who are operating in that existing market. The people who benefited from the stalls are not these people who operate in that particular market and I have evidence.

Mr. Speaker, I believe if this thing, the physical plan I have here is not cancelled, it is going to affect the existing market as they have already been told that a wall collapsed and it had to be removed because it was affected by the construction and those people who removed that wall had no authority from the Physical Planning Department. What I am trying to explain is that, I want this particular Physical Planning Department be interrogated thoroughly by this House to avoid the construction of 112 stalls at the expense of 400 traders Mr. Speaker Sir. It will be a great disservice to these traders and I wish that we push this report to the Committee on Physical Planning so that they can now go to the ground and we see exactly what is happening. Thank you Mr. Speaker

**Hon. Speaker:** Very well now Hon. Members, I think you have heard the hue and cry from the Hon. Member for Kahawa West. Indeed the Planning Committee in conjunction with the Trade Committee, because now there is an issue of displacement of other Members and according to the Member, there is bad planning. I want to ask the Chairpersons for Trade and Planning that the two Committees concurrently meet and resolve this problem once and for all. We do not want to be told that we are responsible for 400 traders losing out on their plots. Can the two Chairpersons give undertakings please.

**Hon. Member for Imara Daima Ward (Mr. Jairo Atenya):** Thank you Mr. Speaker, I as the Chairman--- Mr. Ngaruiya I hope we are going to plan for you. Do not worry. We are planners.

**Hon. Speaker:** Hon.

**Hon. Jairus Atenya:** Very soon Hon.

**Hon. Speaker:** Order! Order! Order!

**Hon. Jairus Atenya:** Next week. No I am saying next week, the Chairman is here.

**Hon. Member for Roysambu Ward (Mr. Peter Warutere):** Thank you Mr. Speaker, I wish to say a word. Mr. Speaker, it should not be a debate contest. We as the Committee of Trade we have done our part and referring this matter back to us is like doing a double work. Mr. Speaker, the Hon. Member should know that at times you have to lose some wars. This is a losing battle, he has to swallow the pride. I think Mr. Speaker it is an Honorable thing to give your direction.

**Hon. Speaker:** Order! Hon. Chairperson Trade by Thursday next week 2:30 pm, the Chairperson Trade and Planning bring us the concrete report in regard to four hundred traders because those are traders and this is bad planning. Thank you it is so ordered! Order Hon. Can you---

**Hon. Wilfred Odalo:** Thank you Mr. Speaker, I have to respect your ruling this is a House of procedures Hon. Ngaruiya, within two weeks we shall give our response.

**Hon. Speaker:** Ok two weeks indeed it is. Yes!

**Hon. Wilfred Odalo:** More so I have seen Hon. Kamau Thuo in the House, if you allow me I can lay my response.

**Hon Speaker:** No proceed we are going to the next Order. Yes please! Statement yes, what is the Statement---

**Hon. Jacqueline Nyangala:** Thank you Mr. Speaker, I remember I conferred with you about the response to my Statement that was given on the 16<sup>th</sup> June, 2014. I had a statement request from the Committee on Transport and Public Works on the 6<sup>th</sup> of March, 2014. I had some queries on the statement and I've been called severally by the Chief Officer of Transport and Public Works and advised that the Clerks had taken the clarification that I gave her, but I just wanted to follow up on what I needed from the Committee, so am not sure whether to address the Committee to tell the Chief Officer, on the installation of the Traffic lights and who's responsible for their management, monitoring and evaluation

**Hon. Speaker:** Order! Hon Chair.

**Hon. Jacqueline Nyangala:** The Cabinet Secretary said that this was being managed by the Ministry of Lands and Housing--- Mr. Speaker can you protect me from these noise makers.

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

**Hon. Jacqueline Nyangala:** This was being done by the Ministry of Lands Housing and Urban Development in conjunction with the County Government. I had asked who is monitoring and doing the evaluations for the installation of the surveillance cameras and we saw the other day that it was so difficult for Mr. Wambugu to even explain to the public the surveillance that we take care of as a County and what they got when we had the murder for the late MP for Kikuyu.

I had asked for the synchronization of traffic signals for adjacent junctions, now who is doing that? Are we responsible for that? They've not responded to that question, the state of recruitment and training of Traffic Marshalls is there, a budgetary allocation for the exercise in the current 2014-2015 Budget and when is the synchronization of traffic lights likely to be completed and are there parallel synchronization programs being undertaken? Thank you.

**Hon. Speaker:** Now that one goes to Hon. Chairperson Transport, Public Works and also for traffic Marshalls to the Labour Committee, please can you get all the answers next week in regard to the statement from Hon. Jacky Nyagala. Hon. Ochola George!

**Hon. Member of Hospital Ward (Mr. George Ochola):** Thank you Mr. Speaker sir, with respect to Standing Order (191) 2 which I'll read and then thereafter you will guide me.

**Hon. Speaker:** Standing Order?

**Hon. George Ochola:** (191)2, it reads: “a Member appointed to a Sectoral Committee at the commencement of a County Assembly or at any other time during the term of a County Assembly shall unless the County Assembly otherwise resolves serve for the term of that County Assembly.” I want to emphasize the phrase “unless the County Assembly otherwise resolves”, the reasons are three why I am emphasizing on that:

1. It is high time that we do the reconstitution of the Committee Members in respect to the Sectoral Committee
2. We need gender balance on the same issue
3. We need equity

As we stand now, some of the Members are in six Committees, five Committees, and four Committees while others are in two. We need this to be accelerated so that we can have equity and gender in order to help us to have a perfect reconstitution of the proper Sectoral Committees. Thank you.

**Hon. Speaker:** Good afternoon Hon. Members once again. Yes Hon. George Ochola with Standing Order 191, indeed you are correct but as the Speaker and the Chair, Order Hon. Members! Order! Order please! Hon. Members, that issue is right, it is correct but you all know the tune of the game is that the political leadership exercises that mandate and therefore I would ask the leadership of the House, that is in regards to the political alignments to go to the back to the drawing board and do that which Hon. George has just brought to the floor and indeed taking into consideration the gender issue. I am sure today Hon. Karen will sleep very peacefully. I want to thank you. Hon. Leader of Majority?

**Hon. Leader of Majority:** Thank you Mr. Speaker if I may respond. I think I will agree with Hon. George Ochola because we want to balance as there are some people with many Committees while some have just two. This is a high time for me and the Minority Leader to sit down with the Selection Committee and balance in line with gender. Next week on Tuesday there are three more Committees which we are going to table in this House and while putting the names of the Members we will balance all the Committees. So just pull up your socks because whoever is going to be affected I do not know. All Committees must be reconstituted afresh. Thank you Mr. Speaker.

**Hon. Speaker:** Okay Hon. ---

**Hon. Karen Wanjiku (Nominated Member):** Point of Order Mr. Speaker

**Hon. Speaker:** We are done with that Hon. Karen. I thought that today you are contented? I need Hon. Chairperson for Trade to be ready because Hon. Kamau Thuo is in the House.

**Hon. Karen Wanjiku:** Mr. Speaker I am standing on Standing Order 74. A desire to request you so that I can address you. Mr. Speaker regarding what Hon. Ochola has read in Standing Order 191 (1), we have to note that even as they re-arrange the Committees Mr. Speaker, that in Liaison Committee we do not have a single female which is illegal. Thank you Mr. Speaker sir.

*(Applause)*

**Hon. Speaker:** Hon. Karen you are right and that is what the Hon. Leader of Majority has just alluded to that they want gender to be considered including you. Hon. Ochar please.

**Hon. Member for Korogocho Ward** (Mr. Maxwell Ochar): Thank you Mr. Speaker, from Standing Order 191 which Mr. Ocholla read; "A Member appointed to a Sectoral Committee at the commencement of a County Assembly or any other time during the term of a County Assembly shall---" Mr. Speaker mark the word 'shall' because it means 'MUST' and if so then it should come to the Assembly as a Motion so that people debate on it and if they agree, not that we are teasing you, then you will make a resolution. County Assembly shall debate on this then we come to an agreement and this is the reason it is 'shall' or the County Assembly, thank you.

**Hon. Speaker:** Hon. ---

**Hon. Peter Warutere:** Mr. Speaker I think the Hon. Member who has just come before me is trying to mislead the House. The word 'shall' is conditional and I wish you can google it. This thing was done by the National Parliament and ours is a Parliament like any other. The culture is world over and there is no way we can go out of exception and so what I am saying here is that it is a tradition and it has to be done whether it is debated or not, the word 'shall' is just conditional. We will decide as a House and trust me it is a matter of time.

**Hon. Speaker:** Okay Hon. Chairperson--- Thank you very much Hon. Warutere. I think now the Queen's language is getting on to you.

*(Laughter)*

**Hon. Speaker:** Hon. Chairperson. We finish that we come to your Motion. Yes, what is it?

**Hon. Pius Otieno:** It was just on a Point of Order because when Hon. Warutere alludes to the fact that--- when he misuses the word 'shall' and 'may'. 'May' is discretionary but 'shall' is mandatory. When the law says that you or we 'shall', or the Speaker or President 'shall' he has no otherwise but to do what the law says but when it says 'may' you can choose whether to ignore and that is called discretionary powers. You are called to exercise discretionary powers. So in that regard we need a Motion, we do not need a directive.

**Hon. Speaker:** Hon. Chairperson. What is it Hon---

**Hon. Majority Chief Whip:** Mr. Speaker I think whichever way it will come out, these Committees must be reconstituted, whether we debate or not the Committees must and will be reconstituted, thank you sir.

*(Applause)*

**Hon. Speaker:** I think the language is understood whichever way. Hon. Leader of Minority

**Hon. Leader of Minority** (Mr. Abdi I. Hassan): Mr. Speaker sir, let me add a rider on it. As we stand now the one-third rule has not been fully appreciated by this House. By reconstituting the Committee we shall make sure that it is done. On the same note Mr. Speaker sir the Chairpersons of many Sectoral Committees have become dormant, they have failed this House. The reconstitution of these Committees will bring more vibrant Chairpersons on the said Sectoral Committees and on this I support Mr. Speaker sir.

*(Applause)*

**Hon. Speaker:** Very well. Hon. Chairperson. Hon. Rachael Kamweru you stood up but you didn't say what for?

**Hon. Rachael Kamweru** (Nominated Member): Mr. Speaker in support of the same, I have been looking forward and I want to quote Standing Order 154 (2) whereby two-thirds should not be of either gender in this Committees. We have been breaking rules in this House, I and everyone in this Country is looking forward especially for Nairobi and I am standing with 154 (2). Thank you.

**Hon. Speaker:** Hon. Chairperson for Trade. Sorry, there is a Point of Order from ---

*(Laughter)*

**Hon. Member for Dandora Area III Ward** (Mr. Charles Thuo): Thank you Mr. Speaker sir. It's been long since you caught my eye and like Madam Racheal says there is supposed to be a one-third representation of women and that is why people were nominated but then Mr. Speaker sir, the Liaison Committee is a Committee of Chairpersons and Chairperson is an elective post. You cannot be nominated to be a Chairperson and when elections of Chairpersons are being done in this Assembly people look for quality; it is based on whether or not you can perform.

So if we do not have ladies who are able to perform as Chairperson's then how are they going to be Members of the Liaison Committee? It is upon the Hon. Members in this House who are ladies to convince us who are Members of the Committees that they sit that they can perform so that we can give them those posts of Chairperson's. Otherwise if we are not convinced we will not put the performance of this County to risk by having Chairperson's who cannot perform and bring us down and in two years down the line we will be reporting to the people who voted for us.

**Hon. Speaker:** Order Member! Order! Order!

**Hon. Charles Thuo:** We need to perform and so if they want those seats they have to convince us that they can perform. Thank you Mr. Speaker sir.

**Hon. Speaker:** Order Members! Order! Order Members! Sit down. We are not fighting. Order Members! Let us not overdo it. I think we have gone on very well in regard to the issue of reorganizing yourselves and as I told you earlier, the political leadership will organize you better because the Speaker has no hand in that therefore I think we close there. Hold on, Hon. Ochar what is burning?

**Hon. Maxwell Ochar:** Mr. Speaker, as much as I support the one-third of gender to be in the Committee, we cannot use one wrong to correct another wrong. What I mean is that this thing must come to the House for debating and that is the word shall. Number two Mr. Speaker, the Member is not right to say that the Nominated ones are not qualified. They were qualified and in fact I respected them because for one they ran all over Nairobi while we were running only in our Wards. Mr. Speaker note that I did---

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

**Hon. Maxwell Ochar:** Mr. Speaker, we have to respect them whether they are ladies or men. We have to respect them. In National Parliament, the Chairperson of Education is a nominated Member. He is not an elected Member. With this---

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

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Members! Be seated. The Leader of Minority is on the floor.

**Hon. Minority Leader:** Mr. Speaker sir, we don't have to fight over this. When the reconstitution is done, any Hon. Member, regardless of gender, will ask for the post. If the Members of the Committee deem it fit a lady needs to lead them, then let it be. We don't have to fight over this. If you think you are qualified to do that, then lobby.

**Hon. Speaker:** Order Members! Hon. Chief Whip! Order!

*(Loud consultations)*

**Hon. Majority Chief Whip:** *Nipatie nafasi niongee* Mr. Speaker.

**Hon. Speaker:** Chief Whip, what do you have? What is this that is burning you so much? Order Members! I am going to close this debate. This debate closes. I think it is very clear from the Member---

*(Loud consultations)*

**Hon. Speaker:** Order Members! Order! Now--- Order! I think this is a closed chapter. Next Order, Hon. Chairman.

*(Loud consultations)*

**Hon. Wilfred Odalo:** Thank you Mr. Speaker. On Thursday 12<sup>th</sup>, Hon. Kamau Thuo rose on the floor of the House and his question was directed to two Committees. So, we will read ours as per our mandate. The rest will be read---

*(Loud consultations)*

**Hon. Speaker:** Order Members! Order! Order Hon. Mugo! Order Mugo! Order! Honestly. Please Order Members! Order!

**Hon. Winfred Odalo:** Thank you, Mr. Speaker. The other question was directed to the Culture Committee and we will do ours as Trade Committee.

Hon. Speaker, on Thursday, 12<sup>th</sup> February, 2015, Hon. Kamau Thuo, MCA, rose on the floor of the Assembly pursuant to Standing Order 41 (2c) and requested the Chairperson of Sectoral Committee on Trade, Tourism and Corporative Committee for a statement regarding the fire outbreak in City Park Market. He asked the Chairperson of Trade, Tourism and Corporative Cultural Committee to enquire into and report on:

1. Probable cause of the fire outbreak at the City Park Market
2. Whether the County Executive has a plan to compensate the traders who lost their property
3. When the market will be rehabilitated
4. Measures the County Government is taking to reduce causes of fire outbreak in the County market.

Some of these questions were directed to the Culture Committee. So, we will do ours as per our mandate.

The Committee wrote to the Executive Committee Member responsible for Trade, Tourism Department on Wednesday 18<sup>th</sup> February requesting to be furnished with a written response to the Statement by Hon. Kamau Thuo. In this regard, Mr. Speaker, I wish to report to the Assembly as follows:

- a) Rehabilitation of the market.

Mr. Speaker, the Chief Officer responded via a letter, REF: MKTS/8/29/72, that the rehabilitation of the market is underway and at a procurement stage. The City Planning Department has given an estimate of Ksh.80 million to rebuild the market to a permanent structure while a private developer has given a quotation of Ksh.57 million for construction of modern kiosk containerized stalls. As soon as the procurement is through, and with the help of the related department, the market will be back to normal business.

- b) On the issue of compensation, the Nairobi City County has offered Ksh.5 million to traders and list of traders operating in the market has been forwarded to the department for consideration.

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

**Hon. Speaker:** Hon. Thuo.

**Hon. Kamau Thuo:** Hon. Speaker, thank you for this opportunity. It will be unfair if I don't pass a vote of thanks to Hon. Odalo who has demonstrated a lot of leadership on this issue. He is an able Chairman. We have had issues with the Chairmen in this particular House, but Odalo *anatosha*. Mr. Speaker, before I raise a query on this statement, we have done a few visits in City Park with the Hon. Chair and the Committee and we have assured the traders of City Park Market. Hon. Kambi is interrupting me, Mr. Speaker.

**Hon. Speaker:** You know there are Members here who want to deliberately disrupt the flow of the Assembly. Maybe they have their own agenda. Go on.

**Hon. Kamau Thuo:** It is because in Dandora there is no market. Anyway, in short, we must always give credit where it is due. The Chairman has demonstrated a lot of--- Mr. Speaker, you have to protect me. My friends might be under the influence of something we don't know. They might be under the influence of something harmful. We might not know. So, we have to forgive them. And you cannot turn---anyway, forget about that.

Mr. Speaker, dogs will always bark but you don't have to---

**Hon. Speaker:** Order Hon. Members, order. I want to know, Hon. Kambi, why you do not respect this Assembly. Why don't you respect this Assembly for heaven's sake? Why should you always talk? This is uncalled for and this is the last warning I am giving you.

**Hon. Kamau Thuo:** Thank you Hon. Speaker. In brief, I want to appreciate the effort of my friend, Hon. Odalo and his Committee. They came to City Park, spoke to our people and we gave our people hope and committed that we are going to make sure that this market is rehabilitated. My only query is on item 1. I read contradiction here on item 1. I would want the able Chairman to clarify on this matter. The statement reads briefly that the rehabilitation of the market is underway and at the procurement stage. The said Planning Department has given an estimate of Ksh.80 million to rebuild the market to a permanent structure while a private developer has given a quotation of Kshs. 57 million. That one is not clear because the position of the County is Ksh.80 million. Then the statement reads Ksh.57 million.

So, Mr. Chairman, I would want to invite you to shed more light on this one, between Ksh.80 million and Ksh.57 million because we must have a figure. We cannot operate with two figures. We must have a figure. Lastly, we must give timelines. It should not be like the issue of Jesus who said; "I am coming soon". Even now he has not come back. So, Mr. Chairman, I would also want you to shed more light on timelines

as far as the rehabilitation of the market is concerned, how long and for how long my people will be outside the market. If you do that, I will appreciate and I will always pray for you. Thank you.

**Hon. Speaker:** There is a point of concern on this. Hon. Chairperson, your response is signed by Hon. Warutere, MCA, Chairman, Trade, Tourism and Cooperation. Is it a typing error? It should be corrected. Hon. Chairperson, give timelines.

**Hon. Wilfred Odalo:** Thank you Mr. Speaker. Thank you for realizing that typing error. That is what I was consulting with the Clerk. When I was in Law School, there are some things we say are overtaken by events. Mr. Speaker, the figure Ksh.87 million has carried the day and the normal process of procurement is two weeks. Thank you sir.

**Hon. Speaker:** Very well.

*(Hon. Speaker exits. Hon. Maurice Akuk takes the Chair)*

**Hon. Temporary Deputy Speaker:** Order Members! Proceed! Hon. Thuo.

**Hon. Kamau Thuo:** Mr. Speaker, I was just extending invitation to Hon. Odalo to give answers to some queries arising from this statement. So, I will appreciate if the Hon. Member gives the timelines as far as the construction of the market is concerned. I will be home and dry when that is done. Thank you, Temporary Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Chairman, please give us a feedback. Yes please come and give us a feedback on the timeline as requested by Hon. Thuo.

**Hon. Wilfred Odalo:** Thank you; it is two weeks' time, thank you.

**Hon. Temporary Deputy Speaker:** Thank you. Chairperson Sectoral Committee on Labor and Social Welfare please. Hon. Imwato, are you in the House? Hon. Peter Imwato, Hon. Kamau Thuo in regard to this Motion on Labor we'll accord you a few minutes, please proceed.

**Hon. Thuo Kamau:** Thank you Mr. Speaker. That Motion was here yesterday and I made my contribution Mr. Speaker, Mr. Temporary Speaker. Yes of course he is the Temporary Speaker. I contributed yesterday on the same. Unless it's another thing, I don't understand.

**Hon. Temporary Deputy Speaker:** Hon. Kamau Thuo, I am advised by the Clerk that you still had a few minutes left during your contribution time when this debate was adjourned so will you mind proceeding on with your contribution?

**Hon. Thuo Kamau:** Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Proceed on.

**Hon. Member for Clay City Ward** (Mr. Erastus Mburu): Hon. Speaker, I need to be guided whether you are powerless and also the reason as to why a Hon. Member should refer to you as 'Temporary Speaker'. Do we have such a word in the Standing Orders? We need your guidance.

**Hon. Temporary Deputy Speaker:** Don't mind about it, we'll let him address us like that today, so it's okay. Let him proceed on please.

**Hon. Erastus Mburu:** Do you want your--- also on the opinion that even where we are being stripped of our titles you are supporting the same?

**Hon. Temporary Deputy Speaker:** No, just let him proceed. Hon. Kamau Thuo please proceed.

**Hon. Thuo Kamau:** Hon. Speaker, I do not intend to dwell on that but I would advise my brother to appreciate that this is a House of rules and traditions and we borrow from other jurisdictions. I am inspired by other jurisdictions Hon. Member. Kindly consult your books and consult them widely.

In brief, the recommendation by the Sectoral Committee on Labor and Social Services it's not enough if you put a full stop on those particular recommendations. Those recommendations must proceed to the Implementation Committee. Implementation must be done. We also have to appreciate the fact that there are not so many social amenities in Nairobi. The few that are there, we have to maintain them and rehabilitate them. I've always had issues with Hon. Ochola but giving credit where it is due, this is a good job. With those very few remarks I support the full implementation of the particular recommendation of the Sectoral Committee on Labor, thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Thuo. Do we have Hon. Alexina Mudi in the House? I am made to understand you are also contributing to this Motion so please come and proceed on.

**Hon. Alexina Mudi** (Nominated Member): Thank you Mr. Speaker sir. I am a Member of Labor Committee. It has been a long walk to reach where we are today with all the recommendations. The City Stadium itself and the environment around and the people around in fact most of them are the residents of within the same area. They stand to be the beneficiaries from their own children when the facelift is done and the stadium is well put in place to accommodate all round ---

**Hon. Temporary Deputy Speaker:** Hon. K'Otieno you are standing on which Point of Order please? Okay, granted.

**Hon. Pius Otieno:** Chair, a quorum of the County Assembly or of a Committee of the whole Assembly shall be a third of its Members. If there is not a quorum present when the Clerk--- when the Chair is taking, at the time appointed for a meeting of the County Assembly immediately after saying of the prayer the Speaker shall order the bell to be rung for ten minutes and if no quorum is present at the expiration of ten minutes the Speaker may direct that the bell of the quorum present--- I ask you to give a ruling *wadhi of aol* (*let's go home I am tired*).

**Hon. Temporary Deputy Speaker:** Thank you, Clerk could you confirm the quorum of the House please? The bell be rung. Sergeant-At-Arms the bell be rung for the next ten minutes.

*(Quorum bell is rung)*

**Hon. Temporary Deputy Speaker:** The House is not in Session my friend. The House is not in Session Hon. Ochola.

**Hon. Ochola:** Mr. Speaker, I think the Hon. Member--- well the quorum is not there but it has been always--- every now and then the quorum is not there. We want this thing to be done once and for all.

**Hon. Temporary Deputy Speaker:** Hon. Ochola the bell is being rung, there will be no debate as long as there is no quorum.

**Hon. Wilson Ochola:** Let the Hon. Member not walk away.

**Hon. Temporary Deputy Speaker:** Hon. Member please sit down. There is no debate Hon. Karen. Please, take your seat.

**Hon. Karen Wanjiku:** Decorum during quorum Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Kindly, kindly take your seat we are ringing the bell at the moment Karen, please. Hon. Members, the bell has rung for ten minutes and there is still lack of quorum so the Assembly stands adjourned till Tuesday next week, 2:30p.m.

*(The House rose at 4: 17 p.m.)*