



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday, 7th October, 2015

The House met at 2.30 p.m.

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

PRAYERS

Hon. Temporary Deputy Speaker: I have been notified that we don't have a quorum. I therefore instruct the Serjeant-At-Arms to ring the bell for the next 10 minutes.

Hon. Members 10 minutes has passed and we still don't have a quorum. I must consult with a few friends of mine before I add another 5 more minutes. Chief Whip and Hon. Akuk kindly approach the chair.

Thank you Hon. Members, we still don't have a quorum and I instruct the Clerk to ring the bell for 5 minutes. Thanks for the correction Hon. Karen, I instruct the Serjeant-At-Arms and not the Clerk.

Hon. Member, you have just walked in can you warm up your seat! Order Hon. Members!

NOTICES OF MOTION

Hon. Temporary Deputy Speaker: Hon. Karen Wanjiku

Hon. Nominated Member (Ms. Karen Wanjiku): Hon. Speaker I beg to give Notice of the following Motion: **That** aware article 26 of the Constitution of Kenya provides that every person has the right to life. Further aware that the Fourth Schedule of the Constitution gives the mandate of health services including County Health facilities to the County Governments concerned that cancer is the 3rd killer disease in Kenya killing more people than Tuberculosis, Malaria and HIV/AIDS combines. Recognizing that there have been

a lot of education and screening of cancer being conducted in the Country without significant help from the National Government.

Noting that treatment and care of cancer patients have been a nightmare in this County as there are inadequate facilities to cater for the same. This Assembly urges the County Government to set up a cancer centre to help eliminate the crisis.

STATEMENTS

Hon. Temporary Deputy Speaker: Welcome Hon. Muiruri

Hon. Member for Clay City Ward (Mr. Erastus Muiruri): Response to a statement requested by Hon. Diana Kapeen

Hon. Temporary Deputy Speaker: Thank you Hon. Muiruri just a minute. Hon. Members with due respect, the statements which are due for today are on the Order Paper on the second and last page.

Hon. Members who are chairmen in various Sectoral and Select Committee can refer and respond to those particular statements one after the other. Thank you. Hon. Muiruri, welcome.

Hon. Erastus Muiruri: ...from the chairperson of Select Committee on Ward Development Fund. Hon. Speaker, on Tuesday 29th July, 2015 Hon. Diana Kapeen, MCA pursuant to standing order 41(2) © requested the chairperson---

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya): Point of Order Mr. Speaker

Hon. Temporary Deputy Speaker: Order! There is a Point of Order from the Deputy Minority

Hon. Patrick Ngaruiya: The Hon. Member is not in

Hon. Temporary Deputy Speaker: The Hon. Diana Kapeen? Yes Hon. Maurice Akuk.

Hon. Member for Highrise Ward (Mr. Maurice Akuk): Thank you Mr. Speaker sir. Just to remind the House on a Point of Information that once a statement is requested in this floor, it no longer is a statement for a particular Member but a statement for the Assembly and any Member can have an interest in it.

So it is prudent for the Member to answer that question and if there is any Member here with any question on it can simply ask or the member can be referred later to the Committee to find out if she is satisfied with whatever response that was given which I believe she was served with a response. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Well advised Hon. Maurice Akuk. Yes Hon. Kitavi

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Mr. Speaker sir as much as I agree with Hon. Maurice Akuk. This House made a ruling some months ago and I think since this is a House of rules and procedures, we must follow precedence. It was ruled that if a Member is not present when their statement is being read then they are given a chance twice, so that in the preceding sitting whether the Member is present or not, it is read. I think it will be in order we follow precedence Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Hon. Jacky Nyangala

Hon. Nominated Member (Ms. Jacky Nyangala): Mr. Speaker Point of Information, on the same sheet on number 3, it's written that there is a statement that was requested by myself. I think that is a typo.

Hon. Temporary Deputy Speaker: That's a different matter all the same. Okay, I have heard from Hon. Kitavi and Hon. Maurice Akuk. Hon. Members you do understand there is no provision in the Standing Orders guiding when such statements are supposed to be received by who is in the House.

I understand Hon. Diana Kapeen being a senior Member of this House we can give her some kind of respect by holding on the statement Hon. Muiruri, she may just walk in as we move to the next one.

Hon. Chief Whip can find out where Hon. Diana Kapeen is. If she is out on official duties of the Assembly then we can excuse her for that and wait but if she doesn't have permission from the Speaker's Office to be out today then I am afraid Hon. Muiruri will go ahead and answer that particular question. Yes Hon. Chairman for Water and Member for Mugumoini Ward

Order Hon. Imwato! You are a very good friend of mine and you do understand what we call a Bar. You will just go back and bow when you are at the Bar. You cannot just walk directly to the Mace. And in future, I am going to take serious sanctions against Members who---

(Laughter)

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Thank you Mr. Speaker sir. On the absence of Hon. Diana Kapeen -Dianah is on a sick off, Mr. Speaker. She is not feeling well. So, you can excuse her.

Hon. Temporary Deputy Speaker: Hon. Muiruri, can you grant that particular friend of yours the benefit of doubt. We have heard from the Chairman of Water that she is sick.

Hon. Erastus Muiruri: Most obliged.

Hon. Temporary Deputy Speaker: Thank you.

Hon. Alex Ouda: Thank you Mheshimiwa. Mr. Speaker sir, on (iii), statement requested by Hon. Jackeline Nyangala, there is a typing error. It was supposed to have been Shadrack Juma and the response was given sometimes back and even the problem has been acted upon. Coming to (iv), Mr. Speaker, a statement requested by Hon. Ngaruiya Chege from the Chairperson, Sectorial Committee on

Water and Sanitation, regarding blockage of sewage system and disconnection of water services in Kahawa West Ward, Nairobi. Mr. speaker---

Hon. Temporary Deputy Speaker: What is it Hon. Ngaruiya?

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you Speaker. I think the Chairman is not himself because the answer they gave me on issues to do with sanitation and blockages of the sewer was unsatisfactory. And up to now, I think, if they cannot take care of sanitation in this County, then that particular Department of Sanitation should be curved from Water so that it remains Water alone.

Hon. Temporary Deputy Speaker: Are you in any manner trying to say--- Order Hon. Ngaruiya. Are you in any manner trying to say that (iii) was answered?

Hon. Alex Ouda: Mr. Speaker, I have not even read (vii) unless the Hon. Member has a fixed mind.

Hon. Temporary Deputy Speaker: Hon. Chairman, continue.

Hon. Alex Ouda: Mr. speaker: The Statement requested by Hon. Ngaruiya Chege from the Chairperson of Sectorial Committee on Water and Sanitation regarding blockage of sewage system and disconnection of water services in Kahawa West Ward Nairobi.

Mr. Speaker, the response was given on 23rd of July 2015. That was on a Thursday and the water supply has been restored unless the Hon. Member has any other problem. Even the Committee of Water and Sanitation visited Kahawa West and we had a discussion with the residents of Kahawa West and we had agreed on how the water can be supplied to the Kahawa West residents. Unless the Hon. Member has a different statement from what we did, then the Member is free to raise. On the same, Mr. Speaker, according to me as the Chairperson of Water and Sanitation, the problem has been resolved and the response was given as I have stated. Thank you.

Hon. Temporary Deputy Speaker: Yes, Hon. Ngaruiya?

Hon. Ngaruiya Chege: Mr. Speaker, as I repeat is that when I see the Chairman of this particular Committee, whom I respect much---. Mr. Speaker, the question I had rested especially on issues to do with cholera and blockages of sewerage systems in Kahawa West. Up to now, as I am speaking, they have not been fixed.

This is something that I have even gone an extra mile to tell the Chairman as we meet over the corridors why the people responsible for fixing sewerage--- Now we are talking about El Nino rains. What is this particular department doing? Because if the blockages of sewerage system continues, even now as we are speaking, it is spilling all over. It is spilling. Water and sewers are mixing.

Mr. speaker, the Chairman should come out clean and tell us not only in Kahawa West but how they are preparing to ensure that the water that is leaking and the sewerage that is leaking have been fixed immediately especially now that we are expecting the El Nino phenomena. Thank you.

Hon. Temporary Deputy Speaker: Hon. Chairman that is a very serious concern that you address in the entire County. Remember, you just told us you answered that particular question from the Hon. Member for Baba Dogo. And it is the same question I am seeing for Kahawa West. And we don't want the same question to come from Viwandani next week, same question from Sarangombe the other week. How are you prepared to deal with this particular issue once and for all in the entire County? All the 85 wards.

Hon. Alex Ouda: Thank you Mr. Speaker. You cannot block any statement or question arising. Mr. Speaker, for this particular question for Hon. Ngaruiya Chege, when the Committee visited Kahawa West, we realized that there were some structures that were constructed on top of the sewer line.

Hon. Temporary Deputy Speaker: Order Hon. Chair. Do you have an answer to this particular statement required in (vii)?

Hon. Alex Ouda: Mr. Speaker that is what I have said.

Hon. Temporary Deputy Speaker: Do you have a response on the same?

Hon. Alex Ouda: We are saying that the response was given on 23rd of July and if the problem still persists, then the Member can come up again and tell us because the problem was answered on 23rd and the Hon. Member---

Hon. Temporary Deputy Speaker: Order! Can you give an undertaking to visit that particular Ward once more and see whether that problem still persists?

Hon. Alex Ouda: Mr. Speaker, unless he raises another question, to my understanding, and other Members, the response we gave on 23rd and the Hon. Member was satisfied with the response that we gave. Unless there is another fresh question coming up, then he can raise this, Mr. Speaker. Thank you.

Hon. Ngaruiya Chege: Mr. Speaker, why is he running from his responsibility? Why does the Chairman think it is too much for him and his Committee to ensure that Nairobi City County water system--- what measures have they put in place? Because this thing is happening and you have posed a very good question to the Chairman. What measures have they taken to ensure that this thing which is going on, especially now that we are expecting the El Nino rains, why is the Chairman finding it difficult to give us a question or even go and investigate how Nairobi Water and Sewerage is prepared on that particular issue? Is this an issue to be taken lightly?

Hon. Temporary Deputy Speaker: Hon. Kitavi, then Hon. K'Otieno.

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Mr. Speaker sir, I think the Member for Kahawa West is diverting from the main issue here. The Chairman of Water has responded to his earlier statement which he has rightly said was responded on 23rd. The Hon. Member here is raising a new thing, a different query. If he intends to raise whatever he is raising now about the forthcoming El Nino, let him request for a statement---

Hon. Temporary Deputy Speaker: Order, Hon. Ngaruiya! The Hon. Member is on a Point of Order.

Hon. David Kitavi: Let him request for a Statement to the Chair of Water which will be responded here in the House because we have to follow procedures instead of him mixing issues on the floor of the House.

Hon. Temporary Deputy Speaker: Hon. K'Otieno. Order!

Hon. Member for Sarang'ombe Ward (Hon. Pius Otieno): Thank you, Mr. Speaker. I will not take much time because one of the issues that I wanted to canvass has already been canvassed by Hon. Kitavi.

Secondly, what I want to inform the House is that the Country is preparing itself for long rains or rather El Nino. The National Government together with the County Government has actually put up an elaborate plan called Multi-Agency Taskforce that is to address issues of El Nino mitigation.

When we talk about El Nino mitigation, that question is not to be directed to the Committee on Water, it has to go to Mohammed, the CEC on Transport, Infrastructure and stuff like that. That is the right doorstep of that question.

Let me just add, if a Member wishes to interrogate further a question, he is at liberty but he is not allowed to introduce a question that was not sought for while the Speaker was undertaking or while the Chairman was seeking for answers on the questions that were said. Mr. Speaker, please give a ruling if it is procedural for an individual Member to introduce a new question on a Statement that is being answered.

(Hon. Ngaruiya rises on his feet)

Hon. Temporary Deputy Speaker: Order, Hon. Ngaruiya! Order!

Hon. Ngaruiya Chege: Mr. Speaker, they are not informed.

Hon. Temporary Deputy Speaker: Order!

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Mr. Speaker, I think we are being treated to a circus that we don't need. First of all, you should make a ruling because this was a Statement that had been replied to and I don't know why the Hon. Member is interrogating a Statement that was--- we should not be treated to a circus, Mr. Speaker sir.

Hon. Ngaruiya Chege: This is not a circus, Mr. Speaker. I am very serious.

Hon. Temporary Deputy Speaker: Order, Hon. Ngaruiya! Order!

Hon. Ngaruiya Chege: Mr. Speaker. I am very serious.

Hon. Temporary Deputy Speaker: Order! I am made to understand that this question was responded---

(Mr. Ngaruiya spoke off record)

Hon. Temporary Deputy Speaker: Order! I am on feet, Hon. Ngaruiya. I am made to understand that this question--- it is by mistake that it has appeared on the Order Paper today. It was responded to on 23rd. Hon. Ngaruiya, with due respect, let us put that issue to rest.

I think you have gotten an advice from Hon. K'Otieno and that is what I expected from Hon. Chairman for Water. If you could have answered him long time ago, I think that issue would have rested. Thank you, let us continue.

Yes, hon. Chair for Health.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you, Mr. Speaker. On (iv), this Statement had been responded to and I am wondering why it is appearing yet we had done away with it and the Member is even aware, thank you.

Hon. Temporary Deputy Speaker: Clerk, there is a serious problem in your Department as far as these Statements are concerned and I want to request---

(Consultation between Speaker and the Clerk)

Hon. Temporary Deputy Speaker: The Clerk's Department has responded to this issue. The Statements indeed were responded to but they were unsatisfactory. That is why you are seeing them on the Order Paper. The Members concerned on that particular day when you were responding to, raised issues seriously concerning the Statement.

I want to request the Hon. Members whose Statements are appearing on the Order Paper and were answered but not satisfactory, to approach the respective Chairpersons of these Committees and resolve their issues once and for all. But those Statements that were not responded to and are appearing, I expect the Chairpersons of those Committees to respond.

What is it, Hon. Member for Kahawa?

Hon. Member for Kahawa Ward (Mr. Amos Mbuthia): Mr. Speaker, I rose on the floor of this Assembly and requested for a Statement from the Committee on Health regarding the status of Kahawa

Health Centre. To date, the Health Centre is in a bad state and I have not received any communication. So, Mr. Speaker, I need your indulgence on that matter.

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

Hon. Manoah Mboku: Mr. Speaker, indeed the Member requested for a Statement but as usual, the communication was given to the CEC but up to now we have not received response. I promise to follow up the matter and respond on the floor by tomorrow if you may allow.

Hon. Temporary Deputy Speaker: Hon. Member for Kahawa, tomorrow 2:30 p.m.

Hon. Members, I just want to go through the Statements that appear on the Order Papers and I want to request the Chairpersons of these Committees in these Statements to approach the Clerk's Office for further instructions on the same.

i. Hon. Peter Warutere from the Chairperson of the Select Committee on Budget and Appropriation regarding the contracting of Quid Enterprise Ltd as receivership managers for Nairobi County Government.

Hon. Chair, this question has never been answered despite being asked long time ago, I think it was last year. Hon. Chair for Budget and Appropriations Committee? Any Member? If I jog my mind a little bit, this question was forwarded to the Liaison Committee. I can see Hon. Chairpersons of Committees; can we be made to understand as to why this question has not been answered? The Chairman of Liaison is not in. Hon. Kitavi, you are the Vice Chair in that Committee.

Hon. David Kitavi: Mr. Speaker sir, now that you have brought it into our attention, I beg that you allow us in our next sitting as Liaison Committee to bring up that matter so that we can be able to deal with it conclusively.

Hon. Temporary Deputy Speaker: So, Liaison Committee will meet next month or next year? We don't even know when you are meeting next. Hon. Kitavi, I will give instructions when to answer if you cannot say when you are meeting.

Hon. David Kitavi: Mr. Speaker sir, I think we are meeting next week. We are waiting for communication.

Hon. Temporary Deputy Speaker: You are the Chair, when are you meeting?

Hon. David Kitavi: Mr. Speaker sir, we only meet as Liaison Committee when there are urgent matters.

Hon. Temporary Deputy Speaker: Order! You meet when there are urgent matters, and because this issue is an urgent matter, I order you meet by Monday and on Tuesday you bring an answer to the floor of this House. Is that okay? Thank you.

ii. Statement requested by Hon. Shadrack Juma from the Chairperson of Sectoral Committee on Agriculture Environment and Natural Resources.

Hon. Amutavi.

Hon. Member for Makina Ward (Mr. Ahmed Adam): Thank you, Mr. Speaker sir. We are still doing consultation about the response. We want to suggest that on Tuesday—

Hon. Temporary Deputy Speaker: Are you Hon. Amutavi?

Hon. Ahmed Adam: I am the Deputy.

Hon. Temporary Deputy Speaker: You would have said that. Where is your Chairman?

Hon. Ahmed Adam: The Chairman is not around at the moment, so we are still doing some small research for the response and then we are going to respond next week on Tuesday.

Hon. Temporary Deputy Speaker: So next week on Tuesday 2.30 p.m. Statement by Hon. Nancy Luchiri from the Chairperson of Planning and Housing regarding a perimeter wall of a mosque that collapsed due to heavy rains in Fuata Nyayo slums South 'C'.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker if you will allow me, I will answer all the questions which are in the Order Paper, I will answer concerning the Planning Committee, please. I will begin by saying---

Hon. Temporary Deputy Speaker: Are you ready for this particular one?

Hon. Maxwell Ochar: Yes the answers have come, in fact the answers come----

Hon. Temporary Deputy Speaker: Where is Hon. Luchiri?

Hon. Maxwell Ochar: Just one minute Hon. Speaker, I want to give a collective response.

Hon. Temporary Deputy Speaker: I am on Roman 6. You want to take me so fast to other Roman numbers. I am on this particular issue.

Hon. Maxwell Ochar: Mr. Speaker I stood in this House yesterday, making a statement on all the responses.

Hon. Temporary Deputy Speaker: So you are ready to answer all the responses that are required today.

Hon. Maxwell Ochar: That is where I am coming to.

Hon. Temporary Deputy Speaker: Then you will have to wait if you are ready to answer.

Hon. Maxwell Ochar: Mr. Speaker, get me right, I have 13 responses from CEC, 6 are in the Clerk's office waiting for the correction of the works. Number two, 7 were referred back because the response was not satisfactory, 5 have not been answered. So we had 18 which should be answered in this House and we gave the Speaker yesterday up to Tuesday next week so the Clerks shall be ready with the responses which we gave them and the other one which we called the C.O she will sit with us and we shall bring all the answers in this House on Tuesday next week, Mr. Speaker.

Hon. Temporary Deputy Speaker: It has been so ordered. Statement requested by Hon. Moses Ogeto from the Chairperson of the Sectoral Committee of Planning, till the same, Thursday next week. Statement by Hon. Maurice Gari from the Chairperson Sectoral Committee of Planning and Housing, Statement requested by Hon. Ronald Milare from the Chairperson of the Sectoral Committee of Planning Statement requested by Hon. James Kinuthia from Planning, Statement requested Hon. Nelson Masiga, Statement requested by Hon Leah Mate from the Chairperson of the Sectoral Committee for Environment and Natural Resources.

Hon. Alhad Ahmed Adam: Thank you Mr. Speaker sir. In the statement we are proposing that tomorrow we are going to response.

Hon. Temporary Deputy Speaker: It has been so ordered. Bring that particular response tomorrow. Hon. Diana again on Planning, thank you. Chairperson for Planning and Housing, it is quite

unfortunate that these particular responses have not come to the floor of the House. As much as you can be able to defend yourself, it is quite a pity.

You cannot say that you have referred the statements back that they are not satisfactory when you know very well you are supposed to interrogate and report to this House. I now want to give this instruction, that if you do not answer all these questions that appear on the Order Paper by Thursday as you have said, this Assembly will take a serious action against your Committee. Confirm that one. You cannot just nod your head.

Hon. Maxwell Ochar: Mr. Speaker from the seat you are sitting you know that it is not me who is answering the questions, I'm just a conduit and in fact the answers are coming from C.O or from the CEC---

Hon. Temporary Deputy Speaker: Order Hon. Chair!

Hon. Maxwell Ochar: Mr. Speaker I said on Tuesday.

Hon. Temporary Deputy Speaker: I want to correct you; you represent the Executive in this Assembly. You cannot purport to tell this Assembly that you do not answer those questions yourself. Are you not representing the Executive in this Assembly?

Hon. Maxwell Ochar: Mr. Speaker I answer the questions which have been responded to by the Executive, if they do not then I cannot be punished because of their mistakes.

Hon. Temporary Deputy Speaker: But you are supposed to take action against those Executives. How many times have you come to complain about them?

Hon. Maxwell Ochar: There you are Mr. Speaker now; I will bring the issue here when they did not respond, but not me and my Committee.

Hon. Temporary Deputy Speaker: Thank you then you should take action. Next Order.

(Hon. Temporary Deputy Speaker leaves the House and Hon. Maurice Akuk Chairs the Committee of the Whole Assembly)

COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Maurice Akuk: Hon. Member we are now in the Committee of the Whole Assembly and we will start with the Bill from Clause.

Clause 3, 4, 5, 6, 7, and 8

(Question that Clause 3, 4, 5, 6, 7, and 8 be part of the Bill is proposed)

(Question is put that Clauses 3, 4, 5, 6, 7, and 8 be part of the Bill, and agreed to)

Schedule

(Question that the Schedule be part of the Bill is proposed)

(Question is put that the Schedule be part of the Bill, and agreed to)

Clause 2

(Question that Clause 2 be part of the Bill is proposed)

(Question is put that Clause 2 be part of the Bill and agreed to)

(Question proposed)

(Question put and agreed to)

Clause 1

(Question proposed)

(Question put and agreed to)

Hon. Member for Laini Saba Ward (Mr. Boniface Kitavi): Mr. Chairman sir, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Wards Development Fund (Amendment) Bill, 2015 (Assembly Bill No. 5 of 2015) and its approval thereof without amendments.

(Question put and agreed to)

(Chairman leaves the Chair and Speaker resumes his Chair)

The Temporary Chairman: Hon. Speaker sir, I beg to report that the Committee of the whole Assembly has considered the Nairobi Nairobi City County Wards Development Fund (Amendment) Bill, 2015 (Assembly Bill No. 5 of 2015) and its approval thereof without amendments.

Hon. Boniface Kitavi: Hon. Speaker, I beg to move that the Assembly do agree with the Committee in the said report.

Hon. Temporary Deputy Speaker: Yes, Hon. Karen and then Hon. Moses Ogeto. What is it Hon. Otiemo? Hon. Otiemo can you approach the microphone.

Hon. Member for Sarangombe Ward (Mr. Pius Otiemo): I was just thinking loudly if they are age mates because physically, Hon. Ogeto and Hon. Karen they are of the same size shape.

(Loud Consultations)

Hon. Temporary Deputy Speaker: it has been noted! Hon. Karen can you go ahead!

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker sir, I don't know why you allow such comments here? Do I look like the shape of Ogeto really?

Hon. Karen, you know the Standing Orders.

Hon. Karen Wanjiku: Thank you Mr. Speaker sir.

Hon. Temporary Deputy Speaker: If there is anything that is not in order, you have to raise it; you don't have to communicate with the chair.

Hon. Karen Wanjiku: Yes, the Hon. Member that was here was completely out of order. Mr. Speaker please allow me to continue?

Hon. Temporary Deputy Speaker: You can't rule a Member to be out of order, you are not the Chair.

(Laughter)

Hon. Karen Wanjiku: Mr. Speaker sir, I support the Bill.

Hon. Temporary Deputy Speaker: Thank you. Hon. Moses Ogeto!

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker, Looking at the mood of the House I would wish you to put the question. Thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Ogeto I thought you had something different actually that is what I was going to do and I gave you permission because you are a good friend of mine.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: What is it Hon. Kitavi.

Hon. Boniface Kitavi: Mr. Speaker sir, we have not yet completed. Hon. Speaker, I beg to move that the Nairobi City County Wards Development Fund (Amendment) Bill, 2015 (Assembly Bill No.5 of 2015) be now read a third time.

(Question Proposed)

Hon. Temporary Deputy Speaker: Yes Hon. Otieno!

Hon. Pius Otieno: Thank you Mr. Speaker, I want to extend my sincere gratitude to the Committee on Ward Development Fund and the general Membership for the patience that they have shown. Mr. Speaker I know that you.....

Hon. Temporary Deputy Speaker: Point of Order! Just a minute Hon. Otieno! Hon. Catherine if there is any Member who may think that they can disrespect the Chair then you are disrespecting yourself. This is a Hon. House simply because it has Hon. Members. Can you respect this House? Stand up and you go back and when you are walking in you bow to the Assembly.

Hon. Catherine Okoth (Nominated Member): I have bowed.

Hon. Temporary Deputy Speaker: I watched you walking in. Hon. Otieno!

Hon. Pius Otieno: Mr. Speaker, I congratulate...

Hon. Temporary Deputy Speaker: Hon. Chair for PAC! Can you come back? Hon. Otieno can you give me just a minute! There is an issue Hon. Member, can you approach the Chair. There are people we have been told that they slept in the cold last night and you visited that particular area we need a report from you and you want to walk out. May be we will finish this one and you give us a report on the same. We cannot continue having members of Staff sleeping outside simply because they have been kicked out of County house. Hon. Otieno!

Hon. Pius Otieno: Mr. Speaker, I congratulate this Committee for the good work they have done. It has been a hectic Journey. I must thank the Members for their patience. It is almost two years down the line since we enacted this legislation but still there is nothing serious or tangible that we can write home about.

I am pleading to the Membership of this Committee and to a certain extent the Committee on Budget and Appropriation. While we were at liaison, Mr. Speaker allow me to inform Members that just the other day, on Tuesday, we did agree as the Liaison Committee and it was one of the most contentious issues in that meeting that there is a need for the Budget and Appropriations Committee to track some of the progress in as far as the developments that were earmarked for the year 2014/2015, we want them to track those developments and report to the House what it is that makes the Executive, or what it is that makes us not to realize the development that we had earmarked in the Appropriations Bill.

Mr. Speaker, this Ward Development Fund cannot go without being said that it has not met the expectations of Members. That is why we are saying that that Committee should report to us so that we know if it is the *Executive that is playing ping pong with the lives of the Membership of this House or if it is the leadership of this Assembly that is now laying our lives bare.*

If we cannot realize the objectives in as much as they will be secondary objectives because our primary objective is to legislate, oversee and represent. Canvassing for development is a secondary objective but we are also aware that our coming back in this House is pegged on the presumption that Members of the public know that we implement capital projects. That is not our function but we are only doing it because the Executive that we have are not alive to the realities that Members of the political class will only be re-elected back when members of the public can verify or quantify that at least there are particular developments that have been done.

Mr. Speaker, today marks a milestone for this House. It is a milestone because we never contemplated these amendments for the first time. They were contemplated by the Controller of Budget, the Commission on Implementation of the Constitution and probably the wisdom that we had as Members. The reason as to why these institutions or these independent commissions saw it wise that we amend this legislation was basically to insulate us from either running the affairs of this Committee or discharging functions that are not ours.

I want to ask this Committee that they should go round the 85 Wards and inform the particular Committee of those Wards why we are not moving. We are tired of answering questions that are not ours. If it will not be possible then they should call for one big meeting either at 680 or at Stanley hotel so that they can inform the Membership of these Committees and give them the way forward that your member is not a, b, c, d. Many people think that we are the final people in this thing. I am seeing now that we've done these amendments I am afraid to say that with the pace and the way people are moving in a lackluster manner, some Members might find themselves in jail if they are going to blunder with this Act.

The Committee on Ward Development Fund should actually call for an awareness workshop so that members of the public and Members of these Committees who are elected in our various Wards are informed on what they are supposed to do and on what they are not supposed to do. With those many remarks I support Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you so much Hon. K’Otieno, one of my Members who are steadfast in articulating issues in this Assembly. I’ll advise you if you want the tracking of projects from the Budget and Appropriation Committee you can please bring that particular question so that it can be forwarded to that Committee so that they can respond. They cannot respond to comments made on the floor. Thank you so much.

(Question that the Bill be read a third time put and agreed to)

A BILL FOR AN ACT OF COUNTY ASSEMBLY OF NAIROBI CITY TO AMEND THE NAIROBI CITY COUNTY WARDS DEVELOPMENT FUND ACT 2014, THIRD READING

MOTION

Hon. Temporary Deputy Speaker: Maybe before that Motion, Hon. Chair for Budget and Appropriation, and Public Accounts Committee there was an urgent matter that you were supposed to visit yesterday. The Chair is made to understand that your Committee visited that particular area where we were informed that Members of the County Executive staff spent the night in the cold. We were wondering what is happening since yesterday. Can you make that communication on what is happening?

Hon. Temporary Deputy Speaker: Can you allow the Hon. Member he’s on a Point of Order!

Hon. Member for Sarang’ombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker, I don’t know if the Hon. Member is in Order to impute an improper motive probably to a Member of the House who cannot find time to defend himself/herself. It will be grave injustice if we let such thing to happen because these are Members who cannot defend themselves and they do not have the privileges that we enjoy here as Hon. Members, to exonerate, defend and even to cast aspersion, make a ruling on this before it becomes a precedence of the House.

Hon. Temporary Deputy Speaker: Order Hon. Chair! Indeed the comments that were made by the Hon. Chair of Public accounts Committee can be termed as malicious directed to the Member of staff of this Assembly who cannot defend herself on the floor of this House. I therefore direct that you apologize to the Member of staff you mentioned and withdraw those remarks. Order Hon. before you do that, are you ready to do the same?

Hon. Robert Mbatia: Yes

Hon. Robert Mbatia: Actually Mr. Speaker, as I withdraw, my in-law here my good brother he gave a girl that he has always been claiming, I know that matter will come to this House one time. I was not imputing improper motives on that Member, I was saying since she left ---

Hon. Temporary Deputy Speaker: Order! Hon. Chair. You must apologize and withdraw the same, you cannot keep on debating that particular issue.

Hon. Robert Mbatia: Thank you. Mr. Speaker that is friendly fire which is not very favorable at this time because we have an enemy out there.

Hon. Temporary Deputy Speaker: Hon. Chair you are growing too big for your shoe. Can apologize to the Hon. Member of the staff and withdraw?

Hon. Robert Mbatia: I apologize and withdraw *Bwana* Speaker.

Hon. Temporary Deputy Speaker: Thank you, continue.

Hon. Robert Mbatia: Thank you. Mr. Speaker, I was saying that there is a department, a Legal Department that we do not know if it has been detached totally from the County because I believe this is part of the County Government. They are not answering to any of our questions and we need their input in everything, so we will also need your indulgence in that. Thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you very much Hon. Chair but I will still come back to you as the Committees of this House, you have got the teeth, you have got the oversight role, you must do it. Oversight role does not stop at questioning only. You need to take action, I expected to hear from you that you must have instructed the Executive not to evict those particular members of staff until and after you have resolved this issue because indeed it appears in the queries from the Auditor General. Can you go and do the same?

Hon. Robert Mbatia: Mr. Speaker I am handicapped as a Committee because how do we communicate with the Executive? They should know and it is in law that whatever is with the Committee---

Hon. Temporary Deputy Speaker: You do them a letter. Order Hon. Chair!

Hon. Robert Mbatia: Yes.

Hon. Temporary Deputy Speaker: Just do them a letter.

Hon. Robert Mbatia: If you instruct that we will go ahead and do that.

Hon. Temporary Deputy Speaker: You do them a letter on the same that nothing should go on till and after you have resolved this issue. It is a query with the Auditor General and it must be dispensed off before anybody takes any action.

Hon. Robert Mbatia: Much obliged.

Hon. Temporary Deputy Speaker: If they persist, then you know the right thing to do as Members of that particular Committee. Thank you. Hon. Members I think you have heard, there is no member of staff from the Executive wing who might have spent the night out. As the Chair has actually put it, there was fear that there were some people who were trying to threaten them with the eviction but they have not been evicted yet but where there is smoke, there is fire. Hon. Chair you move with speed and issue those instructions. Thank you very much. Yes Hon. Moses Nyangaresi Ogeto, you have a Motion?

Hon. Member for Kilimani Ward: (Mr. Moses Ogeto): Thank you Mr. Speaker sir, I usually recognize my Chair for PAC as the senior most around here and a very serious Member of this House so whatever he has said, provided you give him tools to fight, he will be able to fight.

I am on Motion No.9. The Committee of Justice and Legal Affairs Committee is established under Standing Order No. 191f. Under the second schedule the Committee is mandated to vet and report on appointments where the Constitution or any other law requires the County Assembly to approve and accept under the Standing Order No. 185, the Committee on Appointments.

Mr. Speaker sir, the Committee has a Membership of seventeen Members and I want to take the earliest opportunity to thank the Members for their contribution in the process of vetting the nominee. The name---

Hon. Temporary Deputy Speaker: Hon. Ogeto, are you moving the Motion?

Hon. Moses Ogeto: Yes Mr. Speaker.

Hon. Temporary Deputy Speaker: Can you move the Motion?

Hon. Member for Kilimani ward (Moses Ogeto): Mr. Speaker sir, That this Assembly---

Hon. Temporary Deputy Speaker: Hon. Moses Ogeto you move the Motion as it is on the Order Paper

(Hon. Moses Ogeto consults Hon. Karen Wanjiku)

Hon. Moses Ogeto: Thank you Mr. Speaker sir that is why my colleague Karen came to help me, thank you.

Mr. Speaker sir, **THAT** this Assembly adopts the report of Sectoral Committee on Justice and Legal Affairs on the vetting of nominee for Chief Officer, Nairobi City County, Decentralized Unit, laid on the table of this Assembly on Wednesday 23rd September 2015.

Mr. Speaker the Committee of Justice and Legal Affairs is established under Standing Order 191(f) under the Constitution, Second Schedule that the Committee is mandated to vet the report on appointments where the Constitution or any other law requires the County Assembly to approve except those under the Standing Order 185, that is the Committee on Appointments.

The Committee has a Membership of 17 and I want to take the earliest opportunity to thank the Members for their contribution in this process of vetting the nominee.

Mr. Speaker the name of the nominee for this post of the Chief Officer for the Decentralized Units Mr. John Ntoiti was referred to the Committee on 2nd July 2015 by the Speaker.

The Committee did not receive any submission from the public on the nominee. The nominee was vetted by the Committee on 21st July 2015 as per the requirements in the advertisement for the same post.

Mr. Speaker he holds a PHD in Business Administration from JKUAT and MBA from the same university and a Master in Business Administration from Kenyatta University and Bachelor of Education in Arts from Moi University.

Two, he has been awarded several certificates of participation in the forums by the Kenya National Union of Teachers.

Three, he fully complied with his tax obligation from KRA and other statutory obligations and he has never been dismissed from any public office for contravention of the provision of Article 75 of the Constitution.

Four, he has never been convicted of any offence nor sentenced to serve in prison. He has never falsified his official or personal record and he has never discriminated anyone on any grounds.

Therefore Mr. Speaker sir the Committee requests this House to approve Mr. John Ntoiti as Chief Officer for Information and Communication E-Government for Nairobi City County.

Mr. Speaker this gentleman or this old man you see on his qualification is a person who has gone to schools. He is a person who has done everything which is required. When you see such a person who has done especially MBA in Business Administration in a serious university that means this person can work and ensure this Government of Nairobi County see its future.

Before I lay down I wish and beg and request Hon. Peter Migwi to second me in this Motion, thank you.

Hon. Member for Kayole North Ward (Mr. Peter Migwi): Thank you Mr. Speaker sir and as you have heard from my able Vice Chairman, Justice and Legal Affairs Committee it was not an easy task.

We did the job with diligence, we went through papers of the said nominee and we found that he was fit and he is fit to hold that office.

It is due to that point of view that I would urge this House to pass the nominee for the post. With those few remarks I beg to---

(Hon. Janet Muthoni and Karen Wanjiku rise on Point of Order)

Hon. Temporary Deputy Speaker: Hon. Janet you are a good friend of mine and you know it. The Hon. Member is seconding a Motion you cannot disturb him. Order when a Member is seconding a Motion

Hon. Peter Migwi: Thank you Mr. Speaker for protecting me from this Hon. Karen. With those few remarks I beg to second the Motion, thank you.

(Question proposed)

Hon. Temporary Deputy Speaker: Hon Manyala. Hon. Janet there are Members who are ready to participate to this particular Motion. Order! Order! Hon. Members can I call the mover to reply?

(Loud consultations)

Hon. Janet, I have a lot of respect for Hon. Members of this House and you cannot force the Chair to see you where you are. The Standing Orders are very clear. Yes Hon Kitavi

Hon. Member for Laini Saba ward (Mr. Boniface Kitavi): Thank you Mr. Speaker sir for giving me this opportunity to contribute to this very important Motion...

Hon. Temporary Deputy Speaker: Hon. Karen, that permission is not granted. Hon. Kitavi can you continue

Hon. Boniface Kitavi: Thank you Mr. Speaker sir. The Hon. Member Ogeto has read---

Hon. Temporary Deputy Speaker: Hon. Janet can you approach the Chair

Hon. Boniface Kitavi: Can I proceed? Hon. Speaker we have just heard the credentials of one Mr. Ntoiti and it appears to this House that Mr. Ntoiti is more than qualified for the said position. It is in that regard that I would wish to support this Motion of appointing Ntoiti so that the units that are decentralized can now fully function when he is sitting on that seat authoritatively. Knowing that our Wards have different staff and different needs once Mr. Ntoiti takes up his position we are almost assured that now operations will be smooth and efficient with his leadership he has acquired from different institutions we have just heard that he has passed through. With those few remarks I ask that you call the mover to come and reply

Hon. Temporary Deputy Speaker: Hon. Moses Ogeto

Hon. Moses Ogeto: Thank you Mr. Speaker sir

(Loud consultations)

Hon. Temporary Deputy Speaker: I requested Hon. Janet to approach the Chair and the Hon. Chair is not of the view that this particular Motion cannot be disrupted simply because of a few issues here and there. Hon Karen if you want to defeat this Motion you can face the mic and proceed. If you are not for, but at the moment the Chair is replying. You either disapprove or approve this Motion. Hon. Ogeto continue

Hon. Moses Ogeto: Thank you Mr. Speaker. You see the mood of the House is that whatever---

Hon. Karen Wanjiku: Point of Order.

Hon. Moses Ogeto: Mr. Speaker, I am being interrupted by a Member who is really---

Hon. Temporary Deputy Speaker: Hon. Ogeto you are protected and you have the mic, can you continue.

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

Hon. Temporary Deputy Speaker: It is not granted. Hon. Karen, I insist that that particular permission is not granted, take your seat.

Hon. Moses Ogeto: Mr. Speaker, as you see the mood of this House and how the Members are willing or unwilling to contribute because it has explained for itself. Mr. Speaker sir, I take this opportunity to thank the Hon. Members for contributing to this Motion because the office of the Chief Officer will help this Assembly to execute the mandate of Ward Administrators. Thank you, Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Hon. Members, I now put the question, we cannot keep matters pending in this Assembly when Members outside there are crying that some work is not being done. Allow me to put the Motion.

(Question put and agreed to)

Hon. Karen Wanjiku: Division!

Hon. Temporary Deputy Speaker: You have not met the requisite number to call for a division. The Standing Orders are very clear---

Hon. Karen Wanjiku: *(Inaudible)*

Hon. Temporary Deputy Speaker: Hon. Karen, order! The ayes have it. When you fail to raise the numbers it is when you can bring that particular issue.

Hon. Karen Wanjiku: *(Inaudible)*

Hon. Temporary Deputy Speaker: Order! You think it is the work of the Chair to make sure that there are 127 Members in this House? Order! If you engage the Chair, Hon. Karen I give you the last

warning! Order! You may think that you are too smart for the Chair but I want to caution you, Hon. Karen, once again, never ever try the Chair.

MOTION

Hon. Temporary Deputy Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Mr. Speaker sir, for protecting this Hon. House. For others who are trying to claim that there is no quorum, they are not Clerks to give the information---

Hon. Janet Wala: *(Inaudible)*

Hon. Temporary Deputy Speaker: Hon. Janet, what is it? You are one person for in this House that I have a lot of respect for. What is it, Hon. Janet? I think we will solve this particular issue when you approach the Chair.

Hon. Janet Muthoni: No, no.

Hon. Temporary Deputy Speaker: Okay, say whatever it is you want to say.

Hon. Janet Muthoni: Thank you, Mr. Speaker. The Hon. Member has come and said that we want to talk about no quorum. It is true there is no quorum, Standing Order 32---

Hon. Temporary Deputy Speaker: You have been keen enough to quote the Standing Order. Hon. Clerk, do we have a quorum? Can you check?

Hon. Temporary Deputy Speaker: Where are the Chief Whips of this House? Maybe I will order the Searjant-At-Arms to ring the bell for 10 minutes. Hon. Chief Whip, can you approach the Chair.

(Quorum Bell is rung for 10 minutes)

Hon. Temporary Deputy Speaker: Hon. Karen, where are your other Members?

Hon. Karen Githaiga: I am not a whip, Mr. Speaker.

Hon. Temporary Deputy Speaker: And you are raising the issue of quorum now and again. If you cannot raise the numbers of your Members in the Assembly--- Can you approach the Chair, I have not told you to approach the mic, I said approach the Chair. Hon. Chief Whip, you cannot raise the quorum. Hon. Members, 10 minutes are over and we still cannot raise the quorum, I order that this particular Motion takes

precedent tomorrow at 2.30 p.m. It must appear in the Order Paper so that we can dispense with it, we do not want to keep these officers waiting and yet we need them on the ground to do the necessary work they are required to do. This Assembly adjourns until tomorrow, 2.30 p.m.

(The House rose at 5.30 p.m.)