



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Tuesday 9th February, 2016

The House met at 2.30 p.m.

(Hon. Speaker (Mr. Alex Ole Magelo) in the chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Mr. Alex ole Magelo): Honourable Members, I have the following communications to make –

Honorable Members, welcome back from the long recess. It is my hope that you had a wonderful break. I trust you began the New Year well.

Honorable Members, today we resume our Sittings for the Fourth Session of the First Assembly of the Nairobi City County Assembly.

Hon. Members, you will agree with me that it has been an exciting three years. We have erred and we have learnt, we have agreed and we have also disagreed. But what's important is that we have achieved tremendous progress in the three years since commencement of our Sittings. When all is said and done, the people of Nairobi and history will judge us for the legacy we shall leave behind. I am happy to report that we have indeed performed above board.

Hon. Members, as we commence the Fourth Session today, I trust that we shall embark on this second last Session of this Assembly with the vigor and enthusiasm that our duty demands.

Honourable Members, on my own behalf, and on behalf of the County Assembly, I wish to welcome all of you back.

CONCLUSION OF PENDING REPORTS

Hon. Members, as you are aware, as at the time the Assembly went on recess in December of 2015, there were Committees that had pending business before them, among them Reports and Responses to Statements.

Hon. Members, the Chair wishes to remind the Chairpersons of the Select and Sectoral Committees of the need to urgently conclude work on pending responses and reports to enable the Assembly dispense with the pending business from the 3rd Session. Chairpersons of committees with interim reports must move with speed to conclude on the same and table for further consideration. It is so advised. Thank you. Once again welcome Hon. Members. I thank you.

(Applause)

PAPERS

Leader of Majority (Mr. Elias Otieno): Mr. Speaker I think this is 2016, so you must be attentive all the time when I am reading, I am presenting the Papers.

Hon. Speaker: Certainly.

Leader of Majority: Mr. Speaker, pursuant to Section 166 (IV) of the Public Finance Management Act 2012, I beg to lay the following paper on the table of the Assembly today Tuesday 9th February 2016, The Second Quarter Revenue and Expenditure Returns for the financial year 2015/16. Mr. Speaker I beg to lay as you continue--- If you allow me I can lay.

Hon. Speaker: Yes please. Thank you very much Hon. Leader of Majority. The Paper is committed to the Budget and Appropriation of the Assembly. I thank you.

STATEMENTS

Hon. Speaker: Hon. Jackie Nyangala and then ---

Hon. Jackie Nyangala: Thank you Mr. Speaker, I have a personal Statement regarding the World Trade Organization Conference that happened in December 2015. I would like to appreciate the fact that

this is the first time I have seen professionalism being executed in the County. This Charter Hall was transformed, it was beautiful, and it was clean. The toilets were very clean.

I would like to tell you Mr. Speaker that I have not been to those toilets until today because I feared; I wanted to have the memory during the World Trade Organization Conference. So I just went in today to see how it looked. It was dirty, it had no tissue paper, it was not clean. But during that time it was so clean, it had soap and water. Everything is new by the way and I would like to appreciate the Serjeant-At-Arms. They used to work here almost until 10 o'clock in the night. I have written a letter and I copied to you, it was a wonderful job done and I think we made the County proud. Thank you.

Hon. Speaker: Thank you very much Hon. Jackie Nyangala and I think the Clerk has taken note of that and we need that continuity of health for our Members of County Assembly. There is no reason why it cannot be cleaned or there should be toilet papers and other things including diapers for other purposes. Therefore the Clerk and the Serjeant-At-Arms make sure that our toilets are clean. Thank you. Hon. Kenneth Irungu Mwangi, Member for Pumwani Ward.

Hon. Member for Pumwani Ward (Mr. Kenneth Mwangi): Thank you Mr. Speaker, I was still correcting the grammatical errors, but I will read as it is. Pursuant to Standing Order 41 2 (c) I wish to request for a Statement from the Chairpersons of the Sectoral Committees on Agriculture, Environment and Natural Resources and Trade Tourism and Cooperatives regarding Quarry Road Market dumpsite in Pumwani Ward.

Hon. Speaker there is in existence of cartel of people, who in cahoots with the County Inspectorate Officers has demolished a fence constructed by the County Government contractor, who is still on the ground. The said Cartel is also alleged to have rented Space to individuals who pay Ksh.78, 000 per month.

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

- i. What the County Government is doing to streamline the market dumpsite issue;
- ii. Measures the County Government is taking to address the looming insecurity at the market occasioned by presence of hooligans who have demolished a fence erected by a contractor on the ground and
- iii. Measures that have been taken so far to disband or break up the cartels that are threatening the normal operations at Quarry Road Market.

Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Chairpersons of the Sectoral Committees on Agriculture, Environment and Natural Resources, Trade Tourism and Cooperatives, please can you give us an undertaking because this is a very urgent and important matter to the people of Pumwani. That is the Chairperson of Tourism and Markets.

Hon. Member for Mabatini Ward (Mr. Wilfred Odalo): Thank you Mr. Speaker, next week on Tuesday.

Hon. Speaker: Very well, the Chairperson for Agriculture and Environment. Do we have the Chairperson for Agriculture and Natural Resources?

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Mr. Speaker, on behalf of the Chairman I would like to request for two weeks because we require to go to the ground.

Hon. Speaker: No! Hon. Kagiri, but we cannot have a half report, one from Trade Department and another one from you, bring it together on Tuesday at 2.30 p.m.

Hon. Samule Kagiri: Okay! Thank you.

Hon. Speaker: Yes, Please Hon. Irungu.

Hon. Kenneth Irungu: Hon. Speaker, going by the depth of the complicated matters at Quarry Road Market, I would request that the Committees be given a humble time, which is two weeks. So, that they report at the same time.

Hon. Speaker: But the Chairman for Tourism and Trade said that, on Tuesday it will be ready with the staff. He is a fast mover.

Hon. Kenneth Irungu: But in order to give the other Committee time Hon. Speaker, let us give all of them two weeks.

Hon. Speaker: Hon. Chairperson Trade.

Hon. Wilfred Odalo: Mr. Speaker, if there is no urgency then we can say two months, but I stand to be corrected because Hon. Irungu is also a Member of Trade so by saying two weeks is just enough with us.

Hon. Speaker: Bring your report on Tuesday at 2.30 p.m. and the other one for Agriculture bring after two weeks if you like.

Hon. Kenneth Irungu: Then it is okay!

Hon. Speaker: Okay! So it is advised. Progress

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Point of Order, Hon. Speaker.

Hon. Speaker: On what! Hon. Nyangwara.

Hon. Samuel Nyangwara: Mr. Speaker, on something...

Hon. Speaker: On what, Point of Order on what?

Hon. Samuel Nyangwara: There is something that is not in order in this House Mr. Speaker.

Hon. Speaker: What is not in order, can you tell us?

Hon. Samuel Nyangwara: Mr. Speaker, I want to know whether it is in order, for Members of the Assembly and more especially when we need them more on the floor of this House sitting at the Public gallery. Mr. Speaker, is it in order?.

Hon. Speaker: Hon. Nyangwara, we have a quorum in Nairobi County Assembly and anybody can sit wherever they want. What I can tell you Hon. Nyangwara, they can come or stay because certainly you don't go to the same Church or Shopping mall. They are free to sit where they want to sit. *(Applause)* Progress!

MOTION

Hon. Leader of Majority: Total accuracy Mr. Speaker. Procedural Motion.

Approval of the Assembly Business Committee THAT, pursuant to the provisions of Standing Order 152 (1) (d), this Assembly approves the appointment of the following Members to the County Assembly Business Committee in addition to the Members specified under paragraph (a) (b) & (c):-

1. Hon. Kennedy Okeyo Ng'ondi,
2. Hon. Samuel Nyang'wara
3. Hon. Maurice Gari,
4. Hon. Alexina Mudi,
5. Hon. Alfred Ambani,
6. Hon. Elizabeth Sang
7. Hon. Pius Owino Otieno,
8. Hon. Jaffer Kassam,
9. Hon. Caroline Muga,
10. Hon. Hashim Kamau,
11. Hon. James Mwaura Chege,
12. Hon. Michael Wainaina Wanjiku,
13. Hon. George Maina Njoroge,
14. Hon. Peter Muriithi Warutere,
15. Hon. Patrick Ngaruiya Chege,
16. Hon. Anthony Kiragu, MCA

Mr. Speaker, those are the Members who will constitute this Committee of House Business. I beg Warutere to come and second the Motion. Kagiri come and second the Motion because I can see the way you are smiling. Since the year 2016 started we have not so far chatted with you in this forum so come and

second. Mr. Speaker, I asked before I started that I want your attention and you are just murmuring with the Clerk so I don't know whether you know what I read so far.

Hon. Speaker: Yes, I read. I know what you have read.

Hon. Leader of Majority: Okay, thank you Mr. Speaker.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Hon. Speaker, although I have been ambushed by the Majority Leader, I wish to second the list of the names of the House Business Committee Members and hope they are going to take us well through the year and make us perform our duties well. Thank you, I second.

(Question proposed)

Hon. Speaker: Hon. David Mberia

Hon. Majority Chief Whip (Mr. David Mberia): Thank you, Mr. Speaker for this opportunity. I want to wish Members happy 2016. I am the Majority Whip of CORD Coalition. As much as the leadership of this Coalition is full of vendetta, Mr. Speaker---

Hon. Speaker: Order, Hon. Mberia!

Hon. Majority Chief Whip: I withdraw the word vendetta, Mr. Speaker.

Hon. Speaker: Proceed, Hon. Mberia.

Hon. Majority Chief Whip: I want to quote Standing Order 152 (3). As much as Members of my Party have been suffering due to bad leadership, I am supposed to be a Member of this Committee, Mr. Speaker sir through the law, not through the whims of anybody in this House. Mr. Speaker---

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

Hon. Majority Chief Whip: Let me finish, Mr. Speaker what I was saying---

Hon. Speaker: There is a Point of Order, Hon. Mberia.

(Loud consultations)

Hon. Deputy Speaker (Mr. Kennedy Ngondi): Thank you, Mr. Speaker for giving me this opportunity. I think we don't need to go to that extent where the Hon. Chief Whip is aggrieved because his name does not appear in the House Business Committee as required by the Standing Order. I think this was just an oversight, but this should be addressed immediately. As we pass the names of these Members,

Mr. Speaker, I would wish that the names pass with amendments to include the name of the Majority Whip, that is, Hon. Mberia...

Deputy Speaker:for that reason, Hon. Speaker, I would wish that the Majority Leader move forward and maybe apologize for that kind of misunderstanding. Thank you.

Hon. Majority Leader: I cannot apologize. Mr. Speaker, I think I am not the one who was typing this thing. The name Alfred Ambani was the name David Mberia. So, I think there was a mistake. I just realized. So, Mr. Speaker, we just correct it. Everyone must correct it. I cannot make any apology. Apologies for what? What do I apologize for?

Hon. Speaker: Order Hon. Members, order! Clerk.

(Clerk and Majority Leader approached the Chair)

Hon. Majority Leader: I think I will just move amendments. We adopt the list with amendments to remove the name Alfred Ambadi and replace it with the name David Mberia. I ask Kagiri to come and second it again.

Hon. Speaker: Order Hon. Members!

Hon. Samuel Kagiri: Mr. Speaker...

Hon. Speaker: Hon. Mutiso!

Hon. Samuel Kagiri: Mr. Speaker, since it is a requirement of the Standing Order, I second the amendments to be made. Thank you.

(Amendment proposed)

Hon. Speaker: Hon. Members, as I proposed earlier, the Motion will be debated with the amendments. Hon. Members. Hon. Deputy Speaker?

Hon. Deputy Speaker: Mr. Speaker, I hope after the abnormality has been corrected, I believe that this list is not in contention in any way. I would kindly request you and the Hon. House that you put the question so that we may pass the Business Committee Membership and then they proceed to slotting the business and agenda for the week.

Hon. Speaker: Very well, Hon. Deputy Speaker, Chairperson of all the Committees. Hon. Jackie Nyangala.

Hon. Jacklyn Nyangala: Thank you, Mr. Speaker. I would just like to say that it is in very good spirit that a mistake and an oversight like that has been amicably worked on just now in two minutes. It is very good how we have started 2016. Thank you.

Hon. Speaker: Thank you very much, we are all good citizens. I now call the Mover of the Motion to reply.

Hon. Leader of Majority: Thank you, Mr. Speaker. I can see in 2016 we are not going to have these problems of the other year, we will not carry them to this year. So, if somebody carried them from 2015 to this year, I think you are still remaining there. It is good for Members to understand that we remain with only 15 months to go, so we must work very hard for this County to achieve what our voters expect us to do in this Assembly.

Mr. Speaker, I can also advise Members that they should not be just roaming in the corridors because of a few things. Let us just work for the betterment of Nairobi County. I thank you Members for seconding this Motion because I think there is somebody somewhere who is aggrieved because his or her name was removed here. However, I think, Hon. Kwamboka, you are in a very good Committee, do not mind because I can see the way you are looking at me. Hon. Speaker, I rest my case for today.

Hon. Speaker: Thank you very much, Leader of Majority. Hon. Members, I put the question.

(The question is put)

Hon. Speaker: Hon. Members, the House Business Committee Members, kindly note that there will be a sitting of the Assembly Business Committee at the rise of the Assembly. I thank you. The House is adjourned until Wednesday, 2.30 p.m. We are still on a hangover of Christmas, do not worry about that...

(Laughter)

(The House rose at 4.00 p.m.)