



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 15th June, 2016

The House met at 2.30 p.m.

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

PRAYER

Hon. Speaker: The Serjeant-At-Arms to ring the quorum bell for 10 minutes.

(The quorum bell rings)

The Serjeant-At-Arms, stop ringing the bell we have a quorum now, and can we proceed. Order Hon. Members, we can proceed.

STATEMENTS

Hon. Speaker: Hon. Shadrack Juma.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you Mr. Speaker sir. Hon. Speaker on Thursday 17 March 2016, Hon. Shadrack Juma MCA pursuant to Standing Order No. 41 (2c) requested the Chairperson of the Sectoral Committee on Planning and Housing for a Statement regarding the status of Land No. L.R336/64 originally Land L.R No. 336/12 in Baba Dogo Ward. He noted that the said parcel of land which was surrendered by the defunct Nairobi City Council to Baba Dogo community to construct a market, social hall and polytechnic was issued in the year 1911, and has since expired.

He further asked the chairperson to inquire into and report on:

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1. The status of ownership of the said piece of land;
2. Reasons why the said projects have not commenced; and
3. Measures taken by the County Executive to ensure faster implementation of development projects identified in various Wards within the County.

Mr. Speaker sir, the Committee wrote to the—

Hon. Speaker: Hon. Vice Chair Trade, is it?

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Mr. Speaker sir, the Committee wrote to the County Executive Committee Member responsible for Urban Planning and Lands on 27th April 2016 requesting to be furnished with a written response to the statement requested by the Hon. Member. The Chief Officer Lands responded vide a letter ref. VAL.337/VD112/12/7/NN/AWK dated on 1st April 2016. The Committee found the response unsatisfactory and invited the said Chief Officer on Wednesday 6th April 2016 to provide further clarifications. The Committee also together with the area MCA held a site visit to the said piece of land.

In this regard Mr. Speaker sir, I wish to report to the Assembly as follows; that

1. The status of ownership the said piece of land

Mr. Speaker sir, the Committee was informed that the ref. numbers provided by the Member was erroneous. The original land ref. No. was L.R. No. 376/12 which was renumbered to 336/64. Currently, the land is owned by Avi Marketing Investment Ltd of P. O. Box 32705, Nairobi who purchased from Unicom Investment Limited of P.O. Box 4854 on 28th September 1990 at Ksh. 39 million. The ownership of the land is leasehold interest by the Commissioner of Lands for 99 years with the effect from 1st August 1911. This therefore means that its lease has expired.

2. Reasons why the said projects have not commenced

Mr. Speaker sir, the Chief Officer, Lands informed the Committee that since the land has been privately owned the defunct City Council could not initiate any projects on the land. The County government was in the process of repossessing the land since the lease has expired. However, the process which faces challenges in the current owners proceeded and renewed the lease.

Mr. Speaker sir, the Committee informed the Chief Officer to proceed with speed and reposes the land since arising from the site visit, the land was bare and idle. In fact unknown persons had already begun dumping on the said land yet if the projects were to be implemented they could benefit the local residents.

3. Measures taken by the County Executive to ensure faster implementation of development projects identified in various Wards within the County government

Mr. Speaker, the Committee was informed that there were various reasons for the delay in the implementation of development projects especially due to limited financial resources. However, with respect to the lands sub-sector, lack of proper land ownership documents and land grabbing of available public land are some of the reasons. However, the sector is moving with speed to ensure that all County owned parcels of land are secured and proper ownership documents are acquired.

Mr. Speaker sir, a copy of the response from the Executive has been attached herewith for reference. I beg to lay this response. Thank you.

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you Mr. Speaker sir. I am satisfied with the report and I hereby request the County to work with speed to ensure that Baba Dogo people can get back their land since the lease had expired. Thank you, Mr. Speaker.

Hon. Speaker: Hon. David Mberia, statements request. Hon. Samuel Nyangwara, from the Chairperson of the Sectoral Committee on Implementation. Yes Hon. Nyangwara please.

Hon. Member for Viwandani Ward (Mr. Samuel Nyangwara): Mr. Speaker sir, pursuant to Standing Order No. 41 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Implementation regarding the implementation of the resolutions of the Select Committee of Public Accounts and Auditor General reports of the audit report of the County for the financial year 2012-13. Hon. Speaker, the Committee of Public Accounts recommended the removal from office of various officers-

Hon. Speaker: Order Hon. Members!

Hon. Samuel Nyang'wara: Hon. Speaker, the Committee on Public Accounts recommended the removal from office various officers from the County Treasury, and Finance and Economic Planning Department. Amongst them were, Jimmy Kiamba, Luke Gatimu, Lillian Ndegwa and Stephen Osiro.

The Report further recommended that the County Pharmacy Technologist, Sammy Joseph, the County Print Manager, Lucy Maitha, and the Chief Mechanical Engineer, Tom Ojwang be shown the door. However, only Jimmy Kiamba, Luke Gatimu, Lillian Ndegwa and Stephen Osiro were subjected to investigation and the prosecution after the Ethics and Anti-Corruption Commission launched its own independent investigations.

Mr. Speaker, in the Statement, the Chairperson should inquire into and report on;

- i. The status of the implementation of the resolutions of the report of the Public Accounts Committee has highlighted.

Mr. Speaker, I want to notify you that this report was subjected to this Assembly and we passed it. They later on went to court and the court ruled on our favour. So, we want the case as far as that report was concerned.

- ii. Reasons why some of the officers adversely mentioned in the report continue to hold public office.

Mr. Speaker, we said here sometimes back that we must clean the mess that is in our Treasury Department if we have to realize anything. What we have witnessed year after year is loss of money in this particular department. The Chair of the Implementation Committee should know that.

- iii. Whether monies reported lost as per the audit report that recommended the investigations and prosecutions have been recovered, and if so, let us know how much money has been recovered, and if not, reasons for the failure.

Thank you.

Hon. Speaker: Very well, Hon. Samuel Nyang'wara. The Chairperson, Implementation Committee, can you give us an undertaking on this issue.

Hon. Majority Leader (Mr. Elias Otieno): Thank you, Mr. Speaker. Though I came with Hon. Nyang'ara on the stairs, I was not aware he would ask a question concerning my department. We will give an answer after two weeks. One who is remaining is Luke Gatimu, the rest have gone. We are going to write a letter to the department of Finance to give us feedback why Gatimu is still holding the office.

I know there are some people here who will leave this House and go direct to that office. Mr. Speaker, I am requesting you to give us two weeks to complete our work.

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Point of Order, Mr. Speaker.

Hon. Speaker: Order, Hon. Gatundo!

Hon. Majority Leader: (*Referring to Hon. Charles Thuo*) Point of Order on what? You always need to obey your boss.

So, Mr. Speaker, I think the implementation in this County is very slow because of own fault. As you can see right now---

Hon. Speaker: Order, Hon. Member!

Hon. Majority Leader: I want to take this opportunity to congratulate the new Vice Chairman of Trade (*Applause*). Another concern is the two leaders of Nairobi County, the Senator and the Governor; I think there was something---

Hon. Leah Mumo (Nominated Member): Point of Information.

Hon. Speaker: Order! Let him finish.

Hon. Majority Leader: Mr. Speaker, I don't want to be informed. I think these two big men in Nairobi should be role models to Nairobians. They should not have done what they did in Senate. We are going to summon them in this Assembly. Thank you, Mr. Speaker.

Hon. Speaker: Very well. Hon. Samuel Nyang'wara.

Hon. Samuel Nyang'wara: Mr. Speaker, this Assembly has given the Majority Leader an Executive Office. From his office to the Office of the Governor or the Office of the County Secretary, it is just a walking distance and he can only use two minutes. The question I have asked here is straight forward. There is nothing like investigation is going to be done. We all know there are officers who are still in office. Mr. Speaker, I beg your indulgence so that he can bring us an answer by tomorrow.

Hon. Speaker: Order, Hon. Nyang'wara! We are done with that. Please, give the Assembly the information that is required. Thank you. Let us proceed. Statement requested by Hon. Diana Kapeen.

Hon. Member for Kabiro Ward (Mr. Clarence Munga): Mr. Speaker, she has requested for more time so that she can go through the report. Possibly next week, the Chair can respond.

Hon. Speaker: Okay, it can be brought next week. Another one for Diana Kapeen. Hon. Erastus Mburu, is he in? Okay, yes.

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Thank you, Mr. Speaker sir. On Thursday, 18th February, 2016, Hon. Erastus Mburu rose on the floor of the Assembly pursuant to Standing Order No. 41 (2) (c) and requested the Chairperson of Transport and Public Works Committee for a Statement regarding the installations of street/public lights in Clay City Ward.

In the Statement, the Member sought to know the following;

- i. What is the cost of the project
- ii. When the bulbs will be installed

Mr. Speaker sir, the Committee wrote a letter to the Chief Officer, Transport, Roads and Public Works---

Hon. Speaker: Order, Hon. Chairperson! I think during our last---

Hon. Speaker: Hon. Chair Order! If I am not wrong during our last sitting in regard to this question of Hon. Mburu, what was left was the reason why they had not put blubs to the lamp post. I think that is where we wanted not to read the whole statement because you had already covered most of it. So the remaining was why there are still so many lamp posts without lights. That is the main issue that we want you to answer here. Is that not what was left Hon. Mburu? Hon. Mburu! Order Hon. Chairperson.

Hon. Member for Clay City Ward (Mr. Erastus Mburu): That is the correct position Mr. Speaker; I think he should just give us the conclusion of what they arrived to with the Committee.

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Hon. Speaker Hon. Chairperson you have to go back and give us the report, why there are no lights? Hon. Chairperson!

Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru): Hon. Speaker sir, exactly this is what I was coming up to because it was to find out why they were not installed and how many. In my statement here we wrote back to the Executive and this is the report they gave us. If you allow me I can complete reading it and any comments should follow.

Mr. Speaker, the Committee wrote a letter to the Chief Officer Transport, Roads and Public Works and copied to the Executive Committee Member (CECM) for Transport, Roads and Public Works and the Ag. Count Secretary on 22nd February, 2016 where the contents of the request were outlined. Further the Chief Office delivered a written response to the Committee on a letter dated 13th June, 2016.

In this regard, Mr. Speaker sir, I wish to report to the Assembly that:-

1. During the financial year 2014/2015 and the current financial year the Public Works Sector erected eleven 10 meter high mast columns within Clay City Ward, five columns were equipped with 20 flood light lanterns and energized. The installation on the remaining 6 columns is not completed because flood light lanterns are out of stock.
2. The Public Works Sector shall install the lanterns within forty days from the date of this response (i.e. 40 days from 13th June, 2016) or before 19th July, 2016.

That is when I think that they will have these lanterns in stock sir and that is the position. Thank you Mr. Speaker sir.

Hon. Speaker: Hon. Mburu

Hon. Erastus Mburu: Mr. Speaker, I don't want to defer any further but forty days is not forty years or months, and being a Catholic I believe in forty days since you know the number of times Jesus Christ was tried so I believe the committee will stick to that, since I cannot share this report with my electorates because I don't know whether it will be delivered and I am optimistic that they will leave up to their word. Thank you, Mr. Speaker.

Hon. Speaker: Very well, I can see that you are a very religious person and keep on that. Hon. Chairperson, please also keep on that because I can see that you are also a religious person. There is also Hon. Elikana Mauti's request from the Chairperson of Ward Development Fund, regarding the amendment of Ward Development Act, 2014. The Hon. Chairperson!

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Thank you Mr. Speaker sir, Pursuant to Standing Order 41 (2c), sorry Hon. Elikana Mauti

Hon. Maurice Gari: On **Wednesday, 9th March, 2016**, Hon. Elkanah Mauti, MCA, pursuant to Standing Order 41 (2) (c) requested the Chairperson of the Select Committee on Wards Development Fund for a Statement regarding the amendments of Wards Development Fund Act, 2014.

He further asked the Chairperson to inquire into and report on:-

- i.) Reasons as to why the County Executive Committee Member for Finance did not forward the amendments Bill as proposed by the Controller of Budget for the for Wards Development Fund Act, 2014 to the Wards Development Fund Committee for consideration;
- ii.) Measures taken by the County Executive to ensure that the amendments are forwarded to the Committee in due time ; and
- iii.) The role of Ward Development Fund Management Committee.

In this regard, Mr. Speaker sir, I wish to report to the Assembly as follows;
That,

ON THE AMENDMENTS OF WARDS DEVELOPMENT FUND ACT, 2014.

The said amendments are being originated by the Select Committee on Wards Development Fund and the amendments are still being considered.

The Committee held a wider consultative meeting with officers from the Office of the Controller of Budget where it was agreed that the Act be amended to address the reservations the Controller of Budget had with the Nairobi City County Wards Development Fund Act, 2014 to enable the Act to be fully operationalized.

On item roman two (ii);

The Committee has made the amendments and once satisfied that the amendments are exhaustive, they will be sent to the County Attorney for publication.

On item roman three (iii);

The role of the Ward Development Fund Management Committee is explicitly provided for in Section 7 of the Nairobi City County Wards Development Fund Act, 2014.

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

Hon. Speaker: Hon. Elkana Mauti.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker sir. The report is very much scary. I am concerned about the report because it is now 6 months down the line since Controller of Budget communicated with this County about the amendments. Number two; it is three months down the line when the Committee went to Mombasa for the amendments. There were only three

amendments to make. I don't know why one amendment takes two months. That is why we are worried. Which means, up to now the Committee going to Mombasa and back, it is 3 months? Up to now, the amendment is within the Committee. They have not been taken the report to the County Attorney. It is a worry because this is what can make this Hon. House being felled on the ground.

Mr. Speaker, the Committee is not even aware on 2nd of next month; the money that was committed on the project under this would be frozen. I don't know whether the Committee is aware. It means the Committee is taking us to the ditch. Mr. Speaker, the Committee has not given me any reasonable answer as to why up to now they have not done the amendments because six months have passed.

Two, the Committee is made of Members of this County Assembly who are being affected by the same amendments. I don't know whether they are Members of the Assembly. When something is touching the Hon. Members, they are supposed to move with speed. I don't know what directive you will give because the money for the project which is supposed to be set with this, by second of next month, there is no money. Where are we going?

Finally, number three, I asked about the funds that the Management Committee has spent. It was not the role of the Ward Development Fund. I am aware of the loan. I wanted to know how much they have spent. If they are just sleeping in the office to come and sign, I want to know how much was spent.

Hon. Speaker: Hon. Members as we also fight the Executive, I think we have a problem. Right now as the Assembly we are moving towards the budget and this is the budget that is going to make us or finish us especially you Hon. Members with Wards. I agree with Hon. Mauti the amendments are still not being brought to the assembly.

With the leadership of this Assembly, as we are about to hit the Executive because of development funds to the Members of the County Assembly, let us also unlock that issue of amendments because very soon am going to issue very strong statements to the Executive on the monies to these members including the gratuity. Therefore it is up to you the Committee on Ward Development Fund that please by Tuesday 2.30 p.m. next week we must have those amendments on the floor of this Assembly.

Let us not just say the Executive is not doing when we have not cleaned our house. I plead with the Chair of Ward Development Fund and his Committee to move with speed. It is true you went to Mombasa for the purposes of amendments to Ward Development Fund Act therefore in the next one week it is enough for you to bring the amendments to the floor of the Assembly so that when we get our monies, because this time it is do or die, are we clear on that? So that is my ruling, we stop at that and we move to the next item. But the Chairperson Tuesday 2.30 p.m. you should be on the floor of the Assembly. The Chairperson, Implementation and Leader of Majority

Hon. Leader of Majority: Mr. Speaker I can hear you are giving directives to Ward Development Fund to bring report next week Tuesday and I think by tomorrow we are going for recess, if am not wrong

and also about this Ward Development Fund, I think we should allow ourselves in this House and if the so called Kwekwe squad will not betray us once again we can have this Ward Development Fund because we can just receive the budget and put it in your office instead of passing the budget every time and we don't benefit from the tax they are paying. I think it is high time the Budget Committee agreed. I have agreed with Minority Leader, this time I don't think whether he will go against, because he was sleeping on same bed with those Executive, so as much as you are saying I know what am talking about. Let us this time be serious...

(Loud consultations)

No am not talking about sleeping the way you think, the other sleeping. So Mr. Speaker I think you have power, even this Budget Committee, if they try to bring that...

(Loud consultations, as some Members walk out)

I know what you are going to get is not even more than Ksh.5,000/-! *(Laughter)* Mr. Speaker it is a serious business, I think I remember last year when I said it is not going to be business as usual and some people came here with a lot of goodies that there is land in Darfur, you are going to be given for you people to just pass the budget year in year out and I said very clearly nothing like a plot you are going to be given. That is just PR. Once again, am telling you. I know those people better than you people. Once again, Mr. Speaker, just receive the budget and keep it in the office. Don't bring it to the Assembly. Thank you.

Hon. Speaker: Very well. Two interjections from Hon. Wainaina and Hon. Alex Otieno and then we move

Hon. Member for Kariobangi North Ward (Mr. Michael Wainaina): Thank you Mr. Speaker, mine I just wanted to give Point of Information concerning the Ward Development Fund Committee. Yes we have done the amendment but after going through because we had an expert, he highlighted some of the other amendments which we were supposed to do and before we bring these amendments in the floor he also advised us to share the amendments with the Controller of Budget so that we avoid bringing it here and again some other matters might be arising.

So Mr. Speaker this Committee is very much committed in the amendments and we want to share with the Controller of Budget so that when we bring this amendments here there will be no other amendments that will be required by the Controller of Budget. And again I want to inform the Member who was here that this Committee is constituted by all Elected Members and there is no way we can be playing around but we want to come up with something clear that cannot be challenged again. Thank you.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker I must concur with Majority Leader on what he said on how cheap we can be in this Assembly. On the same note it is also high time as much as we throw the biggest stone to our glass house, we must also look at our own house. I want to say on record if it was the City Council where I used to sit in the Committee of Ward Development Fund it was

equivalent to a General Purpose Committee, which was bestowed upon the interest and development agenda and nurturing of individual MCA or councilor. We must put this on record however much the Chief Whip might defend this is the most failed Committee in this Assembly. It has failed this Assembly, has failed our Wards, and it has failed everything so it is prudent the leadership of this Assembly, if we believe and care for the interest of one Teso man who represent Makongeni Ward where sewages are bursting on a daily basis, where the social hall is inhabitable to disband this Committee with immediate effect because it has failed us, Mr. Speaker.

Hon. Speaker: Very well a Point of Order from Hon. Manyala!

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you, Mr. Speaker, I think the Hon. Member is not in order to say that this Committee has failed. Indeed this Committee is up to the task and I think you know that the Controller of Budget is not the Member of Executive of the County Government. The Controller of Budget belongs to the National Assembly.

This Committee has even tried its level best to even meet the Controller of Budget in the precincts of the Assembly, of which the Speaker also attended and saw our frustration whereby, we have been working together to put things in place.

However, amendments which goes because of the law is a process and since *“Roma was not built in a day”*, that is why Hon. Wainaina, has already given a comprehensive report of what we are doing. Some other Members are coming and saying that we are sleeping on the job, I feel so sad because we cannot run to the Controller of Budget each time because of doctrine separation of powers.

However, we have done a lot since then and there is something to write about as we have even told the Members here, that based on that we are coming up with a comprehensive document that we are going to share with them, so that we close the shop and move forward. Thank you, Mr. Speaker.

Hon. Member for Nairobi West Ward (Mr. Maurice Gari): Mr. Speaker, I don't think this is a matter to be debated on because I was just responding to a statement and if it is a matter to be debated, we should adjourn and bring it as a debate then we can debate on Ward Fund Mr. speaker. I think all these people are beneficiaries of Ward Development Fund and we are doing the necessary thing to implement this thing into the later. We cannot go and fight Controller of Budget Mr. Speaker.

Hon. Speaker: Order! Hon. Members Order! Order Hon. Jateso!

Hon. Maurice Gari: Mr. Speaker, there are rules and procedures and we have applied those rules and procedure. In the last amendment the Controller of Budget did not want the name of the Clerk to be in the Act, we have decided to even reduce the Members of the Ward level.

Therefore, I think this is not a matter to be debated on because we are still doing the amendment.

Hon. Speaker: Order Hon. Chairperson of Ward Development! Order Hon. Chief Whip! I think we should not be emotional and Hon. Mauti's question was only one and the remarks should be taken very seriously.

What happened at the end of financial year and to the funds? These are the questions that I want the Committee on.....order Hon. Members! I also want again to bring to your attention the concern of Hon. Mauti and other Members, in the next few ten to fifteen days the month of June will end and the financial year will close.

Therefore, what will happen to the funds? Order Hon. Chief Whip! I am just interjecting so that we may be on the same level. I know the Ward Development Chairperson and the Committee has done a lot, therefore it is important for you to break the eyes.

Order Hon. Chief Whip! So I want the Ward Development Fund Committee, to break the ice with the Controller of Budget, it is important but if you need the help of the Leadership of the Assembly we can work around the clock so that we are not cut off by the end of the financial year that is my concern and it is also the concern of every Member.

Also take note that most of the Members are elected Honorable Members of the County Assembly of Nairobi, so let us work together and not blame each other but we move on in a direction that will benefit all of us because that is our end game, I thank you. Hon. Chief Whip!

Hon. Member for Karen Ward (Mr. David Mberia): Mr. Speaker, the Ward Development Act was passed in 2014.

Hon. Speaker: Order Hon. Members!

Hon. David Mberia: Mr. Speaker, this Act was accepted by the Governor in 2014 and it is two years down the line. We formed this Committee two years down the line and we have always been told about the amendments always Mr. Speaker sir. This Committee is a failure and I concur with my colleagues that it should be scraped off Mr. Speaker.

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

Hon. Elizabeth Manyala: Mr. Speaker, can he withdraw is he the one who is authorizing me?

Hon. Speaker: Order Hon. Manyala!

Hon. Elizabeth Manyala: Mr. Speaker once you have ruled and you have given out a comprehensive way forward I don't know where the Member has a duty of hearing proceedings in this House and he is taking us round the circle. Why is he committing a farce of begging the question Mr. Speaker?

Hon. Speaker: Can we proceed to another... This is a good citizen and a very senior member here.

Hon. Member for Mugumoini Ward (Mr. Alex Otieno): Thank you Mr. Speaker, I don't want to talk about the Ward Development Fund because I know they are doing a good job. What I want to comment on and what the majority have said and we should not dilute what the majority said here about the budget. This is very callously because we have been passing budget since we joined this Assembly from 2013 and we are not seeing anything tangible about the budget.

Therefore, we should take this seriously because the Executive are taking Hon. Members for a ride. Mr. Speaker, you can remember you are to intervene about our gratuity something that is very obvious. The way you agreed for the money to be paid, up to know it has not been paid. This one translate that we are not earning any interest on the money that we are supposed to be paid at the end of our term. Mr. Speaker.

What the Majority said let all the Members take it seriously and see what we can do about the budget. If it is doing away with the budget let us do away with the budget and see what will happen. Let us not be taken for a ride the way they have been taking us for a ride. This is our last term and if we cannot do anything it is as if somebody is taking us or somebody is throwing you out and you are seeing that you are being thrown out. Thank you, Mr. Speaker.

Hon. Speaker: Let us proceed. We are done.

MOTION

Hon. Speaker: The Hon. Karen Wanjiku.

Hon. Karen Wanjiku (Nominated Member): Thank you Mr. Speaker sir. I beg to move the following Motion.

That aware that article 28 of the Constitution specifies that every person has inherent dignity and the right to have that dignity respected and protected. Further aware that article 25 (a) of the Constitution provides for freedom from torture and cruel inhumane or degrading treatment or punishment, concerned that there has been an increase in incidences of Gender Based Violence and sexual gender based violence and there is a need for a gender based violence desk for reporting such cases and also have trained staff able to deal with such delicate cases, noting that since several police stations established these desks, many gender based violence victims have come out and reported such cases and justice prevailed, this Assembly urges the Executive to establish a gender based violence desk and a well trained staff at City Hall to make use of its central location and significance within the County.

Indeed Mr. Speaker sir, we have seen the increase of GBV or gender based violence and even sexual gender based violence and especially in Nairobi County. So, Mr. Speaker sir, all the Motion is asking, because City Hall is a central place and everybody will know City Hall when they are in town. If you tell them to go to Central Police, they will get lost but if you tell them to come to City Hall, they will come. Again, in City Hall, we have a conducive environment where the people will not fear and especially the little boys and girls. You notice that these days even boys are being sodomized.

So, Mr. Speaker sir, without wasting much time, I want to call Hon. Oduru to second the Motion. Thank you.

Hon. Kennedy Oduru: Thank you Hon. Speaker sir. Indeed there is need to establish this desk. This desk is very important. There reason why I am giving this is that there was a time that I witnessed a scene whereby a sugar mummy was ruining a 15 year old boy and due to the fact that the Police Service has established this, the mother reported the same to the police station. So, I think it wise what the Hon. Karen has moved that there is a need to devolve this to our County Government which is Nairobi so that this also as well accommodate mothers in the same case that I witnessed myself.

Then, Mr. Speaker sir, it is not only that it is based just on the other side of the gender. It is uniform for both genders. There are some men who are being frustrated by the women. Therefore we will be having a place to report to. Otherwise, I beg to second. Thank you sir.

(Question proposed)

Hon. Speaker: The Hon. Vice Chair, Trade.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you Mr. Speaker for appreciating me and this great Committee of Trade. Allow me to air my concerns on matters regarding this particular Motion. I am sure and most of you are aware of the violence that has been meted on Members of this Assembly, last being the one that was meted on the Chief Whip of this Assembly. Therefore, I think, a time has come where we need to harness resources, channel and structure programs that can take care of this issues. I am sure it is not lost in your mind that two Members of this Assembly at some point in time were assaulted.

The issue of gender is cuts across. It doesn't look at the girls' side alone. It cuts across. These days, boys and men are being assaulted and therefore this particular Motion is coming in time. We need to support Karen Wanjiku. She is indeed one of the agitators of gender. She has a sound Motion. The best that we can do is to support her and then allow this Motion to go full circle so that this desk is put in place and real people are put in place so that these issues of gender based violence are curtailed within this County. That is my support. Thank you very much. I support the Motion.

Hon. Speaker: Hon. Zulfa Hakim and then Hon. Thabita.

Hon. Zulfa Hakim (Nominated Member): Thank you Mr. Speaker. I rise to support this Motion. I think it is a timely Motion and it will also provide an opportunity for Nairobians who are violated to be able to raise their issues. However, I would also like to urge the necessary department of the County to liaise with the National Government and the security apparatus and ensure that this Motion is actually workable at the County level. I understand that we have an office in City Park for the same. So, I think when this one is established, it is going to work hand in hand with the one at City Park and also be very accessible to everyone because City Hall is a central place. One of the other reasons I am rising to support the Motion is that it is in line with the human rights and I believe with the implementation of this one they will be---. Protect me Mr. Speaker. I am fasting and I am not in the mood to argue with anyone.

Hon. Speaker: Very well. You are protected.

Hon. Zulfa Hakim: Thank you Mr. Speaker. So, with that, I beg to support this Motion and also, as usual, urge the implementers to move with speed and make sure that this Motion is actually implemented because this is a day today based issue and many people are suffering. Thank you.

Hon. Speaker: Hon. Tabitha.

Hon. Member for Nairobi West Ward (Ms. Tabitha Ndigirigi: *Asante sana, Bwana Speaker. Nataka kuunga hoja hii mkono kwa sababu moja ama mbili. Sisi kama wanawake kutoka area venye nimetoka kama Nyeri, tumezoea kuchapa wanaume wetu na kuwakata, na ndiyo inatuma niunge hoja hii mkono hata wanawake wachukuliwe hatua kwa sababu ya kukuwa wana thulumu wanaume wao. Ya mpili, nataka kuonesha kua mwanamke anafaa achukuwe majukumu yake ya nyumba na akue kieleleso ya bwana yake kwa sababu bila hiyo nikuonesha kwamba hata yeye hawezi kuunga hoja hii mkono kwa sababu kwanza mtu anaanza na kwake kwa nyumba siyo mambo yakuanzisha kama vile mimi kama nimetoka Nyeri tumekua watu wenye ambaye wanajulikana kwa kukataa wanaume siri zao. Asante sana Bwana Speaker.*

Hon. Speaker: I now want to call the Mover of the Motion to reply.

Hon. Member for Njiiru Ward (Ms. Karen Githaiga): Thank you, Mr. Speaker sir. I want to thank every Member for supporting the Motion either directly or indirectly. I must mention that currently I am dealing with a rape case in Njiru where an 11 year old girl was raped and she was not able to report the offence to the police; her mother was hiding it because she had neglected the child. Mr. Speaker, it will be very good for us to have a conducive environment for these children, women and men who are being beaten or affected physically, emotionally and psychologically. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Members, I now put the question.

(The question is put and agreed to)

MOTIONS

Hon. Speaker: The Chairperson for the Committee on Culture and Committee Services.

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you, Hon. Speaker. I beg to move the following Motion; **That** this Assembly adopts the report of the Sectoral Committee on Culture and Community Services on the status of Joseph Kangethe Social Hall laid on the Table of the Assembly on Wednesday 4th May, 2016. In summary, Mr. Speaker, Joseph Kangethe Hall was put up to be used for;

1. Keeping the community members, especially the youth, busy with productive and gainful activities such as drama, indoor games like Chess, Table Tennis, darts, and badminton among others.
2. Renting it out for any social functions like weddings, workshops, seminars, lectures, religious meetings, fund raisings and political rallies.
3. Provide a central meeting place for the exposure of the youth to diverse cultures.

Hon. Speaker, the Committee undertook a site visit and noted as follows;

1. There is insecurity since the hall is an open field linking the fields to Kibera and anyone can walk across the field at any time.
2. The hall had poor infrastructure such as a leaking roof and gutter, lack of running water and poor drainage.
3. Overall renovation of the social hall is needed as the doors and windows are all broken.
4. Inadequate school facilities to facilitate teaching of the children.

Therefore, Mr. Speaker, the Committee has the following recommendations;

1. A perimeter wall to be constructed around Joseph Kangethe Sports Grounds and repair of the main gates to curb insecurity.
2. The County Executive purchase sports and other equipment so as to enhance, develop and promote sports in the area to keep the youth occupied.
3. The County Executive to commence work to renovate the social hall to modern standards as planned and budgeted for.

4. Involvement of stakeholders, goodwill of the County Assembly, policy makers, County Executive and the County at large to assist facilitate the operations of the hall and all rehabilitation activities that take place at Joseph Kangethe Social Hall.

With those few remarks, Hon. Speaker, I wish to call upon the Hon. Njoroge Kairo to come and second the Motion.

Hon. Member for Woodley/Kenyatta Ward (Mr. Njoroge Kairu): Thank you very much Mr. Speaker sir. I need some advice, I am not a Member of the Committee, can I second?

Hon. Speaker: Yes, you can.

Hon. Member for Woodley/Kenyatta Golf Course (Mr. Njoroge Kairu): Okay, thank you very much, Mr. Speaker sir. I would like to second the Motion but some of the recommendations I can see highlighted here are not factual because they reported that the Social Hall has not started being used but the fact is that it has started---

Hon. Elizabeth Manyala: Where?

Hon. Speaker: Order, Hon. Members.

Hon. Samuel Nyangwara: Point of Order, Mr. Speaker.

Hon. Speaker: Yes, Hon. Nyangwara, Point of Order.

Hon. Samuel Nyangwara: Mr. Speaker, this particular gentleman has seconded the Motion yet he goes ahead to differ with what is in the report. Mr. Speaker, can you give directions.

Hon. Speaker: Order, Hon. Nyangwara. Hon. Members, I propose that the Assembly adapt the report of the sectoral Committee on Culture and Community laid on the Table of the Assembly on Wednesday 4th May, 2016. Hon. Members. Hon. Karen.

Hon. Karen Githaiga: Mr. Speaker sir, this Committee has done a good job. On the Committees recommendations, I do not know why the Member of that Ward is saying that they are not good. You can imagine that we are now going to fence that social hall for protection. We are going to protect the youth and the children inside that hall so these are very good recommendations.

Mr. Speaker sir, when you go to recommendation number 5, *'fast tracking of construction of Voi Rehabilitation Center so as to relocate the children from Joseph Kangethe Social Hall so that it can be*

used for the intended purpose’. Indeed, even in Kasarani Sub-County we will be happy to have a complete rehabilitation center because we also have children whom we want to rehabilitate. Mr. Speaker, I beg to support. Thank you.

Hon. Speaker: I call the Mover of the Motion to reply.

Hon. Robert Milare: Mr. Speaker, I thank the Members for supporting the Motion.

Hon. Speaker: I put the question.

(The question is put and agreed to)

Hon. Speaker: Hon. Members, the House is adjourned until Thursday 16th at 2.30p.m. I thank you.

(The House rose at 3.50 p.m.)