



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Thursday 24<sup>th</sup> November, 2016

The House met at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### ON THE INVASION OF ASSEMBLY PRECINCTS BY OFFICERS OF THE NAIROBI CITY COUNTY EXECUTIVE.

Hon. Members, you will recall that the Chair on 22nd November, 2016 gave a Communication regarding efforts by the Assembly to secure its precincts and the challenge posed to the same by the County Executive, led by the Ag. County Secretary, one Dr. Robert Ayisi.

Hon. Members, in the said communication, the Chair detailed the steps by which the Assembly came to be in possession of its current premises, from the initial Gazette Notice Number 3159 dated 13th March, 2013 by the Chairperson of the Independent Electoral and Boundaries Commission, as well as the Speaker's Gazette Notice Number 6614 of 11th September, 2015 made pursuant to Section 2 of the National Assembly (Powers and Privileges) Act, 2012, outlining the precincts of the Assembly.

Hon. Members, the communication was followed by a Motion of Adjournment on a matter of definite and urgent County importance sponsored by the Hon. Ibrahim Hassan (Leader of Minority Party), whose resolution was that the Assembly will not vacate its premises nor allow strangers to continue

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operating from its precincts in violation of its powers and privileges. Further, the Assembly made it very clear that it shall not have any further dealings with the Ag. County Secretary for the grievous contempt he has shown towards the Assembly. A letter to that effect dated 23rd November, 2016 was dispatched to the Governor's Office for his action accordingly.

Hon. Members, today morning, the Chief Officers for Lands, as well as Public Works, the Chief Valuer, County Director of Planning, officers of the Inspectorate Department and officers from the Administration Police stormed Assembly Precincts and attempted to forcefully break into the 4th Floor, North Wing, City Hall Buildings.

Hon. Members, it is indeed shocking that the County Executive would resort to such drastic intimidation in place of civilized engagement. Suffice to say, County Governments have two arms, namely the Executive and the Assembly, and the underlining legal framework is crystal clear on the relationship between the two – none can operate in a vacuum. The County Executive cannot purport to prefect or oversight the County Assembly, nor can it fool itself that it can intimidate and bully the County Assembly by use of legal or extra legal means.

Hon. Members, what is even more unfortunate and quite sad is that the Judiciary in its recent rulings has decided to take sides in favor of the County Executive time and again in matters concerning the two arms of the County Government of Nairobi City, and has been issuing Orders willingly at the behest of a Member of the Judicial Service Commission, who happens to act as counsel for the County Executive, one Prof. Tom Ojienda. It is evidence of sheer manipulation and outright bias that the County Executive has twice obtained orders in minutes of lodging such application, without due response from the County Assembly.

Hon. Members, the Assembly will soon be raising this matter with the Senate and the Chief Justice, in order to safeguard the legislative independence of the County Assembly and the integrity of our processes.

Hon. Members, it is indeed surprising that the Executive would resort to suing the Assembly and invading Assembly precincts with armed police and other hired goons with such impunity.

Hon. Members, I wish to inform you that the Speaker today morning led a delegation of Members to the Office of the Cabinet Secretary for Interior and Coordination of National Government. The Cabinet Secretary assured the delegation that he will soon be dispatching a contingent of officers to protect the precincts of the Assembly from unauthorized intrusions. In the same vein, the Ministry will also establish a Police Post at the Assembly precincts, similar to what is provided for at the precincts of the Parliament of Kenya.

In his own words, and I quote, 'the Governor cannot be allowed to play Monkey business with the County Assembly.

Hon. Members, that the County Executive has no respect for the County Assembly is no longer in doubt. What the Assembly must do now is respond to this utter disrespect and send a clear message to all who imagine they can impeach Article 176 of the Constitution on the establishment of the County Assembly and its existence, the legislative powers granted by the Constitution under Article 185, the provisions of the County Governments Act, 2012 and the Parliamentary Powers and Privileges Act, 2012 regarding Assembly precincts, privilege and admission of strangers.

Hon. Members, I therefore direct as follows, that –

1. Effective today Thursday 24th November, 2016, the Assembly ceases forthwith any relationship it has with the County Executive;
2. The consequence of the above is that effectively, the Assembly will no longer entertain any business from the County Executive, and as such the consideration of the CFSP, Supplementary Estimates 2016 and any other such business is suspended forthwith;
3. The Motion of Impeachment of the Governor, Nairobi City County be slotted for debate on Tuesday, 29th November, 2016, keeping in mind that what the Court stopped was the Governor's appearance, not the Assembly's prerogative to dispense with the matter;
4. Any member is at liberty to lodge a Motion of censure or impeachment against any officer of the County Executive for any misconduct arising out of this matter or any other such claims of abuse of office or misconduct.

It is so directed.

I thank you.

**Hon. Speaker:** Hon. Members, you can ventilate my communication if you so wish.

**Hon. Member for Roysambu Ward** (Mr. Peter Warutere): Mr. Speaker, thank you for catching my eye. Allow me to ventilate on the happenings of today morning. This is an independent organ of Government. As I had alluded earlier, we cannot be micromanaged by one side of the Government. Arrogance cannot rule this Assembly neither can it be run by one man. I am happy that finally we have seen sense. I am also happy that at least for the first time we can take pride in being called Nairobi's. We have the inspiration of Nairobi's because they sent us here with one singular purpose of defending their interests.

When the interests are muscled by one person or when one person decides to single handedly disrespect the rule of law and its citizens then there comes a time that either the Assembly or the people, or persons in charge is allowing the community to go to the dogs. We will not be part of that community that is going to be allowed to go to the dogs. We must take our place in history and defend what is rightfully ours and for the first time we must tell the Governor of Nairobi that enough is enough.

I am happy that the sensor Motion is coming. I am also happy that we will get the opportunity to do what we didn't do and tell the world what this Governor stands for. We need to tell the world that this Governor lacks respect for the rule of law and to tell Nairobian's the true status of the City. Corruption is embodied in this City, things are not working, structures aren't working and also people cannot even optimize on correction so that we can sustain ourselves. From where I sit, I know Nairobi can be self-sustaining; collection is being done and we have enough streams through which money comes in but then the same money gets out. It is high time we tell the truth. There are people here who will be glad to go and report the same but I believe that I was elected by the people of Roysambu to represent, oversight the Executive and most importantly to legislate as a member.

It has taken four years for us to rise to this occasion. The day is here and the hour is nay for us to set the standards. We have to set the record straight and tell it as it is. That is something that we have failed to do for the last four years. For the Governor and the Executive to impute that they can own what is rightfully ours then I think that's how low the Governor can go. Last time we had issues of impeachment I executed mercy but now I think that I have taken a different attitude towards the Governor and just like many others who have been there before him, the time to send him home is now. He is ineffective, incompetent and above all, this Governor does not live in the Country that we are living. He has chosen a different path and he is a lone ranger and for the first time let us unmask him, tell him the truth and let the world know that the Nairobi that we want does not have Governor Kidero. The Nairobi that we want is a Nairobi that needs administration. I still have my 15 minutes my brother, allow me to continue. I do not want to be informed by you.

The Nairobi that we want is a Nairobi that will not be tailored by corruption. A Nairobi that does not have the kind of leadership that is happening today and therefore it is on this note that I beg to second you Mr. Speaker and pray that members will rise to the occasion---

**Hon. Deputy Speaker:** Point of Information Mr. Speaker. We are not on a substantive Motion to discuss the conduct of the Governor here. Kindly direct the Member to withdraw his statement based on the allegations he has just laid before the House today.

**Hon. Speaker:** Hon. Deputy Speaker I was interrupted here by the Clerk and so I did not hear you. Can you repeat?

**Hon. Deputy Speaker:** The Hon. Member is out of context and out of order. You have given direction that we ventilate on your communication but he is being irrelevant. I think he does not understand the meaning of ventilating on a speech made by the Chair. ... if you can repeat.

**Hon. Deputy Speaker:** He is out of context and out of order. You have given direction that we vent on your communication but now he is kind of irrelevant. Maybe he doesn't understand the meaning of venting on a speech made by the Chair.

**Hon. Speaker:** Very well Hon. Deputy Speaker. I think we will continue giving them knowledge to understand venting. Meanwhile Hon. Warutere it was just to vent on this. The rest you will have a field day next week. Hon. Members, one more.

**Hon. Member for Makongeni Ward (Mr. Peter Imwatok):** Mr. Speaker, allow me to register my point of venting on your communication. First of all I must say thank you so much for giving me an opportunity to contribute. Number two, I know and believe that you are the custodian of the rules and procedures of this House. Anything that comes out of your speech can at any given time be taken as a rule of the House based on the Commonwealth Practice of Parliament, our Standing Orders and the relevant laws of this Country from the Constitution, the County Government Act, Public Finance Management Act and our bible which is the Standing Orders.

Therefore Mr. Speaker, I must at one hand commend the effort put by your office and the entire team who are trying all the best to make sure that the Assembly precinct is protected especially the Hon. Members of this County Assembly. Having said that, I want to say the issue of the Assembly is a prerogative of all of us as Members. Many a times, I'm dwelling my point on the suspension of all activities between the Executive and this County Assembly. Aware that we are going on our last lap in this Assembly, on several occasions you've read a communication which gave us a leeway never to transact any business in the Assembly. As a collective responsibility our role as Members of the County Assembly must be collectively moving forward. I don't remember when last we had a Kamukunji in this Assembly that could give us a direction whether after the communication from you like today. You've just suspended all the transactions between the Executive and the Assembly. What disturbs me every now and then when these transactions are back in this Assembly there is no such communication.

I think we are setting a bad precedent in this Assembly as the first County Assembly---

**Hon. Speaker:** Order Hon. Member! I have always come back with a communication in regard to whatever has happened. You are well aware of that one.

**Hon. Peter Imwatok:** Maybe I forgot Mr. Speaker because man is to error. On the same, I want to just bring you into perspective and mostly to put this in the HANSARD. This House as I said before is a House of rules and procedures. Everything including a coma, full stop or a question mark as we talk in this Assembly is recorded on the HANSARD which is not edited. I want to record this this on that communication that next week on Tuesday we'll be having a debate again on the issue of the Governor's censure. I believe article 33 of the County Government Act spells very well the procedures, ways and how the censure or impeachment Motion can go through this Assembly. When you go to our bible, the Standing Order 59 to 60 spells well the grounds how, the procedure on the Motion of a censure or the impeachment of a Governor should be brought. Now my worry is ---

**Hon. Speaker:** Hon. Member Order! When it comes to that date you will have the field day to say exactly what you are saying.

**Hon. Peter Imwatok:** Mr. Speaker I was asking your advice on this. Under which Standing Order is the same Motion coming or is it a new Motion coming?

**Hon. Speaker:** Order Hon. Imwatok! The censure Motion was never dismissed neither was it ever withdrawn. You can refresh your mind and you will see where we were at that particular date.

**Hon. Peter Imwatok:** Thank you Mr. Speaker. It is very important to get that into HANSARD that the Motion was never withdrawn. Now it takes us to a different level. On all social medias there were letters circulating. That is good Mr. Speaker, you've put into perspective. At the same time you've said the impeachment Motion was properly in the House and there was a court order in effect to that. On that day I will also beg to ask if you'll give a communication on the same before the censure Motion comes here whether the court order has been withdrawn, whether the case has been executed or banished. Thank you Mr. Speaker.

**Hon. Speaker:** Very well we can proceed with the other business of the day.

## PAPERS

**Hon. Member for Nairobi South Ward** (Mr. Manoah Mboku): Thank you Mr. Speaker. Pursuant to Standing Order number 180 (6) I beg to lay the following paper on the table of the Assembly today Wednesday 24th November, 2016 that is a report of the Sectoral Committee on Health Services on the Committee retreat held from 5th to 18th September, 2016. Thank you.

## STATEMENTS

**Hon. Speaker:** The Hon. Elkana Mauti.

**Hon. Member for Kwa Njenga Ward** (Mr. Elkana Mauti): Thank you Mr. Speaker, pursuant to Standing Order number 41 (2c) I wish to request for a statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the loss of vehicle KCD 806Y double cabin Isuzu Dmax belonging to the Nairobi City Water and Sewage Company. Hon. Speaker on 12th August, 2016 the Nairobi City Water and Sewage Company lost a vehicle KCD 806Y double cabin Isuzu Dmax at the company premise at Kampala Road under unclear circumstances and up to date it has not been found.

Hon. Speaker, in the statement, the Chairperson should inquire into and table a comprehensive report on the circumstances that led to the loss of the vehicle and its where about.

**Hon. Speaker:** Hon. Alex Otieno Chairperson.

**Hon. Member for Njiru Ward** (Mr. Kenneth Thugi): Thank you Mr. Speaker, give us two weeks. We shall respond to the statement in two weeks' time.

**Hon. Speaker:** Thank you Hon. Chairperson. Response from Chairman of Committee on Implementation Hon. Leader of Majority I'm sure today you are ready. You have three or four.

**Hon. Leader of Majority:** Thank you Mr. Speaker. I hope all the Members are here in the Assembly. I don't know whether the iron lady is here. If she is not here I'll just communicate through---

**Hon. Speaker:** Hon. Zulfa Hakim.

**Hon. Leader of Majority:** She is here. Mr. Speaker I think troubleshooter is also in, Hon. Nyang'wara concerning the--- Mr. Speaker let me first start with the one for Hon. Nyang'wara. The Committee issued a response on the above matter on 5th July, 2016 stating that the County Public Service Board was not privy to the said report therefore they were not in a position to respond. The Assembly forwarded a copy of the report to the Board's Secretary and requested for their urgent response.

The Committee received another response from the County Public Service Board which stated that the issue had been submitted to the Disciplinary and Ethics Committee to scrutinize and report to the Board. However, due to the ongoing interviews the Committee has not been able to meet the Board therefore it request more time so that it can respond on or before 15th of September, 2016.

The Committee further received another report on 15th November, 2016 that the Board had deliberated on the matter and resolved that the acting Chief Officer Finance and Economic Planning and the head of Treasury be invited to appear before the Board to clarify issues based in the report. The officer prepares a response on each of the 15 recommendations in the Public Accounts Committee report that the said CCO Finance who was by then the Chief Accountant provides his role in the preparation of the financial statement. The report should also contain corrective actions taken and measures put in place to address the shortcoming issues raised by the PAC. The report be presented in both hard and soft copies.

Mr. Speaker sir, the report further mentioned that a response on the issues raised had since been received. However, the meeting scheduled to take place on 13th September, 2016 was postponed following a request of the Acting County Chief Officer Finance and Economic Planning to allow him more time to prepare a comprehensive report. The Board has since received a detailed response dated 30th October, 2016 on the role of the Chief Accountant on preparation of Nairobi City County final accounts and includes corrective measures so far implemented by the Nairobi City County on the shortcomings raised in the audit report. The Board is studying the contents of the report and will shortly schedule a meeting with the acting County Chief Officer Finance and Economic Planning and the head of Treasury to discuss the report and which the board will submit a comprehensive response.

Mr. Speaker sir, I beg to lay the response. Thank you. I think the person who was against this officer is in this House. I think you will just scrutinize the response and report back if you are not satisfied. Then there is another one. Response to a statement by Hon. Kamau Thuo---

**Hon. Speaker:** Point of Order on?

**Hon. Member:** *(Inaudible)*

**Hon. Speaker:** Let him finish so that we come back to that. Let him vent on your answer.

**Hon. Member for Viwandani Ward** (Mr. Samuel Nyang'wara): I don't understand as to why the Majority Leader feels that I don't respect him. He knows very well I have a lot of respect for all the leadership of this House. Mr. Speaker, having said that I am really surprised as to why the Majority Leader wants to take us in circles in this Assembly. One, the response he is purporting to give has got nothing completely to respond to. In this case he has wasted about ten minutes responding with nothing. Telling us that they have received a report and are going to study it then come back to respond. I fail to understand. What we are talking about is an audit report which recommended the Executive to make sure that some Members of the Executive who are corrupt and have misappropriated funds are sent packing.....

**Hon. Samuel Nyangwara:** ...Mr. Speaker telling us that they have received a report and going to study and come back to respond I fail to understand. Mr. Speaker we are talking about an audit report which recommended to this Assembly that the Executive to make sure some of its Members who are corrupt and have misappropriated funds be sent packing.

Mr. Speaker I fail to understand which other report that the body is taking us circles with. What they are supposed to study is the report of Public Accounts Committee of this House and give instruction as per the report of the PAC. Which is this other report they are saying they are studying. From 13<sup>th</sup> of September to now it's like two months and they are still studying this report. Remember very well I asked this particular question sometimes back last year; so they are taking us round till we...and you heard yesterday the communication I heard that we are remaining only with 6 months then we go.

Mr. Speaker even if we remain with 2 days I want them to respond to this particular issue and the sooner they respond the better. The Majority Leader cannot purport that he has responded to this question. And I would like to get your direction because he has not responded. Let him tell us when he is going to respond to this particular issue. Let him give the timelines.

**Hon. Speaker:** Hon. Nyangwara which particular area do you want answered that you are not satisfied. You cannot be not satisfied with the whole report.

**Hon. Samuel Nyangwara:** Mr. Speaker there is nothing like a report here. If you go through this report he is only telling us stories. The response you can gauge from the last three paragraphs....which response are they talking to have received. We asked a very genuine question as to why they are not implementing the resolutions of this House. Which response again are they talking about? They are supposed to respond to that particular issue I raised about the same officer who is still in office when his colleagues are outside there. What is he doing in the government and yet the PAC raised an issue concerning him and he was supposed to be sent packing like other guys. Can he respond to that issue?

**Hon. Speaker:** Leader of Majority



**Leader of Majority** (Mr. Elias Otieno): Thank you Mr. Speaker, I think since he is not satisfied I will request if I can talk to the said officer to come and see him in camera, maybe he will be satisfied...

Hon. Speaker: Order, order, order Hon. Leader of Majority I think what the Members want to know is why the officer is still there and why should he not be sent packing like the other members of staff and if we are satisfied that there is nothing that changed since the PAC report. I think that is what he wanted to know.

**Hon. Nyangwara:** (off-the- record)

**Hon. Speaker:** Hon. Leader of Majority

**Hon. Elias Otieno:** Mr. Speaker I think even I saw Leader of Minority he was on a Point of Order and he was member of this Committee; I don't know what Point of Order he was on about because you know that it is not that we don't want to respond to what Hon. Nyangwara wants because according to what I have read here it's what we received from the Executive side, isn't? So if you are not satisfied just say so then we continue calling them once every time and again. Unless there is something which we can do which can help this thing because we can talk to this officer also to come and see you; I know what is going on but all in all Mr. Speaker I think we will call them once again because we are going to tell them that the person who requested for this statement is not satisfied so he wants to be satisfied so .....

**Hon. Speaker:** Let me make a ruling on that. Hon. Leader of Majority we move forward but let us get the proper report as to why the officer is still there, if anything else has changed. The Members should be satisfied. So I direct the Leader of Majority and the Chairperson of Implementation Committee to bring us a report as to why the officer is still working.

**Hon. Maxwell Ochar:** Thank you Mr. Speaker, I think the Majority Leader is right because for one the officers who were mentioned in the Audit Report are in court and they are still employees of this County so Mr. Gatimu was in court; the Governor has no authority to sack him because he is not in court. I think we should put everything clear so that everybody get satisfied unless somebody want to get a private-seeing each other-the way the Majority Leader is saying. So Gatimu is not in court. The rest are in court.

*(Loud Consultation)*

**Hon. Minority Leader:** *Mr. Speaker* sir we should not allow this dangerous talk. This is an esteemed House and it should be respected. There is no way a Member is seeing officer in private. My able Vice Chair of Planning and Majority Leader should.....

**Hon. Majority Leader:** Thank you Mr. Speaker and Hon. Ochar for supporting this Motion. The response and I thank Hon. Leader of Minority because he doesn't want to support it but he is a member of the Committee...that is the truth of the matter. Ok Hon. Kamau Thuo I think I have your response. Is he in the House? This young man? Can I respond because Mr. Speaker his statement was very clear; about the renaming of Limuru Road to Wangari Maathai Road but I think since Limuru road is a national road the

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Wangarai Maathai road was given this Forest Road and I think that has already been done and it is implemented. Why don't you commend the Implementation Committee for that? Yes.

**Hon. Speaker:** I think it has been overtaken by events.

**Hon. Speaker:** So there is another one for this light lady, the skin is very light and you know Mr. Speaker....sorry sometimes the beauty of a person....

**Hon. Speaker:** Point of Order Leader of Majority

**Hon. Maurice Akuk:** Mr. Speaker it is very wrong for the Leader of Majority party to use language that is unacceptable in this Assembly and I think you should take some action on the Majority Leader.

**Hon. Speaker:** Proceed Hon. Majority Leader, you have heard the comments of Hon. Akuk

**Hon. Majority Leader:** Mr. Speaker I think even where the lady is sitting she is very proud because if you are beautiful you are beautiful; there is no question to that. So Mr. Speaker on Wednesday 16<sup>th</sup> June 2016 Hon. Zulfa Hakim, MCA rose on the floor of the Assembly pursuant to Sanding Order 41(2))c) and requested the Chairperson of Committee on Implementation for a statement regarding the implementation status of Motion passed by this Assembly urging the County Executive Member responsible for Child, Youth Affairs, Gender, Culture, Social Services, ICT and E-government and County Public Service Board to establish a full-fledged department of children in the County.

The Chairperson was to inquire and report on the implementation status of this Motion on the establishment of full-fledged Department of Children in the County.

Mr. Speaker sir the Committee wrote to the acting County Secretary and County Executive Committee Member responsible for Education, Child, Youth Affairs, Gender, Culture, Social Services on 1<sup>st</sup> August, 2016 requesting to be furnished with a written response to the statement by Hon. Zulfa Hakim.

The Committee received a response on 18<sup>th</sup> August 2016 which stated that the sector had already initiated the process the development of organizational structure, identified key offices and level of governance for the department. The process will require personnel and adequate budget which may not be available.

Mr. Speaker sir the response further stated that in 2004 through a ministerial directive the City Council of Nairobi started the Children Section under the Social Services and Housing Department. This was a response to the Children Act 2001 which had come into effect, understanding that the same would gradually develop to a full-fledged department.

Function of the section: rescue and rehabilitation of orphans and vulnerable children with major emphasis on street families; creation of children schemes within Nairobi; integration of children back to families and society; placement of orphans and vulnerable children into institutions of care and support;

management of County Children Care Institutions and all issues pertaining to children and any other related inter linkage.

Current status: Mr. Speaker the Children Service Section currently is in full operation headed by Chief Children Officer. However as a way forward the Chief Officer has proposed a department structure for the Children Department for consideration.

Mr. Speaker the full response of the Children Officer is annexed to this response. I beg to lay the response, thank you in advance as you are going to allow Madam Zulfa, the Iron Lady to also accept this response because it is very good so Mr. Speaker that is what I can say for this afternoon. Thank you.

**Hon. Leader of Majority** (Mr. Elias Otieno): Mr. Speaker sir, the full report from the Chief Officer is annexed to this response. I beg to lay this response, thank you in advance as you are going to allow the "Iron. Lady", Hon. Zulfa to accept this response because it is very beautiful. So Mr. Speaker that is what I can to say for this afternoon. Thank you Mr. Speaker I beg to table.

**Hon. Speaker:** Thank you very much Hon. Leader of Majority and Mr. Clerk I want all the names of the Members who are here written down, these are the Members who will represent us to Kisumu and Mombasa CAF meetings. That is so ordered.

**Hon. Zulfa Hakim** (Nominated Member): Thank you, Mr. Speaker. I think today I woke up on the right side of the bed Mr. Speaker, I have received a lot of compliments and I want to appreciate that I don't take that for granted. Back to the response, I want to congratulate my able Majority Leader and Chair of the Implementation Committee. I know he has done his best in regards to this response Mr. Speaker. I have also gone through the annexed full report from the Executive and it is rather adequate. However I want to challenge the Executive arm of this particular department on the implementation. I only have a problem in the actual implementation, Mr. Speaker. At this point I don't want to blame the Chairman or the members of the Committee but I want to challenge the department itself because even the Committee relies on the report they get from the Executive. Because this problem is persistent, it will never stop in Nairobi unless harsh actions are taken.

So for now I will accept the response from the Implementation Committee led by their very able Chair and I want at this point to say thank you for your compliments Chair, and as a House it is good that it goes on record that we are challenging this department on this implementation because they have written a very good response. But I am afraid with the Executive arm of Nairobi County; all these stories just remain on paper. Mr. Speaker I need your attention, I have not finished I was just concluding by saying that we know and it is on record that the Executive arm of this County can write to us very good stories but with no actual actions Mr. Speaker. That is my challenge to the department and thank you very much Chair once more.

**Hon. Member for Nyayo High-rise Ward** (Mr. Akuk Maurice): Mr. Speaker going by the mood displayed by the Majority Leader, I am still not sure that whatever he answered to this particular statement was correct and I am aware that Hon. Zulfa has been compromised by the Majority Leader---

**Hon. Speaker:** Order Hon. Akuk Maurice Omondi!

**Hon. Zulfa Hakim:** Mr. Speaker I want to register my concern with a particular Member for Nyayo High-rise Hon. Akuk, it seems like from yesterday he is trying to sabotage my work. He rose to say that there was no quorum as they were discussing my Bill. So Mr. Akuk kindly see me in camera if we have to scores to settle and we will settle the two of us. Thank you.

*(Laughter)*

**Hon. Speaker:** Hon. Members concerning the direction of public petition yesterday, I read a petition by Baba Dogo slum residents of the delay of the Nairobi County government to provide free healthcare to orphans and vulnerable children, severely disabled persons and elderly persons from the slums. Hon. Members the petition has two prayers. The Nairobi City County Assembly looked at the matter with a view to revive the Nairobi City County Health Department budget by providing supplementary budget for the National Health Insurance Fund (NHIF) programme that will ensure that 150,000 households and approximately 750 beneficiaries are provided for with free and universal healthcare in the County. The Nairobi City County to established a special kitty fund that will be used to implement the healthcare for the vulnerable population through NHIF programme to cover approximately 150,000 households and 750 beneficiaries.

Hon. Members, the Speaker has received the prayers and petition noting that the two prayers cannot be handled by the County Assembly and I therefore direct the relevant Assembly Committee to focus on a prayer of one of the said petition to report back as required by the Standing Orders, it is so directed. Thank you. Next order please.

### COMMITTEE OF THE WHOLE ASSEMBLY

**Hon. Speaker:** Hon. Members, the Serjeant-At-Arms, the doors should be closed by now. You are out of order Hon. Dr. Bishop HSC.

*(The Speaker leaves the Chair and the Deputy Speaker takes the Chair)*

**Hon. Chairman:** Hon. Members you may be seated. Hon. Members we are now in the Committee of the Whole Assembly on the Nairobi City County office of the County Attorney Bill 2016, Assembly Bill No. 4, of 2016. I hope each and every Member has a copy. The drafts were posted on your tablets. Hon. Members I will call the Clerk to read out the Clause.

### Clause 3

*(Question that Clause 3 be part of the Bill is proposed)*

*(Question is proposed that Clause 3 be amended as proposed)*

**Hon. Chairman:** Order Hon. Member, we are in the Committee of the Whole House please.

**Hon. Jaffer Kassam:** Hon. Chair I propose that Clause 3 be amended as proposed.

*(Question that Clause 3 be amended as proposed is put and agreed to)*

*(Question that Clause 3 as amended be part of the Bill is put and agreed to)*

#### **Clause 4 and 5**

*(Question that Clauses 4 and 5 be part of the Bill is proposed)*

*(Question that Clause 4 and 5 be part of the Bill is put and agreed to)*

#### **Clause 6**

*(Question that Clause 6 be part of the Bill is proposed)*

**Hon. Jaffer Kassam:** Hon. Chair I propose that Bill be amended as proposed.

*(Question that Clause 6 be amended as proposed is put and agreed to)*

Any debate on that?

*(Question that Clause 6 be amended as proposed is put and agreed to)*

*(Question that Clause 6 as amended be part of the Bill is put and agreed to)*

#### **Clause 7**

*(Question that Clause 7 as amended be part of the Bill is proposed)*

**Hon. Jaffer Kassam:** Hon. Chair I propose that Clause 7 be amended as proposed.

*(Question is proposed that Clause 7 be amended as proposed)*

*(Question that Clause 7 be amended as proposed is put and agreed to)*

*(Question that Clause 7 as amended be part of the Bill is proposed)*

#### **Clause 8**

*(Question that Clause 8 be part of the Bill is proposed)*



**Hon. Chair:** Order Maxwell please!

**Hon. Jaffer Kassam:** Hon. Chair I propose that Clause 7 be amended as proposed, Mr. Speaker.

*(Question is proposed that Clause 8 be amended as proposed)*

*(Question that Clause 8 be amended as proposed is put and agreed to)*

*(Question that Clause 8 as amended be part of the Bill is proposed)*

#### **Clause 9**

*(Question that Clause 9 be part of the Bill is proposed)*

**Hon. Jaffer Kassam:** Hon. Speaker sir, I propose that Clause 9 be amended as proposed.

*(Question is proposed that Clause 9 be amended as proposed)*

**Hon. Chair:** Can we debate on this?

*(Question that Clause 9 be amended as proposed is put and agreed to)*

*(Question that Clause 9 as amended be part of the Bill is proposed)*

#### **Clause 10**

*(Question that Clause 10 be part of the Bill is proposed)*

**Hon. Jaffer Kassam:** Hon. Speaker sir, I propose that Clause 10 be amended as proposed.

*(Question is proposed that Clause 10 be amended as proposed)*

**Hon. Chair:** Debate on this.

*(Question that Clause 10 be amended as proposed is put and agreed to)*

*(Question that Clause 10 as amended be part of the Bill is proposed)*

#### **Clauses 11, 12 and 13**

*(Question that Clauses 11, 12 and 13 be part of the Bill is proposed)*

**Hon. Chair:** Any debate on that?

*(Question that Clauses 11, 12 and 13 be part of the Bill is put and agreed to)*

**Hon. Chair:** Order Hon. Athembo please, we are in the Assembly. Order Hon. Magda please!



**Clause 14**

*(Question that Clause 14 be part of the Bill is proposed)*

**Hon. Jaffer Kassam:** I propose Mr. Speaker sir, that Clause 14 be amended as proposed.

**Hon. Chair:** Hon. Kwamboka please we are in the Assembly. Order Members!

**Hon. Chairman:** Order, Members!

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 14 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 14 be part of the Bill)*

*(Question put and agreed to)*

**Hon. Chairman:** Order! Serjeant-at-Arm, please, get the Members to be orderly in the House

**Clause 15**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 15 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 15 be part of the Bill)*

*(Question put and agreed to)*

**Clause 16**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 16 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 16 be part of the Bill)*

*(Question put and agreed to)*

**Clause 17**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 17 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 17 be part of the Bill proposed)*

*(Question put and agreed to)*

**Hon. Chairman:** Order, Mumo!

### **Clause 18**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 18 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 18 be part of the Bill proposed)*

*(Question put and agreed to)*

### **Clause 19**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 19 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 19 be part of the Bill proposed)*

*(Question put and agreed to)*

### **Clauses 20 and 21**

*(Question that Clauses 20 and 21 be part of the Bill proposed)*

*(Question put and agreed to)*

### **Clause 22**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 22 be amended as proposed.

*(Question of the amendment proposed)*





*(Question put and agreed to)*

*(Question that Clause 22 be part of the Bill proposed)*

*(Question put and agreed to)*

**Hon. Chairman:** Technical team, please the mic is not in good shape.

**Clause 23**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 23 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 23 be part of the Bill proposed)*

*(Question put and agreed to)*

**Clauses 24, 25, 26, 27, 28, 29 and 30**

*(Question that Clauses 24, 25, 26, 27, 28, 29 and 30 be part of the Bill proposed)*

*(Question put and agreed to)*

**Clause 31**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 31 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 31 be part of the Bill proposed)*

*(Question put and agreed to)*

**Clause 32**

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that Clause 32 be amended as proposed.

*(Question of the amendment proposed)*

*(Question put and agreed to)*

*(Question that Clause 32 be part of the Bill proposed)*



*(Question put and agreed to)*

**Clause 33**

**Hon. Chairman:** Hon. Adow, do want to debate on Clause 33? What is it?

**Hon. Member for Roysambu Ward** (Mr. Peter Warutere): Mr. Chairman, I have a directive of Hon. Kamau Thuo. He has some amendments to make on Clause 33 (a).

**Hon. Chairman:** We are still not there. I will give you when we are there.

*(Question that Clauses 33 be part of the Bill proposed)*

*(Question put and agreed to)*

**Hon. Chairman:** Hon. Members, we are now in new Clauses.

**Clause 32 (a)**

**Hon. Chairman:** Hon. Warutere, at least you may now proceed. The mover first, Chairman, move the second reading, please.

**Hon. Jaffer Kassam:** Mr. Chairman, I propose that new Clause 32 (a) be now read for the second time.

*(Question that new Clause 32 (a) be read a second time)*

*(Question put and agreed to)*

*(Question that new Clause 32 (a) be part of the Bill proposed)*

*(Question put and agreed to)*

**Clause 33 (a)**

Mr. Speaker sir, notice given there by Hon. Kamau Thuo whom I act on behalf of, that following new clause be inserted immediately after clause 33.

33 (a)(1); the Governor shall within 14 days of coming into force of this Act fill the position of the office of the County Assembly in accordance to the provision of this Act.

(2), the person exercising the powers of and function of the County Attorney or its equivalent immediately before this Act shall cease exercising such powers or functions at the expiry of 14 days after coming into force of this Act.

(3), any person who shall exercise the powers or functions of the County Attorney or its equivalent after the expiry of the period referred to in sub section 2 above shall be guilty of an offence and liable to a fine of Ksh. 5 million or imprisonment for a period of 5 years or both.

*(New clause 33 (a) proposed)*

*(Question that the Bill be read for the second time proposed)*

*(Question that new Clause 33 (a) be read a second time put and agreed to)*

*(Question that Clause 33 (a) be part of the Bill put and agreed to)*

### **Schedule**

*(Question that schedule 1 be part of the Bill proposed)*

*(Question put and agreed to)*

*(Question that schedule 2 be part of the Bill proposed)*

*(Question put and agreed to)*

*(Question that Clause 2 be amended as proposed proposed)*

*(Question put and agreed to)*

### **Title**

*(Question that the title be part of the Bill proposed)*

**Hon. Jaffer Kassam:** I propose that the title be amended as proposed.

*(Question that title be amended as proposed proposed)*

*(Question put and agreed to)*

### **Clause 1**

*(Question that clause 1 be part of the bill proposed)*

*(Question put and agreed to)*

**Hon. Jaffer Kassam:** I beg to move that the Committee do report to Assembly its consideration of the Nairobi City County office of the County Attorney Bill, 2016 (Assembly Bill no. 4 of 2016) and its approval thereof with the amendments.



**Hon. Chairman:** Hon. Members, I will put the question which is that the Committee do report to Assembly its consideration of the Nairobi City County office of the County Attorney Bill, 2016 (Assembly Bill No. 4 of 2016) and its approval thereof with the amendments. Thank you.

*(Hon. Deputy Speaker leaves Chair. Hon. Speaker takes Chair)*

**Hon. Deputy Speaker:** Mr. Speaker sir, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Attorney Bill (Bill No. 4 of 2016) and approved the same with amendments.

**Hon. Jaffer Kassam:** Mr. Speaker sir, I beg to move the Assembly to agree with the Committee in the same report.

*(Question proposed)*

Mr. Speaker sir, I beg to move that the Nairobi City County Office of the County Attorney Bill No. 4 of 2016 be now read a 3rd time.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, we go to Order No. 8 the second part.

### **The Nairobi City County Animal Control and Abattoir Management Bill, 2016 (Assembly bill No. 3 of 2016)**

*(Hon. Speaker leaves the Chair. Hon. Deputy Speaker takes over the Chair)*

**Hon. Chair:** Hon. Members, we are in the Committee of the Whole Assembly. Hon. Akuk. Order Members!

**Hon. Maurice Akuk:** I stand on Standing Order No. 32. And it seems that we do not have enough quorum in the Plenary to support this Bill. So, kindly ---

**Hon. Chair:** Can the Clerk confirm the same? Hon. Members, the attention of the Chair has been raised under Standing Order No. 32 that there is lack of quorum in the House. I direct the Serjeant-At-Arm to ring the bell for 8 minutes.

*(Quorum bell is rung for 8 minutes)*

Hon. Members, the Standing Order no. 32 (2) requires that I count the Members present in the House.

*(Hon. Deputy Speaker counts the Members present)*

Hon. Members, under Standing Order No. 32 (2) (b), there seems to be lack of quorum in the House and for that reason, I will leave the Chair in order for the Speaker to come who is going to proceed with the proceedings to adjourn the Assembly. Thank you.

*(Hon. Deputy Speaker leaves the Chair. Hon. Speaker takes the Chair)*

**Hon. Deputy Speaker:** Hon. Speaker, while we were in the Committee of the Whole Assembly to consider the Nairobi City County Animal Control and Abattoir Management Bill, 2016 (Assembly Bill No. 3 of 2016, the attention of the Chair was raised as to lack of quorum in the House and as a guiding principle, Hon. Speaker, Standing Order No. 32 (2) (b) requires that we do a count on the Members present in the House which the Chair did. After that, now it is certain that there is lack of quorum in the House. So, we could not proceed with the business. And I wish to report that you have the obligation to call the House on adjournment to the next sitting. Thank you Hon. Speaker.

#### ADJOURNMENT

Hon. Speaker: Thank you very much The Hon. Deputy Speaker. Hon. Members, good evening. As per our very able Deputy Speaker's remarks, the House is adjourned until Tuesday, 2:30 PM. I thank you.

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

