



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 27th July, 2016

The House met at 2.30 p.m.

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

PRAYERS

(Quorum bell rung for 10 minutes)

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Good afternoon Honourable Members, I have the following communications to make.

CONCLUSION OF PENDING STATEMENTS

Hon Members, pursuant to Article 185 (3) of the Constitution of Kenya;

“A County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organs”.

Hon. Members, statements are amongst the opportunities through which the Assembly exercises its oversight over the Executive functions. The Chair wishes to note and appreciate the zeal with which Members have leveraged statements to obtain information and answers from the County Executive on crucial issues in the County.

However, the Chair has noted with concern the delay in responding to statements by Committees, lack of responses from the Executive and the poor management of responses on the floor.

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Hon. Members after an audit of all statements from the Second Session to date, the Chair wishes to note that there are pending statements responses for the last two Sessions. In the Second Session (2014), we have a total of 10 pending statements while in the Third Session (2015) we have a total 60 pending statements and a total of 30 pending statements in the current (Fourth) Session. In total, we have 100 pending statements from the Second Session up to the current Session. Details of the same are attached to this communication.

Hon. Members, as you continue working with the diligence you have exhibited in executing your oversight mandate for the benefit of Nairobi residents, I hereby direct that Chairpersons with pending Statements from the Second Session to date should move with speed to dispense off the statements in their respective Committees and give a status report to this Assembly by Wednesday, 3rd August, 2016 where every Chair will be called upon to give his/she respective report.

Hon. Members, Chairpersons who fail to observe the foregoing direction must report to the Speaker the reason for such failure on time for the County Assembly Leadership to take necessary action on the same.

Hon. Members, the Chair commits to follow up on the forgoing to ensure all pending statements are responded conclusively.

Thank you.

STATEMENTS

Hon. Speaker: Order, we are now on statements and Hon. Manoah Mboku

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker, I have a Statement to make. Pursuant to Standing Order 41 (2) (c) I wish to request for statement form Chairperson of Select Committee on Budget and Appropriation regarding payment of Kenya Medical Supplies Agency (KEMSA) and free maternity. Hon. Speaker there is a concern that KEMSA has supplied drugs to the County Government health facilities and County Treasury has not released Ksh. 150 million owed by the County Government. This has resulted to shortage of drugs in the County health facilities such as Mbagathi hospital, Mama Lucy, Mutuini and many others since KEMSA is not currently supplying.

The last time KEMSA supplied drugs to County facilities was last year September, up to now we don't have drugs in most of our facilities. We visited Eastleigh Health Centre last week and what we found there was shocking. There was no single drug on the shelves. Right now Mbagathi has no medicine at all at all. Patients are being referred to go and buy drugs from various chemists which they find difficult.

Mr. Speaker also yesterday morning there is a nurse who called me from Pumwani telling me that they don't have even gloves; they are even wondering how they will assist mothers deliver babies. It is shocking and it is in this regard I want the Chairman of Finance to give to this Assembly reasons why the Treasury has not paid the money owed to KEMSA and two status of the money allocated for free maternity

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in the County as most facilities lack essential maternity equipment. And lastly measures being put in place by the County Executive to ensure the County Government health facilities are well facilitated in terms of drugs and equipment for service delivery to the residents. And before the Chairman responds am sure when he comes with the answer to this Assembly he will come with his normal lies. Let him be aware that we will not tolerate lies anymore. He should bring concrete answers to this Assembly so that we satisfy the Nairobians, thank you.

Hon. Speaker: There is Point of Order Hon. Chair.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker can I inform the Chair that the person standing before you reading the statement is the Chair of Health Committee and Mr. Speaker through your wisdom the issue he is referring in the statement is basically and squarely in the Health Committee. It is wrong for the same Chair to cast aspersion when his own Committee, when we are members, he has never summoned these people before the Committee to explain why KEMSA has not supplied

Hon. Speaker: Very well Hon. Imwatok, Hon. Members, one, yes he is the Chairman of Health but he is not Chairman of Finance and if I got it right he is asking why the medicine is not paid but now as we ask the Chairperson of Budget and Appropriation also we want to put this to you as Chairperson, why have you let this as Committee of Health reach this stage. That is the question you need to answer these Members and the Nairobians because you have been given the mandate to oversee the health sector in Nairobi County. Order! Chairperson Finance.

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much Mr. Speaker sir.

Hon. Speaker: Order Hon. K'otieno, what did you say? You are a good citizen.

Hon. Michael Ogada: Thank you Mr. Speaker. Mr. Speaker I think that is a very urgent matter because it concerns the health of our people and therefore if we are given one week we will be able to come up with a concrete and convincing report not lies.

Hon. Speaker: Very well and very wise, Hon. Michael Ogada. Hon. Osman Adow.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Speaker. Hon. Speaker pursuant to Standing Order 41 (2c), I wish to request for a Statement from the Chairperson of the Sectoral Committees on Transport, Roads and Public Works and Trade, Tourism and Co-operatives regarding the unlicensed businesses operating along Popo Road in South C Ward. Hon. Speaker there are unlicensed businesses operating on road reserve along Popo Road which have caused destruction of plants and flowers along the road and has resulted in dumping of garbage in the drainage system causing blockages along the said road. Hon. Speaker in the statement the Chairperson should inquire into and report on:

1. Who authorized the operation of businesses along the road reserve; and

2. Measures taken by the County Executive to protect and the rehabilitation and beautification of the County roads such as Popo Road from destruction by unlicensed businesses.

Thank you.

Hon. Speaker: Members before I commit this statement to Transport and Public Works, Trade and Tourism, it has come to the attention of the office of the Speaker that Members of the County Assembly of Nairobi are clashing in their duties. And this is not really a communication, but as brothers and sisters it is important before we receive any complaints from Members in regard to the encroachment by other members in their other respective Wards, it is important first of all to get together and know that the question is coming to the floor of the House.

Yesterday and this morning we had a very ugly incidence where a Member of the County Assembly went to Gigiri and purported to demolish houses under construction. Therefore, the Member was not aware of that area and had not even consulted the Member of that area but we had just gotten complaints from the other arms of the government. With this issue of South C, I would like to see the Member of the County Assembly of that area and Hon. Adow in my office after the rise of this Assembly because it is a statement from a Member, the Chairmen of Transport and Public Works and that of Tourism and Trade, can you give an undertaking on this please?

Hon. Member for Imara Daima Ward (Mr. Jairus Atenya): Thank you Mr. Speaker next week Thursday.

Hon. Speaker: Chairman Hon. Odalo?

Hon. Odalo: We will respond---

Hon. Speaker: There is Committee of Trade and Tourism.

Hon. Odalo: Yes Mr. Speaker, ours will be ready on Thursday next week.

Hon. Speaker: The Chairman of Transport and Public Works? Where is the Chairman? Yes Hon. Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, the Chairman and the Committee went to Baba Dogo and I think they are late. But I will report to them because I sit in that Committee. So Thursday concurrently we have the reports.

Hon. Maxwell Ochar: So directed by the Speaker.

Hon. Speaker: Thank you. We had Hon. Imwatok.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker I was seeking some directive from you because most of the time anything touching on construction Mr. Speaker, the NEMA

laws says that every construction must be done under the certificate of EMA i.e. Environmental Impact Assessment. But wherever I see all the statements being enjoined in a committee and the Environment Committee has not being enjoined in this Mr. Speaker that ..We are having a lot of issues. I am just seeking your directive Mr. Speaker because what Hon. Adow is asking is also touching on Environment.

Hon. Speaker: Hon. Imwatok I think you are right. It is noted. So in future we will try so that these things come faster. I am sure if we have teamwork; messages will come quicker for the benefit Members. Thank you. Hon. Samuel Nyagwara is absent--- Oh welcome back.

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker pursuant to Standing order No. 41 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade and Tourism regarding the United Nations Conference on Trade and Development (UNCTAD) meeting held in Kenya at the Kenya International Convention Centre from 17-22nd July 2016. Hon. Speaker the United Nations Conference on Trade and Development meeting that was held at the KICC brought together heads of states, government ministers and other prominent players from the business world, the civil society and the academia to tackle the major strides in trade development issues. Major streets in the city were closed down resulting to the loss of revenue to the County since motorists could not access their parking slots. Mr. Speaker, in the statement the Chairperson should inquire into and report on:

- i. How much money did the County Government lose at the period of the conference
- ii. Which organization, agency, department in the County Government or person involved is responsible for the loss of revenue
- iii. Measures put in place by the County Executive to recover the monies lost and avoid such occurrence in future.

Hon. Speaker: Hon. Chairperson, Trade.

Hon. Member for Mabatini Ward (Mr. Wilfred Odalo): Thank you, Mr. Speaker. Tuesday, next week, that is a bit minor, we shall handle it.

Hon. Speaker: Thank you. Hon. Hashim Kamau.

Hon. Member for California Ward (Mr. Hashim Kamau): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the process of recruitment of Board of Directors of the Nairobi City Water and Sewerage Company Ltd.

Mr. Speaker, the judgment of 20th May 2016, Petition No. 26 of 2015 by High Court of Kenya, Constitution on Human Rights Division, ordered the continuation of the recruitment process for the nine Board Members for Nairobi City Water and Sewerage Company where the County Executive contracted the Osano and Associates to advertise for the recruitment.

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

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- i. Whether the law was followed in the process of appointing Osano and Associates as a recruiting agent, and at what cost.
- ii. Failure by Osano and Associates systems to hold huge files thus rejecting some applicants
- iii. List of all applicants and those submitted by Osano and Associates
- iv. Performance outcome of every applicant interviewed.

Thank you.

Hon. Speaker: Hon. Chairperson, Committee on Water and Sanitation.

Hon. Member for Njiru Ward (Mr. Kenneth Thugi): Thank you, Mr. Speaker. The Statement requested by the Member of the same Committee will be responded to next week on Thursday.

Hon. Speaker: Thank you very much. Hon. Chege Mwaura.

Hon. Member for Ngara Ward (Mr. Chege Mwaura): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the recent public dismissal of County Inspectorate employees for allegedly failing to---

Hon. Speaker: Hon. Chege, can you be a little bit---

(Loud consultations)

Hon. Chege Mwaura: Mr. Speaker, I think that is why we have microphone. Pursuant to Standing Order 41 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the recent public dismissal of County Inspectorate employees for allegedly failing to reign general order in the CBD.

Mr. Speaker, Section 76 of the County Government Act, 2012, provides that, in exercising its disciplinary powers, the County Public Service Board should observe principle of National Justice. Further, Section 77 provides for an appeal process at the Public Service Commission for any officer sanctioned in a way or form of CPSB.

Hon. Speaker, the officers were dismissed publicly without any recourse to the procedure on legal safeguards provided in law for public officers.

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

- i. The status of the employees employment, whether suspended or interdicted
- ii. How many Inspectorate officers were affected by the said suspension or interdiction, or any other sanction as stated
- iii. Were the officers charged for alleged criminality, and what were the charges if any

- iv. Where any investigations undertaken to substantiate the allegations, what occasioned the suspension or dismissal, and the report of the process available
- v. Was the due process followed in suspension or interdiction of the officers, if any, the record and the process be also tabled in the House.

Thank you.

Hon. Speaker: Hon. Chairperson, Labour and Social Welfare.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Very well, Mr. Speaker sir. That is a very weighty matter. We will respond next week on Monday; not this week. We want to give a concrete answer.

Hon. Speaker: Order, Hon. Chairperson! Monday, we have no---

Hon Wilson Ochola: Not Monday, next week on Tuesday.

Hon. Speaker: Very well, Hon. Chairperson.

Hon Wilson Ochola: The reason why I am saying that is because it is very concrete and it needs the Executive to take time.

Hon. Speaker: Okay. You were standing on what, Hon. Imwatak?

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): Mr. Speaker, I want your direction on the word 'concrete' because all the Chairmen of the Sectoral Committees use this word 'concrete'. What does it mean? Is it a copy and paste word from all the Chairmen? It is becoming an anonymous word, we don't understand. Is concrete cement, ballast or what?

Hon. Speaker: Hon. Chairperson.

Hon Wilson Ochola: Thank you, Mr. Speaker sir. I would like to know if the Hon. Member went to school or not. The word 'concrete' means we are able to do it.

(Laughter)

Hon. Speaker: Hon. Jaffer Kassam.

Hon. Member for Parklands/ High Ridge Ward (Mr. Jaffer Kassam): Thank you, Mr. Speaker sir. Just to add to the request which has been asked for by Hon. Chege Mwaura, I wanted to report to the House that the Committee has already written to the Chief Officer, Security and Compliance in the context the way the road side declarations were made. Because these people come from the security sector, we are also looking to it. However, in no way am I adducing to the fact that it should not be responded to but we should also be reporting to the House our investigation on that particular issue.

Hon. Speaker: Thank you very much. Hon. Jaffer Kassam.

(Consultation between the Clerk and the Speaker)

Hon. Chege Mwaura: Mr. Speaker, I sought some clarifications following what Hon. Jaffer Kassam who is my friend and neighbor--- I thought probably if they had a joint way of dealing with the issue, it would actually capture both because the Inspectorate is still a Labour issue.

Hon. Speaker: Hon. Chege, we were just consulting. Because this is more of an industrial matter, we will let them handle but off course justice has its own way of finding out what has happened in their department. Thank you.

Hon. Speaker: ... For the word concrete I think I'll have to come with a dictionary tomorrow because it is wrong and I was going to ask the alumni --- *(Loud consultations)* yes thank you. Can we proceed please? Hon. Members the following responses are due. Hon. David Mberia for the Chairman of the Sectoral Committee on Planning regarding the grabbing of land allotment number 149330 which was meant for public along Silanga Road in Karen. Hon. Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you Mr. Speaker. Hon. Mberia is not in the House. With your guidance I can go on.

Hon. Speaker: Hon. Ochar, because with this he was very passionate let's give it tomorrow at 2:30 p.m.

Hon. Maxwell Ochar: Mr. Speaker, this is the second time. It came yesterday and he was not in the House.

Hon. Speaker: Let it be the last day.

Hon. Maxwell Ochar: Thank you.

Hon. Speaker: Hon. Rachael Kamweru for the Chairperson of the Sectoral Committee on Labor regarding the position awarded to directors in different departments.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Thank you Mr. Speaker. For the first time I want to finish the issue of Rachael Kamweru. On Thursday 31st March 2016 Hon. Rachael Kamweru, MCA rose on the floor of the Assembly pursuant to Standing Order number 41 (2c) and requested the Chairperson of the Sectoral Committee on Labor and Social Welfare for the statement regarding the positions awarded to directors in different departments on acting capacity and the recruitment of the candidates in the Cooperative Department as advertised in the County Government website. She further asked the Chairperson to inquire into and report on:

1. Criteria followed by the County Executive for the appointment of the County Officers to the position of directors.
2. Reason why officers of lower ranks are considered for senior positions on acting capacity yet senior officers are not considered

3. Reason for the delay in interviewing the shortlisted candidates for the position of the directors
4. Measures taken by the County Government to ensure recruitment of the County Officers is fair and just

Mr. Speaker, the Committee wrote to the Chair of the County Public Service Board on 18th July, 2016 requesting to be furnished with the written response to the statement requested by the Hon. Member. The Secretary County Public Service Board responded vide letter NCPSB/ADM/28/VOL.1/32 dated 25th July 2016. In this regard, I wish to report to the Assembly as follows:

1. The criteria followed by the County Executive for the appointment of the County Officers to the position of director

Mr. speaker sir, the Committee was informed that the County Executive requested the County Public Service Board to appoint a County Officer to the position of directorate based on the agreed County structure and the work content of the concerned director's based on the need to ensure that the County Departments aligned their roles and responsibilities with the priority and objective set out in the County Policies and plans.

2. Reason why officers of lower ranks are considered for senior positions on acting capacity yet senior officers are not.

Mr. Speaker sir, the Committee was informed that the County Public Service Board consulted with the relevant departmental heads before making an acting appointment. For a person to be appointed on an acting position, he or she has to satisfy the prescribed Qualification for holding that public office. In a case where there may be no person with the concerned department to act, due to lack of prescribed qualification the Board will appoint a person to perform duties of that office pending recruitment of substantive holders of that position.

3. Reason for delay in interviewing the shortlisted candidates for the position of Director.

Mr. Speaker sir, the Committee was informed that the filling of the position of Director for the Cooperative which was advertised in 2015 was suspended at the request of the County Executive to allow the completion of the Capacity Assessment and Rationalization of the Public Service (CARPS). It was ongoing at the same time as finalization of high level County Fund Structure that was being undertaken in the CARPS program. It is not fully completed due to the need to fill the positions which are critical for the service delivery. The Executive authorized recruitment for certain positions mainly the Sub-County positions in various sectors including Cooperative which will be filled competitively soon.

4. Measures taken by the County Government to ensure recruitment of the County Officers is fair.

Mr. Speaker sir, the Committee was informed that the County Public Service Board as a recruitment agent to the County is obligated by the Constitution and the County Government Act 2102 to ensure that recruitment of County Officers is fair and just. This is achieved by ensuring that the process is

open to all and that there is no discrimination. The CPSB further based appointment on the principle of meritocracy and in order to giving all people an equal opportunity. Positions are advertised and open to all. The CPSB therefore to the provision of article 10, 27, 232 and section 65 and 66 of the County Government Act of 2012 ensuring a fair and just recruitment from the process.

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

(Applause)

Hon. Speaker: Hon. Racheal Kamweru

Hon. Nominated Member (Ms. Racheal Kamweru): Thank you Mr. Speaker. I would like to inform the Chairman that my name is not Mr. Raphael nor Shebesh but Hon. Racheal Kamweru. It is unfortunate that a Member can make such a mistake and we have been with him here since he was a Councillor. Mr. Speaker this response was unfortunately given to me one and a half hours before the Assembly started and it is shallow. Shallow in the sense that it is like a story or a narrative. They have an obligation to respond to this Assembly. The report is shallow and I am not sure whether the Committee met the particular people reason being on the question where I asked about why lower rank officers are considered in respect to senior officers. Mr. Speaker I want to be given more time, preferably tomorrow or next week so that I table a list of my evidence. This is because what the Executive gave has no evidence, they just wrote three lines saying that junior officers are not given jobs vis-a-vis their senior officers. They have not given substantive evidence and it is like their story is a composition.

Mr. Speaker I am very particular when I ask my questions because I know how to critic documents. As an intellectual, the critic here is below par. On the reasons of the delay of interviews of shortlisted positions of directors and in particular in the Cooperative sector. Mr. Speaker, I Co-Chair the Cooperative with Mr. Abuka and I am very much concerned with this department. I am aware of the regularization assessment programme that is going on. The last paragraph says 'including Cooperatives which will be filled competitively soon'. Mr. Speaker, what is competitively soon? It would mean, by the time we are getting out of this Assembly then would they give a time frame of this particular issue. That is really wanting and I am not sure whether the person who gave contents of this report was sober or maybe they thought that this is any other business that they give that Members do not critic.

Lastly Mr. Speaker, I have my own evidence which I will give in good time. I did not know the response would come today. I will table my own evidence on the shortcomings of this and so I beg to not support this report because it is substandard, below par and not clear. Lastly, for the interviewing of shortlisted candidates Mr. Speaker, the Board did not give us the names of the shortlisted members of the Cooperative yet the County website has those names. Mr. Speaker I want a direction from your end. Thank you.

Hon. Speaker: Hon. Chairperson Order! When I look at the response from the Secretary and CEO County Public service Board then I think that the Chairman is accordingly advised. I want to ask Hon. Racheal Kamweru to indicate the areas where she wants further clarifications from the Chairperson because I think that the Chairperson has been given proper information from the CEO and Secretary of the County Public and Service Board. In your statement you do not indicate that you want the names of the officers Hon. Kamweru

Hon. Racheal Kamweru: Mr. Speaker while I was giving my submission I included the areas I wanted checked so do I need to do a write up to the Committee again in person?

Hon. Speaker: Just say it here because he is with us

Hon. Wilson Ocholla: Point of Order Mr. Speaker.

Hon. Speaker: Order Hon. Chairperson! Hon. Kamweru kindly indicate what you are not satisfied with and what you want brought back to the Assembly.

Hon. Racheal Kamweru: Thank you Mr. Speaker.

1. Could they please indicate to us the competitiveness and the time frame?
2. Can the Board confirm to us the shortlisted candidates? Will they undergo interviews?

Hon. Nominated Member (Ms. Elizabeth manyala): Point of Order Mr. Speaker

Hon. Speaker: Hon. Kamweru, number one on the criteria followed has already been explained to you. Order Hon. Member!

(Hon. Elizabeth Manyala speaking in the background)

Hon. Elizabeth Manyala: Mr. Speaker, I sit in Labour and Social welfare committee. We have to adhere to the rules and procedures on how we ask questions because as you are aware, we are not the implementers. That is the Executive. Article 175 of the Constitution clearly states that there will be two arms of the Government and that is the Executive and the Legislative wing. We therefore cannot be the ones to supervise the Executive on the modus operandi of how they execute and also ask them on a timeframe on when to interview. What they say is that they are working on it and we adhere to that and wait until it is done. But asking questions such as how many candidates competitively---? Then I think that we are putting the cart before the horse. We are biting too much that we cannot chew Mr. Speaker. We need to know our mandate and stick to it. Thank you Mr. Speaker.

Hon. Speaker: Order Hon. Racheal. Hon. Members first of all I want to tell you that it is a right of Hon. Members to seek clarifications and question statements. As I said earlier, the Chairperson of Labour has given us a report given to him by the Executive as confirmed by Hon. Manyala. Furthermore, I would like to advice Hon. Racheal Kamweru, kindly take this document and read it and have whatever details you want brought back to the Assembly by the Hon. Chairperson of ---

Hon. Rachael Kamweru: Thank you Mr. Chair. Obligated. I will come back and say exactly course are done. But it is very unfortunate that Members can try to curtail us not to ask questions because they are in that Committee. This is a weighty matter for the Nairobians and especially our employees. I need to give directions because I am here as a legislature. So, Hon. Manyala should not purport to say that we should not give directions. There are no sideshows in this Assembly.

(Hon. Ochola on his feet)

Hon. Speaker: Order Hon. Chairperson. You will wait for Rachael Kamweru and any other Member--- Order Hon. Chairperson. You have done a good job.

Hon. Ngaruiya Chege: Mr. Speaker, thank you for giving me this opportunity. I think the Members, even if you are the Chairman, Mr. Speaker, or a Member of a certain Committee, you don't work at the behest of the Executive. Whatever is requested by this House is incumbent upon the Hon. Members to know that every nitty-gritty that are required should be addressed. Why do you want to show us that you are defending? We have to carry out our oversight role---

(Hon. Ochola on feet)

Hon. Speaker: Order Hon. Chairperson! Order! He is on a Point of Order.

Hon. Ngaruiya Chege: Mr. Speaker, the last time I said most of the Chairmen we have here do not take their work seriously. And you see, when somebody says he is not the Executive, he should bring the answers. Listen, Chairman, the reason why you will never perform is because you don't listen. Mr. Speaker, we have issues at hand and the issue at hand should be addressed in accordance with the Standing Orders of this House. And therefore, I request that whatever the Hon. Member is saying should be addressed appropriately. Thank you.

Hon. Speaker: Thank you. Hon. Chairperson?

Hon. Wilson Ochola: Thank you Mr. Speaker sir. I was not trying to defend the Executive. The only thing the Member, he or she, she doesn't know that we are getting information from the Executive. He or She, I don't want to know.

(Loud consultations)

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

Hon. Wislon Ochola: Mr. Speaker, can you protect me?

Hon. Speaker: Order Members!

Hon. Wilson Ochola: Hon. Member, Raphael.

Hon. Speaker: Order! No, no, no! I think we should proceed. I said here earlier that the Hon. Chairperson--- order! Actually, regardless of the pain we go through the responses, the Chairman, in this occasion, got the answers which are clearly typed in black and white from the Executive. What I have just asked you Members, and ask Hon. Rachael Kamweru, is that where you are not satisfied, put it before the floor so that we can get it again from the Committee. There is nothing wrong. You should not fight over a statement. You are all good citizens and Hon. Members. Can we proceed?

(Some Members rose on a Point of Information)

No information please! This was a statement---

(Loud consultations)

Hon. Members, I need to take you back to Statement Hour on Standing Order no. 41. And this reads as follows:

“A member may request for a statement from the Committee Chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.”

Therefore, please, on the issue of statements, we are done and we are up to date. I just want to know, whom do you want to inform? Whom are you informing?

(Loud consultations)

Order! Who do you want to inform?

Hon. Zulfa Hakim (Nominated Member): Mr. Speaker, give me a minute please.

Hon. Speaker: On what Standing Order?

Hon. Zulfa Hakim: I would just like the Hon. Member to rise up and apologize to Hon. Kamweru because in this House we hold very serious businesses and this Member has just stood up, a whole Chairman, referring to an Hon. Member of this House as “He or She”. Mr. Speaker, I find that very absurd. Kindly apologize. That is unacceptable. I am speaking as the Vice Chair of the Women Caucus.

Hon. Speaker: Order Hon. Members! Order! Order Hon. Members! Only Bishop and then I finish this. Please, let us not go on a statement. I want to make a ruling on that.

Hon. William Abuka (Nominated Member): Thank you very much Mr. Speaker. Allow me for the first time to supply voices of reason in this debate. I am equally concerned as my coach here for the Cooperative about the weak performance of the Cooperative department. And many other sections and departments within County hall. For me Mr. Speaker I would say that you have already made a ruling on this, so I wouldn't like to discuss it again because we cannot outdo the Speaker in his wisdom.

However, we cannot outdo the Speaker in the provision of the wisdom but it is a very serious debate and I will for example, give an indication that the Co-operative Sector is circulating close to 130 billion shillings within Nairobi alone. That kind of money and the people that are handling it are not properly been over sighted, it is as a result of weak staff or lack of substantive officers.

(Loud consultation)

Hon. Speaker: Hon. Bishop! Order Members Order!

Hon. William Abuka: Am just concluding!

(Loud consultation)

Hon. Speaker: Order Hon. Members!

Hon. William Abuka: Therefore, I thought the seriousness of this debate would be climaxed at pointing the weak areas so that the Chairman can bring in sufficient information so that we can take it up from there. I am equally concerned.

(Loud consultation)

Hon. Speaker: Yes thank you! We are done next order! Order! The following statements are due Statement requested by Hon. Erastus Mburu to Chairperson Sectoral Committee on illegal Construction of Petrol Station at Kasarani Ward opposite Naivas Supermarket. Hon. Samuel Kagiri, of Transport and Public Works. Hon. Tabitha Ndirigiri on illegal Construction of Kiosks in Langata Sub-County. Statement by Hon. Samuel Nyangwara Public Accounts, Hashim Kamau, David Mberia all this statements are due and I would like to alert the Hon. Chairpersons that they are also in this list that I did earlier on in my communication, so you have until 3rd August, 2016 to produce all this statements for the benefit of Members. As Hon. Ngaruiya said it's now that we will measure you Hon. Chairmen. Proceed!

MOTION

Hon. Speaker: Hon. David Mberia! We need to find out how many times this...Order! Hon. Ochola! We just want to find out how many times this Motion has come then we can know what action we can take thereafter. *(Loud Consultations)* Order Hon. Members! Hon. Karen Wanjiku!

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker sir, I need to speak before we leave and what I wanted to say is that we need to remember our role of legislation, representation and oversight. Oversight is very important and about Hon. Mberia's Motion it has come in the Order Paper very many times and some of us have Motions that have not been put in the Order Paper and yet every time this Motion is put and the Hon. Member does not attend, which is wasting our time. Thank you.

Hon. Speaker: Thank you. Hon. Members I think it is important for us to note that as Hon. Members when you bring your Motions and in several occasions you are not available, we are then left with

absolutely no option other than to drop it. Therefore, Hon. Members I do order that this Motion be dropped from the Order Paper. Yes Hon. Manyala!

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): As much as the Motion as been coming in the Order Paper severally, I wonder because when a Motion is coming in the Order Paper and when it is supposed to be read or moved a Member needs to be consulted. We want to enquire and find out whether the relevant Clerk who is in-charge of the Table Office actually consulted the Hon. Member to inform him, because there are so many Motions and maybe the Member is not a Member of the House business Committee.

We want to know because the Member could have been out of the Country or unwell. So was the Member consulted? If so we need to know before it is thrown out Mr. Speaker.

(Loud Consultations)

Hon. Speaker: Order! Members Order! Hon. Member the Hon. Chief Whip Majority is a Member of the House Business Committee. Can we proceed! Hon. Elkana!

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Mr. Speaker, I hope the Motion is for the Whole House and not for Hon. Mberia alone. Hon. Mberia is like a door that is opening for us to discuss this Motion.

Mr. Speaker, if possible anyone can move the Motion because we understand it and we know the content and the importance of that Motion to this House.

Hon. Speaker: Hon. Members the ruling has been made that the Motion has been dropped. Hon. Members the Assembly has been adjourned until tomorrow at 2.30 p.m.

(House rose at 3.50 p.m.)