



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 31st August, 2016

The House met at 2.30 p.m.

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

PRAYER

(Quorum bell is rung for 10 minutes)

Hon. Speaker: Clerk, can we ascertain the quorum? Can we proceed to business?

COMMUNICATION FROM THE CHAIR

Good afternoon Hon. Members. I have the following communication to make. Hon. Members, permit me to welcome you to this state-of-the-art debating Chamber. Hon. Members, the new Chamber has been designed to conform to modern legislature design and architecture. It is also fitted with an ultra-modern state-of-the-art digital multimedia conference system. Similar systems are placed in the United Nations, African Union Headquarters, Parliament of Kenya to name but a few. As you are aware, Hon. Members, before now, the Assembly carried out its sittings at Charter Hall where voting was manual and debate was undertaken without much technological controls in place. For instance, Members had to rise and speak from a central microphone which caused a lot of movements during Plenary and thus time wasting.

Hon. Members, in order for us to make proper use of the amenities availed in this Chamber, the following is crucial. Hon. Members, each of you will be required to register their presence in the Chamber by login in via the biometric system at the entrance to access the microphone in the Plenary. You will be

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required to pick your cards from the Serjeant-At-Arms daily as you enter the Chamber and return the same for safe keeping at the end of each sitting. Any Member who loses the card will be required to pay a sum of KSh. 2000 for replacement.

Hon. Members, to access the microphone and catch the Speaker's attention, you will be required to insert your card in the slot provided on the side of your microphone stand. Hon. Members, there are two ways through which you will be able to contribute to debate and make interjections. Firstly, to address the Speaker or contribute to debate, you will be required to press the MIC button and wait for the Speaker to give you the floor by assenting to that request and switching on your microphone. Only request approved by the Speaker will have their microphone turned on and have the opportunity to address.

Secondly, Point of Order or Information will be raised by pressing the intervention key, marked as INT on your device. Again, the Speaker assents to your request for an intervention. He will switch on the microphone. Hon. Members, know that the Speaker will not entertain debates outside of the conference system as highlighted above.

Hon. Members, the Chair retains the ultimate discretion to allow or disallow a request for intervention or debate. Once a request is approved, such Member will be required to stand up in order to address the Chair. Should the Chair find the contribution or interjection to be out of order, such Member will be asked to resume their seat upon which the Speaker will have the discretion to switch off the microphone.

Hon. Members, the Chair wishes to request all of you to make time to appreciate the use of the resources availed in the Chamber. Indeed, a lot has changed on the way we conduct our business and Plenary in Charter Hall and as such we must orient ourselves to the new system. As you were indeed digital. It is so guided, thank you.

PAPERS

Hon. Majority Leader: *(inaudible)* I know you're still having hangover of the other side; its Jubilee side but all in all I take this opportunity to thank you all Members for sitting in this beautiful Chamber, this is your last days in this Chamber, you know next year other people will come in this Chamber because I can see you people are not going to be in this Chamber again because you're all outgoing MCAs but the business of today is, my duty is to lay the Paper. Pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly today Wednesday 31st August, 2016, the report of the Select Committee on Implementation, workshop held at Royal city Milimani Kisumu on 30th June to 4th July 2016, I beg to lay.

Pursuant to section 59 (1) (f) of the County Government Act 2012 I beg to lay the following Paper on the Table of the Assembly today Wednesday 31st August, 20136, the annual report on the promotion of national values and principles of governance in Public Service.

Pursuant to section 126 of Public Finance Management Act 2012 I beg to lay the following Paper on the Table of the Assembly today Wednesday 31st August, 2016, County Annual Development plan 2017/2018.

Hon. Speaker: Thank you Hon. Leader of Majority.

NOTICES OF MOTION

Hon. Speaker: Hon. Erastus Mburu MCA, Clay City Ward.

Hon. Member for Clay city Ward (Mr. Erastus Mburu): That aware that sub article 41 Constitution of Kenya states that every person has right to fair practices, further aware that 41 (2) states that every worker has right to fair remuneration, acknowledging that most of the workers who served in the defunct Nairobi City Council were retained by the County Government for their dedicated and splendid work towards the betterment of Nairobi City County, concerned that some of the officers who retired after working for more than 30 years have not been recognized for their outstanding performance in the Public Service in the County, this Assembly urges the County Executive to recognize the efforts of retired officers who performed tremendously in the work by awarding them to show recognition and appreciating for their services in the Country. Mr. Speaker the reasons as to why I was in some situations forced to seek the assistance of the Clerk to draw...

Hon. Speaker: You were given a notice of Motion which you have done and we thank you for that.

Hon. Erastus Mburu: I would like to explain further.

Hon. Speaker: Order! Order!

STATEMENTS

Hon. Speaker: Hon. Alexander Mulatya.

TASK FORCE FORMED BY THE COUNTY EXECUTIVE TO LOOK INTO THE OPERATIONS OF THE MARKETS IN THE COUNTY.

Hon. Member for Kwa-Njenga Ward (Mr. Alexander Mulatya): Thank you Mr. Speaker sir. Pursuant to Standing Order no. 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives regarding the task force on various markets in the County. Hon. Speaker, a task force was formed by the County Executive in order to look into the operations of the markets in the County.

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

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1. The mandate of the task force?
2. The period within which the task force was to complete its mandate?
3. Reasons as to why some officers in charge of most markets have been sent on compulsory leave?

THE USE OF FUNDS COLLECTED FROM LIQUOR LICENSES IN THE COUNTY

I have a second statement Mr. Speaker. Pursuant to Standing Order no. 41 (2)(c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the use of funds collected from liquor licenses in the County.

Hon. Speaker, the Nairobi City Alcoholic Drinks Control and Licensing Act 2014, section 43(1) established a fund known as the Nairobi County Alcoholic Drinks Fund which is to be used for meeting expenditure relating to research, documentation and disseminating of information on alcoholic drinks in the County, promoting, cessation and rehabilitating programs in the County, financing the operations of the Sub-County committees and voluntary programs and for carrying out functions of the Nairobi City County Drinks and Licensing Board.

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

1. Status of the money that has been collected from the liquor licenses to date
2. Status of the money spent by Liquor Licensing Board from the Ksh. 300 million collected as licensing fee and the criteria used in expending the same, and
3. Action taken by the County Executive to ensure that the 85 Wards in the County benefit from the collected money from liquor licenses as per the Alcoholic Drink Control and Licensing Act 2014.

Thank you Mr. Speaker.

Hon. Speaker: Thank you Hon. Alexander Mulatya. Chairperson for Trade, Tourism and Cooperative to give an undertaking?

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Mr. Speaker I think we can work on this in the next one week (7days)

Hon. Speaker: Chairperson Sectoral Committee on Trade, Tourism and Cooperatives? I beg your pardon. Chairman of the Committee on Culture and Community Services?

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you Hon. Speaker. I will respond to the statement immediately after recess.

Hon. Speaker: Very well Hon. Milare. Hon. Peter Warutere.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you again Mr. Speaker. Pursuant to Standing Order number 41 (2c) I wish to request for a statement from the Chairperson of the Select Committee on Implementation regarding the status of pending projects and failed implementation of County Development Plans across the City.

Hon. Speaker, there has been an ongoing concern from the residents of Nairobi that the leadership of the County Government has failed in its key mandate given the dismal implementation of key projects and development goals since the year 2013. Most of the projects captured in the financial year 2015/2016 are pending including some from as far as year 2014/2015 resulting in services not being offered and failing County infrastructure. There has been hue and cry as contractors have gone unpaid for services for long. With implementation of Ward Development Fund having been intentionally sabotaged occasioning a total breakage of development centered projects across the City's 85 Wards just to mention but a few.

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

1. Reasons as to why the leadership of Nairobi County is not acting on the contractors' pending dues for services offered to the County resulting to the pending projects.
2. Measures being taken by the County Executive to ensure that the residents of Nairobi get the required amenities as stated or captured in the budget.
3. The status of projects undertaken by the County Executive for the financial year ---

Hon. Speaker: Why are you on your feet?

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): I was trying to catch your eye but it seems that you are not still technologically savvy Mr. Speaker sir. I just wanted to inform my colleague that when he comes nearer to the microphone we are unable to hear him. We were told that even if you stand far away from it, it will still be audible enough.

Hon. Speaker: Thank you Hon. Akuk. Can you continue Hon. or you are done? Hon. Chairperson of the Committee of Implementation Hon. Leader of Majority Hon. Elias Otieno.

Hon. Leader of Majority: Thank you, Mr. Speaker. Because it is a new Chamber, everyone wants to speak using this new gadget. We are going to Mombasa with the Executive from next week and we are going to bring back the implementation status of what you are asking. So, next time when you are talking, just stand the way I am standing---

Hon. Speaker: Thank you, Hon. Leader of Majority. Next Order.

MOTION

Hon. Speaker: The Hon. Chairperson, Labour. The Hon. Chair is not in for his Motion.

Hon. Leader of Minority: I am talking on behalf of the Chairman of Labour. It will be brought tomorrow at 2:30 p.m.

Hon. Speaker: Very well, Hon. Hon. Leader of Minority, Hon. Hassan. The Assembly is adjourned until 2:30 p.m. Thank you.

(The House rose at 3:30 p.m.)