



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fourth Session

Wednesday 5th October, 2016

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the Chair)

PRAYERS

Hon. Deputy Speaker: Hon. Members the attention of the Chair has been made to understand there is lack of quorum in the House. I so direct the Serjeant-At-Arms to ring the bell for ten minutes under Standing Order number 31 (2).

(Quorum bell is rung)

Hon. Deputy Speaker: Order! Order! Hon. Members please! Members we are in the Assembly and Standing Order number 24 does not allow you to communicate in loud voices. I think we'll allow Hon. Karimi so that we may host a laughing contest. Order members! Order Hon. Obenge! Hon. Members we now have quorum in the House and we may proceed.

NOTICE OF MOTION

Hon. Deputy Speaker: Hon. Members, please give us an easy time by not pressing the button when you are not in need to talk. Kindly don't press the button. It is giving us a difficult time here. Hon. K'Otieno.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you Mr. Speaker. Allow me to give a notice of Motion on the same. One, that aware that solid waste management which is a function of County Government remains to be a serious challenge to Nairobi City County Government and the

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residents. Concerned that the implementation of waste management faces numerous challenges ranging from inadequate capacity to handle the challenge, corruption within and beyond the County Government. Cartels and lethargic nature of County staff and citizenry faced with apathy and collective irresponsibility (*Inaudible*). Acknowledging that solid waste is an emerging health threat to both to the environment and well-being of the City. This Assembly urges the County Government to establish a County entity or a County corporation to be known as Nairobi City County Waste Management Authority with a view to provide leadership and regulate the sector. Thank you Mr. Speaker.

STATEMENTS

Hon. Member for Ngara Ward (Mr. Chege Mwaura): Thank you Mr. Speaker. I am requesting a follow up on a statement I requested a while ago while you were on the Chair regarding--- it was directed to the Labor Committee regarding the Inspectorate Officers who had been fired. It has taken long and you had given a direction of about seven days. Kindly give direction Mr. Speaker.

Hon. Deputy Speaker: Chairperson Labor Committee. Do we have the Chairperson of the Labor Committee in the House?

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Yes Mr. Speaker. I would like to tell the Member that we are still working on it and next week we are going to (*Inaudible*) thank you Mr. Speaker.

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker, I want to request your Chair because there is a statement I requested from the Chair for Implementation concerning the Chief Finance Officer who is still in office and yet there were issues raised by the Public Accounts Committee concerning him. Others are at home and he is still in office. It is taking too long to bring that particular response to this House.

Hon. Deputy Speaker: Hon. Mwaura and Hon. Nyangwara the Clerk has stated here clearly that Thursday has been earmarked as the day for statements and responses. As stated there are several and they will be brought before the Assembly tomorrow. After tomorrow is when we can take up the issue if they won't appear in the order paper, thank you.

Hon. Leader of Majority: Mr. Speaker, I think the question Hon. Nyang'wara is asking, I had brought the report to this House when he was busy drafting how he can impeach the Governor. Maybe right now it has been overtaken by events. I remember very well when the Speaker directed that all the Chairmen will bring the reports and various statements in this House on 11th of this month. Maybe during that time Hon. Nyang'wara was very busy because he was looking for signatures to impeach the Governor. For today, we welcome you back because you have finished your business. I think you are going to get back your membership in the party, thank you.

Hon. Deputy Speaker: Hon. your mic is on.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): I wanted to inform the House that I could see some of our Members pressing on the mic and seeking for your attention when the mic is already on. Could you please remind them that it is the *INT* button that they need to press? Thank you.

Hon. Deputy Speaker: Thank you.

Hon. Samuel Nyangwara: Thank you Mr. Speaker. I want to respond to this particular issue of me getting back and taking my position at ODM. Mr. Speaker, at no given time have I written a letter resigning from ODM or made any communication to your office that I am not in ODM. It is the Majority Leader who is trying to chase me away but I want to inform him that I am ODM---

Hon. Leader of Majority: Mr. Speaker (*INAUDIBLE*)

Hon. Deputy Speaker: Order Hon. Majority Leader! We can't go on with this. Hon. Imwatok

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, I think this microphones are not really for me because from the word go, I have never been for them. As the Majority is saying, the issue of questions being answered in this Assembly are kind of willing buyer willing seller. Mr. Speaker for the last six months---

Hon. Deputy Speaker: Order Hon. Imwatok! Please can you use (*INAUDIBLE*)

Hon. Peter Imwatok: I am saying---

Hon. Deputy Speaker: (*INAUDIBLE*)

Hon. Peter Imwatok: Thank you Mr. Speaker for that correction. I remember about a week ago, you were seated on the same seat and some of us rose on a very important concern as a statement and a directive from the Chair. The question on the seat of the deputy Clerk of this Assembly has been avoided since 2013 to date. The Clerk as we stand is acting unless otherwise the Majority Leader has another explanation to this or the Minority Leader who I have not seen today. Kindly give us a sense of direction as a House. We are now in a real model House of almost half a billion shillings and we cannot continue this way.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Point of Order Mr. Speaker. Under what Standing Order is Hon. Member speaking on? Is he on a statement or?

Hon. Deputy Speaker: Thank you Hon. Manyala. I was just about to give direction that Hon. Imwatok is out of order. Please can we proceed. Hon. Elkana Mauti. Can you press on your button. Serjeant-At-Arm my microphone is not working

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Catherine! Do we have Hon. Elkana in the House? There are two request made by Hon. Elkana. Clerk can we proceed since he is not in the House.

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Elkana, you are not a Serjeant-At-Arm and therefore you are not supposed to be walking around here. Can you find yourself somewhere to sit?

(Loud consultations)

Hon. Deputy Speaker: Hon. Elkana Mauti!

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you Mr. Speaker sir.

Hon. Deputy Speaker: Proceed.

Hon. Elkana Mauti: I am requesting for a statement.

Hon. Deputy Speaker: Please Hon. Member. Kindly do not interfere with the system.

THE OPERATION OF THE WARD DEVELOPMENT FUND ACCOUNT

Hon. Elkana Mauti: I am requesting for a statement from the Chair of Ward Development Fund committee. Pursuant to Standing Order number 41 2 (c), I wish to request for a statement from the Chairperson of the Select Committee on Wards Development Fund regarding the operationalization of the Wards development fund account.

Hon. Speaker, pursuant to section 15 of the Wards Development Fund Act 2014, the County Executive Committee Member for Finance and Economic Planning opened an account for Wards Development Fund and kitty. However, it is not clear whether the said account is operational or not and who are its signatories.

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

- i. Confirm the signatories of the account
- ii. Amount deposited to the said account up to date, provide the latest bank statements in the last six months, and
- iii. Status of the payments to the Contractors who had completed Wards Development Funds project

I have another statement. 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 County Secretary and Chief Officer Finance who are in acting capacity.

Hon. Speaker, the County Secretary and the Chief Officer for the Finance and Economic Planning Department have been in acting capacity for several months without advertisement for the said positions. Section 64 (2) of the County Government Act, 2012 states, that acting appointments shall be made only for a specified period.

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

- i. For how long were the County Secretary and the Chief Officer for Finance to be in acting capacity and
- ii. When will the County Executive advertise for the positions of the County Secretary and Chief Officer for Finance and Economic Planning

Thank you.

Hon. Deputy Speaker: Hon. Zulfa your mic is on

Hon. Nominated Member (Ms. Zulfa Hakim): Mr. Speaker probably I will hear the response from that statement before I air my view. My issue was about my statement which was supposed to be tabled on the fateful day of the 29th September. I received communication from the able Chair of implementation that my response is ready. So I was seeking your direction on when it can be tabled Mr. Speaker. Thank you.

Hon. Deputy Speaker: On the first request, can we get the Chair for Ward Development Fund to make a commitment in reference to the request made by Hon. Elkana Mauti.

Hon. Maurice Gari: Mr. Speaker we will respond next week on Wednesday

Hon. Deputy Speaker: Thank you Hon. Gari. Can we get the Chairperson for Budget, Finance and Appropriation? The Vice Chair? On the issue of the Chief Officer Finance. Do we have any able member from the Planning Committee to at least do the undertaking on behalf of the Committee? Njoroge

Hon. Njoroge Kairu: Yes Mr. Speaker sir. Let me take an undertaking of two weeks

Hon. Deputy Speaker: Thank you. Clerk can we proceed!

THE NAIROBI CITY COUNTY REVENUE AMENDMENT BILL, A BILL NUMBER EIGHT OF 2016. A BILL FOR AN ACT OF NAIROBI CITY COUNTY ASSEMBLY TO AMEND THE NAIROBI CITY COUNTY REVENUE ACT 2015.

FIRST READING:

MOTION

Hon. Deputy Speaker: Chairperson Sectoral Committee on Culture and Community Services? Order Members! As we wait for the Chairperson, I commit the Nairobi City County Revenue Amendment Bill 2016, Assembly Bill number eight of 2016 to the Budget and Appropriations Committee. Thank you. Where is the Chairperson for Sectoral Committee on Culture and Community Services to move Motion nine?

Hon. Asha Sosso (Nominated Member): Thank you Mr. Speaker sir. On behalf of our Chairman. I am a member of the Culture Committee, I am going to move this Motion. Mr. Speaker sir, we are going to give the inquiries report on modality and aims of enhancing capability of Nairobi City County Liquor bought

and sight inspection visit to Nairobi City County Liquor Board offices in South C estate. Thank you Mr. Speaker sir.

I beg to move the following Motion. That this Assembly adopts the report on the Sectoral Committee on Culture, Community Services on inquiries into modality aimed at enhancing capability of the Nairobi City County Liquor Board and the site inspection visit to Nairobi City County Liquor Board offices in south C estate laid on the table of the Assembly on Tuesday 2nd August, 2016.

Mr. Speaker sir, on behalf of the Committee on Culture and Community Services, pursuant to Standing Order 180 (6), it is my pleasure and privilege to present---

Hon. Deputy Speaker: Hon. Member.

Hon. Asha Sosso: Yes.

Hon. Deputy Speaker: Do you have the Order Paper.

Hon. Asha Sosso: Yes. It is here.

Hon. Deputy Speaker: You are supposed to move a Motion.

Hon. Asha Sosso: Let me just go back Mr. Speaker. That this Assembly adopts the report on the Select Committee on Culture and Community Services on inquiry into the modality aimed at enhancing capacity of the Nairobi City County Liquor Board and site inspection to the Nairobi City County Liquor Board offices in South C estate laid on the table of the Assembly on Tuesday 2nd August, 2016. Can I continue Mr. Speaker sir?

Hon. Deputy Speaker: Now you can build your Motion.

Hon. Asha Sosso: Okay sir. Thank you. I beg to move the following Motion that this Assembly adopts the report on the Selectrol Committee on Culture and Community Services on the inquiry into modality aimed at enhancing capability of the Nairobi City County Liquor Board and site inspection visit to Nairobi City County Liquor Board offices South C estate laid on the table of the Assembly Tuesday 2nd August, 2016.

Mr. Speaker sir, on behalf of the Committee on Culture and Community Services and pursuant to the Standing Order number 180 (6), it is my pleasure and privilege to present to this House the above mentioned report.

Mr. Speaker sir, the Committee dedicated part of its program to inquire into the progress and capability of Nairobi City County Liquor Board which is established by the Nairobi City County Alcohol Drink Control and Licensing Act 2014, while deliberating on strategies identified for the Liquor Licensing Section in the 2015 to 2025 Strategic Plan.

The Chief Officer responsible for Trade, Tourism and Cooperatives mentioned the monthly rent for the Board offices which the members felt that were vast. The Committee then resolved to conduct an inspection visits

Hon. Deputy Speaker: Hon. Members, get just the highlights. You are not supposed to read the entire report of the Committee. Kindly just highlight your points.

Hon. Asaha Abdi (Nominated Member): Thank you Mr. Speaker sir for the direction. I think I have read all that is about and for that I call Hon. Janet Kimondo to second the Motion.

Hon. Janet Kimondo: Thank you Mr. Speaker, I would like to second the Motion and on that note I think the Liquor Board and the legal people should come up with a policy on how to work on the Alcoholic Bill because we have seen there are many contradictions; you find the Liquor Board wants to do this and the other department wants to do this so it has brought in a lot of confusion out there. Thank you Mr. Speaker.

(Question proposed)

Hon. Karen Wanjiku: Mr. Speaker am rising on a Point of Order, we can't see the report even in the tablet so I don't know how we are going to debate.

Hon. Member for Imara Daima Ward (Mr. Jairo Atenya): Thank you Mr. Speaker, just a rider on what Hon. Karen has said the mover of the Motion has not even told her their observations, their findings and as far as the report is concerned. Even I am mixed up. I don't know what to say or contribute because...Mr. Speaker this mics are not well...I was saying the mover...

Hon. Deputy Speaker: You should not blame the mover of the Motion.

Hon. Elizabeth Manyala: Point of Order Mr. Speaker, I think the report is good but we have not gotten the conclusive part of it and the recommendations that can actually emanate from us to debate upon that can give us full overview.

Hon. Deputy Speaker: The Office of the Clerk has indicated they sent out the copies to your software so maybe you have not visited. Can one Member confirm the same? They are not there? Then Clerk, are you misleading the House?

(Speaker consulted the Clerk)

Hon. Deputy Speaker (Mr. Kennedy Ng'odi): Clerk, are you misleading the House then? I am meant to understand that this report was sent on 2nd of August. So at least maybe you were not keen by then.

Hon. Asha Abdi Sosso (Nominated Member): Yes Mr. Speaker sir, what do you want me to say?

Hon. Deputy Speaker: Your mike is on?

Hon. Asha Abdi Sosso: Yes I was just saying there is an Hon. Member who was saying they have not seen the recommendations and I think there is a place here; following the Committee's recommendations that is; consideration and it can go as recommendations. I think just read No. 13 properly please.

Hon. Member for Kasarani Ward (Mr. Martin Waweru): Mr. Speaker since we have realized that the report was sent on 2nd and the majority of us have not seen the report, maybe Mr. Speaker you can give us one or two days more so that we can read it conclusively so that we can discuss it maybe on Tuesday, according on your direction.

Hon. Deputy Speaker: Thank you Hon. Waweru.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker if the Members were bought for these small machines, let us dispense of this Motion so that we can deal with other things. The negligence of some individuals in this Assembly should not cost us Mr. Speaker sir. I wish we proceed because these people were bought for tablets and they have the report. Why do we have to dispense this serious report because---yes Mr. Speaker. Thank you.

Hon. Deputy Speaker: I think it is only prudent for the Hon. Members to be in agreement that they have not gone through this report. If the Members feel that they need some time to go through the report and maybe extend the period of debate on this, then it is for you Members to decide and for this reason I put the question.

(Question that the time for discussing the Report to be extended is put and agreed to)

Hon. Deputy Speaker: So the ayes have it, that we prolong the time we are going to discuss this report to Thursday 2.30 p.m. But that does not stop us from contributing as well at least some Members have the opinion of doing so. So Mr. Ogeto if you are ready, you may proceed.

Hon. Moses Ogeto: Mr. Speaker as much as the Members have agreed to go through the report, I don't think it beats no logic, neither rocket science, if the Members have their gadgets which they were bought for, you agree with me Mr. Speaker and I believe that this same negligence should not be applied now and again in this Assembly then there was no need of the tablets Mr. Speaker.

Hon. Karen Wanjiku (Nominated Member): Point of Order Mr. Speaker! Mr. Speaker is it in order for the Member to insinuate that we don't have our gadgets, they are here. If you look at 2nd, we don't have that, we cannot debate on something that we don't have. These are---

Hon. Deputy Speaker: Hon. Karen, I have already made a ruling on that. So your contribution is null and void.

Hon. Karen Wanjiku: So what are you saying Mr. Speaker about the tablets?

Hon. Member for Waithaka Ward (Mr. Anthony Karanja Kiragu): Mr. Speaker, I have listened to the report being tabled by my fellow colleague and I didn't hear the word disband, sack and send those people packing. Mr. Speaker that Committee needs to go. We cannot enhance the capacity of that Committee that has nothing to show. That Committee has not even been felt by Nairobians.

Mr. Speaker we have an increase in licensing of illegal outlets of liquor, every street and corner of this City has a wines and a spirit shop that these people should have noticed and said that we need to disband that Committee, not just to disband and send them packing.

Mr. Speaker we need to read that report and throw it away and delete it from our tablets because I think it is a waste of time. We need to note that Committee has arbitrary been licensing every application of alcohol in this City. Mr. Speaker I have not heard a single campaign of the dangers of alcohol in this City including outside City Hall, we have an outlet that operates during the day.

That is why I heard a complain here yesterday that we had a Member of this Assembly who was 'high'. This Committee and this report need to be thrown out as quickly as possible from this House.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Mr. Speaker, it is quite perplexing that what is going on within the Assembly currently is bit impossible to understand. Unless I was sleeping, but I am very sure that you have made us make a decision. I thought you said that the AYES have it. From my understanding, Hon. Bishop is debating on the same issue that you have told us that you will refer to it the next day on Thursday.

So, I don't quite understand why Hon. Bishop has been given an opportunity to stand before this Hon. House and tell us that we should throw out this report yet the same report you have ruled that we are going to discuss it on Thursday---

Hon. Deputy Speaker: Hon. Akuk, my ruling was not based on deferring this specific Motion to the next day. But what I said is that, any Member who had gone through the report and would wish to

contribute today is at liberty. But now, what we did is the extension period for the debate; that is today up to tomorrow. We are going to put the question tomorrow on this report. Thank you.

Hon. Osman Adow: I think what you are doing is advising the Committee as well as we debate. I would like to bring to the attention of the House the fact that the Liquor Board, whatever they collect does not form part of the collections of the Nairobi County Government revenue. The Money is never budgeted. We don't know where the money goes yet they collect a lot of money. I don't know whether they have taken that into their account. Thank you.

Hon Anthony Kiragu: Mr. Speaker, maybe to add some weight to what he is saying, the Act is very clear about the expenditure of that money. I think it is upon the Implementation Committee to tell us whether that money has been used as it should because the Act is very clear where that money should go. I personally believe the money is not being used as it should. Thank you.

Hon Member for Kwa Njenga Ward (Mr. Alexander Mulatya): Thank you, Mr. Speaker. Concerning the same Motion about the liquor, I had several questions which I had forwarded to this Committee and up to date, they have not answered. That gives a leeway that the Committee should be disbanded or forwarded to the Liaison Committee so that they can give out answers pertaining to all these issues.

I had already questioned about the money in that kitty which has not been utilized to all the Wards as it is supposed to be done. So, for my concern, I think it is in order to direct that Committee to the Liaison Committee so that we can get concrete answers pertaining to all these issues raised by the Members. Thank you very much.

Hon. Immaculate Musya (Nominated Member): Thank you, Mr. Speaker for catching my eye. The money which is collected from the Liquor Board should be taken back to the Community especially to those people addicted to drugs. It is so lamenting when we see young people of Nairobi getting into drugs. They are not even taken for retreatment for them to know the negative effects of drugs. Thank you.

(Motion deferred)

Hon. Deputy Speaker: Hon. Members, the House stands adjourned to tomorrow, 2:30 p.m. Thank you very much.

(The House rose at 3:25 p.m.)

