



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fourth Session

Wednesday 6<sup>th</sup> July, 2016

The House met at 2.30 p.m.

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

### PRAYER

**Hon. Speaker:** Hon. Members, before we go to petitions, we will go to Statements. Hon. Members, sorry, I know the sitting in the morning and the afternoon has been a little bit exciting.

### PETITION

#### PETITION TO THE NAIROBI COUNTY ASSEMBLY ON THE DEVELOPMENT ON LR NO. 330/232 AT HATHERU ROAD, LAVINGTON

We, the undersigned, Hatheru Road Residents Association petition the Nairobi County Assembly on the development on LR No. 330/232. This property is on  $\frac{3}{4}$  acre whose allowable number of units is 26 to 36 according to the zone policy area. It has come to our attention that the works involved on this parcel of land is the construction of 5 blocks of 12 floors each. The total number of apartments will be 120 with 2 parkings for each apartment.

Our petition is informed by the following broad concerns;

1. **Change of user.** This was not done in the required way as evidenced by;
  - a. There was no display board of the intended change of use
  - b. There was no consultation with the neighbours
  - c. There was no advertisement in the widely recognized daily newspapers.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

2. **Infrastructural issues.** The property under discussion has gone way beyond the recommended number of allowable units, bringing rise to the following concerns;
  - a. The access road cannot sustain the expected population on Hatheru Road. Exit from Hatheru Road in the mornings is a nightmare with the current residents, and we are certain that this intended growth is not sustainable
  - b. The sewer system on Hatheru Road is already congested and we have several outbursts already. It is not possible for the line to sustain the proposed population growth.
  - c. Water supply is a serious supply on Hatheru Road, and any further strain on it will make the areas inhabitable since we are already buying water up to twice a week
  - d. Security concerns on Hatheru Road need attention, and with recent very serious incidences, we are keen to keep the numbers on Hatheru Road manageable
  - e. Electricity supply on Hatheru Road did not take into account the current population explosion. We are already experiencing frequent challenges with power supply.
  
3. **Environmental concerns.** Given the height of this development and the new waste from the prospective occupants, we have seen the cutting down of trees and the development of concrete city which has great impact on our environment. The environmental degradation is indeed very disturbing. The aesthetics of Hatheru Road have been destroyed and residents lack the intended privacy on living in this area. During the construction season, the pollution levels are alarming in all ways- noise, dust and rubble and extremely inconveniencing for the current residents.
  
4. **Loss of income.** Home owners on Hatheru Road are counting losses as it becomes difficult for them to earn from their investments given the devaluation of the area caused by the issues raised above. Hatheru Road is becoming a settlement that does not represent its initial plans.

We hereby confirm that the issues in respect of which this petition is made are not pending before any court of law, constitutional or legal body.

We, your humble petitioners pray that the County Assembly would stop the building and require a re-submission of the recommended number of units according to the zone policy of our area.

It is copied to Nairobi City County Assembly Planning and Housing Committee, Nairobi City County Member of County Executive of Physical Planning, NEMA, and National construction Authority.

Hatheru Road Residents Association Committee Members;

1. Philemon Mwaisaka
2. Francis Aremo Odera
3. Elizabeth Waruinge
4. Wairimu Mwangi
5. Lizette Kraft
6. Tabitha Ogango.

Hon. Members, this is committed to the Planning and Housing Committee for further deliberations. Thank you.

## STATEMENTS

**Hon. Leader of Majority** (Mr. Elias Otieno): Thank you, Mr. Speaker. I have a response to a Statement requested by Hon. Nyang'wara.

Hon. Nyang'wara, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 41 (2) (c) and requested the Chairperson on Implementation for a Statement regarding the Implementation of the resolution of the Select Committee on Public Accounts Committee's report on the Auditor General's report of the Audited Financial Statements of the County for the year 2012/2013.

The Chairperson was to inquire into and report on;

- i. Status of the implementation of the resolution of the Select Committee on Public Accounts Committee's report as highlighted above
- ii. Reasons why some of the officers adversely mentioned in the report continue to hold public office, and
- iii. Whether monies reported lost as per the Audit report that recommended their investigation and prosecution have been recovered, and how much, and if not, reason for the failure.

Mr. Speaker sir, the Committee wrote to the acting County Secretary and the Chairman, County Public Service Board on 20<sup>th</sup> June, 2016 requesting to be furnished with a written response to the Statement by Hon. Samuel Nyang'wara.

In this regard, Mr. Speaker sir, I wish to report to the Assembly that County Public Service Board Secretary responded that the Board was not privy to the said report. Therefore, they were not in a position to respond. The Assembly has now forwarded a copy of the report to the Public Service Board Secretary and requested for their urgent response. Meanwhile, a second reminder letter has been forwarded to the acting County Secretary requesting for a status report on action taken to implement the recommendations contained in the said report. Mr. Speaker sir, I beg to lay the response.

Mr. Speaker, after getting the full report from the Board, we will bring it back. But meanwhile, I am asking *Kata squad* people not to walk around and tell me bring the report to the House. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Leader of Majority, we thank you for your reply, although you haven't got much but as we are resuming from recess on the 27<sup>th</sup> of July, we need the whole report of the action that the County Government has taken in regard to the officers who have not been shown the door. That is my ruling today. Order! Hon--- who are you informing? Sit down. Just listen to me very carefully. The report asked by Hon. Nyang'wara must be on the floor of this Assembly by the 27<sup>th</sup> of July as to action taken

against the officer or officers who have not departed from Nairobi County Government like the rest of the others who went. There is no sacred cow here.

Yes, who are you informing? Order, Hon. Imwato! What is the information?

**Hon. Member for Makongeni Ward** (Mr. Peter Imwato): Mr. Speaker, I want to inform the entire House as the House of rules and procedures on a very important aspect. On the same ruling you have just given, Mr. Speaker, I remember when this PAC report came out, I was then not yet impeached from the PAC Committee. I remember this is the same report which went to court. I wanted the Clerk to advise you whether we concluded this issue on the report before the court of law or how is it now debated in this House? What we are seeing here is a tendency by some of our Members failing to achieve individual interests from the officers and bring it in terms of a Statement. Can the Clerk kindly clarify whether this case on this report which was in court was dispensed off or not?

**Hon. Speaker:** Indeed, Hon. Imwato, we have not been attending the Committee of the PAC. The case was won by the County Assembly of Nairobi. You can go to the Clerk's office for verification. I have just said here there is no sacred cow. Kiamba and Osiro left, the rest must leave.

*(Applause)*

**Hon. Speaker:** We have answered the question. If you have any interest please declare on the floor. A statement requested by Hon. David Mberia from the Chairperson of the Sectoral Committee on Planning and Housing regarding the grabbing of land allotment number 14930 which was meant for public along Silanga Road, Karen. Is Hon. Chief Whip in? Yes.

**Hon. Jairus Atinya:** Mr. Speaker sir, can you give us two more weeks to respond on this? For a concrete report Mr. Speaker.

**Hon. Speaker:** Hon. Chair, when was this statement requested?

**Hon. Jairus Atinya:** Just last week.

**Hon. Speaker:** Hon. Chief Whip. Order Hon. Chairman!

*(Loud consultations)*

**Hon. Jairus Atinya:** You are not the Speaker.

**Hon. Speaker:** Hon. Chief Whip please.

**Hon. Majority Chief Whip** (Mr. David Mberia): Mr. Speaker, with all due respect the Chairman is telling you just last week. That is bad language. I am bringing more statements on grabbed land in Karen, almost 20 parcels of land. I wanted to try the competence of this Committee with just one plot. Now, I will

agree with him that after recess I want this report on 27<sup>th</sup> of July, the response of this particular query. Thank you.

**Hon. Speaker:** Indeed I sympathize with the Hon. Chief Whip because you know he has asked very many questions just like Hon. Ngaruiya and most of these statements are not forthcoming. We have agreed with the Chairpersons. Please bring the statements like the way the Hon. Leader of Majority has come with a very quick answer. Why don't you bring it? It's in your fingertips. Yes Hon. Leader of Majority.

**Hon. Leader of Majority:** Mr. Speaker, I think it is just a routine for the Planning Committee Chairman. Like today, I don't know how he is here to respond to those ones because the person who always takes the statement is Masiga and the person who comes back to respond is Maxwell Ochar. The Chairman is usually busy going round and meeting the developers.

I think it is a high time we crack the whip. In this Committee of Planning we must do thorough reshuffling. That is the reason why is that we have already constituted two Committees. We have Agriculture and ICT Committees. We will ask the Chairman of Planning to go and Chair Agriculture where he can talk with cows not where he can talk with developers. He is not serious Mr. Speaker. All the time if we ask any question he does not give us a concrete answer. He was last seen in Intercontinental with some developers.

If you ask any question like the petition which we have just read here some few minutes ago, the following day you will see the Chairman of City Planning, I don't know how he gets these people. He is very much connected to these people. I think the best thing to deal with him is not to remove him from Chairmanship. It is only that we want to give him another mandate where he can work properly.

**Hon. Speaker:** There is a Point of Order.

**Hon. Deputy Speaker:** Mr. Speaker, it is so strange that the Hon. Majority Leader is closely following up one Chairperson for Planning Committee because he has indicated here that he is normally found in hotels and given out an example meeting developers. The indication here is very clear that whenever he meets the developers the Majority Leader is always with him. *(Loud consultations)* that is the exact position Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Very well, a statement requested by Hon. Rachael Kamweru from the Chairperson of the Sectoral Committee on Labor and Welfare regarding petition on positions awarded to directors of different departments on acting capacity and the recruitment of candidates in the corporate department and advertised in the County Government website.

*(Loud consultations)*

**Hon. Speaker:** Order Hon. Members! Order!

**Hon. Member for Utalii Ward** (Mr. Wilson Ochola): Thank you Mr. Speaker sir. We'd like to respond after recess.

**Hon. Speaker:** Hon. Chairperson.

**Hon. Wilson Ochola:** Yes Mr. Speaker?

**Hon. Speaker:** Order! Hon. Chairperson Labor we cannot accept this. It is not right. I know when this statement was requested. However, because we are going on recess, it should be the last warning. If--- because there's another one from--- that's for culture. If we don't receive this on the 27<sup>th</sup> of July---

**Hon. Leader of Majority:** Mr. Speaker that one is also another joker, the Chairman of Labour. Last time I rescued him when he was about to be removed by the likes of Imwatok. I told him he should reform. If this one cannot reform surely we are going to merge them in the Agriculture where they are going to work. One is going to be the Chairman and the other will be the Deputy. They cannot work with human beings. Let them go and talk to cows.

*(Loud consultations)*

**Hon. Speaker:** Very well, Chairperson---

**Hon. Wilson Ochola:** Point of Order Mr. Speaker.

**Hon. Speaker:** Order Hon. Chairperson!

**Hon. Member for Kahawa West Ward** (Mr. Chege Ngaruiya): Thank you Mr. Speaker for giving me this opportunity to at least elaborate on whatever has been stated by the Majority Leader. He is the appointing authority. Most of the Chairmen come from his side of coalition. If the Chairmen have failed then it is him who has failed. He is very clear here to tell us that he is going to demote. This is a story. It is long overdue. The Chairman of Planning would have gone like yesterday. The Chairman of Labor would have gone like today. We have so many people who are capable on that particular side. We have George who is my Deputy Chair in Budget. What are you waiting for? Remove these people and let them come to the backbench like us so that at least they can feel the pain. They work for the Executive and that is very wrong.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, we are on serious business today therefore I was consulting the Chairperson of the Sectoral Committee on account of Hashim Kamau. It is not ready to be read the first week when we come from recess. Can we go to the core business?

**BILL**

The Nairobi City County, Office of The County Attorney Bill 2016 Assembly Bill Number 4 of 2016,  
First Reading.

An Act of the County Assembly of Nairobi City to provide for the functions and powers of The  
County Attorney to provide for the discharge of duties and exercise of powers Of County Attorney and for  
connected purposes, First Reading.

**Hon. Speaker:** Very well.

**PROCEDURAL MOTION**

**Hon. Leader of Majority:** I want you people to lobby for these positions because we have jokers  
yet there are several people who are serious. They are up for grabs.

THAT, notwithstanding the provisions of the Standing Order 117, this Assembly resolves to reduce  
the publication period of the Nairobi City County Appropriations Bill, 2016 (Assembly Bill No. 6 of 2016)  
from 7 days to 1day.

Mr. Speaker, I call Hon. Waihinya of Ngando as I am always helping in his Ward to remove people  
because he fears he is going to lose the seat. He should second me.

**Hon. Member for Ngando Ward** (Mr. Peter Waihinya): Mr. Speaker, it is very true that I have  
called upon the Leader of Majority to come to my Ward so that he can recruit members of the CORD  
fraternity because I think I am under siege. I take this opportunity to second the Motion. I thank you very  
much.

**Hon. Speaker:** Very well.

*(Question proposed)*

**Hon. Speaker:** The Chairman of Liaison Committee.

**Hon. Deputy Speaker:** Thank you Mr. Speaker. I rise to support the Motion. Given that we are all  
in agreement that the report is in order and there is no reason at all not to publish the Appropriation Bill in  
good time. Kindly may you call the mover of the Motion to reply so that we proceed to the next stage?

*(Applause)*

**Hon. Speaker:** Very well, I stand guided. In the spirit of Membership of the Assembly, I call the  
mover to reply.

*(Applause)*

**Hon. Leader of Majority:** Thank you Hon. Waihinya for your support. I also thank Members for making this work to be easy. I think the remaining ones will be taken like *gari la miraa*. I thank Members for supporting this Procedural Motion.

*(Applause)*

**Hon. Speaker:** Thank you very much Leader of Majority.

*(Question put and agreed to)*

**Hon. Speaker:** Order number 13. I will quickly call the Leader of Majority to move a Motion of Adjournment of the Assembly to the day of the next normal sitting.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. You know the reason why we have jumped from Motion number 9 to number 13, the reason being that today we are going to adjourn this Assembly in accordance with the calendar. It is also very important for those who are under siege like Wahinya, to go and talk to the voters and if possible he can bring more to my Ward.

Pursuant to the provision of Standing Order number 24(1), this Assembly adjourns until Tuesday 26<sup>th</sup> July 2016 in accordance with the calendar of the County Assembly regulations. So, Mr. Speaker, I think I am going to give troubleshooter or troublesome to come and second this Motion and he is none other than Ngaruiya Chege. Please come and second the Motion of adjournment.

**Hon. Member for Kahawa West** (Mr. Patrick Ngaruiya Chege): Majority Speaker, you are not supposed to intimidate people. You know sometimes when I intimidate you, you start sweating. Mr. Speaker, I rise to second, thank you.

**Hon. Speaker:** Hon. Members, we are really on a tight schedule today, I therefore propose that pursuant to the provision of Standing Order 24(1) this Assembly adjourns until Tuesday 26<sup>th</sup> July, 2016 in accordance with the calendar of the County Assembly regular sessions. Hon. Members. I now call the Leader of the Majority to move.

**Hon. Leader of Majority:** Thank you, Mr. Speaker. I can see the mood of the House, they all accept so I do not have much to say. Thank you.

**Hon. Speaker:** Hon. Members, as indeed it is said, pursuant to the provision of Standing Order 24(1) tis Assembly adjourns until Tuesday 26<sup>th</sup> July, 2016 in accordance with the calendar of the County Assembly regular time. Hon. Members, just to inform you that on the 26<sup>th</sup> July, 2016 the County Assembly of Nairobi will operate from its own home across the Charter Hall *(Applause)* I call upon Members, if you can come early like two hours before so that you can have the familiarization of your jewel. I thank you.



**THE NAIROBI CITY COUNTY APPROPRIATION BILL 2016  
ASSEMBLYS BILL NO. 6 OF 2016  
FIRST READING**

*(The NCCA Appropriation Bill No. 6 2016 first reading)*

*(The NCCA Appropriation Bill No. 6 2016 second reading)*

**Hon. Member for Embakasi** (Mr. Michael Ogada): Thank you, Hon. Speaker. Mr. Speaker, I beg to move that this County Assembly allows the County to access from the County Revenue Fund for the purposes of public service for the financial year ending June 2017 and appropriation of the money granted to a tune of Ksh.34.5 billion. Mr. Speaker sir, I wish to request that this House allows the Executive to access the money as scheduled below:

1. County Public Service Board	87 million
2. Decentralization Procurement, Audit Legal & Office of the Governor	5.5 billion
3. Communication technology, E Government & Public Communication	305 million
4. Economic Planning	2.8 billion
5. Public Health	5.4 billion
6. Urban Planning & Urban Renewal	318million
7. Public Works	1.4 billion
8. Culture & Social	1.5 billion
9. Trade Industrialization, Cooperative Development	631 million
10. Public Service Management & Human Resources	1.3 billion
11. Agriculture & Livestock	384million
12. County Assembly	1.5 billion
13. Water, Environment & Forestry	1.5billion
14. Urban Renewal & Housing	<u>210 Million</u>
<b>TOTAL</b>	<b>KSh. 23.1billion</b>

I wish to beg this House to approve the following figures for development.

1. Public Service Management	- 28 Million
2. Governor's Office	- 560 Million
3. Communication Technology	-150 million
4. Finance & Economic Planning	- 100 million
5. Health Sector	- 1.1 billion
6. Urban Planning`	- 435 million

7. Public Works - 6.5 Million

However, Mr. Speaker, I will be requesting for amendments during the Committee stage.

8. Education, Youth & Sports	- 380 million
9. Trade	- 570 million
10. Public Service	- 111 million
11. Agriculture/Livestock	- 150 million
12. County Assembly	- 150 million
13. Water, Environment & Forestry	- 970 million
14. Urban Renewal	- <u>188 million</u>
<b>TOTAL</b>	<b>Ksh. 11.4 billion</b>

Mr. Speaker sir, I wish to request Mweshimiwa Njoroge Kairo to come and second.

**Hon. Member for Woodley/Kenyatta/Golf Course** (Mr. Njoroge Kairo): Mr. Speaker, I beg to second.

**Hon. Speaker:** Very well. Members, I propose that the Nairobi City County Appropriation Bill 2016; Assembly Bill no. 6 of 2016 be read a second time. Hon. Members.

**Hon. Deputy Speaker:** Thank you Mr. Speaker, you have given the Hon. Members the opportunity to contribute on this Appropriation Bill but it seem like no one is standing. Okay, Hon. Imwatok.

**Hon. Member for Makongeni** (Mr. Peter Imwatok): Mr. Speaker, you have just asked us to stand and speak but I would not want to speak given the mood of the House, the troubleshooter is also quiet and the Majority Leader is on his phone which is unethical in this Chamber. Mr. Speaker, led by the Majority Leader kindly put the question.

**Hon. Speaker:** Okay. Hon. Karen Wanjiku.

**Hon. Member for Njiiru**(Ms. Karen Githaiga): Mr. Speaker sir, the Appropriation Bill is very important, it allows us to use the money we have passed in the budget. I do not know why we are not being given the time to speak but I thank God I am here. Mr. Speaker sir, I must say that in the Health Department we have been given a lot of money although it is not enough. However, I gather it will help us at least improve our health facilities. I must mention Pumwani Maternity and Mama Lucy Kibaki Hospital which we have been fighting for. We have passed the reports here and to implement the reports we need money, so this Bill is very important and we must pass it quickly. Mr. Speaker, now we have passed to go home, we need to be sitting immediately for Committees because we need to oversight this budget. We

need to oversight over how this money is going to be used, we are not going home to stay as the Executive do their things here the way they want. We want to be back here by next week sitting in our Committees. Thank you.

**Hon. Speaker:** Very well. One more, Hon. Alex Otieno but please note time is not on our side.

**Hon. Member for Mugumoini Ward** (Mr. Alex Otieno): Thank you Mr. Speaker sir. Mr. Speaker, I would like to take this opportunity to thank the Chairperson of Budget. Mr. Speaker, the Water & Sanitation Committee we had factored in some money and as I am speaking now the money is intact. As you heard yesterday, Mr. Speaker, the water tanks are now ready and Members are all happy because as you read, they should now submit the names of the beneficiaries. I think Members are happy and I am also happy with the budget and the Budget Committee. Thank you, Mr. Speaker.

**Hon. Speaker:** The mover of the Motion to reply.

**Hon. Member for** (Michael Ogada): Thank you a lot Mr. Speaker sir, I really want to thank Members for having taken their time, they have been here for the whole day which is not usual. We are glad that the Executive is now going to be given the authority to start spending money but I only have one challenge to the Committees because many times it has happened that several Committees keep on bringing blames to Budget Committee which ideally is not our work. We have given money, we have appropriated money to different sectors monitored by different Committees. So it is upon these Committees under the guidance of their Chairmen to give proper follow up and oversight on implementation of the same.

Mr. Speaker sir, I hope Members are attentative because as a Budget Committee we are trying to come out of this, once we have done this, we will look at some few issues not most of these issues. But it is the work of the Committees to make sure the implementation is really done not coming back to blame the Budget Committee while they are not doing their work. Thank you Mr. Speaker sir.

**Hon. Speaker:** Hon. Chairperson thank you very much, I think it is a challenge to the Chairpersons of the Committees. Now that the money has been put into your respective dockets, it is up to you now to over sight that.

*(Question put and agreed to)*

**AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF THE COUNTY REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICE OF THE YEAR ENDING ON THE 30<sup>TH</sup> JUNE, 2017 AND TO APPROPRIATE THAT SUM AND A SUM VOTED ON ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES, SECOND READING.**

### **COMMITTEE OF THE WHOLE ASSEMBLY**

**Chairman**, (Mr. Kennedy Ngondi): You may be seated (*Loud consultations*). Order Members. The Nairobi City County Wards Development Fund Amendment Bill, 2016, Assembly Bill No. 5 of 2016.

Hon. Members. Order Hon. Mutiso. The Nairobi City County Wards Development Fund Amendment Bill, 2016, Assembly Bill No. 5 of 2016, Committee of the Whole Assembly. Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Wards Development Fund Amendment Bill, 2016, Assembly Bill No. 5 of 2016 and we will start with clause 3 as read out by the Clerk.

#### **CLAUSE 3,4,5,6,7,8,9,10,11,12 and 13**

**Hon. Chairman:** Hon. Members, I propose that clause 3,4,5,6,7,8,9,10,12 and clause 13 be part of the Bill. Hon. Members, there being no debate I put the question

*(Question put ad agreed to)*

#### **CLAUSE 2**

**Hon. Chairman:** Hon. Members I propose that clause 2 be part of the Bill

*(Question put and agreed to)*

#### **TITLE**


Hon. Chairman: Hon. Members I propose that the title be part of the Bill

*(Question put and agreed to)*

#### **CLAUSE 1**

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



Hon. Chairman: Hon. I propose that clause 1 be part of the Bill. Any debate on this?

*(Question put and agreed to)*

Hon. Chairman: We will now go to the Appropriations Bill. We are done with the ward Fund Amendment Bill. Hon. Members, the Committee of the Whole Assembly on the Nairobi City County Appropriations Bill, Assembly Bill number 6 of 2016 Committee of the Whole Assembly.

Hon. Members, we are now in the Committee of the Whole Assembly to consider that Nairobi City County Appropriations Bill 2016.

We will start with clause 2 as read out by the Clerk.

## CLAUSE 2

**Hon. Chairman:** Hon. Members, I propose that clause 2 be part of the Bill. There being no debate arising on this, allow me to put the question.

*(Question put and agreed to)*

## FIRST SCHEDULE

**Hon. Chairman:** Hon. Members, I propose that the first schedule be part of the Bill. Chairperson you may move forward on the amendments that you had.

**Hon. Micheal Ogada:** Thank you Mr. Chairman. I wish to move that vote number R5317 be changed by deleting the supply of Ksh.1.404 billion and substituting thereof with the supply of Ksh. 1.373 million. This is meant to split the recurrent for the management of the Ward Development Fund. If you look at the Bill, you will realize that staff under WDF are supposed to be getting their salaries under the Public Works Department and so we want to split it so that it can be a stand-alone and can therefore get their payments directly.

**Hon. Chairman:** That is very much in order Hon. Chair for Budget and Appropriations. This has been lingering in the minds of Members and it is now behind us. We appreciate the efforts and thank you.

Hon. Members I now propose that the first schedule be amended as proposed. Any debate on this? There being no debate, I put the question.

*(Question put and agreed to)*

**Hon. Chairman:** Hon. Members, I now put the question that the first schedule as amended be part of the Bill

*(Question put and agreed to)*

## **SECOND SCHEDULE**

**Hon. Chairman:** Hon. Members, I propose that the second schedule be part of the Bill

**Hon. Micheal Ogada:** Thank you once again Mr. Chairman. Under vote number D5317, I wish to move an amendment (a) by deleting supply of Ksh. 6.528 billion and substituting it with the supply of Ksh. 4.19 billion. Mr. Chair, the justification to this is that the Ward Development Fund has been lumped together with the project under Works and therefore we are also splitting that so that the WDF can be a stand-alone vote.

*(Applause)*

**Hon. Chairman:** Thank you Hon. Chair. Hon. Members, I now propose that the second schedule be amended as proposed. Hon. Karen

**Hon. Nominated Member (Ms. Karen Wanjiku):** Mr. Chairman, it is indeed important to separate the WDF and the projects that will be done in the Wards for implementation. This is because, if we lump them together then the Executive will have excuses and a leeway. Thank you.

**Hon. Chairman:** Hon. Gari

**Hon. Member for Nairobi West Ward (Mr. Maurice Gari):** Thank you Mr. Chairman. We have started to see light at the end of the tunnel from the amendments by the Chairman for Budget. I thank the office of the Clerk for their hard work and the leader of Majority as well. If these two items are separated then there will be no war. Things will run smoothly. We are in need of development and not money. As brothers and sisters, when we come back to office we will know how best to deal with each other. I therefore thank the Budget Committee for that. Thank you.

**Hon. Chairman:** Hon. Wahinya.

Order! I will throw you out.

**Hon. Member for Ngando Ward (Mr. Peter Wahinya):** Thank you very much Mr. Chairman for giving me this opportunity. Mine is very brief. I honestly would like to thank the Chairman of the WDF. This Assembly has many times misunderstood the Hon. Member to be on the laxity side but I can assure you that the input of this great Hon. Member has been enormous.

Mr. Chairman, the work the WDF was done by going to Naivasha back and forth and sometimes meeting within the Assembly to make these changes is a very big story. We have been disturbed and agonized by a lady called Agnes Odhiambo, it is unfortunate that I have to mention that. She has requested us to make changes after changes.

Mr. Chairman therefore we would like to report today here and now that every requirement that has been requested by Agnes Odhiambo in respect to the WDF has been complied over and above 100%. I can say that if there is going to be any roadblock on WDF then it will be self-made by the Government of Nairobi County because we have satisfied that area beyond any reasonable doubt.

Therefore Mr. Chairman of WDF *ongera kwako* and as she says we can now see the light at the end of the Tunnel.

**The Chairman of Chairmen (Mr. Kennedy Ngondi):** Thank you very much Hon. Member, Ngaruiya!

**Hon. Member for Kahawa West (Mr. Patrick Ngaruiya):** Thank Chair for giving me this Opportunity. Chairman that amendment is very important for this House, but what I want us to do is that we should ensure and I think this time round let us be proactive and ensure that the estimates that we passed in the morning and whatever we have made amendments on and the Appropriation Bill that we are going to pass here, by the time it is going to be signed by the Executive it is very important that we be there.

So that those amendments we ensure that they don't sneak back the same documents that have not been amended. It is very important this time round even if it is the leadership then all of us should witness to ensure that whatever we have passed in this Assembly is what has become the Act. Thank you.

**The Chairman of Chairmen:** Hon. Oduru!

**Hon. Member for Lucky Summer Ward (Mr. Kennedy Oduru):** Thank you, Hon. Chair in fact these amendments are very important. This is because it is the part of the Act of Constitution which speaks about the Devolution. It is better to devolve the functions or sectors, this one was a burden on Transport

and Public Works Sector because on the budget line it was appearing to be bulky but in the implementation on utilization it was becoming a problem.

Therefore, this is a very important factor that has been removed out of the other one so that it can bear its one cross. So with this one out of devolution I think we are going to have several development under the other one and this one which has been removed. Thank you Hon. Chair.

**The Chairman of Chairmen:** The last speaker Hon. Hashim!

**Hon. Member for California Ward** (Mr. Hashim Kamau): Thank you Hon. Chairman, while the Members are congratulating the Budget Committee they should also congratulate the son of Jennifer because we know where this originated from Mr. Speaker.

Secondly, In future let us have all the projects under Ward Development Fund. Why Mr. Chairman I am saying this, it's because there was a petition that was done by CAF to Senate and the meeting was held between the Senate, the Treasury and the County Assembly Forum and it was agreed..... Mr. Chairman, can you protect me from the son of Jennifer. It was agreed that the issue of 1% be increased to 10% so the issue of 1% should not be there and Mr. Chairman I am supporting the amendments. Thank you.

**The Chairman of Chairmen:** Thank you Hon. Members, The other Hon. Members on their feet I will give you an opportunity at the third reading stage just get seated. You still have a lot of time on this.

*(Question of the second schedule of the amendment proposed, put and agreed to)*

**Title**

*(Title proposed)*

*(Title put and agreed to)*

**Clause 1**

*(Question of Clause 1 proposed)*

*(Question of Clause 1 put and agreed to)*

**Hon. Member for Embakasi Ward** (Mr. Michael Ogada): Thank you very much Mr. Chairman and I beg to move that the Committee do report to the Assembly its Consideration of the Nairobi City County Appropriation Bill and its approval thereof with amendments.

**The Chairman of Chairmen:** Thank you Hon. Chairman!

*(Question put and agreed to)*

**The Chairman of Chairmen:** The Hon. Chair Ward Development Fund!



**Hon. Gari:** Thank you Mr. Speaker sir, I beg to move that the Committee do adopt the report to the Assembly its consideration of the Nairobi City County Ward Development Fund amendment Bill and its approval thereof without amendments.

*(Question put and agreed to)*

**The Chairman of Chairmen:** Hon. Members as we resume we have Members who were to contribute on the second reading and they will have an opportunity to contribute at third reading in the plenary. Thank you.

*(The House resumed)*

*[Mr. Speaker in the Chair]*

**Chairman of Chairmen:** Hon. Speaker, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Ward Development Fund Amendment Bill No. 5 of 2016 and approved the same without amendments. Thank you.

**Hon. Member for Nairobi West Ward (Mr. Maurice Gari):** Thank you Mr. Speaker and protect me from Hon. George who is making a lot of Noise.

**Hon. Speaker:** Order! Hon. Chairperson, continue.

**Hon. Maurice Gari:** Mr. Speaker, I beg to move that the Assembly do agree with the Committee in the said report.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Maurice Gari:** Thank you Mr. Speaker mine was just to emphasis that this is the best we wanted and....

**Hon. Speaker:** Hon. Gari, it's the third reading you can go ahead.

**Hon. Maurice Gari:** Thank you Mr. Speaker, I can see that the people are tired and it is long overdue. Mr. Speaker I beg to move that the Nairobi City County Ward Development Fund Amendment Bill Number 5 of 2016 be read now a third time.

*(Question proposed)*

**Hon. Speaker:** Millicent before you came in the Assembly it was quiet. I know you have been fasting.

*(Laughter)*

**Hon. Member for Hospital Ward** (Mr. George Ochola): Thank you Mr. Speaker, today you can see all the Members in the Assembly are smiling and also very happy despite, there is a holiday whereby the Muslims are breaking, but Mr. Speaker it's not because of that it is because today we have moved a very substantial Motion in regards to Ward Development Fund and the Budget Committee has also considered most of the things.

Mr. Speaker, what I wanted to say is this earlier in the afternoon sitting you heard the Majority Whip being very serious on the Committees that are in comfort zones and one of them was the Planning and Labour Committee. In the same wisdom I want the Majority Leader to also crack the whip on the Chair of Implementation which I know to him he knows who he is. *(Laughter)*. Mr. Speaker I know very well he comes from the red soil while I come from the slum but I want the slum to look similar to his side.

Therefore, we are going to take strong measures on the Chairman of Implementation if these things do not take its course. Thank you.

*(Laughter)*

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

**Hon. Member for Kileleshwa Ward** (Mr. Elias Otieno): Thank you Mr. Speaker, I think it is just a matter of.... Because I see Hon. Hashim missed Hon. Millicent a lot because it is a long time for fasting so today you can do whatever you want to do after the sitting.

Mr. Speaker as we know very well George Ochola is the MCA from Hospital Ward and it is not the Hospital for the Normal people *(Laughter)* maybe that is the reason why he wants to crack the whip. How can you whip somebody who is whipping you? *(Laughter)* .....

You know sometimes if you want to make jokes, they have a limit because this Implementation Committee has done a lot as Hashim said---

**Hon. Speaker:** Order, does he want to be informed?

**Hon. Leader of the Majority:** I don't want to be informed Mr. Orwa Ojode. Mr. Speaker, as Hashim said, I played a very big role yesterday to bring people together about these amendments and even the House Business Committee can confirm. So as much as he wants to take credit for this, this one you cannot run way with it. This is my baby and I did it and everybody knows very well what I did yesterday. So Mr. Speaker I also must thank the Budget Committee because we gave them short notice because I called the Chairman yesterday late at night at around 10 p.m. and I conveyed the message to him to call Committee members to come for these amendments today which they did. So I only thank the Budget Committee but I cannot thank the WDF Committee because for the last 3 years amendments have not been finalised, until we came in. Mr. Speaker thank you and also Hon. Hospital Hill Ward for your concern, we are going to crack the whip for the Implementation Committee. Thank you.

**Hon. Speaker:** Very well. Hon. Members when you come we are doing the Nairobi Ward Development Fund amendments.

**Hon. Member for Kariobangi North Ward** (Mr. Michael Wainaina): Thank you Mr. Speaker. I don't know where the Majority Leader was, because it seems he doesn't know where these amendments were emanating from and we don't work in the office of the Comptroller of Budget Mr. Speaker. This Committee of Ward Development Fund has done a lot because as you know as a Member of Kwa Njenga was asking for amendments here and I told him to hold his horses so that we can do comprehensive amendments, Mr. Speaker. So now it is upon the Executive to implement and to honour the work that we have done as members of the Ward Development Fund in that Committee and they put aside the money as the Budget Committee has done because yesterday we had very lengthy conversation in the House Business Committee and that is why you can see Members smiling. Because Mr. Speaker there is no one who was opposing the budget but the budget was to be very clear so that we can give the people who elected us the services which they are supposed to be given. Thank you, Mr. Speaker.

**Hon. Speaker:** The last one, Hon. Warutere.

**Hon. Member for Roysambu Ward** (Mr. Peter Warutere): Mr. Speaker, allow me also to voice my concern on issues that are before us. First and foremost I want to thank the Majority Leader. Yesterday we burned midnight oil as House Business Committee but one thing that is there and is for certain, for one year Majority Leader has not been around to go to the other side. Things deteriorated from bad to worse. You know that people have been undermining the Majority Leader and probably that is why things have not been moving.

We want to appreciate the fact that after the Majority Leader came back to his senses, when he has been allowed to take a task, he has always done it in the right way. Yesterday we spoke to each other. We have a common responsibility to the people of Nairobi. This matter was not about Jubilee neither was it a CORD affair. It was a matter that was concerning all the Members of this great House. We were able to talk to each other because we were given an avenue to talk to each other, to see sense and to allow people who had not seen sense before to come on board so that we can take this House to the next level.

We pray that at least we allow the Majority Leader to take this baby to the next level. We only have less than one year to do what is expected of us. We pray that we will be able to take this issue not through the perspective of parties but we now work as Nairobians because we now have an obligation, we have a responsibility and history will judge us as we are for making sure that things are done properly.

Lastly, we want to put the Executive on notice, the issue has not been the Budget Committee or the Ward Development Fund Committee but the execution of policies within County. We want to put the Executive on notice that the time is now to implement what we have agreed as a House is now. We need to execute this with speed so that we can bring projects so that people outside there can start realizing that in Nairobi we mean business. And for this, that at least for the months to come we will be able to read from the same script. Thank you very much.

*(Question is put and agreed to)*

**Hon. Speaker:** The Chairman of the Committee of Budget and Appropriation.

**Hon. Deputy Speaker:** Thank you Hon. Speaker. After we are done with the Ward Development Fund, allow me to proceed and report on budget report of the Committee of the Whole House Nairobi City County Appropriation Bill 2016. Mr. Speaker I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Appropriation Bill. 2016 and approved the same with amendments. Thank you Hon. Speaker.

**Hon. Michael Ogada:** Thank you Mr. Speaker I beg to move that the Assembly do agree with the Committee on the said report with amendments.

*(Question is proposed)*

*(Question is put and agreed to)*

**Hon. Michael Ogada:** Thank you very much Mr. Speaker sir. It has been a long day. I beg to move that reading the Nairobi--- I beg to move that the Nairobi City County Appropriation Bill 2016 be now read a third time.

*(Question is proposed)*

**Hon. Deputy Speaker:** Thank you Hon. Speaker, I am in support of this Bill to be read for the third time and I therefore call the mover to reply or I request you to call the mover to reply.

*(Question is put and agreed to)*

**Hon. Deputy Speaker:** Order Hon. Members! It has been a long day honestly and I agree with the Hon. Leader of Majority we need breakfast on the other side. However, Hon. Members as we adjourn to go on recess, I just wish you Members of the County Assembly of Nairobi the most wonderful and a time that you will spend with your constituents and for the Special Elect, you all know that you have a duty in those Wards; you are supposed to participate in development. Mine is to say thank you and to hope that as we continue with the recess we will be looking forward to one of the best show cased Assemblies in East Africa, Nairobi City County Assembly Chambers.

Order Hon. Warutere! Hon. Member, it is therefore my wish that God will give those who are going home to see their parents, their families journey mercies and for those of us who are within the City, we will take care of each other, therefore--- Warutere, unless you don't want to see the opening of the Assembly--- Hon. Warutere! Do you want me to say that Committees will resume after 26<sup>th</sup>? Then why don't you wait, what is the problem with you? Hon. Members it is normal it is only in December where we have a short break of committees. So the committees will go on as the usual.

Hon. Members I know you are tired, God bless you. The Assembly is adjourned until Tuesday 26<sup>th</sup> July 2016. I thank you.

*(The House rose at 4:17 p.m.)*