



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Wednesday 15th February, 2017

The House met at 2.30 p.m.

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

PRAYER

Hon. Deputy Speaker: Hon. Members, the attention of the Chair has been raised. There is lack of quorum in the house and I so direct the Sergeant-at-arms under Standing Order number 31(2) to ring the bell for ten minutes.

As the bell is being rung Hon. Members, I would like to urge the Whips of both sides of the coalitions to mobilize their members to come into the Assembly because we have a very serious business before us. We have the Assembly calendar which must actually be dispensed off with today. Kindly do something on that.

Order Hon. Members! We now have quorum and we can proceed.

Clerk.

STATEMENTS

Hon. Deputy Speaker: Hon. Akuk

COUNTY HEALTH FACILITIES THAT LACK SIGNAGES AND SERVICE CHARTERS

Hon. Member for Highrise Ward (Mr. Maurice Akuk): Thank you Mr. Speaker. Pursuant to Standing Order number 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral committee on Health Sciences regarding County health facilities that lack signage's and service charters.

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Hon. Speaker, a service charter of an institution highlights the institutions established roles and terms of reference of services offered, objectives, functions and the expectations of customers. It has been noted that some of the health facilities in Nairobi City County lack service charters and signage's for giving directions to residents on where to get the services easily.

(Some Hon. Members walked out)

Hon. Deputy Speaker: Order Hon. Akuk! Hon. Celestine order. Come back to the house please. Kindly Hon. Members, let us not allow this kind of behavior; walking into and out of the Assembly. We have a business of addressing the calendar of the Assembly and so it is not right to walk in and out. Let us be responsible. You may proceed Hon. Akuk

Hon. Maurice Akuk: Thank you Hon. Speaker sir. Hon. Speaker, I have attached a list of thirty seven (37) health facilities that lack signages and thirty one (31) health facilities without Service Charters in the County.

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

- I. Status of the Service Charters and signages of the health institutions in the attached list; and
- II. Measures/plans being taken by the County Executive to erect signage and service delivery charter in the mentioned health institutions and other public institutions.

Thank you.

Hon. Deputy Speaker: The Chairperson for Health Committee

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you Mr. Speaker. Indeed that is a very important issue raised by the member. We promise to look into it and report to the Assembly in the next two weeks.

Hon. Deputy Speaker: Hon. Member, we do not have enough time. Kindly push the dates forward a bit.

Hon. Manoah Mboku: Mr. Speaker, give us one week

Hon. Deputy Speaker: Can we give you up to Thursday next week?

Hon. Manoah Mboku: We will try Mr. Speaker.

Hon. Deputy Speaker: Thank you. Under order number seven, we have responses to statements that are due. One from Elkana Mauti which was directed to the sectoral Committee on Water and Sanitation regarding the implementation status of water tanks project in every ward. Hon. Alex Ouda

Hon. Member for Mugumoini Ward (Mr. Alex Ouda): Thank you Mr. Speaker sir. The statement is ready but the paper is not with me. If I could be allowed---

Mr. Speaker, a response to a statement requested by Hon. Elkana Mauti MCA

Hon. Deputy Speaker: If I may ask, is Hon. Elkana Mauti in the House?

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Yes Mr. Speaker sir. I am in

Hon. Deputy Speaker: Are you privy to the report which is just about to be read?

Hon. Elkana Mauti: Not yet but I am ready for anything. Let him continue

Hon. Deputy Speaker: Order Hon. Member. That is not possible. You say you have not received the report?

Hon. Deputy Speaker: On that note we suspend that business for today. Can we go to statement 'b'?

Is Hon. Hashim Kamau in the house? Have you been given the report and gone through it? Okay, thank you. Mr. Chairman, you can just highlight on the key areas so that we move a bit fast.

Hon. Elkana Mauti: Point of order Mr. Speaker

Hon. Deputy Speaker: On what Hon. Elkana Mauti. It is declined because you do not have to raise on a point of order on none issues.

Hon. Alex Ouda: Mr. Speaker kindly give me two minutes to put my papers in order.

Hon. Deputy Speaker: Okay. Let us jump that section. On Road and Public Works by Hon. Oduru. Is Hon. Chege Ngaruiya in the house? Are you ready Hon. Oduru? Kindly give this Hon. Member time so that it appears on tomorrow's Order Paper. Bear with us.

Hon. Kennedy Oduru: Thank you Mr. Speaker

Hon. Deputy Speaker: Hon. Member for Mugumoini Ward, can we give you time up to tomorrow?

Hon. Alex Ouda: Kindly Mr. Speaker. Tomorrow same time.

Hon. Deputy Speaker: I hope Hon. Hashim Kamau will be around. Clerk proceed.

PROCEDURAL MOTION

CALENDAR OF THE ASSEMBLY-FIFTH SESSION

Hon. Deputy Speaker: Hon. Hashim Kamau

Hon. Minority Chief Whip (Mr. Hashim Kamau): Thank you Mr. Speaker. Pursuant to Standing Order number 25 (1), this Assembly approves the calendar of the Assembly's regular sessions for the fifth session of the Assembly as contained in the schedule attached to the Order Paper. Mr. Speaker if I may take the members through the calendar, on the fifth session column of period (a) sitting days, we have from Tuesday 14th to Thursday 6th April. Normally during this period Mr. Speaker we usually have a shot recess but it was of our opinion that we strike that out so that we get to have a marathon all through. The issue of the long recess from the 7th of April to 8th May 2017 is the period that has been gazetted for all party nominations, and so that is why we were of the opinion that members be on recess because the deadline is between the said dates.

On the sitting of the "c", sitting days of 9th May to 15th June, after 15th June Mr. Speaker, which is the period that is gazetted now officially for the campaigns up to 7th of April and we were in fact, the leadership sat and agreed that there was no need of the Speaker coming with the mess when there are no Members in the House.

Therefore, we will sit up to 15th of June and check what will be happening then if Members will be there maybe we can prolong the Sine Die and decide to go after 15th. So I am calling the Majority Whip to come and second on the Procedural Motion, Hon. Jaffer.

Hon. Deputy Speaker: Thank you, Hon. Hashm.

Hon. Jaffer Kassam: Thank you Mr. Speaker sir, I think that is self-explained, I second the Motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you.

(Question Proposed)

Hon. Deputy Speaker: Hon. Pius Mwaura Mbono your mic is on.

Hon. Member for Zimmerman Ward (Mr. Pius Mbono): Thank you, Mr. Speaker and I stand to support this motion and since everybody has previewed what is in this paper, I think it is prudent that you put the question.

Hon. Deputy Speaker: Thank you, Hon. Maina Njoroge.

Hon Member for Umoja 1 Ward (Mr. George Maina): Thank you, Mr. Speaker I rise here not to support this until maybe we have amendments on the Sine Die Recess Period. I also want to urge the House not to support this Calendar thank you.

Hon. Deputy Speaker: Order! Hon. Member (*laughing*) at first you were in support of the Calendar...

Hon. George Maina: Mr. Speaker I rise here to object on this Calendar, and I would like we do some amendments to the Calendar first before we support it. But that is my own opinion anyway.

Hon. Deputy Speaker: What kind of amendments?

Hon George Maina: On "d" Sine Die Recess period on the schedule of the Calendar.

Hon. Deputy Speaker: What is wrong with the Assembly Sine Die?

Hon George Maina: Sine Die!

Hon. Deputy Speaker: Yes!

Hon George Maina: Sine Die means, you know what it means Mr. Speaker. I really don't want to explain so much, you know parliamentary language.

Hon. Deputy Speaker: Hon. Member!

Hon George Maina: Yes and you can also Google and you will see what it means and I want to urge the Members to consider themselves before they think of taking this thing in a rush. But that is my opinion in anyway. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Order Hon. Members, because I think the Member has an issue but he is not able to explain himself so...

Hon George Maina: Mr. Speaker, (*laughing*) I think I have explained myself.

Hon. Deputy Speaker: Hon. Hashim Kamau. Order Hon. Member!

Hon. Hashim Kamau: Yes, Mr. Speaker, is the Member in order? He is a Member of House Business Committee and he was there yesterday when we discussed this issue and he was part of the resolution made. Is he in order to come and oppose in the floor?

Secondly, Mr. Speaker the issue of amendment, there are procedure to amend a motion or a bill. Is the Member now in order to ask for amendment when there is no any notice that has been given to Mr. Speaker?

Hon. Deputy Speaker: Thank you Hon Hashim.

Hon George Maina: Mr. Speaker, allow me to respond please.

Hon. Deputy Speaker: Order! Hon. Member please. The question has been directed to the Chair and not you. Hon. Maina please the question was directed to the Chair not you. Order Hon. Member it seems I don't have any other request. Your mic is on but is not indicating here.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochur): Thank you Mr. Speaker and I rise to support this motion on Calendar of the Assembly. Mr. Speaker this Calendar is very much important to us given that this is the time of the election and I can see when we reach number 'b' on long recess, the Calendar took care of the Members during the vigorous campaign period because if I check particularly on my party Mr. Speaker, this is the time when it is very much engaged in nomination and even our counterpart this is the time when their nomination are put in their Calendar.

Therefore, when I look at it critically the Calendar of our Assembly took care of all Members, without looking at their parties affiliations, so I rise to support thank you.

Hon. Deputy Speaker: Thank you.

Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Thank you Mr. Speaker, I rise to oppose this Calendar bearing in mind that on "b" concerning Side Die, not everyone is assure that they are going to win the nomination so there are some people like me who will not be vying, so I still need some time to come and do issues for Baba Dogo Ward. Thank you, Mr. Speaker.

Hon. Member for Woodley Ward (Mr. Njoroge Kairu): Thank you very much Mr. Speaker sir, I rise here to support this motion but I was asking kindly, can we get another good name that we can use instead of saying Sine Die some of us think that we are going to die.

Hon. Deputy Speaker: Okay, Hon. Members before I put the question actually it seems the House has issues with the roman "d" but in our own wisdom as the House Business Committee, I think this was best for the all Members because we didn't want to terminate the life of the Assembly. As a requirement where now the Assembly is supposed to end two months, we actually made sure that the Assembly will be life up to the 7th of August midnight the date to election.

Therefore Sine Die give at least a provision or leaves the Assembly with the provision where if there is any crucial business to be transacted in the Assembly then we will be calling for a special sitting. So actually the Assembly life is up to 7th August; if you can scroll down there the end of term of 1st Assembly is on 7th August, 2017 at midnight.

Therefore, there is no cause of alarm on this. If you wanted us to replace the Sine Die then that will mean we will have to terminate the Assembly in totality.

(Question put)

Hon. Members, before I even repeat, you need to go through this calendar before you raise a no objection. Hellen...

Hon. Members, one more chance.

(Question put and negatived)

PROCEDURAL MOTION

LIMITATION OF THE DEBATE ON THE MOTION

Hon. Majority Chief Whip (Mr. Jaffer Kassam): Thank you Mr. Speaker, Procedural Motion 9; Limitation of the Debate on the Motion: That notwithstanding the provision of Standing Order 94 (4) this assembly orders that each speech on a debate on any motion including a special motion to be limited in the following manner- a maximum of 3 hours with not more than 20 minutes for the mover and 10 minutes for each other member speaking except the Leader of Majority and the Leader of Minority, and a maximum of 15 minutes each and that 10 minutes before the expiry of time the mover shall be called upon to reply and the priority in speaking be accorded to the Leader of Majority, the Leader of Minority and the chairperson of relevant sectoral committee in that order. I wish to move this motion and ask Hon. Hashim Kamau, Minority Whip to support this procedural motion.

Hon. Minority Chief Whip (Mr. Hashim Kamau): Mr. Speaker I second the motion.

Hon. Deputy Speaker: Thank you Hon. Members.

(Question proposed)

Hon. Jaffer Kassam: Thank you Mr. Speaker sir, I thank the members for supporting this procedural motion, thank you.

(Question put and agreed to)

PROCEDURAL MOTION

BILL SPONSORED BY THE PARTIES OR COMMITTEES

Hon. Jaffer Kassam: Bill sponsored by the parties or committees: That notwithstanding the provision of Standing Order 94 (4) this assembly orders that each speech in the debate on the Bills Sponsored by the Committee, the Leader of Majority Party or the Leader of Minority Party be limited as follows; a maximum of 45 minutes for the mover in moving and 15 minutes in replying, a maximum of 30 minutes for the chairperson of relevant committee if the bill is not sponsored by relevant committee and maximum of 10 minutes for any other member speaking except the member of the Minority Party and the Leader of Majority Party and the Leader of Minority Party who shall be limited to the maximum of 15 minutes each if the bill is not sponsored by either of them and priority in speaking be accorded to the

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Leader of Majority, the Leader of Minority Party and the chairman of relevant sectoral committee in that order and moving the motion I ask Hon. Hashim Kamau to second the procedural motion, thank you.

Hon. Hashim Kamau: I second Mr. Speaker, thanks

Hon. Deputy Speaker: Hon. Hashim, what do you second?

(Question proposed)

I have Jackson Mwangi Ngare...may I now call the mover to reply.

Hon. Jaffer Kassam: Thank you Mr. Speaker sir, I wish to thank the members for supporting the procedural motion 10, thank you.

(Question put and agreed to)

PROCEDURAL MOTION

LIMITATION OF DEBATE ON INDIVIDUAL MEMBER'S BILL

Hon. Chief Whip of the Majority (Mr. Jaffer Kassam): That notwithstanding the provision of Standing Order 94 (4), this Assembly orders that each speech on individual Bills not sponsored by a Committee, Leader of Majority Party or Leader of Minority Party be limited as follows; maximum of 3 hours and 30 minutes with not more than 30 minutes for the Mover in moving and 10 minutes in replying, maximum of 30 minutes for the Chairperson of the Committee and maximum of 10 minutes for each member except the Leader of the majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each and priority in speaking be accorded to the Leader of Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee in that order, and I ask Hon. Hashim Kamau to second this Motion. Thank you, Mr. Speaker.

Hon. Chief Whip of the Minority (Mr. Hashim Kamau): Mr. Speaker I second the Motion on Limitation of debate on Individual Members Bill by the Chief Whip Majority.

Hon. Deputy Speaker: Thank you Hon. Hashim.

(Question put and agreed to)


Hon. Deputy Speaker: Thank you.

PROCEDURAL MOTION

LIMITATION OF DEBATE ON A REPORT OF A COMMITTEE

Hon. Chief Whip of the Majority: Thank you Mr. Speaker sir. That notwithstanding the provision of Standing Order 94 (4), this Assembly orders that; each speech on a report of a committee, a sessional

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paper or any other report submitted to the Assembly be limited as follows; maximum of 60 minutes for the Mover in moving, 30 minutes in replying and maximum of 10 minutes for any other Member except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each and priority be accorded to the Leader of Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee in that order, and I request Hon. Hashim Kamau to second this Procedural Motion No. 12. Thank you, Mr. Speaker.

Hon. Chief Whip of the Minority: I second the report of the committee by the Majority Whip.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Deputy Speaker: May I call the mover to reply.

Hon. Chief Whip of the Majority: Thank you very Mr. Speaker sir. I thank the Members once again for supporting the Procedural Motion.

Hon. Deputy Speaker: Thank you.

(Question put and agreed to)

PROCEDURAL MOTION

LIMITATION OF DEBATE ON ADJOURNMENT

Hon. Chief Whip of the Majority: Thank you Mr. Speaker sir, Procedural Motion appearing as number 13. That notwithstanding the provision of Standing Order 94 (4), this Assembly orders that the debate on any Motion for the adjournment of the Assembly to a day other than the normal sitting day in accordance with the calendar of the Assembly be limited to; a maximum of 3 hours with not more than 5 minutes for each member speaking except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 10 minutes each and priority be accorded to the Leader of Majority Party, the Leader of the Minority Party in that order, provided that when the period of recess proposed by any such Motion does not exceed 10 days, the debate shall be limited to a maximum of 30 minutes and shall be strictly be confined to the question of the adjournment.

I once again request Hon. Hashim Kamau to second this Procedural Motion. Thank you, Mr. Speaker.

Hon. Chief Whip of the Minority: The Majority Chief Whip, on the limitation on debate on adjournment, I second.

Hon. Deputy Speaker: Thank you Hon. Members.

(Question proposed)

Hon. Chief Whip of the Majority: Thank you Mr. Speaker. I want to thank the Members once again for supporting the Procedural Motion No. 13.

(Question put and agreed to)

PROCEDURAL MOTION

NOMINATION OF MEMBERS TO THE JUSTICE AND LEGAL AFFAIRS COMMITTEE

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Mr. Speaker, That pursuant to the provision of Standing Order 156 (1), this Assembly approves the appointment of the following members nominated by the Selection Committee to the Sectoral Committee on Justice and Legal Affairs:

1. Hon. Jaffer Kassam, MCA
2. Hon. Moses Ogeto, MCA
3. Hon. Akuk Maurice, MCA
4. Hon. Elkanah Mauti, MCA
5. Hon. Jacqueline Awino, MCA
6. Hon. Manoah Mboku, MCA
7. Hon. Elias Otieno Okumu, MCA
8. Hon. David Mberia, MCA
9. Hon. Jane Muasya, MCA
10. Hon. Peter Migwi, MCA
11. Hon. Kamau Thuo, MCA
12. Hon. Muchiri Mwaniki, MCA
13. Hon. Martin Karanja, MCA
14. Hon. George Njoroge Maina, MCA
15. Hon. Jackson Kiama Gikandi, MCA
16. Hon. Dorcas Njoroge, MCA
17. Hon. Mercy Kariuki, MCA

Mr. Speaker, I wish to call upon Hon. Maxwell Ochar to second.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. I wish to second this Motion because; one, these Hon. Members and colleagues have been without a Committee and this Assembly also has been without Justice Committee. Without Justice Committee, things will not work well

Two, it is not right to disband a Committee for a flimsy reason. This went badly for the Assembly because I remember one time even my Committee was threatened that it will be disbanded. I really support this Motion, and Mr. Speaker, you should desist from disbanding a Committee for flimsy reasons. I wish to second, thank you.

Hon. Deputy Speaker: Thank you. Order, Hon. Ogeto!

(Question proposed)

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you, Mr. Speaker sir. I stand here to support. Mr. Speaker, you know very well that a lot of activities have been going on which were supposed to be oversight by the Justice and Legal Committee. This notwithstanding, the reconstitution of the membership of this Committee was supposed to be done last year and not this year. Therefore, I stand to support, thank you.

Hon. Deputy Speaker: Hon. Manoah.

Hon. Member for Nairobi South Ward (Mr. Manoah Mboku): Thank you. I stand to support this Motion, Mr. Speaker. Given that we have Bills that are supposed to be referred to this Committee, but with the absence of the Committee, it is difficult for these Bills to be considered in the Assembly. I support this Motion, thank you.

Hon. Deputy Speaker: Thank you. May I call the mover to reply?

Hon. Andrew Mbau: Mr. Speaker, they say justice delayed is justice denied. Justice has happened today. I thank Members for supporting this Motion, it is long overdue. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Members.

(Question put and agreed to)

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES

Hon. Andrew Mbau: Mr. Speaker, pursuant to the provisions of the Standing Order No. 156 (1), this Assembly approves the appointment of the following Members nominated by the Selection Committee to various Committees:

1. Hon. Kingsley Odida, MCA, be appointed to the Sectoral Committee on Trade, Tourism and Cooperatives
2. Hon. Alexina Mudi, MCA, be appointed to the Sectoral Committee on Children, Early Childhood Education and Vocational Training
3. Hon. Hellen Katangie, MCA, be appointed to the Sectoral Committee on Children, Health Services.

I wish to call upon Hon. Moses Ogeto to second the Motion.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker sir, I second the Motion.

(Question proposed)

Hon. Deputy Speaker: Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker sir. I beg to support this Motion because I have seen Hon. Alexina Mudi there; she is welcome to our Committee. I know she likes issues concerning children and education and she will be of much help in that Committee. Also, Hon. Katangie will do much help in our Health Committee and I believe Hon. Odida will do a lot of work in trade, we know in Umoja, we have markets.

Mr. Speaker Sir, I still don't understand who will replace these Members. Does it mean there will be more Members in those Committees? We have not been shown who they are replacing. I support.

Hon. Deputy Speaker: Hon. Karen, may be if I reply to your question, like in my case, I actually dropped my membership in Education Committee. So, that will be a replacement. I don't know on the case of Health Services and Tourism---

I think it is in order because Members of the select committee looked into all of these areas before they appointed the same to conform to the Standing Orders. It is a requirement that there be a limit of membership in each and every committee. So before they brought this in then I think they must have done due diligence. Thank you. Hon. Member

Hon. Majority Chief Whip (Mr. Jaffer Kassam): Thank you Mr. Speaker. I want to bring more clarity on what you have said. The honorable members you see being appointed to the committee are actually in those committees and they had been discharged last year. The select committee is therefore reinstating the back. Thank you Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. George Maina, kindly press the button once

Hon. Member for Umoja 1 Ward (Mr. George Maina): Thank you for the advice Mr. Speaker. I have a query on the Procedural Motion 15. I am in support of it and would also want to add a rider on what Hon. Karen was saying and the Majority whip as well that some of these members had been suspended. I

do not think that is true. Let it be on the Order Paper that Hon. Alexina Moody is going to replace Hon. Kennedy Ngondi because we are following the Order Paper. This is a house of rules and procedures. The Order Paper looks as if we are adding more members to these committees without saying who they are replacing and that is not procedural Mr. Speaker. I beg that you give direction on this.

Hon. Deputy Speaker: I am getting you Hon. Member

Hon. George Maina: I am supporting this but it should be procedural.

Hon. Deputy Speaker: Can we get an explanation from any member of the select committee to clear the air on this? Hon. Hashim

Hon. Hashim Kamau: Thank you Mr. Speaker. I am not a member of the Selection committee. I want to add on what Mheshimiwa Jaffer has said. Under Standing Order number 157; the County Assembly party that nominate a member to a select committee may give notice in writing to the Speaker that the member is to be discharged from a select committee and the discharge of the member shall take effect upon receipt by the Speaker on notice under paragraph one. Once the Speaker has received the notice then that member ceases to be a member of that committee and so there is no way in which you can put a name that is being replaced by somebody because he is not a member of that committee.

I know that the County Assembly Party has discharged one of the members here sitting and has been replaced by Mheshimiwa Kingsley and Hellen Katangie. I need an interpretation from you Mr. Speaker
—

Hon. Deputy Speaker: Come again. Which member?

Hon. Hashim Kamau: Mheshimiwa Nyangwara has been replaced by Hon. Kingsley Odida and Hellen Katangie and Mheshimiwa Nyangwara is party less. Sorry not party less but committee less. I need your indulgence on whether another party is able to give him one of the committees.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Point of order Mr. Speaker!

Hon. Deputy Speaker: You are in order member. Proceed.

Hon. Peter Warutere: Mr. Speaker I want to thank you for catching my eye and indulge on this matter. Now that one side of the coalition has dismissed one member and this is a house of rules and procedures, I think it is a pertinent issue that we need to discuss because now we are at par. CORD is at 63 and Jubilee at 63. Infact we are even more because Hon. Diana moved too. I beg that we have the interpretation that Hon. Ali Hassan becomes the Majority Member and going forward we will be bringing a substantive motion to seek clarity on this issue.

Hon. Deputy Speaker: Order Hon. Member! You are out of order. In regard to the member you are pointing out, he still remains a member of ODM until further notice. Be informed. What is it Hon. Karen?

Hon. Maurice Gari: Tell us the debate Me. Speaker

Hon. Deputy Speaker: It is nowhere. Press the mic once please

Hon. Karen Wanjiku: Mr. Speaker you are contradicting yourself. You have just said that Mheshimiwa Nyangwara is a member of ODM. Why is it then that he is out of committees? As long as my memory serves me right, Mr. Speaker protect me---

Hon. Deputy Speaker: Order Hon. Karen!

Hon. Karen Wanjiku: Mr. Speaker---

Hon. Deputy Speaker: You can't be protected when you are out of order. It is not a subject of discussion. In fact Hon. Nyangwara is not appearing in the Order Paper. Declined!

Hon. Karen Wanjiku: It is misleading Mr. Speaker---

Hon. Deputy Speaker: Order Hon. Karen! You are out of order. We are not discussing the conduct of a member here. Hon. Members---

Hon. Maurice Gari: Mr. Speaker, I think we were still debating on this issue. Do not limit us.

Hon. Deputy Speaker: Order Hon. Gari. I have not given you an opportunity to talk. Can we proceed? Hon. Member reply.

Hon. Maurice Gari: Mr. Speaker, we are still debating on the issue

Hon. Deputy Speaker: Order! I have given directions that you reply.

Hon. Member: Point of order Mr. Speaker

Hon. Deputy Speaker: Declined. I have ruled them out of order. Can you proceed?

Hon. Manoah Mboku: Mr. Speaker---

Hon. Deputy Speaker: Sit down Hon. Manoah. Hon. Member proceed. Order Hon. Gari! Hon. Karen! The member is on the floor

Hon. Nominated Member (Mr. William Abuka): Mr. Speaker---

Hon. Deputy Speaker: Order Hon. Abuka! Please, the member is on the floor

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Mr. Speaker, I am a member of the Selection committee and we all understand that it is within the discretion of the party leader who should serve in which committee. We also did put into consideration the expertise of every other member whose

name appeared hereunder. I therefore thank the members because they really want to work. Let us give them time to work. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Members on the procedural motion

(Question put and agreed to)

Hon. Deputy Speaker: Hon. Members the Assembly stands adjourned to 2:30 p.m tomorrow. Thank you.

The house rose at 3:50 p.m