



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – First Session

Thursday 7<sup>th</sup> December, 2017

The House met at 2:30 p.m.

*(Hon. Speaker (Ms. Beatrice Elachi) in the Chair)*

#### PRAYERS

#### PAPERS

**Hon. Peter Imwatok:** Madam Speaker, allow me to lay the papers for the committee of Finance, Budget and Appropriation. Pursuant to Standing Order no. 191 (6), I beg to lay the flowing papers on the table of the Assembly, today, Thursday 7<sup>th</sup> December, 2017;

The first report to the Select Committee on Finance, Budget and Appropriation on induction workshop of the committee held between 3<sup>rd</sup> and 5<sup>th</sup> of November 2017 at Sairock Hotel, Mombasa County.

**Hon. Speaker:** Thank you Minority Leader. Clerk, proceed. Next order. Yes Millicent?

**Hon. Millicent:** *[Inaudible]*.

#### STATEMENTS

##### **The repair and status of lighting in the streets and public institutions in Kayole Central Ward**

**Hon. Speaker:** Hon. Themendu.

**Hon. Jeremiah Themendu:** Thank you Madam Speaker. Hon. Speaker, pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of Sectoral Committee on Transport and Public Works regarding the repair and status of lighting in the streets and public institutions in Kayole Central Ward.

Hon. Speaker, street lighting in Kayole Central Ward is in a bad state rendering most parts of the Ward inaccessible at night hence contributing to run away crime and other social vices.

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

- i) Reasons why the County Executive has not been periodically maintaining street lights and lighting in public institutions in the ward;
- ii) Reasons why the County Executive has been unable to install new street lights in some parts of the ward that are poorly lit;
- iii) Number of vehicles that are currently operational in the sector; and
- iv) Reasons why there is no consistent supply of maintenance materials in the sector.

Thank you.

**Hon. Speaker:** Chair? Since I don't see the Chair, any member of the committee, transport? Majority Leader, take responsibility.

**Hon. Abdi Hassan:** Madam Speaker, I take responsibility. Second week after opening of the session, he will get the response.

**Hon. Speaker:** Hon. Themendu, you are okay? Next order.

## MOTION

Hon. Kimemia is not in the House. I differ that Motion. And I move to order no. 9. Majority Leader? Yes Minority Whip?

**Hon. Peter Imwatok:** Point of Order, Madam Speaker. Kindly allow me to rise on a Standing Order no. 51 (1).

**Hon. Speaker:** Order! Was it on the same that I just brought in or?

**Hon. peter Imwatok:** It is quite different.

**Hon. Speaker:** You know you are in between a Motion that has not even come on the floor of the House.

**Hon. Peter Imwatok:** Madam Speaker, if you allow me just to expound on this notice of Motion under Standing Order no. 51 so that I can explain myself before you give your ruling. I am on a Point of Order, Majority Leader, you know the rules of the House.

Standing Order no. 51 says; "Except otherwise provided in the Standing Order, notice shall be given by a Member of any Motion which the Member or a committee proposes to move"

Madam Speaker, I am the Minority Whip of the first and the largest party in east and central Africa. Two weeks ago---

**Hon. Speaker:** Minority Whip, order! Minority Whip, you have stood on a notice of Motion.

**Hon. Peter Imwatok:** Exactly.

**Hon. Speaker:** and the problem is on what I have just said. I have already started and I deferred and moved to order no. 9. So, I wish you stood the moment you heard statements. You had laid a paper and had an opportunity---

**Hon. Peter Imwatok:** The order stipulates that---

**Hon. Speaker:** Order! Sit! Order leader! You know, these are your Standing Order that guide the House. And there is a sequence that we go in when we are doing any order. And if you want to stand on a Point of Order, you just look at the sequence of that order and you do it in the right way.

When you cut me when I have entered into order no. 8, first of all I have to use order no. 42 (3) to change what you are just about to do. While you are doing your 51, your Standing Orders no. 43 explains to you how you can change a sequence of the orders. So, if you wanted, you would have done it the correct way of doing it.

Majority Leader, proceed.

**Hon. Peter Imwatok:** Madam Speaker---

**Hon. Speaker:** I have finished. And I don't want us to engage.

**Hon. Peter Imwatok:** Let explain myself, Madam Speaker.

**Hon. Speaker:** No!

**Hon. Peter Imwatok:** Because the Standing Orders you have read---

**Hon. Speaker:** Minority Leader, we are not going to set a precedence.

**Hon. Peter Imwatok:** Standing Orders are very explicit. Any Member can stand at any given time to raise a Point of Order. There is no particular moment in time in the Assembly that a Member should be allowed to raise a Point Order.

**Hon. Abdi Hassan:** Which Standing Order is he pointing Madam Speaker?

*(Loud consultations)*

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

**Hon. Abdi Hassan:** He should not---

**Hon. Speaker:** Order both sides! Order! Hon. Jared, order! Hon. Mberia, order!

**Hon. Peter Imwatok:** I am on Standing Order no. 51, you could have allowed me to explain why I am standing on this Standing Order.

**Hon. Speaker:** Minority Whip!

**Hon. Peter Imwatok:** Yes Madam Speaker

**Hon. Speaker:** And I have told you one thing. You know how to change the sequence of an order. You know how to change the sequence of an Order. We were not in any debate---

**Hon. Peter Imwatok:** Madam Speaker, I am on a Point of Order.

**Hon. Speaker:** You have taken us back to the Notices of Motion. The event passed and I have just said I deferred a Motion and called in Order No. 9. Majority Leader, proceed.

*(Loud consultations)*

Order, Hon. Mberia! Proceed.

**Hon. Abdi Hassan:** Thank you, Madam Speaker. This is a House of rules and procedures; you cannot just rise on a Point of Order when the Speaker has moved to the next Motion.

#### ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR

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THAT, pursuant to the provisions of Standing Order 29 (1), this Assembly adjourns until Tuesday, 13th February, 2018, in accordance with the Calendar of the County Assembly.

Madam Speaker, we are going for a long recess according to the calendar of this House. I want to state two things before I ask my good friend, the Chairman of Health to second the Motion. I want to ask the Chairpersons of respective Committees to be serious with their work. The bulk of the work is supposed to be done by Committees. When the Committees do not do their job, then the business of their entire County will not move forward.

Madam Speaker, we are not in a market place; we are in the Assembly and should respect that. We must behave with decorum.

**Hon. Speaker:** Order, Minority Leader! This is a House of rules and regulations. Hon. Mberia, you have no mic! Proceed, Majority Leader.

**Hon. Abdi Hassan:** When the Majority Leader is speaking, Members should give him the respect he deserves. Thank you, Madam Speaker for protecting me from Hon. Imwatak.

When the Members are going for recess, I wish to remind them to go back to their respective Wards. I know many of them have not thanked their electorates.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! When a Motion is being moved, you wait---

*(Loud consultations)*

**Hon. Abdi Hassan:** Madam Speaker, unfortunately, this is Nairobi City County Assembly, this is neither Kisumu nor Migori.

*(Loud consultations)*

**Hon. Speaker:** Order, Majority Leader! Apologize!

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! He will apologize.

*(Loud consultations)*

**Hon. Abdi Hassan:** Let me withdraw, Madam Speaker.

**Hon. Speaker:** Hon. Mary, if you repeat and stand again, I will use the Standing Orders on how rules are done. So, if you want to speak, you know how to ask. Proceed, Majority Leader.

*(Loud consultations)*

*(Several Members of the Minority Party walk out of the Assembly in protest)*

**Hon. Abdi Hassan:** Madam Speaker, there are characters of some individuals we are used to---



**Hon. Speaker:** Order, Majority Leader! Move the Motion.

**Hon. Peter Imwatok:** He is using words that are unparliamentarily and you are allowing him to proceed. He should apologize.

**Hon. Speaker:** Minority Whip!

**Hon. Abdi Hassan:** Let me withdraw those words, Madam Speaker. I want to remind Hon. Members that when you go for recess, we have Members of our communities who are less privileged. It is upon us to take care of them. I ask Hon. Imwatok, when you go back to Makongeni, the residents need you a lot. Some of them didn't have breakfast in the morning. As a good Member of this society and I know you are one of the philanthropists in this County, you shall take care of them. With those few remarks, I ask my good friend and the Chairman of Health Committee---

*(Loud consultations)*

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

**Hon. Abdi Hassan:** Madam Speaker, I am the only one moving the Motion

**Hon. Speaker:** Hon. Mberia, sit!

**Hon. Elias Otieno:** Madam Speaker, if I am not supposed to be in this House---

**Hon. Speaker:** Minority Leader, with all due respect---

**Hon. Elias Otieno:** Let me take this opportunity to second the Motion---

*(Loud consultations)*

**Hon. Speaker:** Minority Leader! Minority Leader!

*(Loud consultations)*

**Hon. Speaker:** Order Mheshimiwa Mberia! In this House we are Members.

*(Loud consultations)*

**Hon. Speaker:** Order Mberia! Minority Leader!

*(Loud consultations)*

**Hon. Abdi Hassan:** Have a seat Madam Speaker. I have got my --- *(inaudible)*

*(Loud consultations)*

**Hon. Speaker:** Both of you are on your feet? Order Minority Leader! No!

*(Loud consultations)*

**Hon. Elias Otieno:** *(inaudible)*

**Hon. Speaker:** Can we have order. Hon. Members! Minority Leader! *Mheshimiwa* Warutere, can you support?

*(Loud consultations)*

**Hon. Peter Warutere:** Allow me Madam Speaker to second the Motion out of the circus that we are being treated to. We have serious business as a House. I believe this is a House of rules. I therefore rise to second the Motion. Let us get back to business.

*(Loud consultations)*

**Hon. Speaker:** Proceed!

*(Loud consultations)*

**Hon. Peter Warutere:** *Asanteni.*

*(Loud consultations)*

*(Some Hon. Members walk out of the Assembly in protest)*

**Hon. Speaker:** Hon. Warutere, proceed.

**Hon. Peter warutere:** Thank you Madam Speaker. At least we are back to business and thank the few Members who have left because this House is bigger than one side of the coalition. Allow me to second the Motion. We have seen which side is serious on business and the other which is hell-bent on running down this very important County.

As a Government, we are alive to the fact that we have business to do. We have come to the end of the first session of the Nairobi City County Assembly and want to thank all the Members who have taken part in ensuring that we do business as is supposed to be. It is unfortunate that one section of the coalition has decided to leave the House on a serious Motion such as this. Such are the days you see the people who are fair for Wanjiku. When history is written then they will know that a day such as this when we were to discuss serious issues hence others opted to do it differently. With these very few remarks, I want to thank the Members for having taken the time for the business of the House and believe that as its stated in our third rule, we should represent our people, we can go back and interact with them so that as we go back we will be better equipped to transact better and more serious business in this Assembly. I beg to second the Motion.

*(Question proposed)*

**Hon. Speaker:** Hon. Mwaura

**Hon. Mwaura Chege:** Thank you Madam Speaker. I must admit that I missed the theatrics that could have been interesting but I am happy to see that we have Members of the other side that have chosen to remain with the side of history. And I want to congratulate them for doing so. I rise to support this Motion first and foremost because I am a Member of the House Business Committee that approved the



calendar. We have been pushing that serious business starts when the Government is fully constituted and we are coming to the close of the year and we still need to sort out our issues especially with the Chief Officers so that we streamline and start the Motions of running the Government elaborately. Madam Speaker, with the same breath, I also want to urge our Members to take time with their electorates.

But more importantly as a House Madam Speaker, I would urge the Secretariat of this Assembly headed by the Clerk which you are ably the leader of this House to also find time to fine tune the issues the grey areas in terms of issues of procedures, issues of understanding how the operations of the House works, so that when we come back we also desist from questions of procedures especially with regards to issues of loans, and issues that are pertinent to members. Let the flow become very clear so that whoever wants a loan will have gotten it, will have sorted the issues so that when we come back things are still running.

Finally also may be I will not have another chance to wish all the Members happy holidays and also take time to rest and come back to the business of the House while refreshed. I support Madam Speaker, thank you.

**Hon. Juliet Ndegwa:** Thank you Madam Speaker. I also rise and put in my voice to support this Motion. Madam Speaker I am in cognizant that the year is coming to the end and we have come from very tough campaigns and our country has just gotten back to normalcy. So it will be in order for us to go for recess and come back on 13<sup>th</sup> of February 2018 when we have recuperated and when we have sorted our issues may be for 2018 and come back to be efficient to this House.

Madam Speaker I am also in cognizant of the fact that we now have a President and a Deputy President who have shown seriousness (*applause*) and a lot of respect for institutions and I am happy that we are on the winning side as we are on Jubilee side. We also have respect for institutions such as this and even as we go Madam Speaker I also want to echo what my Majority Whip said that let us go and read the rules, get to know what this House is all about so that when we come back in 2018 we have a lot of business because we are here for Nairobians. Thank you Madam Speaker. I support.

**Hon. Millicent Mugadi:** Thank you Madam Speaker. I would like to support this Motion and I would like to ask us not to waste any more time because as one of the Hon. members said we have come from a long journey, some of us so that we come back and relaxed, meditate, thank God and bond with our electorates as we sit down and plan how we are going to start the new year with new projects. Because as you know Madam Speaker there are a lot of expectations, there is a lot of excitement with the choice of leaders that we have including our President and our Deputy President, our Governor, our Women Rep., our Senators and all the Members of this House. Nairobi is yearning to see us moving forward and it is because of this, they say that "change is better than a rest" and sometimes we want to rest so that when we come we are motivated and we are energized. I would like to wish all the Members' happy holidays, Merry Christmas and a Happy New Year and take care and see you in 2018. *Inshallah*.

**Hon. Stephen Gikonyo:** Madam Speaker I stand to support the Motion though in this House we have just been keeping quiet watching others talk on our behalf. But today I stand courageously to say that it has been a long way and a long journey for some of us to learn the Standing Orders, to learn from our fellow veterans who have been here for maybe two or three terms. So for me I am very courageous to face even next year. I wish everyone on behalf of my residents within Pipeline a Merry Christmas and a Happy New year. We will be united more in the next years that are coming. May God bless you as we unite as Jubilee to move this County ahead and more deliveries to the residents. Thank you.

**Hon. Jeremiah Themendu:** Thank you Madam Speaker. First I want to thank you for the short time we have been with you because you now look very courageous and protecting Nairobians from those

who do not want to develop our County. We were elected and given the mandate by the people, my people in Kayole Central Ward who voted for me to represent them in this Chamber. And if I come here and present them according to the Standing Orders and what Nairobi need most which we call development in their Ward.

Now Madam Speaker I beg to support the Motion because we are going for the long recess but we shall not become tired because like now I think we shall come in and protect us from absentee Chairmen of committees. It is not good when you see a Chairman walk in and walk out and he knows very well he has a response or a statement directed to his or her committee. It is not good. So Madam Speaker, I think when we come back you shall stand firm and then the House can move on, because this is a machine for Nairobians to develop and to just put on the measures to develop Nairobi.

I beg to support the Motion although it is unfortunate for some of the Members to behave the way they have done. Thank you Madam Speaker.

**Hon. Speaker:** Hon. Kamau John.

**Hon. John Muthiga:** Thank you Madam Speaker for giving me this chance. One I raise to support the Motion, secondly because we are the government we will take this County forward. We are government and we just have two NASA legislators, we welcome them to come to our side because they know their actions shows they are in government side. We are new legislators and for the short time we have been here we say thank you because our seniors led by our very able Majority Leader and our good friend is showing us the way.

Madam Speaker you are a new Member like us and we say thank because you have showed us the way. When people go for holidays they should also think about those people, those kids that are hidden by their parents because of disability. Let us try tell our parents that the kids have a life to lead. Lastly I wish everybody a good holiday and merry Christmas.

**Hon. Speaker:** Hon. Njihia?

**Hon. Abraham Njihia:** Thank you Hon. Speaker, I rise to support this Motion. I think it is high time as we have come from a long vigorous campaign and we have not been able to meet with our electorate. It is time we break and go to share with them, its good season of Christmas. I also want to thank my colleagues from across the divide who did not walk out. In fact the Hon. Member who is seated there comes from the same constituency as me, I want to thank him very much for staying in this House and his willingness to work with us. I think the Majority Leader should see how to accommodate him, give him these seats we had donated to these people. And Hon. Speaker I would like to urge Majority Leader that when we come back, these Members who are loyal to Jubilee deserve to have the seats that we donated to these people. We need our seats back. Thank you Madam Speaker.

**Hon. Speaker:** Hon. Njihia, I want you to withdraw the word "these people". They are Members!

**Hon. Abraham Njihia:** They are Hon. Members (*Laughter*), I withdraw. Before I sit down Hon. Speaker I would like to send my condolences from my people of Woodley/Kenyatta Golf course to the family and constituents of Hon. Nyenze who was serving his third term. I wish God to gives him journey mercies, thank you Hon. Speaker.

**Hon. Speaker:** Hon. Geoffrey?

**Hon. Geoffrey Muthia:** Thank you Madam Speaker, I also rise to support this Motion, but even before I support I would like to say today has been a good day because we have witnessed that there are



some of our Members here that have really resisted to go for this recess and maybe I assume they are not ready to face their electorates. Either they are not ready to work for them or mingle with them or that is why they have resisted supporting this Motion. I support this Motion because we have been in this Assembly for quite a long time since we were elected and we really needed this time to go back to our electorates and mingle with them, celebrate together with them during the holidays and also have time with our family and have time to celebrate now that we swore in the President and the Deputy President.

You realize Madam Speaker that we did not have enough time to have that celebration and during that recess we shall be able to celebrate. Thank you, I support this Motion.

**Hon. Speaker:** Lastly Muthu?

**Hon. Patricia Musili:** Thank you Madam Speaker, I rise to support the Motion and also remind Hon. Members that being in majority side we have a bigger responsibility defining the way for this House. All eyes are on us and it is up to us to implement whatever we promised the residents of Nairobi. I take this opportunity to congratulate the leadership and most of all you for giving us sober leadership and also wish Members merry Christmas and happy New Year, thank you.

**Hon. Speaker:** Hon Members, I want to thank the leadership, both the Majority and Minority and to really request Members that it is important to read their Standing Orders to understand the rules of the House and how we can engage. We know both sides - the Minority and Majority- have a right to do business but in the right way. Hon. Members it is now time to adjourn. This is a Motion that you don't put a question.

## ADJOURNMENT

The House stays adjourned. I want to wish you merry Christmas and a prosperous 2018 as you go to the long recess. The House is adjourned to Tuesday 13<sup>th</sup> February 2013 at 2.30 p.m.

*(The House rose at 3.43 p.m.)*