



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Wednesday 5th December, 2018

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr. John Nyumu) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: We have no quorum. Searjant at Arms please ring the bell for 10 minutes.

(Quorum Bell was rang for 10 minutes)

Hon. Deputy Speaker: We have the quorum. Let us begin.

PAPERS

Hon. Deputy Speaker: Okay. Chairperson of Labour and Social Welfare. Hon. Wanyoike please proceed.

Hon. Peter Wanyoike: Thank you Mr. Speaker. Pursuant to Standing Order 191(6) I beg to lay the following paper on the table of the Assembly today Wednesday 5th, December 2018; the report of the sectoral Committee on Labour and Social Welfare and the inquiry regarding the operations of the County Public Service Board on employee management. Thank you, Mr. Speaker, I beg to lay.

(The Paper was laid on the table)

STATEMENTS

Hon. Deputy Speaker: Hon. Geophrey Majiwa. Proceed.

REQUEST TO A STATEMENT REGARDING SUBMISSION OF BUDGET PROPOSALS NAIROBI WATER & SEWERAGE COMPANY

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. Pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the sectoral Committee on Water and Sanitation regarding the submission of budget proposals from the institution superintendent by the County Executive Department.

Hon. Speaker, the Nairobi Water & Sewerage Co. has not been forwarding its budget estimates to the Assembly through the Water & Sanitation Dept. for scrutiny as required by the Public Finance Management Act 2012. Hon. Speaker, in the statement the Chairperson should enquire into the report on,

1. Why the Nairobi Water & Sewerage Co. has not been forwarding its budget estimate as required by law,
2. Measures instituted to ensure moving forward the company which is overseen by the County Executive forward its annual budget estimates.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Is the Chairperson, Vice Chair or any other Member here who can stand for the Committee? Yes, Hon. Adow.

Hon. Osman Adow: Mr. Speaker, I think we can do that one week after resuming from the recess.

Hon. Deputy Speaker: Hon. Majiwa, are you comfortable with that, one week after the opening of the next session, next year?

Hon. Geophrey Majiwa: Fair enough, Mr. Speaker.

Hon. Deputy Speaker: Thank you.

MOTION

Hon. Deputy Speaker: Chairperson Trade? Vice Chair? Any other Member of Trade?

(Point of order)

Hon. Moses Ogeto: Hon. Speaker, I am on a Point of Order No. 42 which allows you to change the sequence and proceedings of the House. Since the Chairperson of this Committee is not there and the Vice Chair is also not here, Hon. Speaker, why can't we go on to Motion No.9? I am requesting you Hon. Speaker---

Hon. Deputy Speaker: The Vice Chair is in.

Hon. Moses Ogeto: Mr. Speaker, why I am requesting you this is because I want the Vice Chairperson to prepare himself for Motion No. 8.

Hon. Deputy Speaker: Let me ask, Hon. Themendu, Vice Chair, are you ready?

Hon. Jeremiah Themendu: Hon. Speaker, I am ready here with my report.

Hon. Deputy Speaker: Proceed.

ADOPTION OF REPORT ON SITE VISIT TO EASTLEIGH MARKET, KIAMAIKO GOAT MARKET AND THE CITY MARKET

Hon. Jeremiah Themendu: Hon. Speaker, I beg to move the following Motion: THAT this Assembly adopt the report of the sectoral Committee on Trade, Tourism and Cooperative on the site visit to Eastleigh Market, Kiamaiko Goat Market and the City Market held between the 25th and 28th June, 2018 laid on the Table of the Assembly on Tuesday 13th November 2018.

Hon. Speaker, following the site visits and a submission from the County Executive the Committee recommends to the Assembly to resolve as it appears in the report. I ask Hon. Malde to support the Motion.

Hon. Deputy Speaker: Hon. Malde.

Hon. Jayendra Malde: I support the Motion and I request the Assembly... We had done the site visit to retail markets Kiamaiko and City Market held on the 25th and 28th June 2018. Thank you very much.

Hon. Deputy Speaker: Thank you. I think it was for debate, sorry for that omission, it is allowed. Hon. Adow.

Hon. Osman Adow: Thank you, Mr. Speaker. I wish to support the committee's findings in the report but I can see some factual errors that they have included in this report about the Eastleigh Market. In the Constitution of Kenya and any law a piece of land belongs to the title holder of that piece of property and Eastleigh Market, the title belongs to an individual and not the County Government and since the matter has been in the courts for the last 10 years which has not been settled, I think they should have waited until the matter is settled in court before putting up such a recommendation.

You cannot have a private partnership on a private piece of land so I think this issue needs to be revisited since the title of that piece of land belongs to a private individual. Having said that, the other report I can see is very well done but they need to revisit that issue and actually confirm that what I am saying is actually true. Thank you Mr. Speaker.

Hon. Deputy Speaker: Hon. Warutere.

Hon. Peter Warutere: Mr. Speaker, mine is not much to contribute, I am just requesting that you confirm through Hon. Adow what his interest is in the private individual or for him even to confirm the name of this other purported individual who is the title holder of a property that we believe is the property of this County.

Hon. Osman Adow: Mr. Speaker, I have no personal interest in this piece of land. What I am saying is that we need to follow the Constitution and the law of Kenya which stipulate that a piece of property belongs to the title holder and the title holder is a private individual and not the County Government of Nairobi.

Hon. Peter Warutere: Can he avail the name?

Hon. Osman Adow: Well, that you can check through the lands office and the courts. It is not for me to provide that information.

Hon. Deputy Speaker: The mover, Hon. Themendu.

Hon. Jeremiah Themendu: Hon. Speaker, the issue of that land, let me confirm a bit. We knew it is in private hands but the negotiations are still ongoing on how the county is going to benefit from it because we cannot let it go to an individual and we have so many traders in our area who do not have anywhere to go---

Hon. Deputy Speaker: Hon. Themendu, you are not answering to Adow, go to your point.

Hon. Jeremiah Themendu: Let me reply. I wish to acknowledge with thanks in regards through the office of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to the Committee while conducting the site visits. Appreciation is also extended to the County Executive officers who are accompanying the committee to the respective sites.

Much thanks to the members of the Committee and the secretariat for their dedication and untiring commitment and valuable contributions during the site visits and the meeting conducted when coming up

with this report. Finally, my gratitude to the Assembly for the support in consolidation and adoption of this report. I beg to reply, Hon. Speaker.

(Question put and agreed to)

Hon. Deputy Speaker: Chairman, Implementation. Hon. Majority Leader.

ADOPTION OF REPORT ON THE IMPLEMENTATION OF THE ASSEMBLY RESOLUTIONS BY THE COUNTY EXECUTIVE

Hon. Elias Okumu: Thank you Mr. Speaker. I beg to that this assembly adopts the report of the select Committee on Implementation on the implementation of the Assembly resolutions by the County Executive laid on the table of the assembly on Tuesday, 4th December 2018.

Mr. Speaker, the Select Committee on Implementation is established pursuant to the Provisions of Standing Order No. 201 and is mandated to:-

The Committee shall scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine:

- (a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
- (b) Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

Mr. Speaker, the Committee in its 2nd Quarter set out part of its program to review the Sector's progress on implementation of the Assembly resolutions and to undertake an evaluation of the key challenges faced in implementation and way forward. For the Committee to effectively achieve the aforementioned objectives, the Committee was furnished with the following records; - Assembly Motion Tracker, Assembly Bill, Tracker, Assembly Petition Tracker, Committee Minutes, Letters and Summons, Statement trackers, Statutes and Precedents.

Hon. Speaker Sir, I wish to acknowledge with gratitude the offices of the Speaker and the Clerk of the County Assembly for the support extended to it in the execution of its mandate. I also thank the Secretariats for their input and valuable contribution during compilation of this report.

Finally, much thanks to the Members of the Committee on Implementation for their dedication, untiring commitment and valuable contributions which has enabled them to focus on their oversight role.

Mr. Speaker, it is worth noting the following statutory provisions on Assembly resolutions:-

- a) Article 183 (3) of the Constitution of Kenya, 2010, which provides as follows, that; *"The county executive committee shall provide the County Assembly with full and regular reports on matters relating to the county."*
- b) Article 185 (1) of the Constitution of Kenya 2010, which provides that; *"The legislative authority of a county is vested in, and exercised by, it's County Assembly."*

- c) Section 8 of the County Government Act, 2012 on the Role of the County Assembly;
- d) Section 30 (2)(j) of the County Government Act, 2012 provides that the Governor shall “*submit to the County Assembly an annual report on the implementation status of the county policies and plans.*” and,
- e) Standing Order 193 which provides the following on Reports and Resolution of a County Assembly, that; “*Within sixty days of a resolution of the County Assembly or adoption of a report of a select committee, the relevant Member of the Executive Committee under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant committee of the County Assembly in accordance with Article 153(4) (b) of the Constitution.*”

Mr. Speaker, allow me to present the committee findings on the status of the implementation of the Assembly resolution which includes:

- i) Undertakings given in the Assembly – by the Chairperson;
- ii) Motions passed in the Assembly;
- iii) Bills passed by the Assembly;
- iv) Petitions considered and its reports adopted by the Assembly; and.
- v) Committee reports.

Hon. Speaker, table 3 appearing in page 7 of the report tabulates the details of the motion passed by the Assembly, the dates correspondence reference and dispatch date, the responsible sector and status of the resolution. The table contains 42 both substantive and resolution motions but unfortunately the implementation committee is yet to be furnished with the implementation report. The same case applies with the bills and petitions passed by the Assembly as indicated in table 4 of page 10 of the report and table 5 of page 25 of the report.

Hon. Speaker, the committee made the following observation. That;

- i. On implementation of passed Motions; Most Members of the County Executive Committee failed to comply with the provision of Standing Order No. 193, which require the relevant CECM whose portfolio the implementation of the resolution falls to implement;
- ii. A number of County Executive Committee Member, have failed to honor Committee invitation to its meeting to deliberate on the sector’s implementation progress. A case in particular, Five (5) CEC Members; CECM in charge of Health Services, CECM in charge of Lands, CECM in charge of Environment and Natural Resource; CECM in charge of Roads & Infrastructure; and, CECM in charge of Finance & Economic Planning failed to honor 1st and Second invitation to the Committee meeting and its subsequent SUMMONS issued on 31st October 2018;
- iii. The County Executive has failed to submit to the County Assembly its annual report on the implementation status of the County Policies and plans as provided for in Section 30 (2)(j) of the County Government Act, 2012;
- iv. The frequent and unprecedented transfer and suspension of the sector’s representatives and other managerial officers is affecting the general performance of the sector and more precisely in the implementation of the Sector’s resolutions;
- v. A number of the County Executive Committee Members are not able to respond to issues affecting their sectors;

Hon. Speaker, on the foregoing, the Committee recommends as flows, THAT;-

- a) The Assembly strongly censures the under listed the under listed five (5) County Executive Committee Member for persistently and wilfully ignoring invites for Committee meetings, including summons, having been duly summoned to appear before the Committee on 31st October 2018 in line with Section 18 of the County Assemblies Privileges Act, 2017 and failing without sufficient cause to attend at the time and place specified in the summons, in addition to the recommended, prosecution of the said officers including the acting one be initiated in line with Section 34 of the Act, namely;
 - i. Ag. CECM in charge of Health Services –Mr. Charles Kerich;
 - ii. CECM in charge of Lands – Mr. Charles Kerich;
 - iii. CECM in charge of Environment and Natural Resource – Mr. Larry Wambua;
 - iv. CECM in charge of Roads & Infrastructure –Mr. Mohammed Dagane; and,
 - v. CECM in charge of Finance & Economic Planning – Mr. Allan Igambe.
- b) The County Executive forthwith establish a Liaison Office between the Assembly and the Executive with a purpose of coordinating Assembly resolutions and executive feedback on the same;
- c) The County Assembly takes note of delays in forwarding statutory reports by the County Executive – as coordinated by the Office of the County Secretary (Head of Public Service), as provided in Article 183 of the Constitution of Kenya, 2010 and Section 20(2)(j) of the County Government Act, 2012, and hereby now reprimand the said office for such delays; and,
- d) The Office of the County Attorney publishes and operationalizes all Acts passed since 2013, including the establishment of Boards contained therein, forward all Acts to the Assembly within sixty days of adoption of this report.

Hon. Speaker, I call Deputy Chairman for this committee to second. I think this acting issues will not make CEC members to perform their duties. The Governor should not change CEC members at will at any time he likes. So, this committee is going to compel the Governor to have permanent members in those sectors. There is no way a former reporter can be a health minister. The Chairman of health is here and he is going to concur with me because there is no way somebody who is a theologian can act to be the finance minister. According to the constitution of Kenya, you need to appoint somebody who is professional in those fields. So, I hereby call upon the deputy chairman to second.

Hon. Deputy Speaker: Hon. Mbono.

Hon. Pius Mbono: Thank you Mr. Speaker. I rise to second this report. Before I make my remarks, I want to thank all the Hon. Members who have brought wonderful motions to this Assembly. Hon. Speaker, I also want to thank the committee members through their Chairs for bringing very nice reports to this Assembly.

Hon. Speaker, the Assembly has done its oversight role through motions, petitions, statements and bills since 2013. The mandate of this committee is well stipulated in the standing orders and our work is very simple. We seek quarterly reports from the Executive to tell us what it is that we have done and get timelines on what is remaining. The budget committee has allocations for the various sectors and our work is also to follow up on the absorption rate of the allocations to the sectors but year after year when we try asking the CEC members why their absorption rate is so low, they do not have answers. We fear that even

as we passed the Finance Bill yesterday come next year they will not be in a position to tell us what they have been able to absorb on the same. We have done our work and even tried to ask them to come to our committee workshops but no one turned up. It is discouraging Mr. Speaker. We even had a follow up in Ruiru but no one attended the workshop and so we were left with the option of inviting them to our committee sittings but they did not respond. So as per the committee mandate, we summoned CEC members to update us on what they are doing in terms of motions and reports and they have not attended the same. The committee is wondering where we are headed because we are not able to update the Assembly on anything.

Before I conclude Mr. Speaker, it is a high time that this Assembly sent some of these members home if they are not able to perform. They are in their offices and being paid and yet they are not performing. The directors also do not know their implementation status too and so if the whole system is not able to respond then where are we going? I do not want to discourage members from bringing reports and motions but as I sit down I wish to say that this Assembly needs to be taken seriously otherwise we will not be heading nowhere. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member

(Question proposed)

Hon. Deputy Speaker: Hon. Kamau

Hon. Anthony Kimemia: Hon. Speaker I am Hon. Kimemia and not Kamau.

Hon. Deputy Speaker: Hon. Kimemia Muthiga

Hon. John Kamau: Thank you.

Hon. Deputy Speaker: Hon. Muthiga, please proceed

Hon. John Kamau: He needs to know that his name is Mr. Kimemia and not Mr. Kamau. Thank you Mr. Speaker, I rise to support this motion. It hurts when we pass Bill and motions here as honorable members and no implementation is done. For example, there is a motion which was passed last year in December and to date it has not been implemented. Members bring bills and motions to the floor and debate on them but the same are afterwards put in shelves to gather dust. I am sure that next time they will not bring the same on the floor of the Assembly and so Mr. Speaker for Nairobi's to see that we are working then we must send somebody home. How is it that we oversight the Executive but when we take documents to them they do not act. Does that mean that whatever we do here is not their business? It is a high time for Nairobi's realize that we were elected to look into their welfare. One year down the line and Nairobi's are complaining that we came here to eat their money. We need to take a bold step and send home those who do not take our work seriously so that Nairobi's know that we are working. I stand to support the report and to say that it is very well thought of. Thank you Mr. Speaker.

Hon. Deputy Speaker: Millicent Okatch

Hon. Millicent Okatch: Thank you Mr. Speaker. I rise to support the motion. Our role as an Assembly is to make laws and if we pass very important motions and there is no one to implement them then we are doing nothing in this House. It is a high time that we develop teeth to bite and let us rise above party lines because politics and work for Nairobi will have history to judge us. For example on the 18th of February we passed a motion which was meant to have been implemented in April 2018 by the Lands Ministry. I think that some of these CEC's are taking advantage of us and it is time we put our feet down

and tell them that if they do not want to do what we are asking of them then there is no point of them being here. Thank you

Hon. Deputy Speaker: Hon. Klmemia

Hon. Anthony Kimemia: Thank you very much Mr. Speaker. I am privileged to be a member of the implementation committee and I must say that I have learnt a lot from there. There is a wealth of information and those in it get information that is as good as getting a degree from the University of Nairobi. It is from this committee that I learnt that most of the works that are done through the Executive pass through the Assembly, I learnt on cheques and balances and the two arms of the Government and so it is disheartening to say that reports supposed to be delivered by the Executive to the Assembly are taken lightly. This is a show of disrespect to the House and I therefore urge all members of this Assembly to take this report seriously because it is through this that work can be seen to be done. I wish to emphasize on this and state that I also did a motion on the 7th December 2017 on Persons with disabilities yet no report has been brought back to me. I urge the house to put its foot down and censure the people that have been named here to be an example to the rest of the members of the Executive. Thank you very much.

Hon. Deputy Speaker: Hon. Akinyi

Hon. Anne Akinyi: Thank you, Mr. Speaker, I also rise to support this report that it should be adapted, I think that I will not go back to the points that have been given by the previous speakers, mine is to emphasize specifically that we cannot allow our oversight role to be taken for granted by the Executive because we do have teeth to bite, and that has been stated in our recommendations specifically the prosecution of the CEC Members. If you look at the report it allows for the prosecution and even fining of the Members who ignore summons by the Members of the implementation.

Therefore, I would like to urge and strongly recommend to the Members of this House to adopt this report. This is because if we allow our oversight role to be taken for granted, then I think the work will stop and so many reports that have been presented by Members of this House as resolutions which are firm agreements by the Members of the House and they are not assumed by the officers in charge and we should be able to take a step to ensure this is done, with that I rise to support.

Hon. Millicent Jagero: Thank you, Mr. Speaker, first, I would like to commend the team that is held by Hon. Elias on the good work that they have done. The Methodology that they have used to summarize this report has been clearly defined. If you go through the objectives that have been stated, it summarizes everything that is in the report because of their clarity and sense that it has.

The Motions that are always brought in this House have always been researched on and they are always substantives, but you find that after the passing of them there is no implementation that takes place. Oversight has been spoken about and presentation and what of the legislation that we are doing in this House? We pass those Motions through legislative measures and yet the County Executive is not doing anything towards implementing the things that have been recommended for.

I urge this to hasten that this report is adopted and not only adaption but also to be implemented and worked on. Let measures be taken to those officers that are not presenting themselves when they are summoned. Let action be taken accordingly and let us follow the laws that are there. Let them be answerable to the Nairobian because we cannot be doing our legislative work clearly and when it comes to implementation they are not working on them. I, therefore, support this report.

Hon. Deputy Speaker: Hon. Ouma!

Hon. Joseph Ndonji: Thank you, Chairman, as I support the Motion I would like us to look at the other side of the coin also because we could be sacrificing some people and yet they are overloaded. This is because you cannot tell me that one person can act in three or four key different Ministries and you expect excellent performance. You will find that someone is acting in Lands which is a key ministry, also acting in Health which is also a key ministry and he is in Finance, do you expect this person to deliver, since he will be overwhelmed.

I am not defending what I am saying is that am supporting the Motion but in short what I am saying is that we do not expect excellent performance this is because one person should be given one key ministry that is my take. I, therefore, I support the document.

Hon. Deputy Speaker: Hon. Chege!

Hon. Waithera Chege: Thank you, Mr. Speaker, I rise to support this motion and I want to say that the Committee of Implementation is actually within their mandate or scrutinizing the solutions made by the County Assembly. I would want to highlight a few analyses just for me to be able to show that this Assembly is doing its oversight role in the manner it is supposed to be done.

In the First Assembly Mr. Speaker, the Assembly was able to pass 370 Motions within a period of five years. In the first year of this Assembly, we have been able to pass 112 Motions. In the First Assembly, there were about 31 Bills that were passed and in this current Assembly up to this November, 2018, we have been able to pass 6 Bills. Within the 6 Bills that have been passed in fact, the Committee on Implementation has really been doing a good job.

You will also allow me to highlight some few Members who have also done a good job within the presentation of the Motions. We have Hon. Silas Matara who has 4 Motions within the first one year, Hon. Pius Mbono who has 3 Motions, Hon. Peter Imwatok who has 2 Motions and we have other Members who had one Motion, within the first one year.

Within this first Assembly Mr. Speaker, the Committee on Energy and ICT, Appointment Committee, Education and Early Childhood Committee they have done exemplary well, with three reports which have been adopted within the first one year. However, the executive has a timeline of 60 days which they have not been able actually to act on these reports from these Committees.

We have the Public Account Committee with two reports, Health and Culture Committee with two reports each and again when we go back to our Standing orders, the executives have not been able to implement their reports.

Mr. Speaker, within this first one year 24 Motions in terms of breakdown have been adopted. We have 20 adopted, 3 pending and 1 Motion that was rejected. Then we have resolutions on the Motions 41 reports. 31 were adopted, 3 were pending and 1 was rejected.

What I am trying to say, Mr. Speaker the House has proven itself on the issues of an oversight role, it is now upon the executive to act on the CECs who are not delivering on their mandate. The Implementation Committee has powers to sanction these CECs and as they do that, we wish to follow the law to the letter and spirit. Therefore, I would like to congratulate them, I support this Motion. For us to be able to support the Governor the CECs must work. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Atemah!

Hon. Malleb Atemah: Thank you, Mr. Speaker, for giving me this opportunity. I would like to congratulate the team that has put down this report here. First of all, I would like to concur with the mover of the Motion about the continuity. When you have an organization that does not have our memory institution

of what is happening you might get lost in all the structural leadership you will be doing in the future. When you have a CEC for a short-term or period this person might not be able to push ahead with the projects that are in line with what he is supposed to be doing.

When you tell the CECs that this is your short-term serving they lose the interest of having that zeal to perform to excellent. I used to be in the Implementation Committee and this are the challenges that we used to face when you summon the CECs to come to the meeting, to be able to take us through what we have given them from our House, because it would be very honest to bring out a Motion that can pass from the floor of the House to become a Bill then it is not been implemented, it then like draining people's brains into waste. When you have done a Motion that has passed through CECs it is an easy job to implement it, and it is not like the same as coming up with a research and bring up a Motion.

Am also saying that they are making the work of the legislature to be very difficult, because this also makes the legislatures give up on how giving out, Bills to be proved for action in the County Assembly. It is also we as County Assembly to give them another opportunity of reviewing their credentials because when you look at what is happening, everybody around will be wondering because it is only the Governor who is running around trying to put things across to be correct.

They should come in as one of the Members said maybe we are blaming the coin on the other side and they are having challenges. But as a House that is not our business, it is them to let us know where the problem is to make them not perform and also implementing what we have in the House.

As what Hon. Millicent said here it is not that our teeth are blunt, but they are very much sharp but we are only giving opportunities of time and letting people have space on how long they can exercise what they have been given as a role. Also been very close to the executive does not give them powers to exempted from being put out of duties.

Therefore, I strongly support that implementation Committee has been there and it is strongly in action and they are just waiting for them to implement what they have said. But simply because it has come back to the House, it means Mr. Speaker it is a high time that we get people who can do the work well and if they are not able to perform their duties, we still have more people who are looking for this opportunities so that they can bring Nairobi to a front. They can also help our Governor to perform his duties well as much as also the legislatures. I support the Motion.

Hon. Deputy Speaker: Hon. Kabiro!

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker, I support this report and it is a well done. My main emphasis is a recommendation on "b", which I think it is a very good thing that the executive set up a Liaison office that will them be able to do business with us and engage us on matters that involving in between the Executive and the Assembly.

So, I really laud this Committee for doing such a wonderful job.

The other thing that I would actually want to raise is that as much as we are looking at the Executive, we should also look at ourselves as the Assembly. There are some set timelines that we have within and our Standing Orders are very clear. Look at petitions for example, we have two petitions that have never been dispensed with.

Hon. Deputy Speaker: Hon. Palapala, please respect the House. Go back to the bar and bow.

(Hon. Palapala went to the bar and bowed)

Thank you, you may sit now. Proceed.

Hon. Mbugua Kabiro: Mr. Speaker, the Member should be thrown out. Issues of petitions should be dispensed with within 45 days according to our Standing Orders. I am looking at the Committee on Health and the Committee on Environment, Hon. Kamau spoke well about this report but he has never dispensed with a petition that was presented to him quite a long time ago. As much as we look outside, let us look within ourselves and get these things done even as we censor the CECs. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Omondi.

Hon. Kennedy Obuya: Thank you, Mr. Speaker. We were arguing with my senior, Hon. Elias that we are supposed to look at the pecking order. I caught your eye but it is unfortunate I caught it late.

Hon. Speaker, I am rising to support the Motion. Categorically, I want to be very specific with responsibility of the leadership of the Assembly in line with the Committee on Liaison. I want to call upon all the Chairpersons of Committees, I am seeing they are quiet but this is so wrong in the spirit of fighting laxity from the Executive Head. This is not a Motion to fight the Governor but a wakeup call Motion to put his House in Order to help him achieve and realize his dreams in serving Nairobians.

Hon. Speaker, I wanted to call upon Hon. Warutere, super Chairman of Health and the only original bishop we have in the House, Bishop Karanja--- not forgetting to mention the first class honours. It is so wrong, Hon. Speaker that we pass Motions and Bills like Regularization Bill in 2015 and has never been implemented, it is so sad. As a representative of an area that has got big population of people living in informal settlements, we require implementation of Regularization Bill for us to achieve better living standards. In the interest of time, it is high time that Members of Liaison Committee must stand with the Chair of Implementation without fear of contradiction to support to support this. This is only meant to put the Executive in to check and help the Governor achieve his dream. I beg to support. Always remember pecking order, Hon. Speaker.

Hon. Anthony Karanja: Thank you, Hon. Speaker, I beg to support this report. Note that it has been done by very experienced and capable Members. However, like my friend had said, I think we need to look at the other side of the coin. I believe that it is in this House where we give the Governor two weeks ultimatum to appoint a Deputy Governor. It is very difficult for one person operate in two or three key ministries in a city where we do not have a shortage of qualified people to hold those offices. They should have requested the Governor to fill the very many positions that are not filled and held by acting people. We need to be firm so that this Assembly is respected. I also believe that the recommendations should not just be on paper. We should actually censure and if need be impeach some of these people who are not performing. I am waiting for the day we will do that. It is challenge to my colleagues to make sure that *tukamate moja tuweke nje*. Thank you.

Hon. Deputy Speaker: Hon. Odhiambo Majiwa.

Hon. Geophrey Majiwa: Thank you, Mr. Speaker, it goes with seniority also. I want to support this report and I have few words to add. It is a very important report to this Assembly. As Members of this Assembly, our role of oversight lies on this report. Until such a time when we will appear to have teeth to bite, all we will be doing here is to make noise and the Executive will be doing their own thing. A report like this is worth supporting all the way. The only thing that is good with this report is that the Chairman is part of the leadership of the Assembly. So, it is incumbent upon him to ensure that this report is followed to the later so that if we are supposed to check on somebody, let us start here now so that tomorrow when we do another report in this Assembly. It will be a report that will be respected. Remember we have several reports that have been brought here by several Chairmen---

I need your protection, Mr. Speaker, the Bishop is trying to interrupt the process of this Assembly. Mr. Speaker, are we still together? I am seeing the Bishop going on with a different business altogether. I want Members to listen, and if they cannot listen, I have to wait until the Bishop is through.

Hon. Deputy Speaker: Hon. Bishop, take your position.

Hon. Geophrey Majiwa: Mr. Speaker, I was saying that it is incumbent upon the Chairman who did this report to make sure that the leadership of this Assembly follows this report to the later so that we have one report that at least will be implemented. I have seen several reports that have been tabled in this Assembly which some are very good but following them has become a problem because we come and read them here. The information contained in those reports reach the Executive and they just laugh at us. There is nothing that will happen. They will read the report and the following day they will ask for another retreat to go and write another report. We should form a culture of writing a report and implementing it so that when we retreat for report writing, they should be panicking that a report is coming up and it is something that is going to affect them. With those few remarks, I beg to support this report, thank you.

Hon. Deputy Speaker: Hon. Ndegwa.

Hon. June Ndegwa: Thank you, Mr. Speaker, I have been waiting for this opportunity to speak and it seems you have not been seeing where I have seated, but all the same I appreciate.

Mr. Speaker, I rise to support this Motion, not because I have not gone through it but also because I have seen the work that has been done especially by Hon. Elias and his team. This is fantastic. However, there are points to note here and most of the Hon. Members have also brought it to the House. The Hon. Members are doing their work and they are doing what is supposed to be done but it seems the Executive side is failing us. We want answers before we even get to say that we are going to give them sanctions. We want to know and I think we will ask for your guidance and even the guidance of super Hon. Elias on what we can be able to do because we cannot go on recess tomorrow and come back again next year and do the same thing over and over again. This is not justice to the Nairobianians. This is not why we are here. If the Executive is failing us, I would want to urge this House that it is high time we advise the Governor we take them home and bring in people who are capable and have the right mind to be able to serve Nairobianians and give us what we want. Thank you, Mr. Speaker.

Hon. Deputy Speaker: The mover to reply.

Hon. Elias Otieno: Mr. Speaker, thank you and I thank all Members who contributed and even those who did not get chance to contribute because you wanted to contribute but time was not on our side. You should also understand the person who is sitting there age is catching up with him.

(Laughter)

Hon. Deputy Speaker: Hon. Otieno, please proceed.

Hon. Elias Otieno: Thank you, Mr. Speaker. I think almost every Member has said clearly what we should do in this House. We should send this people packing. The only person who is moving around Nairobi is the Governor. Where are the rest of the CECS? Their work is not just sitting in the office. If they have any invitation from any committee, they should appear.

As you know we are going for long recess tomorrow, I wish you Merry Christmas and Happy New Year 2019. Thank you, Mr. Speaker

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Speaker, there being no any other business, the House stands adjourned till tomorrow, Thursday 6th December 2018 at 2:30 p.m.

The House rose at 4:00 p.m.