



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday 6th 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 don't have the quorum, Serjeant-at-Arms ring the bell for ten minutes.

(Quorum bell was rang)

Hon. Members, I think we have the quorum. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

CONSTITUTION OF SUB-COMMITTEES TO PROBE REVENUE COLLECTION ACROSS SECTORS OF THE COUNTY EXECUTIVE

Hon. Deputy Speaker: Hon. Members, as you are aware, the County Assembly on Tuesday 4th December 2018 considered and adopted the Nairobi City County Finance Bill, 2018. The Finance Bill provides for the imposition, abolition, remission, alteration or regulation of taxes proposed in the budget.

Hon. Members, as you may be aware, one of the major challenges the County has been facing is revenue collection and meeting of target in revenue leakages, poor performance and lack of compliance. The select Committee on Liaison at its meeting held today, 6th December 2018 resolved that in order to facilitate the operations, the select Committee on Budget and Appropriations, in as far as overseeing the implementation of the budget is concerned, it is important that the Assembly takes a collective initiative to aid in this oversight process.

Hon. Members, this collective initiative will accordingly be championed by sectoral committees through the constitution of the sub-committees to purposefully probe revenue collection across sectors of the County

Executive with view to ascertaining that the figures reported are consistent with the revenue generated at the various sources.

Accordingly, Hon. Members, chairpersons of sectoral committees are directed to immediately constitute the said sub-committees within seven days from today and that the sub-committees present their final reports on the subject matter to the select Committee on County Finance, Budget and Appropriations for preparation of a comprehensive report on the same to be tabled not later than 28th February 2019. Thank you and God bless you.

PAPERS

Hon. Waithera Chege: Thank you, Mr. Speaker. THAT pursuant to Section 129 (3) of the Public Finance Management Act, 2012, I beg to lay the following paper on the table of the Assembly today, Thursday, 6th December 2018: The Supplementary Financial Estimates for the recurrent and development expenditure for the Nairobi County Assembly for the financial year 2018/2019. I beg to lay.

(The paper was laid on the table)

Hon. Deputy Speaker: Proceed.

Hon. Waithera Chege: Thank you, Mr. Speaker. THAT pursuant to Section 135 (2) of the Public Finance Management Act, 2012, I beg to lay the following paper on the table of the Assembly today, Thursday, 6th December 2018: The Nairobi City County Executive proposed revised budget estimates for the financial year 208/2019. I beg to lay.

(The paper was laid on the table)

Hon. Deputy Speaker: Hon. Okumu.

Hon. Nicholas Okumu: Thank you, Mr. Speaker. THAT pursuant to Standing Order 196 (6), I beg to lay the following papers on the table of the Assembly, today, Thursday, 6th December 2018: The report of the quarterly workshop of the select Committee on Ward Development Fund held on 25th to 28th October 2018 at Pride Inn Hotel, Mombasa County. I beg to lay.

(The paper was laid on the table)

Hon. Deputy Speaker: Clerk, Proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Millicent Okatch? Chair Transport? Vice Chair? Proceed to Order No.8.

MOTIONS

Hon. Deputy Speaker: Hon. Adow.

ADOPTION OF A REPORT ON A SITE VISIT TO THE COUNTY DATA CENTER

Hon. Osman Adow: Thank you, Mr. Speaker. THAT this Assembly adopts the report on the site visit to the Nairobi City County Data Center to assess its operations and automation of services laid on the Table of the Assembly on Thursday, 8th November 2018.

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Mr. Speaker, The Sectoral Committee on Energy and Information Communication Technology for the Second Assembly was established on 5th October 2017 in the floor of the House pursuant to provisions of Standing Order No. 203.

The Committee's mandate pursuant to the provision of Standing Order No. 203 Third Schedule is, amongst others, to investigate, inquire into and report on all matters relating to; Electricity and gas reticulation and energy regulation, communication, information, broadcasting and Information Communications Technology (ICT) management. The Committee exercises its oversight mandate over the ICT & e-Government and Energy Sectors in the County Executive.

The Committee on the second quota set out part of its program and activities to amongst others undertake a site visit to the Nairobi City County Data Center to assess the sector's progress especially in the automation of the services and progress in the County including the Sub-County offices.

While deliberating on the same, the Committee on its meeting held on Thursday 20th September 2018, received a request to be made to the County Secretary, County Executive Committee Member and County Chief Officer in charge of ICT and e-Government informing them that the Committee intends to visit the data center in the City Hall Building on Wednesday 26th September at noon.

In a letter ref: NCCA/E&ICT/13/2018 dated, 20th September 2018, the Committee conveyed the same to the CECM and County Chief Officer in charge of ICT & e-Government.

The objective of the visit was to amongst others, to;-

- i. Enable the Committee understand the functions and operations of the Data Center;
- ii. Assess the level of automation since the Commissioning of the data center; and,
- iii. To find out any operational challenges affecting the data center.

The Sectoral Committee on Energy and ICT comprises of 19 Members listed on the paper. We also have two clerks, Mercy Riunga and Adam Kibwana.

Hon. Deputy Speaker: Just a minute, Hon. Adow. Please, Hon. Members, you know today is our last day, I would urge all the Members to remain in the House. We don't have much to transact, give us 20 minutes. Serjeant-at-Arms, don't allow anybody to go out other than coming in. As ordered, thank you.

Hon. Osman Adow: Thank you, Mr. Speaker. The Committee undertook the inspection exercise as planned, deliberated on the findings and submissions by the Executive Officers in its subsequent meeting before concluding its report.

Additionally, Hon. Speaker, allow me to also take this opportunity to thank all Members of the Committee for availing themselves during the site visit exercise and deliberations on the sectors submissions. On behalf of the Committee, I have the honour and pleasure to present the Committee's Report on the Inspection visit to the Nairobi City County Assembly Data Centre on Wednesday, 26th September 2018.

After reading that, we have done a lot on that department of ICT. Apart from visiting the site, we also called the CEC Member plus his team. We found a lot of challenges, partly being that the County needs to go digital. In order to do that, in the budget we have put in an ERP purchase which right now is in consideration of being procured. Once this is done I think we will go long way in helping digitize the County. The ERP also includes robust ways of revenue collection and all that that will help the County achieve its goals.

With those few remarks, I would like to invite Hon. Matara to second the Motion, thank you.

Hon. Silas Matara: Thank you, Hon. Speaker. I would like to thank the able Chairman for the work he has done together with fellow Members of the ICT Committee. They burned midnight oil to come up with this report. I congratulate all of them.

Secondly, as a Member of the Committee, I would like to say that every Member of this House is aware that world over everything is done digitally, from digital economy to all other aspects of operations. As a County, it is utterly important that we take this matter with the urgency and importance it deserves and ensure that ERP program be put in place with immediate effect because at the end of the day--- Sometimes last year, the County Government made a provision and spent a lot of money in procuring the equipment lying idle in the Executive side and have not been put in to use.

Nairobians elected us to this House to make sure that service delivery is reliable, efficient and timely. So if this program is fully implemented by the Executive, it is going to be of benefit to the County as whole. With that, I beg to second.

(Question proposed)

(Point of order)

Hon. Moses Ogeto: Mr. Speaker, I am on a point of order under Standing Order No. 42. I am requesting you since today is Thursday, we move to Procedural Motion No.10 which the Leader of Majority is supposed to move. It will be of importance we adjourn the House when we have a full quorum. I know Members may want to rush, some may be heading to Mombasa and we may miss a quorum to adjourn the House. So, Hon. Speaker, I am requesting you under Standing Order No. 42 to change the sequence and go to Motion No. 10. Thank you.

Hon. Deputy Speaker: For the first time, Hon. Ogeto, you are misleading the House. Standing Order No. 42 says a different thing from what you were saying. Hon. Ogeto, you cannot talk about Mombasa while you are supposed to be in the Assembly.

(Hon. Ogeto spoke off the record)

Order Hon. Ogeto! We said you must be very clear.

(Several Members walked out of the Assembly)

I said Members should not get out unless you are coming in, we agreed on that. Proceed.

Hon. Kennedy Obuya: Thank you, Hon. Speaker, I requested but I don't know whether the seconding was through. I need to be guided before I proceed.

Hon. Deputy Speaker: Proceed.

Hon. Kennedy Obuya: Hon. Speaker, I rise to support the Motion. ICT Committee which I am a Member is a committee that I have a lot of passion for. We began when we commenced the second Assembly in a very low tone but with able Chair and our good Committee clerks, we have been able to steer ICT Committee.

Mr. Speaker, it is a matter of concern, and I am begging Hon. Members to support this Motion en masse led by my good friend, Hon. Member for Makongeni and Hon. Member for Kilimani. In the 21st century, Nairobi City County---

Hon. Deputy Speaker: Order! Serjeant-at-Arms, make sure that the door that people normally hide is locked properly so that they come back after returning from the toilet.

Hon. Kennedy Obuya: That is wisdom, Hon. Speaker.

Hon. Deputy Speaker: Proceed, my brother.

Hon. Kennedy Obuya: Hon. Speaker, this is the last day of this Assembly and February is too far. I want to maximize the little time I have for this year and I pray that all Members do the same.

Mr. Speaker, in this time and age, it is so wrong that as the economic hub of East and Central Africa and a County that contributes 63% of the National GDP, our ICT Sector is lying idle. It is not properly used. It is an insult to the citizens of this County that our website of the County of Nairobi has been dormant for the last few months. We need to have a platform that we engage the citizens of the County.

In this regard without wasting time, I pray to the Hon. Members to come and help us support this Motion. I beg to support.

Hon. Deputy Speaker: Hon. Anyule.

Hon. Peter Imwatok: Thank you, Mr. Speaker for your wisdom for calling that name that many do not know. My name is Peter Imwatok Anyule Jatesa Moja.

Mr. Speaker, history never fails. I have not gone through the entire report but His Excellency the President of the Republic of Kenya on 11th December 2017 in full colour of power came to this County Government to open the data center which was accounting to Kshs.1.3 billion funded by the World Bank. I said on the international cables that this was a project that was commenced in 2014 and indeed it was a worthwhile course that the current Governor of the City had to ensure that it is well implemented. I must say kudos to the Governor of the City, His Excellency Mike Mbuvi Sonko. He is in ICT expert, some people are worried even talking before him because any time your voice may be heard.

Mr. Speaker, history is really sweet. Today we are doing something very important to acknowledge the Committee of ICT coming up with a report. I have also seen the pictorials. If this is how the data center looks like in this County, then Nairobi is headed to a different direction. On that point, I also want to implore on the issue the ICT has to handle fully is the issue of Web Tribe. There is something which is funny in this County, people have different connotation of names. Today they are called Jambo Pay, tomorrow they are called Web Tribe, the other day they are called Clouds.

Mr. Speaker, we want to congratulate the ICT Committee under the leadership of Hon. Adow. I remember sometime he came trying to overturn the report of PAC. Unfortunately he didn't know the PAC report is made by people who went to school and got value out of it. Hon. Obuya said that we support this report not for the purpose of filing reports in the County Assembly. Kshs.1.3 billion is not small money, it must be used. This data center was funded by the World Bank and not the County Government.

I saw yesterday the Senator of the great City tabling a report before Citizen TV that World Bank gave Kshs.300 million for a road map on how decongestion can be done. The City Council then gave Kshs.100 million, but to date the blueprint is still there gathering dust.

Mr. Speaker, the Kshs.1.3 billion data center funded by the World Bank must be used in this County. That is why I am saying that we support the Governor to make sure Nairobi County is digitalized from the village in Kwa-Reuben to the high ends of Runda. From the slopes of Kibera to the low levels of Roysambu. Everything must be digitalized in Nairobi. Therefore, Speaker, on behalf of the opposition side, we support fully the report and ask the Hon. House to ask the mover to reply so that it passes the report. Thank you.

Hon. Deputy Speaker: Hon. Mberia, please respect the House. Go to the bar, bow and be seated.

(Hon. Mberia bowed at the bar)

Thank you. You can now have a seat. Ogeto, what is the point of order for?

Hon. Moses Ogeto: Hon. Speaker, I want to contribute.

Hon. Deputy Speaker: Okay, please go ahead.

Hon. Moses Ogeto: Hon. Speaker, as my senior said, we support this report. But I want to be on record to oppose this report for one reason, when you go to part (iii) of the recommendation, they are saying that the County engagement with Webtribe to be continued till the end of its contract period. That is 2019. Hon. Speaker, the Governor of the city was before the senate committee saying that he is going to blacklist JamboPay for failing to submit the audit report that has been asked for. Hon. Speaker, the same Webtribe has siphoned billions of money from NHIF. It becomes ridiculous for this House to extend a contract of a company which is siphoning Kenyans' money. If you go to their second recommendation—when the Chairman is reading the report, he should read the recommendations because he read a good preview and members have signed. When this data center was opened, I was there. I was a pioneer of this data center.

The same recommendation goes against the recommendations of Public Accounts Committee which said that we have given Webtribe 6 months to leave Nairobi County. Hon. Speaker, it doesn't make sense when this House approves a report of chasing a subscriber and then again the same House wants to bring back the same subscriber. For those remarks, I beg to oppose this report. Thank you.

Hon. Maurice Gari: Thank you, Hon. Speaker for catching my eye. I have not seen you for long. Mr. Speaker, I have seen a scenario here on this motion that we want to turn this Assembly into a cash cow on the report of PAC and report of Committee on ICT and there is a fight between these two committees. There is a motion which PAC read in this House concerning the same issue Hon. Ogeto is talking about. In the previous Assembly, we also talked about the same issue of which my able Chair of ICT was there. We should not come here with things to make this Assembly become lively for no reason at all.

This motion should not see the light of the day. We should go with the motion of the Public Accounts Committee and they implement it once and for all. I have come across this Assembly duplicating the work of committees like Environment duplicating the work of Agriculture.

So, Mr. Speaker, again, before we go for recess, this House should take Members back to somewhere for just 4 days to go and see our mandates. It is long overdue.

Hon. Deputy Speaker: Are you in support or not?

Hon. Maurice Gari: I am not supporting this motion because this is a duplication of work. We cannot spend public money to go and duplicate reports. Mr. Speaker, before I sit down, take us somewhere for 3 or 4 days so that we know our mandates. Members are conversant with this microphones and how they can make a request. Now, the Chairmen and their members should know their mandate so that the whole duplication of these things end. Thank you. I beg not to support this motion. I oppose.

Hon. Deputy Speaker: Hon. Kabiro.

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I also want to be on record to oppose this report for the very reason that the only space that Webtribe is mentioned in this report is the 3rd recommendation. Mr. Speaker, we cannot be contradicting ourselves as a House. The other day, when the committee tried to introduce something in relation to JamboPay, they were rejected even without thinking. Mr. Speaker, we

cannot be contradicting ourselves. In the whole report, there is no where Webtribe has been mentioned. It is discussing about the data centers and good pictures have been presented showing members looking at the servers. Mr. Speaker, why are we sneaking a recommendation in the middle of a report? The recommendation is not even substantiated. I want to reject this report. Thank you.

Hon. Deputy Speaker: Hon. Anyule, what is the point of order?

Hon. Peter Imwatok: Mr. Speaker, I am on a point of information to inform this House that the House has procedures and rules. Number one, I do agree that it was a report which was tabled by the PAC as one of the questions raised on the auditor's report on one company called JamboPay.

Number two, this is a House of rules and procedure. This House has a committee called the Committee on Implementation. Number three, the supreme committee in this House is the House Business Committee. Before any item comes before this House, the House Business Committee has to scrutinize it to ensure it does not contradict any other report. The question is, before this report comes, assumingly the Hon. Members are purporting to say is contradicting the previous report, was it scrutinized by the House Business Committee. Number 4, let us be in agreement. That the PAC report was very specific. The specifics of the PAC report were to begin the process of terminating a contract of JamboPay within 3 months. As we are speaking, the 3 months period was overtaken by events. We are heading to the 6th month which overrides the current report of ICT. Therefore, we cannot sacrifice ICT Committee on the altar of Implementation Committee and the Executive. I therefore believe in the wisdom of this House. This motion should proceed to the next level. Thank you.

Hon. Ruth Maingi: Thank you Mr. Speaker, I stand to support the motion. In this House, we all know the way forward and the motion has to continue. JamboPay and the County Government of Nairobi had an agreement and we cannot terminate it before it ends. So, I stand to support. Thank you, Mr. Speaker.

(Loud consultations)

Hon. Deputy Speaker: Order! Please, order!

Hon. Silas Matara: I rise to make an indication on the floor of this House. Number one, we are alive to the sentiments of the PAC Committee. We are also aware of the intent of this motion of the ICT committee is totally different from the issues being raised by PAC. Number 2, you cannot throw the baby with the water. We are aware that World Bank spent Kshs.1.3 billion on this program. We are also aware that the issues raised by ICT, that the County needs to go digital. So, by the end of the day, you cannot punish ICT Committee on the mistakes of another committee. The law is very clear. You cannot benefit from your own mistake. So, we cannot punish the ICT Committee for the mistakes of a different committee. So, we rise to support this motion in full.

(Loud consultations)

Hon. Deputy Speaker: Order! Mary, proceed.

Hon. Mary Mwami: Thank you sir. I am grateful this afternoon to be speaking about the ICT committee. I have not heard much about them since their inception. So, it is a great honor for us to be able to hear about them. Nobody is really against you. The world is going digital. What we are trying to do here is to try and harmonize and be able to get what Nairobians would be best with. So, it is not against you. I want to say that this is a good idea. But definitely, as my colleagues have said, we don't want to bring up something

that will become a cash cow for the county when we are going through very hard times. So, it is a good idea but if it is Jambo who is doing it, then it is wrong.

Secondly, Mr. Speaker sir, I would like to tell the ICT committee that there are two things that are very important but they have not followed as ICT. One, this door is not automated. It is very important for us to have this door automated because we may have people who are never coming here and they are being ticked. Secondly, we want our iPads. When we went to Naivasha, we were told we would be given iPads. Up to now, you have not followed that. Thank you. I oppose.

Hon. Deputy Speaker: Hon. Leah.

Hon. Leah Supuko: Thank you Mr. Speaker sir. I stand to join my colleagues who are supporting this motion. There is no way you can terminate a contract which has been signed between the government and the World Bank.

(Loud consultations)

Hon. Deputy Speaker: Hon. Ogeto, what is this all about? What is your point of order? And make sure you quote a proper standing order.

Hon. Moses Ogeto: Hon. Speaker, I want to say that those who are misleading this House about the termination of the contracts with the government--- The same Webtribe has siphoned over 1 billion from NHIF. We want to inform this House that Webtribe is siphoning people's money. In the previous audit query---

(Loud consultations)

Hon. Speaker, I want to inform the Members that you can terminate a contract with any provider who violated the acts of this government of Nairobi.

Hon. Deputy Speaker: Thank you Hon. Ogeto. Hon. Members, I have a computer that tells me when you request. Don't shout. Order! Obuya, sit down. Hon. Mberia.

Hon. David Mberia: Thank you Mr. Speaker for the opportunity. I stand to oppose this duplicated motion until the recommendations of public accounts committee are implemented to the latter. I stand to oppose and I want to ask members of this House that I am opposing the motion.

Hon. Deputy Speaker: Hon. Members, we agreed that we don't have much to transact in this House. So, we need a full house. Proceed, Mberia. You are done? Thank you.

(Loud consultations)

Hon. Emily, the last one.

Hon. Emily Oduor: Thank you Mr. Speaker sir. I stand here to oppose the motion. And the reason why I am opposing this motion is one, the whole country is complaining about JamboPay and Nairobi as a county is already here proposing that we continue with JamboPay.

(Loud consultations)

Hon. Deputy Speaker: Order! Order!

Hon. Emily Oduor: I will continue talking. Secondly, JamboPay is actually spending our money which is contrary to our PFM act. Ask me how they are doing it. They collect money, they don't send us invoice. That is the reason why I stand here to say I oppose JamboPay continuing.

Hon. Deputy Speaker: Hon. Jagero.

Hon. Millicent Jagero: Thank you Mr. Speaker. I stand to oppose this motion. Public Accounts Committee is the watchdog of Nairobi and we gave a very detailed report of JamboPay. There is no way an executive director can be summoned for sittings and he fails to honor the watchdog's meetings. This report should not come to this House. It needs to go down, thank you.

(Loud consultations)

Hon. Deputy Speaker: Hon. Doris.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, we know that we must give a chance to a member. Now it is time for Doris to contribute, please give her a chance.

Hon. Doris Kanario: Thank you. Again I repeat that the subject of this Motion is not about webtribe, it is about the data center of the County Assembly of Nairobi. Hon. Speaker, in order for Nairobi County to go digital this Motion is very important in this Assembly. Hon. Speaker, in order to utilize the funds that the World Bank has given this county this Motion is very important to this Assembly. Hon. Speaker, as a member of the ICT Committee--- *(Loud consultations)*

Hon. Deputy Speaker: Hon. Members, I think you are pushing me to the wall. Hon. Anyule, I think you are pushing me to the wall. Order Members! Hon. Doris proceed.

Hon. Doris Kanario: Thank you. Hon. Speaker, I stand to say that if this Motion is not passed today we may use a lot of revenue within this county. We need that digital data center working--- *(Loud Consultations)* Hon. Speaker, we will lose a lot of money in this County should this matter not be considered in this Assembly today. I also urge the people to visit the data center because the members who are protesting are talking about what they do not know.

Hon. Deputy Speaker: Order Members! Order please! The Mover to reply.

Hon. Osman Adow: Thank you, Mr. Speaker--- *(Loud Consultations)* Okay we will vote but just listen to me first. Mr. Speaker, I wish to reply. *(Loud Consultations)*

Hon. Deputy Speaker: Order members! I have called the mover, be prepared.

Hon. Osman Adow: Mr. Speaker, we have investigated the issue of JamboPay. There are a lot of allegations; there are a lot of rumours. The Minority Leader Mr. Ogeto is just reacting on rumours and allegations, there is no evidence that JamboPay is stealing any money and we have investigated that. The Governor himself defended that issue in the Senate. In order for you to procure another company right now it will take up to 6 months and we have only 4 months and we are saying that the company should go on and complete the 4 months that are remaining...

Hon. Deputy Speaker: Order Members! Hon. Ogeto, please sit down.

Hon. Osman Adow: Mr. Speaker, we have separated the facts from fiction. There is a lot of fiction out there about JamboPay that is not true and which we have documented and it is all in the report...

Hon. Deputy Speaker: Order, Members. We have given everyone a chance to contribute and I have called the Mover. Hon. Members, I put the question.

(Question put and negatived)

Hon. Deputy Speaker: Order! Hon. Members, I said the nays have it. Please sit down.

Hon. Deputy Speaker: Chair of Environment? Vice Chair? Okay, proceed.

Hon. James Mwangi: Thank you, Mr. Speaker. Despite what has just transpired in the House, something that I personally don't agree to, but we will live to fight another day despite the Speaker possibly operating like a--- *(Loud Consultations)*

Hon. Deputy Speaker: Chair, Environment, what are you saying?

Hon. Members: He must withdraw!

Hon. Deputy Speaker: Proceed.

Hon. James Mwangi: Hon. Senior Gari and the other members who are telling me to withdraw, I don't know what... Senior Member, I don't know what you are talking about that I should withdraw.

Hon. Deputy Speaker: Can we proceed.

STATE OF WASTE DISPOSAL MECHANISMS IN ABATTOIRS WITHIN THE COUNTY

Hon. James Mwangi: Hon. Speaker, thank you for the opportunity. The Sectoral Committee on Environment and Natural Resources established under Standing Order no. 203 and its mandate amongst others as outlined under the Third Schedule includes implementation of specific national government policies on Natural Resources and Environment conservation including soil and water, conservation and forestry and control of air pollution and noise pollution and other public nuisances and refuse removal, refuse dumps and solid waste disposal. Hon. Speaker, the committee---

(Loud consultations)

Hon. Deputy Speaker: Order Members! Consult in low tones.

Hon. James Mwangi: Thank you, Hon. Speaker for urging the members to consult in low tones or exercise some silence. Solid waste disposal is one of the functions devolved to the counties under Schedule 4 of the Constitution which is concerned with the state of waste disposal by the county abattoirs. The waste disposal mechanism of abattoirs within the country has been wanting with complaints from residents of the foul smell emanating from the waste. The committee concerned with these state of affairs and in this stage of its mandate pursuant to standing order 203 resolve to enquire into the state of waste disposal mechanisms in abattoirs within the County with a view of making recommendations to improve abattoir management within the county.

Nehema Livestock Slaughtering Investments Ltd

The committee conducted two site visits to the county's major abattoirs, Kiamaiko and Nehema Livestock Slaughtering Investments Ltd. The committee visited the abattoir on Tuesday 27th March 2018 and was

welcomed by the Director Mr. Bonaya who took the committee around the abattoir and also briefed members on the status of the abattoirs as follows;

1. The construction of the abattoir began in 2012 and was completed in December 2014. The abattoir offers contract slaughter services, chilling and freezing services while waste disposal is done daily to avoid accumulation and hence risk of breakdown and associated close contamination.
2. The operations manager ensures the implementation of this procedure while the quality assurance manager verifies the compliance to the outlying requirements. Nehema Livestock Slaughtering Investment Ltd ensures that its waste is not harmful to the environment as all the waste is biodegradable. NLSIL waste is classified in the following categories, waste water and waste solids. The waste water contains biodegradable organic compounds, fats and nutrients especially nitrogen and phosphorus, micro-organisms.
3. Waste water from the factory is channeled to lagoons where it is treated by biological means before being released to the Nairobi City County sewer system. The firm does not recycle its waste water for use due to food safety concerns. This water undergoes a three stage lagoon treatment system before release to the city sewer system and parameters such as BOD and COD are taken at predetermined intervals to check the effectiveness of this process. Most of the waste solids includes parts of the animals that cannot be directly sold and as such are unsuitable for use. They include stomach contents, waste solids recovered from the effluent by screens or other devices.
4. Rejected carcasses, hides and hooves – The slaughter house ensures that these waste solids are adequately segregated for ease and effectiveness of disposal. Rejected carcasses are incinerated within the factory incinerator.

Kiamaiko Abattoir

The committee visited the abattoir on Friday 4th May 2018 at 8a.m. and was welcomed by the Chairman of Kiamaiko. He took the committee around the abattoir and also briefed members on the status of the abattoirs.

Committee Observations

Nehema Livestock Slaughtering Investments premises and its compound is done in specific containers clearly identified as such and specific for the purpose of the general environment was excellent. The drainage system was covered as required indicating an incredible hygienic condition of the abattoir. The firm has its own internal waste disposal mechanism and that it does not emit its waste to the environment as alleged. Nehema Livestock Slaughtering Investment is the cleanest slaughterhouse in the county.

Kiamaiko Abattoir

The drainage system was partially covered and there was no bad odour indicating the good hygienic conditions of the abattoir. The floors were in good condition, it is located in a densely populated area hence making the abattoir unsuitable for a food handling entity. The general environment around the abattoir was not all that good especially drainage outside the abattoir. The committee had the following findings.

1. That Nehema abattoir was ideal within the county since it had all the facilities required. The abattoir maintained high standards of hygiene hence its products are safe. Most abattoirs are in a deplorable state with the county government having limited control over them since they are under private ownership.
2. That since most abattoirs in Nairobi are privately owned, continuous ownership has affected the general operations of the abattoirs. Some slaughterhouses are located in densely populated slums notably Kiamaiko hence it is difficult to enhance food safety standards.

The committee therefore recommends as follows;

1. Abattoirs located within densely populated areas should be relocated to other spacious sites for instance Kiamaiko to enable proper enforcements of requisite environmental and food safety standards. The abattoirs should work hand in hand with other sectors like water and sanitation to maintain good and healthy environments to avoid outbreaks of diseases like cholera and other related diseases.

There is a chart there for every member to view and with that Hon. Speaker I beg to move. Mr. Speaker, I also beg Hon. Imwatok who is a member of the environment committee to second the motion.

Hon. Peter Imwatok: Thank you Mr. Speaker. This has no monetary connotation but primarily on the issues of environment and abattoirs. Mr. Speaker, I want to recommend to this House as I second this motion, that really it is a House of debate. On the side of the coalition NASA, this is the spirit that we can debate, we can argue, we can make a decision and vote peacefully. Thank you so much the members of NASA who are still more in the House and I ask you to support this report of Environment. Thank you Mr. Speaker, I support.

Hon. Deputy Speaker: To support or second?

Hon. Peter Imwatok: To second. Hon. Speaker, still rising---

Hon. Deputy Speaker: Are you seconding or supporting?

Hon. Peter Imwatok: I am supporting this motion because the Speaker is wise

Hon. Deputy Speaker: You may take your seat. Thank you.

(Hon. Imwatok laughed)

(Question proposed)

Hon. Deputy Speaker: Hon. Gari

Hon. Maurice Gari: Thank you Mr. Speaker. Let me go on record today. I think I am going to clash with my able Minority Whip on the duplication of committee's mandates. When you go to the standing orders you will realize that the Committee for Environment has done the same thing we went to Kiamaiko to do as the committee on Agriculture where my able Whip failed to put me in that committee to serve the people of Nairobi. Now he stands here duplicating the same mandate he assigned to me

(Applause)

Hon. Maurice Gari: Let me remind my Minority whip that---

Hon. Deputy Speaker: Hon. Gari, kindly be clear. Are you in support?

Hon. Maurice Gari: I am not supporting

Hon. Deputy Speaker: You are supposed to start with that

Hon. Maurice Gari: I am opposing this in the strongest terms

Hon. Deputy Speaker: Hon. Gari, you need to be on record as to whether you are in support or not

Hon. Maurice Gari: I am opposing this Mr. Speaker

Hon. Deputy Speaker: Proceed

Hon. Maurice Gari: Mr. Speaker, our mandate includes animal's husbandry and livestock and so how does the committee on Environment go to abattoirs without the committee on Agriculture and livestock? We should go back for induction so that we get to know our mandates and so I rise to oppose this motion

Hon. Deputy Speaker: Thank you. Hon. Benson Mwangi

Hon. Benson Mwangi: Thank you Mr. Speaker for catching my eye. Allow me to oppose this report from the Environment committee. This is because as the Agriculture committee, we visited the same market- kiamaiiko where we went to check whether it belonged to the County Government or not and we found out that it is a private land. I do not think that the committee is to blame here because if the report table to the House is the same as that tabled by the Environment, trade and agriculture committees then calling the honorable members incompetent is not right. This should be directed to the clerks because as honorable members we are unique and intelligent in our own ways. The clerks are the ones to blame and I beg to oppose this report. Mr. Speaker, when you find out that the committee on ICT has tabled not one but two reports and they have not all gone through then it means that there is a problem. That committee needs to be disbanded because of that.

(Inaudible)

Hon. Benson Mwangi: I do not want to be informed Mr. Speaker

Hon. Deputy Speaker: Mr. Mwangi, you are out of order.

Hon. Benson Mwangi: I don't want to be informed

Hon. Deputy Speaker: Sit down

Hon. Benson Mwangi: Mr. Speaker, I was about to finish

Hon. Deputy Speaker: Order! Hon. Mwangi sit down

(Hon. Benson Mwangi took his seat)

Hon. Deputy Speaker: Thank you. I want to talk about standing order 203 on the issue of abattoirs and refuse dumps and waste. The Standing Orders says that the refuse dumps and solid waste disposal is under the Environment and Natural Resources and the issue on abattoirs is on agriculture. We are talking on waste disposal and that cannot stop the environment committee from talking about waste. Declare your interest on this

(Hon. Member spoke off the record)

Hon. Deputy Speaker: Hon. Themendu, have you requested?

Hon. Jeremiah Themendu: Hon. Speaker, thank you for helping us. Hon. Gari is attacking us for nothing. I wish to clarify that--

Hon. Maurice Gari: Let him use a parliamentary language because I am not attacking them

Hon. Jeremiah Themendu: I am on the floor Hon. Speaker.

Hon. Deputy Speaker: we have ten minutes to go. Please proceed Hon. Themendu

Hon. Jeremiah Themendu: I rise to support this motion with reasons. We went to Kiamaiko abettors

(A Hon. Member shouted that the member on the floor is reading from a script)

Hon. Jeremiah Themendu: I am not reading from anywhere. I have nothing to read

(Loud consultations)

Hon. Jeremiah Themendu: Hon. Speaker can you protect me from this Member?

Hon. Deputy Speaker: Proceed.

Hon. Jeremiah Themendu: We went to Kiamaiko to find out why they were disposing waste next to the residential areas. Hon. Speaker, can we respect each other in this house. I am on the floor talking, let me finish then the next person will rise afterwards.

Hon. Deputy Speaker: Hon. Themendu proceed

Hon. Jeremiah Themendu: Hon. Speaker, let me clarify that the motion before us concerns garbage collection in our City Nairobi. It is nothing personal and I beg the hon. members to help support this motion so that we can make our environment clean. Thank you Hon. Speaker.

Hon. Kennedy Oyugi: Thank you Mr. Speaker. May I have the opportunity to oppose the motion for one simple reason. The report on the visit by the environment committee to Kiamaiko is half baked. Their report talks about two abettor's; that is Kiamaiko abettor and Neema livestock Slaughter. How many abettor's do we have at Kiamaiko and yet they only brought to us two? We have 15 abattoirs at Kiamaiko. Where is the report for the rest? Does it mean that the rest complied and as a result there is not a report on them? Why is it that they are narrowing on the two? Mr. Speaker, this report is suspicious and for that reason I categorically oppose this report. To my Minority Whip, if you want to bring a report to the House then do a comprehensive one and not this half-baked one. In fact this is a waste of time for the House to debate on it. Can the Chairman and his vice chair declare their interests on why they omitted the remaining abettors and only narrowed down on these two? Thank you, Mr. Speaker.

Hon. Deputy Speaker: The mover

Hon. Silas Matara: Thank you Mr. Speaker for giving me this opportunity and before I get to move this motion. I would like to illuminate the minds of the members of this House because I have realized that we have a problem. As a recommendation when we resume to the House next year, I wish to ask each and every member of this House should find time and visit other committees so that you are alive to the operations and mandates of other committees. The problem that we are having today Mr. Speaker is that Members do not know that the Environment committee is multispectral. An example, if you want to build a house then you have to go to NEEMA to get an approval to build the house and so you cannot entirely say that Environment as a committee cannot involve itself with the issues and matters pertaining to other committees. Water committee looks into aspects of sewer and when that is disposed ten it has an impact on the environment and so on the subject matter of this committee when we went to the two abettor's, it was our mandate and we had been requested and decided to take that direction and so if Hon. Oyugi wants the committee to visit the other 13 then let him make a request to the committee and we will address the issues there.

Hon. Deputy Speaker: Mover, proceed

Hon. Silas Matara: Member, kindly resume your seat

Hon. Deputy Speaker: Proceed

Hon. Silas Matara: I am trying to illuminate your mind

Hon. Deputy Speaker: Hon. Matara proceed

Hon. Silas Matara: As I was saying, when you go to the committee of ICT you will find out that the Government is trying to---

(Hon. Kennedy Oyugi spoke off the record)

Hon. Silas Matara: Hon. Member you are a senior member of this House and you know that there is no rule that bars me from contributing to the motion that I am about to move. We need to know that the County is in the process of putting up a recycling energy plant in the dumpsite and this falls under the jurisdiction of the Environment committee and so that is how we connect with the ICT committee. When you go to the transport committee, vehicles pollute the air and noise and that is an aspect of environment and what I am trying to tell members of this House is that despite you being members of various houses, note that environment cuts across most of the committees in this House.

Finally Mr. Speaker, I ask Members to take time and read the issues raised in this motion because I gather that most of you just picked a few issues on it but did not get the inherent reason why the committee went to these two abettor's. The finding we were to make is on how the abettor's get to dispose of their waste and to that effect I believe that as a committee we have done a good job. When Hon. Oyugi tells the House that this report is half baked then I would wish that in the future he explains to this house what parameters he is using to say that the report is half baked. What does he mean when he says that this report is suspicious? What are you trying to insinuate with that statement?

Hon. Kennedy Obuya: (Inaudible). Why is the member continuously mentioning my name?

Hon. Silas Matara: It is because you are the Member who has raised the issues that I am trying to address.

Hon. Deputy Speaker: Hon. Matara, do directly to the point

Hon. Silas Matara: The Members cannot force me not to make a contribution on the same. I am trying to avoid a repeat of the same on this floor

(Loud consultations)

Hon. Silas Matara: Going by the mood of the House, I would like to invite each and every member of this House to the committee on Environment so that we can get to educate you further on the mandate of the committee and with that I would like to wish Members a Merry Christmas and beg to move. Thank you.

(Loud consultations)

(Question put and agreed to)

Hon. Deputy Speaker: Next order.

PROCEDURAL MOTION

ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR

Hon. Deputy Speaker: Leader of Majority, proceed.

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Hon. Waithera Chege: Thank you Mr. Speaker. I beg to move the motion that pursuant to---

(Point of order)

Hon. Deputy Speaker: When the Leader of majority is on the floor, it is final

(Loud consultations)

Hon. Deputy Speaker: Order Hon. Gari

Hon. Maurice Gari: Point of order Mr. Speaker

Hon. Deputy Speaker: Sit down. Leader of Majority, proceed.

(Loud consultations)

Hon. Deputy Speaker: I will give you a chance Hon. Gari. Sit down! This is the second time I am asking you to sit down. Imagine the consequences when I get to call you a third time

(Laughter)

Hon. Waithera Chege: Thank you, Mr. Speaker for bringing order to the House. I beg to move the motion that pursuant to standing order number 29 (1)---

Hon. David Okello: Point of order Mr. Speaker

Hon. Deputy Speaker: Hon. Okello please sit down. When the Leader of Majority is standing you should be seated. Sit down. This is a warning. Proceed, Leader of Majority

Hon. David Okello: Mr. Speaker, we are adjourning and so I am requesting that you give me a chance to speak.

Hon. Deputy Speaker: This is the last warning Hon. Okello. Sit down! Proceed Majority

Hon. Waithera Chege: Thank you. I beg to move the motion that pursuant to standing order number 29(1), this Assembly adjourns regular sessions until 12th of February 2019 in accordance with the calendar of the County Assembly. Mr. Speaker, I beg to move the motion

Hon. Deputy Speaker: Hon. Waithera, who is the seconder? Hon. Anyule?

Hon. Peter Imwatok: Hon. Speaker, the Leader of Majority has just noted that I need to second the Motion. First of all thank God for the time we had since the beginning of the year when we opened this session until this time. It is by God's grace that we have been in this Assembly and no one has left us to meet the Father. The best we can do as Hon. Members is to appreciate God and by His grace, we are all alive. As we head towards the Christmas period, I want to say it is time to reconnect to our parents, sisters, brothers and fathers for those who have exception of me. It is time to join our families.

For those who are elected like me, that in life--- I have said several times that when you see a tortoise on top of a table it usually has an owner. We have owners and they are the electorates. One month plus we will be in our respective constituencies and we will meet with them, listen and understand them so that when we come to the next session next year early February, we will be able to understand their challenges so that we can start another session believing in us.

Hon. Speaker, I want also to say this to the Speaker's seat, to the Clerks of the County Assembly and all the staff, thank you for a good year. As we go for Christmas I wish you a Merry Christmas until we meet next year when we are all alive. Thank you, Mr. Speaker.

(Question proposed)

Hon. Deputy Speaker: Hon. Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Hon. Speaker, I take this time to support this Motion. It has been a very rough year especially for people like me who have two Committees *(Applause)* I want to wish everybody a Merry Christmas and come 2019 we will have Merry and everybody will have 10 Committees now that I am in the Committee of Selection. Thank you very much, Mr. Speaker.

(Point of order)

Hon. Deputy Speaker: Hon. Okello.

Hon. David Okello: Thank you, Mr. Speaker, first and foremost let me wish every member a Merry Christmas and Happy new year. I am rising under Standing Order 56 (h) on privilege. I just want to put this Notice of Motion: Decision and determination of the contract between Nairobi City County and Jambo pay.

Hon. Deputy Speaker: Hon. Okello, are you with us?

(Loud Consultations)

Hon. David Okello: I am with you, Mr. Speaker. That is why I was asking you---

(Loud Consultations)

Hon. David Okello: I rise under Standing Order 56 (h) ---

Hon. Deputy Speaker: Hon. Okello, I had given you the warning to sit at that time, please can you sit down and listen to others

(Loud Consultations)

Hon. David Okello: Then give me time to---

Hon. Deputy Speaker: You are out of order! Please learn from the experts. Thank you, Hon. Okello. Hon. Leah do you have something?

Hon. Leah Supuko: Thank you, Mr. Speaker Sir, I want to support the Motion and also to support what Minority Whip has said that we have to thank our Almighty God for keeping us here the whole year. As we go for Christmas to join our families and friends, I want to wish you all the best and Merry Christmas and New Year. Those who will be free can visit Narok for *nyama choma* and for those who have never visited Maasai Mara you can call me and I can facilitate a few of you. I wish you all the best and God bless.

Hon. Moses Ogeto: Thank you, Hon. Speaker, first and foremost---

(Hon. Ndung'u spoke off the record)

Hon. Deputy Speaker: Hon. Ndungu, you must request.

Hon. Moses Ogeto: Let him give me time. Just respect your senior.

First and foremost, I want to support this Motion and congratulate you for containing the whole session until this time. I want to thank you for ensuring that Motion No.8 was rejected. I also want to thank all Hon. Members in this House for living and enjoying together until the end of the year. I want to thank those Members especially Hon. Ruong'o who made this year to be rough for some of us especially the last few

months. I believe when we come back next year it will be good and we will ensure that every Member enjoys their privileges which they get in this House.

I wish you and the Whole Assembly Merry Christmas and Happy New Year as we resume next year. I have been invited by my colleague Hon. Leah, I will pass by when i will be going to Kisii ensure that there is plenty of meat, thank you.

Hon. Deputy Speaker: Margret Wanjiru.

Hon. Margret Wanjiru: Thank you, Mr. Speaker, I beg to use Kiswahili. *Ninashukuru Mungu sana kwa sababu ya wakati huu. Tumekaa mwaka huu wote na tumekuwa watu wa familia moja na tumefanya kazi pamoja pia. Nashukuru Mungu kwa sababu ametulinda kama vile Minority Whip wetu alisema kuwa hatujapata maafa which is very unusual. We thank God kwa sababu kama sio Mungu hatungeweza kuendelea. kwa hivyo ni wakati mzuri ya kwenda Krismasi na iko na mambo mengi sana. Ningeomba kila mmoja twende tukijua ni wakati wa kuomba for protection. Mungu atulinde hadi January turundi salama.*

Pia nigetaka kusema nyinyi wote mnajua kulingana na ile kazi mimi nafanya ya kuwaangalia watoto na hii ni mwaka wa ishirini sasa. Na wakati huu wa Christmas na wakati wa likizo, kuna watoto tunawapeleka wakatahiri. To some of our tribes, kutahiri ni kitu ya maana sana. Kwa sasa tumetahiri watoto kule children's home St. Pauls Ongata Rongai na ata kuna wengine hapa Nairobi street Children ambao wameniomba watahiri. Kwa sasa, tumetahirisha vijana 27 wako pale Makadara Children's Centre. Ningeomba wale wanajua hii kitu ni ya maana

(Loud consultations)

Naomba wale hawafanyi hivyo watulie tu. (Laughter) Kwa sababu ninaongea mambo ya mila ya wengi wetu.

(Loud Consultations)

Protect me, Mr. Speaker. *Nilinde kutokana na hawa watu. Wale hawahusiki na hii wanyamaze tafadhali kwa sababu wengi wetu wanafanya hiyo na ni ya maana. Siongei na Oyugi na Oti (Laughter) ninaongea na Assembly yote, na ninaomba nisipigwe na mtu.*

(Loud Consultations)

Hon. Deputy Speaker: Order Members, please! Hon. Wanjiru, sit down!

(Loud Consultations)

Hon. Emily Oduor: Thank you, Mr. Speaker and I stand to support the Motion. Thank you for the silence too. First and foremost as it was said, we really have to give thanks to the Almighty God and not everybody who saw the beginning of the year has been able to see the end of the year. So it is the love that God has for us that all of us are still here.

Secondly, I know as a House we have our differences but in an institution, if you do not differ or not agree on principles then the two of you are sick. Therefore, the disagreements that we used to have we developed us. As we proceed for Christmas, I wish you well and we try to avoid driving when we are drunk. If you have to go to other places please let us remember to use the condoms because it is very important. Thank you.

Hon. Deputy Speaker: Hon. Okello, sit down! Hon. Ruth Ndumi.

Hon. Ruth Ndumi: Thank you, Mr Speaker, I stand here to support this motion. I also want to thank the Members of this House, because as you can see their moods they want to continue with the work of the Assembly. Members, have worked for one year and we have seen the hand of God as we have been together. I also want to echo the words of our Minority Whip, God has kept us together and we wish to see 2019 and also we continue working together. I hope that this House will go far. So, as we go to see our families, and as you know I am aged I will be going to check my grandchildren.

I wish you all a Merry Christmas and may our God keep us well to be able to see 2019. Thank you, Mr Speaker.

Hon. Deputy Speaker: Hon. Ndungu.

Hon. Paul Ndungu: Thank you, Mr Speaker, but we are four Ndungu's here so I don't know which one you are calling.

Hon. Deputy Speaker: If you are not Ndungu, sit down.

Hon. Paul Ndungu: Thank you, Mr. Speaker, some of us are Muslims here and I can only see you Christians wishing each Merry Christmas and Happy New Year.

(Laughter)

(Loud consultation)

Mr Speaker, I wish them and in two months we are also celebrating Idd and we will be on recess. Therefore, I wish them to tell us Eid ul Fitr. We are only two Muslims here, Mr Speaker.

Hon. Deputy Speaker: Thank you, Mr. Muslim. Hon. Mberia.

Hon. David Mberia: Thank you, Mr. Speaker, for the opportunity. I want to support the adjournment Motion and wish Members a Happy Merry Christmas and Prosperous year 2019. The year has been acrimonious to some of us, as I was boxed by the former PAC Chairman my good friend, Hon. Odalo in Mombasa. The blow which landed on my left cheek was supposed to land on Raila Odinga's cheek who is the Chief appointing authority in ODM party. I want to confirm to Mr. Odalo, that I am a licensed gun holder, CZ75 made in the Czech Republic and I don't carry my gun and it is securely in the house. I protect myself against thieves at night and I don't carry it because it is a heavy weapon.

Mr. Speaker, I want to assure the Members of ODM and the entire County Assembly we must leave as brothers and sisters. Every other seat is owned on behalf of our respective parties. I was never pregnant with this PAC seat to say that I came here and delivered or gave birth to this seat. It was given to me by the party leader and as a minority, in this party, I have a right to hold any position in this party.

(Applause)

Mr. Speaker I want to confirm to my friends here what you need to do is that the ODM Members to copy from the Jubilee side. We need respect for each and every Member, Mr. Speaker. I can assure you I am a Meru warrior and I am not a coward *(Applause)* my grandfather fought for Mau Mau in the forest and he had three wives and eighteen children.

I am not a coward and I do not have fear in my veins and I can assure you I will get what I want when the time comes, Mr. Speaker. I wish you a Merry Christmas and a prosperous 2019.

(Laughter)

(Applause)

Hon. Deputy Speaker: Hon. Jagero!

Hon. Millicent Jagero: Thank you, Mr. Speaker, I support this Motion we really need a break from this House and it has been one of its own in this year and we have passed through many challenges and some of us came out great worries and soldiers.

As we adjourn the Assembly I would like to urge all the Members to have peace within themselves before they make peace with others, so has to leave with harmony with each and every person. Learn to love yourself before you love someone else. When you instil love inside you the love will definitely be instilled or trickled to those you hate so much, may you all have a prosperous Christmas, as we all meet again next year.

Hon. Deputy Speaker: Hon. Waithera, Can you reply.

Hon. Waithera Chege: Thank you, Mr. Speaker, I wish to thank all Members for supporting this Motion. However, I need to remind them that the Committee sittings and site visit will continue. From the Governor's and the leadership's desk he wishes you all a Merry Christmas and a Happy New Year. I beg to reply.

Hon. Deputy Speaker: Hon. Members, adjournment has no question. As we go for our recess I would like you to take note that Committee is also going on recess until in the mid-January at a date to be communicated later by the Clerk.

I also want to take this opportunity, Hon. Members as the Speaker today it is my hope that the Almighty God will protect the Members and their families of this House and the Staff until we meet next year. I also want to communicate to you that the House leadership wishes you a Merry Christmas and a Happy New year.

ADJOURNMENT

Hon. Members, pursuant to the provision of Standing Order 20 (1) this Assembly adjourns until Tuesday, 12th February, 2019 in accordance with the calendar of the County Assembly regular session, may God bless you all. Thank you.

(The House rose at 4.51 p.m.)

