



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 23rd October, 2018

The House met at 2.30 p.m.

(Hon. Acting Speaker (Mr. Chege Mwaura) in the Chair)

PRAYER

QUORUM

Hon. Acting Speaker: Clerk, confirm if there is a quorum.

Sergeant-at-Arms to ring the quorum bell for five minutes.

Proceed Clerk. We do have quorum.

NOTICE OF MOTION

Hon. Acting Speaker: What is your point of order the Hon member of Nairobi West ward?

Hon. Maurice Gari: Under Standing Order 56(h), Mr. Speaker I am so disturbed person at the way our things are moving. We had issues of bursaries of which we were given. Some were not cleared and the financial year is going to end. There is no hope on issuance of other forms of bursary. Mr. Speaker you know it is only bursaries that we can show our constituents that we are doing something. If not that we are done!

(Some members spoke off record)

Mr. Speaker take people back to induction.

Hon. Acting Speaker: The Hon. Maurice Gari you are raising point of order under 56 (h) and it is about motions that maybe moved without a notice and on (h) it is question of privilege. I have heard you move on a question of bursaries. What is the issue of privileges you feel have been undermined with regards to the issue of bursaries. Or what is the question you would want to raise specifically about bursaries before I pronounce myself to it?

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Hon. Maurice Gari: Thank you Mr. Speaker. Sometimes protect us from our members!

Hon. Acting Speaker: Order! You are on point of order. I will give him his chance once we know exactly what you want.

Hon. Maurice Gari: He was trying to interrupt me. This is house of debate. Mr. Speaker it is just yesterday when I was selected to that committee; I have not seated in that committee. I was disturbed because the year is going to end, there are no new forms because you know how we used to get the forms when the children were going to close schools. We had our forms, distribute them and when they come back in January they were ready and cheques were also ready for children to go back to schools. That is what I wanted to put across. I am not against anything about the committee. The committee can deliberate anything they want but I can raise my concerns here if I am not satisfied with the committee issue.

Hon. Acting Speaker: The Hon. Maurice Gari is raising a question in regards to bursaries. Hon. Gari what do you want us, before I open the floor, because I am supposed to know exactly what you want the house to do with regard to your issue.

Hon. Maurice Gari: Mr. Speaker with authority of your seat we want your direction or you indulgence to the executive, because you have seen this anomaly and the bursary has had many issues. We want direction from you or we want a word from the House whether we will get these forms as we want to get these forms this year so that we can prepare ourselves for the parents have started knocking the door for the second bursary. We wanted the indulgence of the Speaker if you can be a go between us and the executive so that we know what is going on- if we can get the forms or not - and prepare the parents earlier. We are going for our long recess and if you go for long recess there is nothing we will be doing without those forms. That was my cry.

Hon. Acting Speaker: I hear you Hon. Gari but I am also not very clear with what you want in regards to what I am supposed to do. Is the chair of Education here? The vice chair is here. You heard what Hon. Gari is talking about? I would want us to have small discussion because he wants to run away from putting a specific notice or specific question to that. I wanted us to know where we are in terms of bursaries. Mr. Chairman of Education?

Hon. Samuel Mwangi: Thank you Mr. Speaker. As a committee we have done our part. We were supposed to be going for a retreat to look at the regulations of the bursaries but as we know the executive don't have the money. We have also been chasing on the pending cases. We know we have a lot of people who never got their cheques and I know these are the concerns the members are raising. Therefore as the committee we need the assistance of the committee of the whole assembly because we are on a dead end. Thank you.

Hon. Acting Speaker: Hon. Majiwa is it the same issue so that we dispense it or it is substantively here?

Hon. Geophrey Majiwa: Mr. Speaker this is a serious matter and I think even the input of the vice chair is not enough.

What these Members need it is your intervention Mr. Speaker because from what is going around is that we are not going to get new forms, neither are we going to get the cheques that we brought in for

corrections. I remember when we discussed this matter with His Excellency the Governor in Mombasa he directed that this will be released as soon as we reach Nairobi.

Mr. Speaker, it is now two weeks and it is approaching the third week from the time we came from Mombasa and Mr. Speaker what it is disturbing more is that personally I overheard a phone conversation between the Chief Officers from Finance Department when I went to follow my own cheques and it was very unfortunate that the money we are talking about here it is not in their account.

I really do not know what happened to this money because the first time it was taken to Maryland and back, now the balance which was brought to the account it is not there. Mr. Speaker, you know that in this County there are Members who have been accused of endorsement of this funds. Yet the bigger junk of fund has been embezzled from the County accounts. We may need to be given a statement who embezzled this money from County accounts because right now we want the head of finance to come and explain where the money went.

I overheard them saying that there is no money in their account that is why they are playing around with the issue of signatories. The story of signatories is just a gimmick there is no money in that bursary account and we need to be told what happened with the money because the Governor is on record having said that he released Kshs. 357 million.

We have not exhausted that fund and we need to be told because the residents of this City know very well that we have the money at our disposal. We brought cheques for correction only and we did not bring them for custody and I think the correction should not take more than a week. I do not know why Members are here asking questions and getting no answers Mr. Speaker. This issue should be at your doorstep and must deal with it like yesterday. Thank you, Mr. Speaker.

Hon. Acting Speaker: I wanted us to have a common thread that we know what exactly needed, but it is now shaping up. Hon. Mark Mugambi is on a point of order.

Point of order

Hon. Mark Mugambi: Thank you, Mr. Speaker, I rise to support my fellow Hon. Gari, in regards to the bursary issues because am one of the Hon. Member that I am finding it hard to explain it to the ones who missed their cheques at the ward. You will find that some of us cannot be able to go back to our offices because when the parents come here and there are no cheques they expect you to go back to your pockets and give them something so that their children can be able to go back to school.

I think Hon. Speaker, it will be great if your input can be felt or if you can allow Hon. Gari to proceed with this motion so that we can sort this issue of bursary once and for all because you will find that we are having it difficult because It has reached a point that we cannot be able to go to our offices.

Hon. Speaker, intervene and as a House, we should see how best we can discuss this issue. We know very well that when we were taking back the files and forms there were measures that were been put down, that we arrange our documents in order.

As for me the Hon. Member of Umoja (1) Ward, I do not understand how after meeting the requirements that the Committee of Education had requested us to give out and do, most of my cheques went missing. Therefore, before even we discuss the next forms for the next financial year, I think the Chair

of Education Committee needs to advise us on what went wrong and if we are going to get the cheques that were returned back for those who did not get or we are not get anything. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. Hon. Minority Whip.

Hon. Peter Imwatok: Thank you, Hon. Speaker, for allowing me to put my sentiment about his issue and what I want to say is that let us face it, that there is an animal in the House and this animal is the incompetence of the Government. In the History of this County, it is the first time ever that a Hon. Member will be lamenting and complaining about the issue that pertains to the citizens of this County which is the bursary.

When we look at the budget that we passed, that is 33.8 billion shillings, is a fraction that even not 1% of the budget that goes directly to affect the lives of that individual in Korogocho, Kibera, Makogeni, Soweto, Umoja and anywhere else.

Hon. Speaker, I do not understand as the chair put this casually as I am speaking and he is speaking that is why I am saying there is a problem with some Chairs and Vice Chairs. They must be keen, some but not all like my chair of Trade who is a very powerful chair.

Hon. Acting Speaker: What is your point of order on Hon. Thuo!

Point of order

Hon. Charles Thuo: Thank you, Mr. Speaker, we cannot allow it to go into the record that someone who has never been a Chair of any Committee in this Assembly challenging the integrity and intellect of Chairs; that cannot go on unchallenged. He should know that the Liaison Committee is made up of Members who are competent and able. He is certainly not to that level that is why he has never been a Chair. Thank you, Hon. Speaker.

Hon. Peter Imwatok: Thank you *Mheshimiwa* for reminding me. There was once an upon a time when I was a pioneer and a Chairman of Public Accounts Committee in the second biggest Assembly of Kenya, after the Parliament, which is the this House and in HANSARD as you know I laid the foundation of all the ingredients required of PAC and seated with me is my second successor Doctor Odalo. That shows you I am really a leader and mostly I am the president of CASA.

Hon. Acting Speaker: Proceed and withdraw that statement.

Hon. Peter Imwatok: Hon. Speaker, I just want to inform him who I am and the next person in this County. So What I was saying, I beg to withdraw that statement as you have said; not all are incompetent. If you are incompetent and others are competent...

Hon. Acting Speaker: Order! Order, Hon. Minority Whip!

Hon. Peter Imwatok: I withdraw, Hon. Speaker.

Hon. Acting Speaker: If there is an incompetent person, you know the procedure of bringing it up. Since he is not there and we know you are a senior Member of this House, every Member who is in the panel of Chairs has the capacity to deliver. You know that, right?

Hon. Peter Imwatok: That is why already I have told my officers, those letters were supposed to be on your table this afternoon. What I am saying here is that let us not pretend. You might pretend because you don't want to speak about these issues. Hon. Charles Thuo knows that some of us came back to this Assembly because we touch lives every time. There is that kid somewhere there who just needs Kshs.5, 000

to go back Pumwani Secondary School. I think the Acting Chair or the Vice Chair of Education has said that we can convert this Assembly to the Committee of the Whole House to discuss the issue of bursaries. Why have they not distributed?

Hon. Speaker, you are aware that we asked a question on the status of the bursary issuance. We were given the report and went to the Committee and the issues we raised in the Committee were very pertinent. Up to date, there is more of PR than actualizing what we speak as Hon. Members. I support the Vice Chair and Members who have asked this question. Can we convert a day to discuss the issue of bursaries? These kids are at home. Those kids who started benefitting from the Governor's bursary were cut midway because of purported political inclinations. It is not a request any longer. If it is not possible, we send a message that for the first time in the history of this County, the current administration has refused to give out bursaries so that Kenyans should not blame me for not giving Makongeni people bursaries.

It is only in this County that every sector is under investigation. Tomorrow I might bring a motion to move DCI offices out from Kiambu Road to City Hall because anything someone does is under investigation.

Mr. Speaker, I urge the entire House to stop pretending that there is no problem in our wards yet there is. Parents are in our houses and kids keep calling us asking when they will get help but we come here putting on ties and expensive suits yet we don't speak. I propose under Standing Order No.1 that this is a matter of importance, there is no need of discussing many motions and statements if this important issues that touches on our children's future--- Let us discuss it now and make a decision. If need be we summon the CEC in charge before the Assembly; we make the resolution so that we know if there are bursaries or not.

Hon. Acting Speaker: Point taken. Hon. Gatune.

(Point of Order)

Hon. Acting Speaker: What is your Point of Order, Hon. Ochola? If you are contributing then you will be out of order.

(Hon. Ochola spoke off the record)

Hon. Acting Speaker: You are out of order, proceed Hon. Gatune.

Hon. Antony Gatune: Thank you, Mr. Speaker, I rise to support all the Members who have spoken before me. I would like to say that there seems to be a deliberate action being taken by the Executive for us Members not to have bursaries or there is a directive not to issue the forms. We went to the Executive to follow up the matter but the truth is there is no money in the account.

Also, this issue of bursaries makes us all *Waheshimiwas* the same because you find that if it is the normal development in the wards, we have not achieved so far. Again, it has started to rain and people have started complaining about the roads. At least if we have the bursaries, we will have something to calm them down. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. Hon. Wilson Ochola

(Hon. Ochola spoke off the record)

Hon. Acting Speaker: Order! You are not on record. Let them put your mic on. I would want you to be on Hansard. Move towards your left where the Serjeant is.

Hon. Wilson Ochola: Mr. Speaker, there is only one solution to the issue of bursaries, to sack the CEC for Education and the Chief Officer. Thank you very much.

Hon. Acting Speaker: The Hon. Charles Thuo. I will give the final one on this side and we close the matter.

Hon. Charles Thuo: Thank you, Hon. Speaker for giving me this opportunity to speak about bursaries. Hon. Speaker and those people who are serving for the second term know that bursaries are important to us, no question about that. But let us not forget that issuance of bursaries is not our role. We actually break the law every time we collect cheques and issue to members of the public. Whether you like it or not, bursaries are meant to be issued by the Executive and that is what happens in other counties. Members need to know that.

(Loud consultations)

It is my time. You know I am the least person you can intimidate, so you need to put effort.

Hon. Acting Speaker: Order! The Hon. Member is entitled to his views.

Hon. Charles Thuo: Hon. Speaker, I refuse to engage in battle of wits---

Hon. Acting Speaker: Proceed.

Hon. Charles Thuo: Thank you. What am I trying to say? I am a politician and I need those bursaries, but trying to intimidate the Executive for a role that they have just donated to us will not work. We need to change the way we approach this issue because the truth of the matter is that the Governor can take those bursaries and issue them. That is what the law says. You may not like it but it is the truth. Thank you so much.

Hon. Acting Speaker: Hon. David Ayo.

(Loud consultations)

Order, Minority Whip! You cannot shout, you had your chance. Proceed, Hon. Ayo.

Hon. David Ayo: Thank you, Mr. Speaker sir. Please, protect me from the two Members, they had their own time to speak.

(Loud consultations)

Hon. Acting Speaker: Order! Hon. Thuo, leave in peace. Proceed, Hon. Ayo.

Hon. David Ayo: Thank you Mr. Speaker sir. With all due respect, I would like to put this one in black and white. That you give at least every member who asks for permission to speak in this House rather than allocating more time to the same members. Thank you.

Hon. Acting Speaker: Order! Have you seen impropriety in the way I have been giving priority for people to speak?

Hon. David Ayo: Mr. Speaker sir, I would like to say that there are some Members who are allocated more time to speak.

Hon. Acting Speaker: Order! The Hon. Members request and when you requested, I gave you a chance. If somebody has more to say and I have allowed them, what is wrong with that? I have given you time to express your views.

Hon. David Ayo: Thank you Mr. Speaker sir. Let me just share what I have, regarding the bursary because that is what we are airing right now. Mr. Speaker sir, we are glad to have one of us as the Speaker of the House. That is Hon. Mwaura. He knows very well what we, as Hon. Members are going through. That

is why we feel privileged to have you. On the issue of bursaries, some of us returned the cheques that were supposed to be corrected. To date, parents come from far to come and collect their cheques. They are always in our offices seeking for the cheques that they returned. They haven't received the cheques yet. Mr. Speaker, we beg that you take this matter personally and help the Members. Help these honorable members from this suffering. Our parents outside there are giving us problems. Every time they come to our offices, we must give them fair to go back upcountry. Mr. Speaker sir, kindly help these Hon. Members. Thank you.

Hon. Acting Speaker: Are you okay with the time?

Hon. David Ayo: I am okay.

Hon. Acting Speaker: Thank you. Hon. Mwaura Samora.

Hon. Mwaura Samora: Thank you Mr. Speaker sir for giving me this moment to talk about this very serious issue. I have two points that I want to discuss about this issue of bursaries. I happened to have been a member of the committee on Education before the reshuffles. And what the Vice Chair said about there being no money in the executive to take the committee members for a retreat for such a serious issue is an issue that should be taken seriously. There are many committees that have been going for executive functions and are yet to be paid. So, it is upon the Chair to put it across to the Executive that they don't need to be paid before they go. They can go and then be paid later because this is a very serious issue. As a Member mentioned, we might be first timers in this House but in our research about politics, many people have survived elections purely because of their bursary history. So, it is a very important issue to be taken seriously by the Executive.

The second one is to support the issue of the Committee of the Whole House. I think, as an Assembly, we need to take a drastic action that will make the Executive take seriously the issue of bursary. We can even decide as an assembly to sabotage everything from that side until they know how serious bursaries are. For example, in my ward, almost 100 people never got cheques. I don't know if they will ever get them.

There are some offices that have been closed. We don't know when they will be opened. I was a member of that committee. We invited the executive and we never got a conclusive answer as to when those cheques will be issued. I have to keep on lying when I am asked by parents when they will get their bursaries and I don't know. They don't know the Executive. They know I am the one who is supposed to give them. So, Mr. Speaker sir, I think you should take this issue personally. We believe in you because you are one of us. These are challenges that we have undergone. We beseech you that you take action even if it is suspending every other business in this House until this issue is sorted once and for all. Thank you very much.

Hon. Acting Speaker: Thank you. The Hon. Kennedy Oyugi.

Hon. Kennedy Oyugi: Thank you Mr. Speaker.

(Hon. Member spoke off the microphone)

Hon. Acting Speaker: Order! Order Hon. Minority Whip. Allow your member to have the floor. He has been on request for a while. Hon. Oyugi is on the floor.

Hon. Kennedy Oyugi: Thank you Mr. Speaker. I don't want to repeat what the other speakers have said but I want to have a radical suggestion. That we adjourn the business of the House for at least 30 minutes. Let us not leave the responsibility to the Speaker. The issue of bursary is for us all. Let us all march

to the offices of these guys as at now. We should not do it at any other time. I suggest we adjourn at least 30 minutes earlier so that we go to the offices of the Chief Officer and CECM of education. We need the answers now, not tomorrow. Thank you Mr. Speaker.

Hon. Acting Speaker: The Hon. John Kamau.

Hon. John Kamau: Thank you Mr. Speaker. I rise to support the motion. This is a culture that has started, of rolling up our projects. When we were issued with the cheques, I brought 100 cheques to be reviewed. We are now going for the 4th or 5th month and I still have no answer. Mr. Speaker, this is not the role of the Governor. It is not at the mercy of the Governor to give us cheques. When we were campaigning, we told the voters that when we are elected, we will be giving them bursary cheques.

And as you can see we are going on our recess in the near future and still we do not have any forms that are to be filled. Mr. Speaker, I do concur with the Vice Chair of Education but my question is this, do we have to go for recess or to deliberate on bursaries, a subject that is so very serious and our children are at still at home? Mr. Speaker, the children that I was supposed to issue cheques to - the hundreds of cheques – are still at home. So, Mr. Speaker, and all the nominated and elected leaders this is my take, that I think it has come to a point that in this House things are supposed to be taken seriously.

If it is bursary issuance we should be given the bursaries because now the Executive is seeing as if we are not serious. If it is to adjourn this House so that they can tell us where our cheques are... Mr. Speaker, as I was saying we have started rolling out projects, the cheques are there and yet they still have not been issued and now they are saying that they are going to give us other cheques and still others are lying in our offices. Mr. Speaker and the whole House, it is now or never that we take action. Thank you.

Hon. Acting Speaker: The Hon. David Mberia.

Hon. David Mberia: Thank you for this opportunity. Mr. Speaker, I think there is somebody somewhere who is after the political lives of the members of this House. Mr. Speaker I was elected in 2007 as a Councillor; that was when Hon. Majiwa was the Mayor and we started issuing bursaries then. I came back in 2013 because of those bursaries and I was elected thereafter in 2017. Mr. Speaker, we are not begging the Executive to give us bursaries, it is an ongoing culture and it has been there before, even before the County Governments were formed we used to issue bursaries as Councillors. Mr. Speaker, you are one of us, you are a Member from Ngara and you probably came back because of these cheques you are issuing to the parents.

Mr. Speaker, I brought close to 100 cheques for simple spelling mistakes and close to another 100 cheques in my office because probably parents did not come to claim them or the phone numbers were lost. I have close to half a million worth of cheques uncollected and my Ward was allocated 3.5 million shillings and I want that money to be exhausted. Mr. Speaker, we need your help because some of these members cannot speak in this House. Mr. Speaker, there is a problem and the problem is the other arm of the Executive. Mr. Speaker, this current Government has two arms, this House and the Executive and we need to check these CEC officers and chief officers; there is a problem Mr. Speaker and if this House does not rise to the occasion we are in deep trouble. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. Finally the Hon. Juliet Ndegwa.

Hon. Juliet Ndegwa: Thank you, Mr. Speaker. Mr. Speaker, I think we need to look at this very categorically because a lot of issues have been raised and even if the Executive and the Assembly have a

cordial working relationship before and now of bursaries being dispensed we need to ask ourselves a very vital question and I will split the question into two. First of all, we know that the office bearers are not in office so how do we expect the cheques to be redone and the bursaries be dispensed? I don't know if you have given a go-ahead Mr. Speaker, but even as we are marching to the offices are we marching to offices that have been closed?

Secondly Mr. Speaker, the budget that was given for the bursaries, it needs to be audited to see whether all the money has been used because I believe each and every Ward was given a certain amount of money and if that money has not been used it needs to be topped up. So, for example if Hon. Kamau's bursaries were not all given and he has a balance of maybe Kshs. 500,000, that Kshs. 500,000 should be topped up to the next year so that instead of Kshs. 3.5 million he has another Kshs. 500,000 on top because this is money that has been budgeted for and it could go to waste if it is not used. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. I rise so that we can conclude this matter because I can see from both sides that there is concurrence on what the Hon. Maurice Gari had raised. However before I completely finish, Standing Order 56 talks about the Motions that maybe moved without a notice and it goes ahead to say what categories of motions they are. Standing Order number 51 talks about how you proceed in bringing a Motion. This is a weighty matter and I would wish - because I know it is a weighty matter - for you members so that in case you have such a matter, think about it earlier, present it so that it also does not go around in terms of procedure.

However, I allowed it because it is a burning issue and looking at the requests I received I thought that I would like to hear what the members had to say about it. Standing Order number 51 also says, let me read it for you so that we get some guidance, "*...except as otherwise provided for by these Standing Orders, notice shall be given by a member of any Motion which a member or a committee proposes to move. Before giving Notice of Motion the member shall deliver to the clerk a copy of the proposed Motion in writing and signed by the member and the clerk shall submit the proposed Motion to the Speaker.*"

So if the Motion has been brought it is easier for us because now you commit yourself but I did allow it because I know it is a big issue when it comes to issues of bursaries and that is why I wanted to first of all get some concurrence with the Committee Chair so that at least we hear what their issues were and he did say that they are having some problems proceeding with it. I have followed your deliberations and I want to give a proper communication that is well thought out tomorrow so that all the issues that have been raised are dealt with.


Hon. Acting Speaker: You recall that even Hon. Oyugi was proposing that we adjourn the house and walk straight to the CEC's office. But then again we are procedural members who must follow some laid down procedures. I will task myself to give you a proper communication so that you trace the basis of how you want us to proceed with this matter.

In the same breath I also want to welcome back the Hon. Karani, good to see you in good health. Proceed with the procedure of the Order paper, continue. The Motion shall be given a proper communication from this office tomorrow. Proceed, Clerk.

STATEMENTS

Hon. Acting Speaker: We are on Order No. 7, responses to statements. We do not have any statement requests, we have responses. The Chair Justice and Legal Affairs?

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RESPONSE TO STATEMENT ON THE ILLEGAL OCCUPATION OF THE COUNTY GOVERNMENT'S PREMISES

Hon. Jayendra Malde: Thank you Mr. Speaker. We have the response for Hon. Waithera Chege. Mr. Speaker, on 1st August, 2018 Hon. Waithera Chege rose on the floor of the assembly pursuant to Standing order No. 45 (2) (c) and requested the Chairperson of the Sectoral Committee on Justice and Legal Affairs for a statement regarding the illegal occupation of the County government's premises at the Ward level. According to the Member unknown persons have invaded the County government's premises at the Ward and established all kinds of businesses making it impossible for members of the public to access such offices with ease for instance, Nairobi South Ward.

This invasion has resulted in disorder and increased opportunities for insecurity. The Member further asked the Chairperson to inquire into and report on:

1. Who authorized the unlawful use of County government's premises meant for offices and service delivery for commercial purposes; and
2. The County government's plans to remove the illegal businesses currently occupying its premises meant for administrative purposes, for instance in Nairobi South Ward.

Mr. Speaker the committee wrote to the Chief Officer, Security, Compliance and Disaster Management on 6th August, 2018 inviting him to a meeting of the Committee on 14th August, 2018. The purpose of the meeting was to enable the Chief Officer to furnish the Committee with a response to the statement requested by the Member.

In this regard Mr. Speaker, I beg to report to the assembly as follows:

Unknown persons who have invaded the County government's premises at the Wards to establish all kinds of businesses making it impossible for members of the public to access such offices with ease, for instance in Nairobi South Ward.

Mr. Speaker the committee was informed that the officers from the City Inspectorate visited the mentioned site on 7th August, 2018 and removed the existing illegal structures used as a workshop for making furniture and had not obtained any County documents to carry out the business. The items were impounded and taken to Dagoretti booked under serial number 561/18.

Mr. Speaker, the Committee was informed that the other premises on the site had been granted notification for acceptance of proposal for modern kiosks from City Planning department and had valid licenses to operate their businesses. Mr. Speaker, Hon. Waithera Chege was satisfied with the response given by the Chief Officer. A copy of the detailed response has been given to Hon. Waithera Chege who had requested for the statement and a further copy is hereby attached to this response.

Mr. Speaker I beg to lay this statement. Thank you very much.

Hon. Acting Speaker: Thank you Chairman. This question I can see a bit of it was you Hon. Waithera and Benson Mwangi. But I can't see Hon. Benson. Hon. Waithera proceed, you want to put something on this matter?

Hon. Waithera Chege: Thank you Mr. Speaker sir. I confirm that the job was well done I have actually commended the committee led by the Chairman and the job was done with speed and accuracy that it deserves. So, I am satisfied. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. The statement has been laid, the same Chairperson do you have a response from a statement requested by hon. David Mberia?

Hon. Jayendra Malde: Thank you Mr. Speaker. I have another answer for Hon. David Mberia also.

Hon. Acting Speaker: Proceed

RESPONSE TO A STATEMENT ON THE ALLEGED UNETHICAL CONDUCT AND RACIAL DISCRIMINATION BY CHADARANA CHAIN OF SUPERMARKETS

Hon. Jayendra Malde: Mr. Speaker, on 2nd August 2018, Hon. David Mberia rose on the floor of the assembly pursuant to Standing order 45 (2) (c), and requested for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the alleged unethical conduct and racial discrimination by Chadarana chain of supermarkets in their operations in Nairobi County.

According to the member Chadarana chain of supermarkets recently hit news headlines on allegation of bias and racial discrimination in its operations. This came as a result of a leaked internal email by the supermarket's Marketing Specialist sent to the Marketing/Event Manager. The said chain of supermarkets came under sharp criticism of being biased in their operations by favouring white persons over other races.

The Member further asked the Chairperson to inquire into and report on:

1. Whether such correspondence were ever made;
2. Whether the alleged or said discrimination against certain communities actually happened;
3. The current inter-racial employment ratio
4. Whether all the employees of the institution are paid equal pay for the same job and evidence of the same;
5. Whether the Executive Orders by H.E the Governor to cancel the Chadarana chain of supermarkets license has been effected; and
6. Measures the County Executive is putting ---

Hon. Acting Speaker: Order! Hon. Gari you know a huge chunk of your population is from his origin the same with Ngara. So I don't know how you get their votes if you can't understand how the Hon. Member is talking. Hon. Chairman so that the members understand a bit, do not twang so much. Proceed.

Hon. Jayendra Malde: Okay, thank you Mr. Speaker.

7. Measures the County Executive is putting in place to prevent such discrimination by businesses operating in the County.

Mr. Speaker, the Committee wrote to the Chief Executive Officer of Chadarana Food Plus on 23rd August, 2018 inviting him to a meeting of the Committee on 5th September, 2018. The purpose of the meeting was to enable the Chief Executive Officer to furnish the Committee with a response to the statement requested by the Member.

In this regard Mr. Speaker, I wish to report to the assembly as follows:

- a. *Whether the alleged or said discrimination against certain communities actually happened?*

Mr. Speaker, the committee was informed that the correspondence was sent by an expatriate employee who was on probation since he had a special pass which was expiring on 5th August 2018. The expatriate had been hired to work on the online platform as a graphic designer. The committee was also informed that the expatriate had been tasked to research on prospects of getting businesses from employees working temporarily in embassies and related mission staff enroute Kenya. He went ahead and wrote to the embassies without a go ahead and she never copied the emails to anyone in the organization, which they admit was an oversight by the senior management.

b. The current interracial employment ratio?

Mr. Speaker, the committee was informed that Chandarana is a private company and that there are no legal restrictions in employment and that the percentage of Kenyans is 98% and 2% for non-Kenyans. The committee was further informed that in management, there are 69 employees 23 of them being non-Kenyans and that the company does not base its employment on race, type or colour and therefore not in a position to provide interracial data as requested since it will violate the national cohesion and integration commission Act.

c. Whether all the employees of the institutions are paid equal pay for the same job and evidence for the same?

Mr. Speaker, the committee was informed that all employees are properly remunerated based on their employment contracts and in accordance with the relevant labour laws. In addition attached to this report is a copy of the payroll report for the month July 2018 for the staff

d. Whether the Executive order by his Excellency the Governor to cancel Chandarana chain of supermarket license has been effected?

Mr. Speaker, the committee was informed by the Chief Executive officer of the chain store that they never received any order from the County Government. Similarly the County Attorney did not provide the LH order

e. Measures the County Executive is putting in place to prevent such discrimination by businesses operating in the country?

His Excellency the Governor reprimanded the owners of the said supermarket for their biased and racial discrimination and was meant to bar other investors engaged in similar bias and racial discrimination. Mr. Speaker, hon. David Mberia was satisfied with the response given by the County Attorney and a copy of the detailed response has been given to Hon. David Mberia who requested for the statement and a further copy is hereby attached to this report. I beg to lay this statement. Thank you very much

Hon. Acting Speaker: Thank you Chairman. I cannot see Hon. Mberia and so I will assume that he was satisfied. Let us proceed to the next order.

MOTION

ADOPTION OF SITE VISIT REPORT

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(Resumption of debate interrupted)

Hon. Acting Speaker: There was a resumption of the debate and a reply was done and so for purposes of the serious members present, I would request that the Vice Chair Education give us some closing remarks on the motion so that I put the question

Hon. Samuel Mwangi: Thank you Hon. Speaker. I beg to rely to this motion. It was debated on the floor of the floor of the Assembly on 8th August 2018 and a question was to be put by the Speaker who deferred the motion to a further date. The report was returned to the committee who were also supportive of the same report. Hon. Speaker, I want to thank Members for supporting this motion. Thank you.

Hon. Acting Speaker: Thank you Vice Chair Education

(Question put and agreed to)

Hon. Acting Speaker: Proceed

MOTION

Hon. Acting Speaker: What's your point of order Hon. Redson?

Hon. Redson Onyango: First of all I want to congratulate you for your appointment and to say that under Standing Order number 36, we lack quorum.

Hon. Acting Speaker: Thank you. I presume that it is not your maiden speech? Continue like that and I will be giving you time to speak and contribute

Hon. Redson Onyango: Thank you

Hon. Acting Speaker: Clerk to confirm. Sergeant-at-Arms to ring the bell for 10 minutes.

(Quorum bell rang for 10 minutes)

ADJOURNMENT

Hon. Acting Speaker: Hon. Members we were not able to raise quorum. I want to thank the members who have put up to now. It means that you are serious with the business here even though you have better things to do outside there. Members present, if you choose to proceed without alerting the chair then I will allow you to proceed. For now I close the business till tomorrow 2:30 p.m. The House Business committee meets after the rise of the House. Thank you.

The House rose at 2.51 p.m.