



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Wednesday 26th September, 2018

The House met at 2.30 p.m.

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

PRAYERS

Hon. Acting Speaker: Serjeant-at-Arms can you confirm if we have a quorum. I have been informed that the quorum is okay and we can proceed with the business of the day.

COMMUNICATION FROM THE CHAIR

MATTERS AFFECTING THE COUNTY

Hon. Members, I have a communication to make with regards to matters affecting the County. Hon. Members, allow me to begin by specially thanking all of you for the opportunity to serve the House as the Speaker in Acting, capacity.

Hon. Members, yesterday when I gave my remarks I had indicated my willingness to steer this Assembly in a new direction, a direction that promises a unity of purpose in how we deliver our mandates for the benefit of the Nairobi residents. A direction that leads towards the path of dignity and development and a direction that delivers on the promises we have made as the representatives of the people and the direction that leads us to a better Nairobi City.

Hon. Members, events preceding today have served to derail us from embarking to direction which we all aspire as a City. We have committed ourselves to making an about-turn to persistently pursuing that new path whose alternatively destination is success, both for ourselves as an institution of devolved governance, and for this County at large.

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Therefore, Hon. Members, this is my challenge to you. That we shift focus henceforth and busy ourselves with nation building, playing our part from this corner of the republic. In that sense, Hon. Members, the Chair's attention has been drawn to matters of water resources sharing, as you Members have noted, that Nairobi and Muranga County, the matter that has greatly troubled the two Counties namely Muranga and Nairobi.

Indeed, the recent few days we have witnessed clashes regarding these matters. I am aware that the issue of water shortages in the City and mechanisms for dealing with the same has been dealt with in the past through the Select Committee on Water and Sanitation. I also want to inform you that I have had discussed with the Governor, regarding the issue of the water at Ndakaini and also had a discussion on phone with the Speaker of Muranga County. And in that regard we wish that the issue of the water sharing and the Water and Sanitation Committee be charged to engage in this matter on our behalf as we try to look for an amicable way to solve the situation.

Hon. Members, the Chair has also been in touch with the relevant authorities around these matters, as well as the County Executive and I believe it is important that we engage formally, with our colleagues in Muranga County Assembly with purpose of finding a solution through a bipartisan approach as allowed under section 14 (5) and (6) of the County Government Act, 2012.

Therefore, Hon. Members, forward this matter to the Select Committee of Liaison for further action and reporting within the next two days. Thank you.

PETITIONS

DANDORA (I) WARD TOTAL STALL MARKET TRADERS

Hon. Acting Speaker: Hon. Peter Wanyoike, you have a Petition to present.

Hon. Peter Wanyoike: Yes and Thank you Hon. Speaker, let me first of all congratulate you to be elected the Third Speaker in the Nairobi County Assembly. Hon. Speaker I beg to lay the Public Petition pursuant to Standing Order 207 by Dandora (I) Ward Total Stall Market Traders.

Hon. Speaker, I draw the attention to Nairobi City County Assembly that aware that the Constitution of Kenya under Article 37 (15) and (88) of the County Government Act, 2012 provide the right for citizen to petition the Authorities or the County Government on any matter.

That whereas, as a residents of Nairobi City County and bona fide small scale traders within Dandora (I) Ward in an area popularly known as Total and Members of duly registered Self Help Group known as 'Total Stall Market Self Help Group', we wish to express our concern regarding forceful and illegal demolition of the traders stores by County Government officials.

That whereas, the traders initially occupied and operated from the area adjacent to the Dandora Primary School before being relocated to their current site in 2004 by authorities citing interference of the School's learning activities. The current site that is plot No.15 was allocated to the traders by the defunct City Council.

That whereas, the traders have operated on the said plot un-interrupted since 2004 and the defunct City Council and its successor the County Government has been collecting revenue from the traders in form trade licenses and land rates as demonstrated by various official receipts issued.

In addition, the County Government has been providing amenities such as toilets and waste/ garbage collection services and approved construction of the plot. Hon. Speaker, on Wednesday 29th August, 2018 the County Government officials without notice or lawful cause and armed with bulldozers descended on the traders' stalls and demolished them including goods therein.

Hon. Speaker, inhumane and the illegal action by the County Government rendered the traders helpless without any economic activities to support their living thus depriving them their economic and social rights under Article 43 of the Constitution and further violating the traders' right to own property under Article 40 of the Constitution.

Now therefore, your humble Petitioners pray that; the Nairobi City County Assembly intervenes and ensure that the County Executive:

- (1) Restores the traders to their trading site on Plot No. 15 at the 'Total' area in Dandora (I) Ward;
- (2) Re-constructs the demolished stalls; and
- (3) Compensate the traders' goods destroyed during the illegal demolitions.

Thank you Hon. Speaker and I beg to table.

Hon. Acting Speaker: Thank you, Hon. Wanyoike indeed that is a weighty matter that cuts across more than one Committee, because it talks about the issues regarding and relating to Planning and Trade. However you acknowledge that it is not a Statement so I cannot out rightly assign Committee to look into it.

I would also want us to have a more in-depth analysis into understanding what are the various issues and by that thinking I wish to propose that the Committee of Planning and the Committee of Trade can jointly select a couple of Members, maybe about six or more so that they can go deeper and give us a report on the same so that the issues of the Members moving forward are going to be taken very seriously. I also wish to hear the sentiments of Chairman of Trade and also Planning on the same matter in regards to the timelines. Chairman Trade! Vice Chair!

Hon. Jeremiah Karani: Thank you Hon. Speaker I'm here and I would like them to give us two weeks to be able to respond to the Petition.

Hon. Acting Speaker: Alright, Hon. Antony Kirangu!

Hon. Antony Kirangu: We will also take two weeks, like my counterpart has said although my efficient Committee would have done it in one week, but let us go in two weeks.

Hon. Acting Speaker: I think by having the two Committees working jointly then you can reduce it to about 10 or 11 days so that the Member can be satisfied. Alright two weeks it's okay. Hon. Wanyoike, is two weeks oka with you?

Hon. Peter Wanyoike: Hon. Speaker, I agree but the two Committees should work faster because the traders there don't have anywhere they can do their work so as to earn their living. So, if they can work within those two weeks I will appreciate it.

Hon. Acting Speaker: We will find a way of giving them enough facilitation so that they can also go and visit the area and even call up some of the officials to come to their meetings, so that we get a very comprehensive issue sorted because it is a Petition. Is that okay!

Hon. Peter Wanyoike: Thank you, Hon. Speaker, I would like to request because they are been harassed by the City County and the regular police. They are not to be seen around the plot. Hon. Speaker, I think with your indulgence you can save that situation.

Hon. Acting Speaker: I will have a meeting with you and the two Chairmen and agree on a formula with the assistance of the Clerk, so that we go through that matter as earliest as tomorrow. Is that Okay. Thank you. Hon. Minority Whip, are you on a Point of Order?

(Point of Order)

Hon. Peter Imwatok: Hon. Speaker, I speak on point 56 (h) that I want your direction on privileges. One of the staff came to my office this afternoon, because I am aware there is Speaker on the Chair who ruled yesterday that all matters as concerning the privileges of the House be presented before the Powers and Privileges Committee which I appeared personally yesterday.

But when we were on session here yesterday, there is a group of two or three who came purporting to be the Security Agency who harassed our Serjeant-at-Arms and some of them took their pictures and today they came back purporting to be the police. I would like to request you to give a directive that failure by your Chair, to give any directives from any foreign body that no one should interfere with staff near the Members. This is because the Serjeant-at-Arms, are kind of being frustrated at the gate entrance and they do this on the premise of the directive of the Assembly not on their own premise, kindly Speaker.

Hon. Acting Speaker: The Hon. Member your views have been captured although you are out of order, because you would have waited for the Statements segment to raise that issue. However, that matter shall be handled and we are going to give directions appropriately.

PAPERS

Hon. Acting Speaker: The Leader of Majority.

Hon. Abdi Hassan: Thank you, Mr. Speaker and congratulations for being elected as Acting Speaker.

Pursuant to Article 228(6) of the Constitution of Kenya, I beg to lay the following Paper on the table of the Assembly today, Wednesday 26th September, 2018: National Government Implementation Review Report for the first 9 months of the financial year 2017-2018. Thank you, Mr. Speaker.

(The Paper was laid and committed to the Committee on Budget and Appropriations)

Hon. Acting Speaker: There is also a paper to be laid by the Committee on Culture and Community Service. Is the Chair around? Hon. Oyugi, are you standing on behalf of the Committee? I can't see your request, you can use the one for Hon. Majiwa.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Pursuant to Standing Order 191(6), I beg to lay the following Paper on the Table of the Assembly today, Wednesday 26th September, 2018: The report of the Sectoral Committee on Culture and Community Services on the inspection visit to Tom Mboya Fire Station to establish the capability of the fire station to put off fires in the County. Thank you, Mr. Speaker.

(The Paper was laid)

Hon. Acting Speaker: The House Business Committee will schedule a time that you will be given to be able to interrogate that report and debate on it effectively. You are aware that the fire station in question is within the CBD and is one of the major installations when it comes to fire response. The office of the Clerk can find a way of ensuring that every Member has been given that report. We will allocate time probably next week where we will be dealing with the reports that have just come so that they do not go and gather dust yet a serious committee went out of its way to come up with a report.

Leader of Majority.

Hon. Abdi Hassan: Thank you, Mr. Speaker. Pursuant to Article 228(6) of the Constitution of Kenya, I beg to lay the following Paper on the table of the Assembly today, Wednesday 26th September, 2018: County Government Budget Implementation Review Report for the first 9 months of the financial year 2017-2018. Thank you.

(The Paper was laid and committed to the Committee on Budget and Appropriations)

Hon. Acting Speaker: Next Order.

STATEMENTS

Hon. Acting Speaker: Hon. Member for Githurai.

Hon. Naftaly Mathenge: Congratulations for being elected as the Acting Speaker.

Hon. Speaker, the Committee on Powers and Privileges is established pursuant to the Standing Order 183 as read together with Section 15 of the County Assemblies Powers and Privileges Act, 2017 (the Act). The Committee's mandate amongst others, as outlined under Section 15 of the Act is to:

- a. Inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege;
- b. Either of its own Motion or a result of a complaint made by any person, inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege;
- c. Investigate, table reports and make recommendations to the floor of the House;
- d. Issue summons to witnesses to appear before the committee; and
- e. Receive evidence and to request for and receive papers and documents from the Government and publics.

Further, as envisaged under Section 18 of the Act as read with Article 195 of the Constitution of Kenya, the committee as constituted has the same functions as a High Court of Kenya.

Hon. Speaker, the County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in

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plenary. The Select Committee on Powers and Privileges exercises its mandate by investigating any matter pertaining conduct of members and staff within the precincts of the Assembly.

Pursuant to the provisions of Standing Order 183 as read together with Section 15 of the Act, the Select Committee on Powers and Privileges had a committee meeting to deliberate and lay modalities on how to proceed with matters that had been placed before the committee for investigation. This was necessary for the effective discharge of the Committee's mandate.

Subsequently, the Select Committee on Powers and Privileges held the first sitting on the 19th day of September 2018 at the Assembly Chamber Boardroom between 9.30 a.m. and 12.00 p.m.

Acknowledgement

Hon. Speaker, I wish to acknowledge with gratitude the cooperation of the members of the committee and the secretariat for their dedication, untiring commitment and valuable contributions during the sitting and for availing themselves for the meeting and deliberating on the way forward for the Assembly.

Overview

The Select Committee on Powers and Privileges is seized of investigations into the alleged unethical conduct of members within precincts of the Assembly on or about 10th of September 2018. At its first sitting to consider the matters placed before it regarding various summons by the EACC issued to Members of the County Assembly and staff on ethical concerns, the Select Committee on Powers and Privileges considered the requests at length, deliberated on the implications of such requests in the long run in terms of the sanctity and dignity of the House, especially as regards breaches of parliamentary privileges and immunities, the committee found it necessary that a cogent work plan be put in place for dealing with the matter.

The primary mission of the Committee as regards this matter is to establish a range of facts around the events that transpired on or about 10th September, 2018 at the Office of the former Speaker of the County Assembly, for which the EACC issued summons to members.

Task Outline: on-going work items

Mr. Speaker, the Committee shall hold a total of nine (9) sittings to deliberate and investigate the matters before it as follows:

- a. The First sitting was held to deliberate extensively on the summons issued by EACC and set the ground rules for the inquiry, review the letters and allegations therein, review video footage of the incident and prepare a work plan.
- b. The Second sitting was held on 25th September 2018, during which invitations were sent to three (3) Members of the County Assembly affected by the summons from EACC.

(Point of Order)

Hon. Acting Speaker: Hon. Ogeto, you are on a Point of Order?

Hon. Moses Ogeto: Yes, I stand on a Point of Order No. 44(3) about statements. I don't know if the Chair of Privileges is reading a statement or a report. The Standing Order is very specific and explicit---

Hon. Acting Speaker: Hon. Member, you are on a Point of Order No.?

Hon. Moses Ogeto: No. 44(3) where a member during statements' hour should not speak for more than three minutes unless with the permission of the Speaker. I have tried to have the same report so that we can go through it.

Hon. Acting Speaker: Hon. Member, I hear your sentiments but the Vice Chair of Powers and Privileges Committee requested some time to be able to give a progress report on what they have been handling. You know the matters they have been handling are weighty, that is why I have given him some discretion to be able to advise the House on how it is important to give them support. He is within that mandate only that he might reduce the minutes. Or you have an issue?

Hon. Moses Ogeto: I have no problem with that. The problem is that he is reading a statement which you have said it is a progress report. It is important that we have the copy of the report.

Hon. Acting Speaker: The issue of supplying the House with reports or any other papers is not in the purview of the Hon. Member. I think it is a weakness from my office or the office of the Clerk. We will be able to address, we apologize for that. Are you satisfied?

Hon. Moses Ogeto: Yes.

Hon. Acting Speaker: Proceed, Chairman.

Hon. Naftaly Mathenge: Thank you, Hon. Speaker. We are just outlining our progress, so the report will follow---

Hon. Acting Speaker: Chairman, further three minutes will be okay with you?

Hon. Naftaly Mathenge: Yes.

- c. The Third sitting was held today 26th September 2018, in which the Committee heard from additional witnesses, being five (5) Members of the County Assembly affected by the summons and allegations from EACC, including the Chair, Sectoral Committee on Labour and Social Welfare.
- d. The Fourth sitting to be held tomorrow 27th September 2018 will see the Committee hear from the County Police Commander.
- e. Hon. Members, we will also be receiving evidence from the Hon. Mary Ariviza, MCA, as forwarded to the Committee regarding her conduct during the proceedings on 25th September, 2018.
- f. The Committee will then retreat to Mombasa for purposes of Report writing and recommendations.

All proceedings of the committee are being covered by Media. Thank you, Hon. Speaker.

Hon. Speaker: I hear you and thank you for giving the House the progress report. We expect the substantive report out once you are done with your time so that you come up with a comprehensive report. You are aware that the matters you have been touching on are very weighty so we expect a very well done report. Thank you. I am guided that there is a response into a statement by the Chairperson of the Select Committee of the County Finance & Budget and Appropriations. It was requested by the Hon. Geoffrey Majiwa regarding the conflicting revenue figures announced by the CEC Finance and the collections by

JamboPay. Is the report ready, Budget and Appropriations Committee? Vice Chair? Member, Budget? Yes, the Vice Chair is here.

Hon. Themendu Karani: Thank you, Mr. Speaker. First of all I take the opportunity to congratulate you for being elected Acting Speaker. In fact we are very delighted with you and I think you should be confirmed as the substantive Speaker of this House... *(Laughter)*

Hon. Speaker: Order Member, proceed.

Hon. Themendu Karani: Mr. Speaker, we have the report but it is not yet ready for tabling today, maybe we can do it tomorrow.

Hon. Speaker: Hon. Geoffrey Majiwa, on the issue of your question to the Select Committee of Budget, have you heard anything from the Select Committee of Budget?

Hon. Geoffrey Majiwa: Thank you, Mr. Speaker. I was given the report like an hour ago and I have not had the time to go through it so I may not be able to competently say what it is about and I will need some time to understand it before I accept or reject it.

Hon. Speaker: Alright. The Vice Chair, Budget, please avail the report tomorrow so that you can actually read the report and also give the Hon. Member time to have looked into it and I also order the Clerk to ensure that every Member receives a copy of what is happening so that they can be going through it. The issue is not a Majiwa issue, it is a Hon. Majiwa issue and an Assembly issue so I direct that Members be given the copies by tomorrow. Is that okay with you, Vice Chair of Budget?

Hon. Naftali Mathenge: That is okay, Mr. Speaker, thank you.

Hon. Speaker: The Minority Chief Whip.

Hon. Peter Imwatok: Mr. Speaker, I still invoke Standing Order 56(h) on Privileges. I think this must now be taken into consideration. This morning I was privileged to attend a meeting of the Education Committee and Chair I think in the history of Parliament mostly the Ministers, Assistant Ministers sit in the front row so that we know them. Today I was perturbed, I walked into a Committee and I did not know that the Member who was chairing was the Vice Chair of the Education Committee and therefore, I want to request your kind leadership and the Majority Leader who leads the Government side to make sure that the front rows are being occupied by the Chairpersons and Vice Chairpersons. Some of them are so aloof that we do not know if they are Chairpersons or Vice Chairpersons and this brings us into confusion. For example, the Chair for Budget should be seated next...

Hon. Speaker: Order Hon. Member. You must be alive to the fact that the House is a modern chamber whereby every seat has a microphone and any member can transact business from whichever seat that they are in. Secondly, you also understand that the Speaker or the Acting Speaker is a member who is conversant with most members so it is very easy for me to pick out a Chair or a Vice Chair from where they sit. Finally, for purposes of *HANSARD*, the order that you quoted was erroneous and I think you have just confused a bit. So for the purposes of *HANSARD* I direct that Standing Order 56 has nothing to do with your request and you are a senior member, you should be able to grasp these matters. Next. Yes, Hon. Ogeto.

REQUEST FOR STATEMENTS

Hon. Moses Ogeto: Thank you Mr. Speaker and also the Chair of Budget. There is a statement which I requested in January and that statement came before this House, but I said I was not satisfied and they said they are going to bring back a comprehensive report. Therefore, Hon. Speaker, the Chair should also commit himself, when is he going to bring a comprehensive statement which I had requested. So, Mr. Speaker, the Chair should also commit himself before the House or do I forget about this statement?

Hon. Speaker: Order, Deputy Minority Whip. You cannot forget a statement that you have already committed to the House, it stopped being a Hon. Ogeto question and it became a House question. I will take charge with the Chairperson because I am sure that I had seen the Chair of Budget here. We are going to iron out that matter and tomorrow he should be giving you a progress report and if he does not have that then we will take the necessary measures. The Hon. Ayoi, you had a request for a statement?

Hon. David Ayoi: Yes, thank you, Mr. Speaker. I wish to take this opportunity to congratulate you for being elected as the Acting Speaker and I also wish you all the best. I wish to request for a statement pursuant to Standing Order 45(2)(c) from the Chairperson of the Sectoral Committee on Planning and Housing regarding grabbing of land LR No. 209/3361 by an individual who has also closed the public road and personalized the public parking along Wang'apala Road in Parklands Ward. Hon. Speaker sir, the land LR No. 209/3361 is public land located along Wang'apala Road in Parklands Ward. However, the said land has been grabbed by a private developer who has constructed a hotel by the name Concord Hotel. The said developer has also closed the public road and personalized a public parking which was part of the said land. Hon. Speaker sir, in the statement the Chairperson should enquire into and report on:

- 1) The approval for the construction of the hotel on public land; and
- 2) Measures the County Executive has taken to ensure that grabbed public land in the County is reverted back to the County including this particular land.

Thank you.

Hon. Speaker: I was consulting a bit because... Before I commit the Committee of Planning on a good response I have also seen the Member for Parklands and I do not want us to have a conflicting issue when it comes to areas of jurisdiction. However, I know that the Hon. Ayoi once you have become a member, much as you represent Gatina you are here to represent the issues of Nairobi as a whole but it is also important that I hear some sentiments from the Member for Parklands. Hon. Jayendra let me make it clear, I want us to hear your view on the question. Are you in concurrence?

Hon. Jayendra Malde: Thank you, Hon. Speaker. First and foremost I congratulate you for being elected the Acting Speaker and wish you all the success. Hon. Ayoi brought the statement and it is true that the public road has been grabbed, so I am very okay about that. Thank you, Speaker.

Hon. Speaker: Thank you very much, we wanted concurrence. The Chair of Planning and Housing... I saw the Chair was not here. Is the Vice Chair or any member for planning here? The Hon. Daniel Ngengi, the Member for the CBD.

Hon. Daniel Ngengi: Thank you, Mr. Speaker. I would like to take this opportunity to congratulate you for being elected Acting Speaker and I wish you all the best. We request for two weeks, Hon. Speaker.

Hon. Speaker: Hon. Ayoi, the Member on behalf of the Committee is asking for two weeks and I heard the Chair arguing that they expedite matters within a week but since he is not here to commit a member has committed for 2 weeks. Are you comfortable?

Hon. David Ayoi: Most obliged, Mr. Speaker sir.

Hon. Speaker: Thank you very much. So, two weeks it is.

MOTION

Hon. Speaker: Hon. Peter, are you on a Point of Order?

Hon. Peter Wanyoike: Mr. Speaker, I don't think we are done yet because I have a response to a statement.

Hon. Speaker: You had a response?

Hon. Peter Wanyoike: Yes.

Hon. Speaker: Chair, allow us to put your matter tomorrow on the Order Paper for the members to acquaint themselves with the contents of your response so that they do not feel ambushed. That is if you do not mind.

Hon. Peter Wanyoike: Okay, Mr. Speaker. I would urge that you give me time to go over this statement because it has been awaited since May.

Hon. Speaker: We are just requesting for 24 hours. We will put it tomorrow on the Order Paper.

Hon. Peter Wanyoike: That is okay. Next order.

Hon. Speaker: The Motion of the Hon. David Okello. Just before I give you a chance I can see the Hon. Member for Karen has an issue. What is your issue Hon. Mberia?

Hon. David Mberia: Mr. Speaker, thank you for the opportunity. I rise on Standing Order number 56(h) on a question of privilege, but before then let me take this opportunity to congratulate you on your election victory yesterday. I know that you are equal to the task. Now it is our colleagues who are at the helm of the County Assembly Service Board and I know the members are expecting a good result. Mr. Speaker, you are one of us, the Leader of Majority is one of us and so too is the Leader of Minority, we are all colleagues. We expect a lot from you. Mr. Speaker, you all know that the County Assembly Service Board is running a scheme for car loan and mortgage...

Hon. Speaker: Hon. Member, you are on a Point of Order.

Hon. David Mberia: We expect a lot from you. Mr. Speaker, we all know the County Assembly Service Board is running a scheme of Car Loan and Mortgage---

Hon. Acting Speaker: Order Hon. Member, you are on a Point of Order and we are just about to give the Hon. Member---

Hon. David Mberia: Mr. Speaker let me go to my question on payment, I am rising today a third time to move a Motion on a question of privilege. I know today is your first day in office and I remember rising twice on this question of privilege, Mr. Speaker. Since I rose on this matter and raised this issue regarding the payment of members' salaries for those who served in the 1st Assembly and never served a full term as

contemplated in the Constitution and have since been deleted. The Chair has never advised nor came back to the House with a response as promised.

Hon. Speaker I need your attention.

Hon. Acting Speaker: You have my full attention and kindly have your seat for a minute. The Hon. Member 66 (h) talks about the Motion you are raising on the question of privilege and the issues that you are also raising are also quite weighty. I request because you want to move a motion so that the House doesn't turn to be ambushed, that we have a discussion with you about the Motion and then we can slot it for tomorrow.

Hon. David Mberia: Mr. Speaker I haven't finished my---

Hon. Acting Speaker: Yes because you are out of order.

Hon. David Mberia: I don't think so Mr. Speaker.

Hon. Acting Speaker: Yes you can rise at any time to request to put your matter on the same issue on any issue that is affecting Nairobi. But then you are also proposing to move a Motion, right? So there are procedures which are very clear and as I promised I will give you a chance to move it in a proper manner whichever way you are not going to be gagged, Hon. Member and you are a senior member you know that.

Hon. David Mberia: I was trying to raise this issue Mr. Speaker as it regards the welfare of---

Hon. Acting Speaker: Hon. Member as much as it is not your first time but you are aware that the Member in the Chair is sitting for the first time as the Chair, so give me time so that you can also prove me wrong. You are out of orders Hon. Member.

Hon. David Mberia: Let me finish what I wanted to---

Hon. Acting Speaker: I will give you ample time tomorrow once I satisfy myself that what you are going to bring to the House is of benefit of the whole House. You are aware that in the gallery there is a battery of journalists who are willing to pick up anything and everything so if you allow us also to have vetted what we bring so that by the time it goes out to the press, it is something that every member of this House want to be associated with.

Hon. David Mberia: Thank you.

Hon. Acting Speaker: Thank you for your concurrence. Hon. David Okello, from Huruma.

Hon. David Okello: Thank you very much Mr. Speaker. First and foremost, let me take this opportunity to congratulate you for being the first elect Acting Speaker since the dispensation the Kenyan new Constitution. Mr. Speaker on behalf of Huruma Ward, we wish you well.

Coming to the Motion since you know that Motion is very weighty, very important and touching on the welfare and the life of Nairobi County, I want to defer this Motion for some few amendments so that next time we can fine-tune it to be--- I am standing on Standing Order No. 71, Mr. Speaker.

Hon. Acting Speaker: Proceed you are on the floor.

Hon. David Okello: Thank you Mr. Speaker for protecting me on that because some of the members feel that they are very senior, very brilliant and they can intimidate us when we are talking. Thanks a lot Mr. Speaker; I defer that Motion for further amendments. Mr. Speaker there are some things that I want to clarify in this Assembly. Mr. Speaker we have been going out for a retreat with the Executive and they have not been paying us. So as our able Speaker---

Hon. Acting Speaker: Order Hon. Member! Take your seat so that I can give directions on this matter. Hon. Members, the Hon. David Okello I can recall very well that he presented a Motion and that the good House Business Committee allocated it time. However, the Hon. member has requested time to make a few changes to the same Motion, I am guided by Standing Order 58 that says; *“(1) Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Member wishes to propose in accordance with these Standing Orders may be moved and, if necessary seconded at any time after the question upon the Motion has been proposed and before it has been put.*

(2) When any amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put to question.”

Whatever you are saying Hon Member, you want to put some changes in your motion. How long do you want to do that?

Hon. David Okello: Mr. Speaker, you can give me one month.

Hon. Acting Speaker: No Hon. Member. Have your seat. Order!

(Point of Order)

Hon. Moses Ogeto: Point of order No. 95---

Hon. Acting Speaker: I am aware, I am guided. The Hon. David Okello has requested to amend his own Motion; the Hon. Ogeto is taking us to Standing Order No. 95 that talks about declaration of an interest. But then again you must be guided that the Motion was his in the first place, so unless he is added more interest to it, because he had---

Hon. Moses Ogeto: *(Inaudible)*

Hon. Acting Speaker: I will give you a chance hold in aberrance but the Hon. Member for Huruma your Motion I am giving you tomorrow so that you can make all the necessary amendments that are there and we are going to take it back in the House Business Committee for re-allocation. Are you okay with that?

Hon. David Okello: Mr. Speaker it seems as if I will not be around for those days---

Hon. Acting Speaker: Hon. Okello you are at liberty to withdraw your own Motion but you are not going to play monkey business with motions that are already committed to the floor. So if you are comfortable I am going to throw your Motion out and there is no compromise.

Hon. David Okello: Then Mr. Speaker let me give it one week, next week Thursday.

Hon. Acting Speaker: We are giving you tomorrow because you know the amendments that you want to make and then you commit your own Motion. Otherwise if the amendments will not have reached my office by close of business tomorrow, that Motion will stand withdrawn. Are you okay?

Hon. David Okello: We can still talk about it Mr. Speaker. What I wanted to say is that tomorrow I will not be around Mr. Speaker and that is why I am asking for more time.

Hon. Acting Speaker: Order! Hon. Okello let me---

(Point of Order)

Hon. Moses Ogeto: Point of Order No. 55---

Hon. Acting Speaker: The Hon. Ogeto is giving you for withdrawing your Motion because under Standing Order No. 55 talks about withdrawal. Order! I know you want to educate the Member on how to remove his Motion but he must---- Order members! When you commit any document to this House you must be very clear on what you want to do because once it is committed it stops being your issue. We are giving you the final chance to make it your issue and if you have any amendments that you want to propose you do it tomorrow and those amendments must also have a seconder, that is what the law requires that the amendment motion must again be seconded and if we are going to vote, to agree to the amendments or not, so that we now go to your former Motion or we go the new Motion.

Hon. Moses Ogeto: *(Inaudible)*

Hon. Acting Speaker: The Hon. Ogeto, you want to advise on the issue of David Okello? It is okay.

Hon. Moses Ogeto: Hon. Speaker you know this is a House of rules and procedure, if a member under Standing Order No. 95 if he has an interest in this Motion, let him declare. Standing Order No. 55 is very clear. If he thinks that he needs time, he can bring this Motion after six months. We are not going to be swayed away by members who think that we have some interests in some motions for us to support the motions.

If he has thought that it is wise for him to withdraw this motion, let him withdraw it completely. He can bring it after six months.

Hon. Acting Speaker: The Hon. Okello we were having a discussion you have heard your advice from your own Deputy Minority Whip. I had given you a request that if you want to make the amendments by tomorrow, you bring them otherwise I will refer back the matter to the House Business Committee for further reallocation.

Hon. David Okello: Mr. Speaker that is why earlier I told you, I asked you, I begged you to protect me because there are some members who feel that they can intimidate other members like David Okello any time they like and that is why they are saying I have an interest in this Motion. I don't have any interest in this Motion but I have the interests of Nairobians who are going to use all these facilities. What I am saying and what I am asking Mr. Speaker is that you give me up to Thursday next week. Protect me but that is what Hon. Odallo is saying, just protect Mathare, your neighboring Constituency.

Hon. Acting Speaker: I hear you Hon. Okello. Have your seat so that the House also understands what you are talking about. The Motion by Hon. David Okello MCA and Hon. Member for Huruma Ward in Mathare Constituency had a motion resolving that the Nairobi City County Executive identifies and establishes modalities for allowing youth groups in each Ward to run and manage public toilets under the supervision of the Environment department within a streamlined pay per use framework that encourages efficiency. It is not a Mathare issue, it is a Nairobi issue and there is nothing wrong with your proposal. It is only that I was giving you a chance so that you tell us what are the issues that you want to make to the amendments. You have asked for one week and I think because this is the first time and I also don't want you to be intimidated by this Chair, I will give you leeway that we give you up to next week on Tuesday, you present any amendments that you want to commit so that the House Business Committee tables it. So, I

think by Monday all the amendments should be there so that as the House Business Committee is sitting they look at your amendments so that they can be brought on the floor of the House, it can be scheduled.

Hon. David Okello: Thank you very much Mr. Speaker for protecting me and accepting my request.

Hon. Acting Speaker: Thank you. Hon. Ogeto you are also aware that---

Hon. Moses Ogeto: Hon. Speaker it is good that you have given him time Hon. Speaker. Again in the same amendments which he want to bring, it must be seconded so that the same amendments which a members should second those amendments according to Standing Order No. 55 (1). It is very clear, Hon. Speaker.

Hon. Acting Speaker: Hon. Ogeto we have already agreed with the Member that, everything that he is going to be proposing for amendments must be seconded on the floor of the House. Thereafter, he brings them so that we can take them to the House Business Committee which you are a member, you look at the amendments and he will be given a chance to read them at some time that the same shall be allocated by the House Business Committee, he will look for a seconder and we will deal with it at that time.

ADJOURNMENT

Next order! Hon. Members there being no other business the House is adjourned until tomorrow Thursday 27th September 2018 at 2.30 p.m.

(The House rose at 3.51 p.m.)