



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Tuesday 3<sup>rd</sup> July, 2018  
The House met at 2.30 p.m.

*[Hon. Temporary Deputy Speaker (Mr. Evans Otiso) in the Chair]*

#### PRAYERS

#### STATEMENTS

**Hon. Temporary Deputy Speaker:** Chair Early Childhood, do you have a response for Osman Khalif? Is the Chairperson around?

**Hon. Leah Supuko:** Thank you Mr. Speaker. This is a response to a statement---

**Hon. Temporary Deputy Speaker:** Is Hon. Khalif present? I think he is not present.

**Hon. Leah Supuko:** So I shouldn't read?

**Hon. Temporary Deputy Speaker:** Yes. Kindly assume your seat

**Hon. Leah Supuko:** Okay

**Hon. Temporary Deputy Speaker:** Response from the Chairman of Water and Sanitation by the same Member? Let us go to the next order.

#### BILL

*Second Reading*

THE NAIROBI CITY COUNTY SPORTS MANAGEMENT AMENDMENT BILL 2018  
(BILL NO. 3 OF 2018)

**Hon. Temporary Deputy Speaker:** Mover

**Hon. Abraham Njihia:** That Clause 3 of the Bill be amended as it appears on the Order Paper as:  
*'In nominating the persons referred to in sub clause 2, the Governor shall take into consideration gender balance in the composition of the committee'.*

**Hon. Temporary Deputy Speaker:** Order Hon. Member! Mover?

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**Hon. Abraham Njihia:** Hon Chair, I beg to move that the Sports Management Amendment Bill 2018 (Assembly Bill No. 3 of 2018) be read a second time. Hon. Speaker, as you may be aware, the Nairobi City County Sports Management Act 2017---

**Hon. Temporary Deputy Speaker:** What is it Hon. Peter Imwatok? What point of order are you rising on?

**Hon. Peter Imwatok:** Madam Speaker, sorry it's *Bwana* Speaker! I am sorry I had not recycled my system. Let him move first then I bring the point of order

**Hon. Temporary Deputy Speaker:** Continue Hon. Member.

**Hon. Abraham Njihia:** Hon. Speaker, I move that clause 3 of the Bill be amended as it appears in the Order Paper. Hon. Speaker, I beg to move that the Nairobi City County Sports Management Amendment Bill 2018 (Assembly Bill No. 3 of 2018) be read the second time.

Hon. Speaker, as you may be aware, the Nairobi City County Sports Management Act 2017 was passed in the previous Assembly and effective operationalization of the Act was not realized due to absence of an operating committee and that is why the Nairobi City County Sports Management Amendment Bill 2018 was further introduced.

Hon. Speaker, allow me to give the plenary a brief importance of this motion. It is important that we understand that this particular Bill is of paramount importance to this County because it will provide efficiency and give continuity to the structure of sports and management. The amendment will see to it that only persons well versed with sports shall lead the docket and this shall enhance accountability and transparency in the sector.

Hon. Speaker, the committee will propose amendments to the Bill in Clause 3. The amendments are aimed at ensuring that the Governor shall take into consideration gender balance in the composition of the committee. For those few remarks Hon. Speaker, I beg to call upon Hon. Oyugi to second. Thank you.

**Hon. Kennedy Oyugi:** Thank you Mr. Speaker. As I rise to second this motion, I want to demand a correction. If you look at the Order Paper, it was laid by Hon. Oyugi and the paper being circulated indicates that it was laid by Hon. Okeyo. I think there is need for correction. Anyway I do second. Thank you.

**Hon. Temporary Deputy Speaker:** Yes Hon. Imwatok. On what point of order are you rising on?

**Hon. Peter Imwatok:** It is not a point of order as such *Bwana* Speaker. I am looking carefully at the amendments in the Bill and I do not remember whether copies were given. I know that we passed this Bill in the previous Assembly and an amendment proposed but what the previous clause says is not applicable.

It is therefore good if the Chair through the wisdom of this House be provided with what the previous clause said. Emphasis is on 'the Governor shall' and this must be explicit on what exactly it means so that we don't just rubberstamp the amendments on the Bills that we don't understand. I don't know if the Bill will proceed to the next stage without us knowing what the previous was saying before these amendments. Maybe the amendment of this particular clause will kill the spirit of the Bill. I request your directive, Mr. Speaker, if we can defer this agenda so that the entire Assembly will be provided with a copy of the original Bill.

**Hon. Abraham Njihia:** Hon. Speaker, I think the previous Assembly was supplied with the Bill and it was good for running of sports in this City. Only what we requested as Committee when it was brought in to our Committee, we just saw that the composition----

**Hon. Temporary Deputy Speaker:** Hon. Ogeto.

**Hon. Moses Ogeto:** Mr. Speaker, we want you to give us ruling. We need the Bill to be circulated to the Members. He is reading a Bill which was passed by the last Assembly. We only need the circulation of the last page of the Bill which was published and the current one. That is the concern of Hon. Imwatok. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Members, give the Member time to debate on the matter. Let him explain first and I will make a ruling later.

**Hon. Abraham Njihia:** Thank you, Hon. Speaker. I think the Hon. Members had gone through this Bill, it is only that we are proposing a small change on the side of the composition. We went through this Bill as a Committee and I have the Bill here. May be what we are proposing, I can read it to the Members. We don't want a scenario whereby when forming this board we will not consider things like gender balance---

*(Point of Order)*

**Hon. Peter Imwatok:** Chair for Culture and Social Services, we have no contestation about bringing amendments to this Bill, what we want to know is about the amendments. Two, the wordings in the amendment is mandatory. *"In nominating a person referred in sub clause 2, the Governor shall---*" In legal language, when you say *"shall"* it is mandatory, if you say *"may"* its optional. As an oversight role, can you circulate to us the original Bill? What was the previous clause saying? Was it an additional clause? If that clause will compromise the spirit of the Bill, this House will have the wisdom to reject the amendment. Even in this Order Paper, no one has quoted what the previous clause was saying.

Mr. Speaker, it is not the work of the Chair of Culture to provide for us this, it is you to rule that the in the next sitting---

**Hon. Temporary Deputy Speaker:** Hon. Member, you are trying to predict my ruling before I make my final ruling. Hon. Member, I am talking to you! You are the one who raised the concern. The Bill was circulated on 19th April, 2018. If you are concerned about it you would have gotten that. The new one is available at the Table's office.

*(Hon. Imwatok spoke off the record)*

**Hon. Temporary Deputy Speaker:** Hon. Member, I have not recognized you. Hon. Mberia, what is it?

**Hon. David Mberia:** Mr. Speaker, the question my boss is asking is, what is being amended. Can the Chair share with the Members the original clause that is being amended today?

**Hon. Moses Ogeto:** Mr. Speaker, last week we passed Appropriation Bill. The Bill was on our desks. For every clause the Chair of Budget was reading, every Member had it. What we are contesting is that what has been amended should be provided to the Members. We want to see what the previous Bill contained. Hon. Speaker and your secretariat should be provide us with this information.

**Hon. Temporary Deputy Speaker:** Hon. Member, the original Bill is available at the Table's office. Hon. Njihia, you have not responded to Member's concerns.

**Hon. Abraham Njihia:** Hon. Speaker---- *(interruption)*

**Hon. Peter Imwatok:** Mr. Speaker, I want to inform the Chair that what was circulated before this Assembly on 19<sup>th</sup> was an amended Bill but not the original Bill. Just like my senior has said, if you have to bring an Order Paper, you should show us which clause we are amending. Something is hidden here, so the Chair should come clean.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Minority.

**Hon. Elias Otieno:** Thank you, Mr. Speaker. I don't see any reason why it is difficult for the Chairman to defer this Bill to another time because Members don't have anything concerning this Bill. In fact I don't know what we are talking about in the Bill. Mr. Speaker, with your wisdom, ask the Chair to defer this Bill because it is not going to harm him and I hope you will bear with me. You should understand because I am senior to you so if I advise you should abide.

*(A Hon Member spoke off the record)*

**Hon. Temporary Deputy Speaker:** Hon. Oyugi! Are you Oyugi. Hon. Member, I am not biased. That accusation is not in order. You should stand up and withdraw. You are still talking when I am on the floor? That is against our guidelines.

**Hon. Antony Karanja:** I want to say that I have shouted that you are biased and I want to withdraw that truth.

*(Laughter)*

**Hon. Peter Imwatok:** Point of order, you cannot allow the Assembly to operate in this manner. Speaker, you cannot allow the Hon. Chair of Planning [Committee] to say that he has withdrawn the truth. *(Laughing)* It is uncalled for and it is unparliamentarily.

**Hon. Temporary Deputy Speaker:** Hon. Benson, you are a senior Member here, small tricks are not allowed here because we are in Parliamentary. We have to use simple descent language befitting a Hon. Member. You should withdraw it as well as ordered by the Member.

**Hon. Antony Karanja:** Thank you, Mr. Speaker, I want to say that I want to withdraw. However, I would like you to know that you have given a total of eleven times to the other side of this Assembly when I was on a point of order.

**Hon. Temporary Deputy Speaker:** Hon. Member, I think that one is not withdrawing. Just withdraw and resume to your sit.

**Hon. Antony Karanja:** With due respect, I withdraw and I apologize, thank you.

**Hon. Temporary Deputy Speaker:** Thank you, Hon. Member. Abraham!

**Hon. Abraham Njihia:** Mr. Speaker, I can see the mood of this House and I also feel that these Members need to be enlightened on Clause 3 and on the same before I beg for more time to take this Members through. Maybe I can say that this was just an addition to Clause 3 whereby when starting as a Committee we felt that the paragraphs were missing. You cannot be on a point of order because you are a Member of this Committee.

Hon. Speaker, I am begging maybe by tomorrow...

**Hon. Temporary Deputy Speaker:** Hon. Member, you are not requesting [for mic] and I gave those who were requesting the mic. Just request and say what you want to tell us.

**Hon. Anthony Karanja:** Thank you Hon. Speaker, I don't see the big deal about passing this Amendment. As a Member of this Committee I would like to mention that this Bill was silent on the issue of gender and according to Article 81 (b) of the Kenya Constitution it is only fair that we mentioned the word gender. I don't think it is a very big deal and it is very clear that Clause 3 of the Bill be amended by inserting a new paragraph immediately after paragraph (h) as follows:

*'In nominating the person referred to the sub-clause two the Governor shall take into consideration gender balance in the composition of the Committee'*. What this Committee is trying to tell the Governor is to remember Article 81 (b) of the Constitution that gender is an ingredient in nominating Members into this Committee.

I think we have spent a lot of time deliberating on this Bill and coming up with this amendment. I think it is a waste of resources and time if we can make time on inserting such a simple and direct amendment. In addition to that Hon. Speaker....

**Hon. Temporary Deputy Speaker:** Hon. Member, we are not wasting time. I think we are here to debate. We are not here to just sit down and not debate. Let us debate and come to the conclusion. There is no harm in debating. Members have the right to debate because they are representing their person that is why you have the equal right to defend the motion. So defend it and don't say we are wasting time Hon. Member. You might withdraw and continue.

**Hon. Antony Karanja:** Thank you and I withdraw the word 'wasting time'. Speaker I think it is also a challenge to the County Assembly Service Board to hasten the acquisition of tablets for this House because we could have had our Bills on tablets and we could have been able to reach to this particular point.

**Hon. Moses Ogeto:** Hon. Speaker with due respect, we are on Motion and I want to read a point of order 57. What Hon. Imwato my Whip was requesting for is that we be circulated with the previous Bill, but you are allowing a debate and you have not yet put a question. Hon. Speaker if it's an intention of moving then move the question then we debate and see what happens in the Motion. Thank you, Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Member thank you. The Hon. Member was on the floor wrongly because it is true you are anticipating debate and I have not proposed the question to invite for debate.

*(Point of order)*

**Hon. Temporary Deputy Speaker:** You still have an issue? On which Point of order are you raising on? Be categorical because we are not for--- Just stand up and say which issue is it?

**Hon. Anthony Karanja:** Point of Order 205 (5) (b)

**Hon. Temporary Deputy Speaker:** He is on a point of order, you cannot stand. Hon. Member I think you understand the rules.

**Hon. Anthony Karanja:** As I conclude--- Hon. Speaker protect me.

*(Loud consultations)*

**Hon. Temporary Deputy Speaker:** Yes Hon. Ogeto.

**Hon. Moses Ogeto:** There is no Point of Order 205 (5) (b) in the Standing Orders. Hon. Speaker can you please help us to move this Motion. If we are willing to pass it as Hon. Members, we pass it. That is it! Let the Member not juggle you with English here Hon. Speaker. Thank you.

**Hon. Temporary Deputy Speaker:** Hon. Ogeto you have to stand and withdraw. The Member is not throwing---Just address your fellow Hon. Member honorably.

**Hon. Moses Ogeto:** Hon. Speaker what I am saying ---

**Hon. Temporary Deputy Speaker:** Withdraw what you have said against the Hon. Member.

**Hon. Moses Ogeto:** I want to know what I am withdrawing, Hon. Speaker.

**Hon. Temporary Deputy Speaker:** You have said he is juggling.

**Hon. Moses Ogeto:** Juggling, as in English juggle. He is using a juggle English and that is not in order.

**Hon. Temporary Deputy Speaker:** No. he has not used juggle English, he is using the common English. Just withdraw that Hon. Ogeto. Order! Hon. Ogeto withdraw that statement against the Hon. Member.

**Hon. Moses Ogeto:** Juggling---

**Hon. Temporary Deputy Speaker:** He was not juggling, he was speaking. Hon. Member withdraw don't argue. Don't contrast the Chair please.

**Hon. Moses Ogeto:** Hon. Speaker he was talking on a Standing Order No. 12---

**Hon. Temporary Deputy Speaker:** Hon. Ogeto, withdraw.

**Hon. Moses Ogeto:** Hon. Speaker what do I withdraw?

**Hon. Temporary Deputy Speaker:** You have insulted him by telling him he is juggling.

**Hon. Anthony Karanja:** Hon. Speaker, kindly use your powers to eject that Member from this House.

**Hon. Moses Ogeto:** Withdraw what?

**Hon. Temporary Deputy Speaker:** withdraw that statement you have just---- Address the Hon. member--- No. I have not given you the mic Hon. Member.

*(A Member spoke off the record)*

**Hon. Temporary Deputy Speaker:** I have not recognized you Hon. Member, kindly have manners. Hon. Ogeto---No. Withdraw Hon. Member.

**Hon. Moses Ogeto:** I withdraw by saying that the Hon. Member is on a Point of Order No. 205 which is not in the Standing Order, I withdraw that.

**Hon. Temporary Deputy Speaker:** Not that one Hon. Member.

**Hon. Moses Ogeto:** Which one again?

**Hon. Temporary Deputy Speaker:** You have withdrawn the---

**Hon. Moses Ogeto:** Hon. Speaker, I withdraw the word juggling if by any case it is found in the Standing Orders.

**Hon. Temporary Deputy Speaker:** Hon. Ogeto, I am on my feet and I have requested you to withdraw. Otherwise you will regret why you said that.

*(Laughter)*

**Hon. Moses Ogeto:** Hon. Speaker, I withdraw the word Standing Order 205 (b) and juggling which is not in the Standing Order.

**Hon. Peter Imwatok:** Juggling means that if you have a liver in your hands, you are not sure if it is safe. Therefore the Hon. Member has withdrawn the word juggling and with the Standing Order which is not in existence.

**Hon. Elias Otieno:** Mr. Speaker--- I am standing on Point of order---

**Hon. Maurice Gari:** I think Mr. Speaker we are a House of rules and procedures and we should not behave like people who are in the market. If the matter is weighty, you can use your wisdom to defer the Motion; we still have some Motions her to discuss. So members----

**Hon. Temporary Deputy Speaker:** Hon. Gari I don't need to be advised. I have not asked for any advice from you.

*(Loud consultations)*

**Hon. Abraham Njihia:** Thank you Hon. Speaker again. I want to bring to the attention of the House that this Bill was moved by Hon. Oyugi on 19<sup>th</sup>. It was circulated to the Members and as you can see there is no change that we are making. The composition of this Bill is the same.

**Hon. Temporary Deputy Speaker:** What is it Hon. Member?

**Hon. Elias Otieno:** Mr. Speaker I think we agreed with the mover of the Bill to defer it as much as I am requesting him to do it. You wanted Hon. Ogeto to withdraw the word "juggling". You know the reason why I don't think it was bad is because juggling, according to international dictionary means "cheating in a tricky way" the Hon "Self-proclaimed Bishop" Hon. Ogeto was referring to was cheating because the Standing Order 205 (b) is not there. That is the reason why he was saying he was juggling. That he was cheating in a tricky way for the Speaker not to understand what he was talking about.

Meanwhile Mr. Speaker, instead of wasting a lot of time just allow the Chairman of Culture to defer this Bill rather than we waste a lot of time here.

**Hon. Benson Macharia:** Thank you Hon. Speaker. I am also a member of Culture and Community Services Committee and when a Bill is tabled for amendment in this House, it is no longer a property of the Committee or the individual who has tabled the Bill for the first time.

**Hon. Temporary Deputy Speaker:** Hon. Member on which Standing Order are you raising? Are you debating?

**Hon. Benson Macharia:** No. I am on a Point of order.

**Hon. Temporary Deputy Speaker:** Which one?

**Hon. Benson Macharia:** For my able Chairman.

**Hon. Temporary Deputy Speaker:** I think you are out of order. Hon. Member just resume your seat. I think we will defer the matter to next sitting tomorrow. Hon. Members to pick their copies from the Table office.

*(Loud consultations)*

Hon. Members I am speaking. You cannot be screaming when I am speaking, so all Hon. Members to pick their copies from the Table office so that we bring it to the House tomorrow.

**Hon. Temporary Deputy Speaker:** We will skip order number 9 and we go to the next order. Clerk.

### MOTION

#### SUPPORTING EFFORTS TO REJUVENATE NAIROBI CITY COUNTY

**Hon. Temporary Deputy Speaker:** Mover.

**Hon. Peter Imwatok:** Mr. Speaker, as the business community walks out allow us to debate. This is a House of rules and procedure. So, Mr. Speaker, allow me to move this Motion.

That AWARE the Nairobi City County as the seat of the County has been on a steady decline over the last two decades as evidenced by failed infrastructure and crucial public amenities;

Deeply CONCERNED that most of the development that has taken place in Nairobi over the last two decades has been unplanned and some developers both residential and business/commercial have failed to take cognizance of laid out city plans by subsequent city administrations including a newly established County Government now characterized, regretting that the results of the foregoing is the revolving chaos that now characterizes life in the city.

REALIZING that if nothing is done this steady decline spells doom for the country as a whole given that Nairobi County contributes roughly 60% of the Republics GDP.

APPRECIATING that the County Government of Nairobi in conjunction with the National Government has embarked on an ambitious programme for the rebuilding of the city known as the Nairobi Regeneration Programme.

NOTING that the programme kicked off with the creation of a multi task agency chaired by Tourism Cabinet Secretary Najib Balala and comprising of officers from both levels of Government as well as stakeholders who made a commitment to restore Nairobi to its former glory.

Further APPRECIATING that this programme carries great potential for the restoration of the city to global standards, this Assembly resolves to fully support the efforts of the National Government to rejuvenate Nairobi City County and take any legislative or policy measures to make that possible when called upon. Hon. Speaker, the spirit of this Motion...

*(Point of Order)*

**Hon. Peter Imwatok:** As we move the Motion you cannot rise on a Point of Order.

**Hon. Robert Mbatia:** I can stand on a Point of Order.

**Hon. Members:** You cannot!

**Hon. Peter Imwatok:** I propose that the Budget and Appropriation Committee Chair to do an early induction to the member to understand the procedure of the Assembly.

**Hon. Temporary Deputy Speaker:** Hon. Member, what is the point? Approach the Chair. Don't talk about Parliament and you have not approached the Chair. *(Loud consultations)*

**Hon. Peter Imwatok:** Which Standing Order? Mr. Speaker let us be procedural, which Standing Order? The member should be punished for quoting... Which Standing Order Hon. Speaker, before I sit down? Speaker, is this a bouncer, a Councillor or an MCA? Who is this Mr. Speaker?

**Hon. Temporary Deputy Speaker:** Yes, Member.



**Hon. Kennedy Oyugi:** The Hon. Member should withdraw his comment and apologize for claiming not to know who I am. Mr. Speaker sir, I think it is un-procedural for an Hon. Member like Imwatok to allege who is this member and even if he is asked in his mother tongue to...

**Hon. Temporary Deputy Speaker:** Hon. Matoke... Hon. Member...

**Hon. Kennedy Oyugi:** "Quorum during the proceedings of the County Assembly, if at any time the Chair..." Mr. Speaker, there is a lot of noise happening and they asked about the Point of Order, can they... *(Loud consultations)*

**Hon. Temporary Deputy Speaker:** The Hon. Member is on a Point of Order, please just be quiet.

**Hon. Kennedy Oyugi:** In the spirit of handshake you should be listening to the Majority Leader here. *"If at any time after the Chair is taken or when the County Assembly is in Committee a member objects that there is no quorum present the Speaker or the Chairperson shall counsel the Assembly or the Committee as things may be; (2) If on the account under paragraph 1 a Quorum does not appear to be present the Speaker or the Chairperson shall cause the division bell to be rung as a division and if no quorum is present at the expiration of the 10 minutes, if the Speaker is in the Chair, the Speaker shall adjourn the County Assembly until the next sitting with the Question put"; (b) if the County Assembly is..."*

**Hon. Temporary Deputy Speaker:** Hon. Member, it is okay. You have raised the concerns the way it is designated, let the Clerk confirm whether it is... Hon. Alvisa, this is not a concert room. We do not want to hear some unnecessary voices. Hon. Members, let the Clerk... *(Loud consultations)*

**Hon. Peter Imwatok:** Hon. Speaker, you would have allowed me to move the Motion before...

**Hon. Temporary Deputy Speaker:** Clerk? *(Loud consultations)* Searjent- at- Arms, please ring the bell for 5 minutes.

*(The quorum bell was rang for 5 minutes)*

## ADJOURNMENT

**Hon. Temporary Deputy Speaker:** Hon. Members, Pursuant to Order 36(2) *"if on the account under paragraph 1 a Quorum does not appear to be present the Speaker or the Chairperson shall cause the division bell to be rang and if no quorum is present after the expiration of the 10 minutes, if the Speaker is on the Chair the Speaker shall adjourn the County Assembly until the next sitting without a question put"*.

In that case now the House stands adjourned until 4<sup>th</sup> July, 2018 at 2.30 p.m. and the Assembly Business Committee to convene at the rise of the House at the chamber board room. Thank you.

**The House rose at 3.30 p.m.**