



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 9th October, 2018

The House met at 2.30 p.m.

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

PRAYERS

Hon. Acting Speaker: Clerk, do we have quorum? Proceed.

COMMUNICATION FROM THE CHAIR

ISSUANCE OF WARD OFFICES IMPRESTS

Hon. Acting Speaker: Hon. Members I wish to welcome you back after the weekend and I have the following communication to make regarding the Ward offices imprests. Hon. Members you are aware that it has been an issue and I thought that it would be important that we clear the air as far as the issue of imprests is concerned. The Chair has been made aware of the Members concern regarding the requesting and processing of the imprests of the Ward offices and I wish to address this concern as follows:

Hon. Members that, by law and indeed by practice, the issuance of imprests and expenditure for public finances is regulated under the provisions of Public Finance Management Act 2012. Accordingly, the processing and handling of Ward imprests falls within that scope. While Members have expressed concern of the foregoing, information in my desk is that about 60 Wards have the active accounts. There are about 10 more that have signed for the imprests and the expectation is that they will be opening the account soon.

Hon. Members, about 25 Wards do not have active accounts and therefore must have or must be experiencing difficulty accessing imprests. For those with reimbursements and the procedure as you are all aware is that you must file requests with your receipts and invoices or any other such evidence of expenditure. Therefore Hon. Members, you are encouraged to move with speed to operationalize your Ward office bank accounts for those who haven't to avoid similar difficulties and to access imprests in future and also to comply accordingly when requests are reimbursed.

In short we are saying that since all the Members have Ward offices, the issue of imprests is ongoing, if you have had any issues go to the Accounts office and follow it up. The one that do not have issues, everything is going on as usual, if you have an issue take it up with them to rectify it as fast as possible so that your services in your Ward offices are operationalized as soon as possible. Thank you.

PAPERS

REPORT ON THE EFFECTIVE MANAGEMENT OF THE DELEGATED COUNTY LEGISLATION COMMITTEE

Hon. Acting Speaker: There are papers to be laid by the Chairman of Delegated Legislation, Hon. Wahinya from Ngando, or the Vice Chair of the Committee, Hon. Wanjiru? Do we have any Member who was briefed on the papers to be laid by the Delegated County Legislation? Hon. Mheshimiwa Ndonji on the same, on the issue of Delegated County Legislation?

Hon. Joseph Ndonji: No.

Hon. Acting Speaker: Yes Hon. Okello from Huruma.

Hon. David Okello: Thank you Mr. Speaker. Pursuant to Standing order No. 191 (6), I beg to lay the following paper on the Table of the Assembly today Tuesday 9th October, 2018. The report of the Select Committee on Delegated County Legislation on the effective management of the committee held from 22nd to 25th March, 2018 at Travelers Beach Resort, Mombasa. I beg to lay.

Hon. Acting Speaker: Thank you Hon. Member. I haven't got any other agenda on Order No. 5, so let's move to the next order.

NOTICES OF MOTION

Hon. Acting Speaker: The Hon. Leader of Majority.

Hon. Abdi Hassan: Mr. Speaker sir, I wish to move the following Motion. That, pursuant to the provision of Standing Order 18, this Assembly approves the appointment of the following member to the Chairperson of the Speaker's Panel; Hon. Emily Oduor MCA be appointed to the Speaker's Panel to replace Hon. Kennedy Obuya. Thank you.

Hon. Acting Speaker: It is a Notice of Motion, so the proper debate shall be scheduled by the House Business Committee. Proceed. I am advised that there is a supplementary paper. Clerk, circulate.

STATEMENTS

STATEMENT ON THE ISSUANCE OF TITLE DEEDS ON L. R.71/7/1 IN KAHAWA WEST

Hon. Acting Speaker: The Hon. Member from Kahawa West, Hon. Gatune you have a request for a statement.

Hon. Anthony Gatune: Thank you Hon. Speaker. Pursuant to Standing Order 41 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding issuance of title deeds on L. R.71/7/1 in Kahawa West, Nairobi County. Hon. Speaker the above mentioned land in Kahawa West is owned by individuals who have not been issued with title deeds even when the President had given orders for them to be given the title deeds with immediate effect.

Hon. Speaker, in the statement the Chairperson should inquire into and report on:

1. Who is supposed to issue out the titles as ordered by the President;

2. Plans put in place by the County government to ensure that people are issued with title deeds to prevent issues of land wrangles; and
3. Measures put in place to ensure that all land occupied without proper documentation in Nairobi County are regularized.

Thank you, Mr. Speaker.

Hon. Acting Speaker: The Hon. Anthony Gatune, the Chairperson is putting a question regarding the Planning and Housing Committee, the Chairman of Planning is he in the House, the Hon. Member for Waithaka, the Vice Chair, any member from that committee can take it up. Hon. Ndumia, you are on the floor?

Hon. Ruth Ndumia: Yes Mr. Speaker. Thank you Mr. Speaker I stand to request that we be given two weeks. I also stand to congratulate you Mr. Speaker for the new seat and I wish you well in the four years. Thank you, Mr. Speaker.

Hon. Acting Speaker: Hon. Gatune, the Committee of Planning through Hon. Ndumi is requesting that you wait for two weeks, are you comfortable?

Hon. Anthony Gatune: Yes I am sir. Thank you.

Hon. Acting Speaker: Proceed. The next request for a statement is from the Member of Woodley Ward.

Hon. Abraham Njihia: Thank you Hon. Speaker. First of all I want to congratulate you on your election as the Acting Speaker and basically I had a statement which I have not received a response yet. But Hon. Speaker I am rising because I have some issue with statements. Hon. Speaker in November last year I had requested for a statement from the Chairman Budget Committee and I have not received my response. Then gain in February this year, I requested for two (2) statements from Planning Committee and up to today I have not received the responses.

Hon. Speaker, I am seeking your indulgence, I don't know where to run to because I have waited now for almost a year and I have not received these responses. I am therefore seeking your indulgence, I don't know whether may be I take them to Liaison or where. May be Hon. Speaker you can help.

Hon. Acting Speaker: Hon. Member you are out of order. I gave you audience so that you ask your question, and then from there then maybe you could have raised your issues with this particular statement. So proceed and ask this one and then I will guide you on how we proceed with that.

Hon. Abraham Njihia: Thank you. That is what I am telling you Hon. Speaker that I had a statement and up to today I gave it to the Table office, the Clerk's office but I have not received it. I know it is in the Order Paper but I don't have it with me now.

Hon. Acting Speaker: Are you saying that we stay off the question that you have on the floor today?

Hon. Abraham Njihia: I don't have it with me.

Hon. Acting Speaker: This one in particular?

Hon. Abraham Njihia: Yes I don't have it.

Hon. Acting Speaker: Clerk, what is happening? Hon. Member approach and read the Speaker's copy.

STATEMENT ON THE COUNTY'S PENDING BILLS

Hon. Abraham Njihia: Thank you Hon. Speaker once again. I start by congratulating you on your election. Pursuant to Standing order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Budget and Appropriation regarding the County pending bills.

Hon. Speaker, the current County administration inherited huge pending bills from the previous administration whose payments have not being effected conclusively and this is imparting negatively on the County coffers. Hon. Speaker in the statement, the Chairperson should inquire into and report on:

1. All reports on pending bills;
2. Measures put in place to offset the pending bills; and
3. Ward Development Fund payment status.

Thank you Hon. Speaker.

Hon. Acting Speaker: Committee of Budget, I can see the Hon. Vice chair Hon. Karani.

Hon. Patrick Karani: Thank you Mr. Speaker, two weeks.

Hon. Acting Speaker: In as much as before I return it to the Hon. Member, he also raised questions about the requests he has been asking. Are you aware or do you also take an undertaking that we deal with all those issues in the next two weeks as you are requesting?

Hon. Patrick Karani: Yes I am aware Mr. Speaker. There is one question that is pending and the other response I think we dealt with it Hon. Njihia. The earlier question you had asked before we dealt with it at the committee stage.

Hon. Acting Speaker: Hon. Njihia, he is requesting you for two weeks or within two weeks and he also said that the other one is pending, he will give you together with the other one. Are you comfortable?

Hon. Abraham Njihia: Hon. Speaker, let it be two weeks not a year. Thank you, Hon. Speaker.

Hon. Acting Speaker: And I am also aware that you are also a member of the Liaison Committee so you can do an in-house if they do not do a good time in responding, you can report them to the Chair of Chairs.

Hon. Abraham Njihia: Most obliged, Hon. Speaker.

Hon. Acting Speaker: Next order

MOTION

APPOINTMENT OF HON. EMILY ODUOR TO THE SPEAKER'S PANEL

Hon. Abdi Hassan: Thank you Mr. Speaker. That, pursuant to the provision of Standing Order No. 18, this Assembly approves the appointment of the following Member to the Chairpersons Speaker's Panel; Hon. Emily Oduor MCA be appointed to the Chairpersons Panel to replace Hon. Kennedy Obuya.

I ask my counterpart Hon. Otieno Okumu to second. Thank you.

Hon. Elias Otieno: Thank you Mr. Speaker and I thank the Leader of Majority for calling me to second this very important Motion. I think it is a high time that we must have equal partners in all the sectors. Mr. Speaker I think Madam Emily Oduor is fit to be in the Speaker's Panel to sit next to you there. So I beg to second.

Hon. Acting Speaker: Hon. Members this is a Procedural Motion of the appointment of a member to the Chairpersons Speaker's Panel.

(Question proposed)

Hon. Kennedy Obuya: Thank you Mr. Speaker sir. First and foremost I want to thank the Hon. Members and colleagues for the beautiful time we have shared together as a member of the Speaker's Panel, I thank you colleagues. Hon. Speaker I also want to thank the Minority Leader for having served well with me as a member of the Speaker's Panel, thank you.

Hon. Speaker, however, I have not received any official communication from my Minority Whip, from my Majority Leader. Hon. Speaker on your last direction, you used Standing Order 17; discharge of a member of the Chairperson's Panel. However, as a member of the said Committee I also have a right as it is stipulated in Standing Order 168 (1); which states that; the party that nominated a member to the said Committee is supposed to communicate in writing to the Speaker. Also 168 (3) Hon. Speaker says that; such a member before discharge is effected there is supposed to be a communication in writing to such a member within a period of not less than two (2) days.

I am not complaining that I am being discharged. I found out through the Powers and Privilege Committee that I have been discharged from that Committee and yet I have not been communicated to. It is my right as is enshrined in the constitution. I have the right to plea. I am supposed to make a submission to the internal organs of my party that nominated me to the said committees. I have therefore been acting on preemption. I have not received official communication from my Whip or the Minority Leader. Mr. Speaker--

Hon. Ag Speaker: What is your Point of Order leader of Majority?

Hon. Abdi Hassan: Thank you Mr. Speaker sir. The Member is misleading this House. What is before this House is a procedural Motion to discharge a member from the Speaker's panel. Standing Order number 18 says:

1. The Speaker may in writing to the Assembly Business committee give notice that a member is to be discharged from the panel;
2. Within 14 days of receipt by the Assembly Business Committee of a notice under paragraph (1), the Assembly business committee shall consider the notice and give notice of Motion to replace the Member; and
3. The discharge of a member of the panel shall not take effect until the Assembly has approved the motion for replacement under paragraph (2).

That has been done Mr. Speaker sir. With your indulgence, two weeks ago or thereof you gave a notice on the floor of this House and therefore it is not right for the Member to mislead this House. Thank you Mr. Speaker sir.

Hon. Kennedy Obuya: Mr. Speaker---

Hon. Acting Speaker: Order Hon. Member. Let me rise and say something so that we are clear and I guide the discussion. Last week I made a direction with regards to the discharge of a member as per Standing Order 18 and we did commit the issue to the House business Committee which was chaired by the Deputy Speaker. I asked the Deputy Speaker to furnish me with the minutes of the sitting and he gave me a signed copy of the same. Hon. Deputy Speaker, can you confirm before I proceed?

Hon. Deputy Speaker: Yes Mr. Speaker sir. I wish to say that minutes of the 22nd sitting of the Nairobi City County Assembly Select Committee of Assembly business held on 2nd October 2018 at the

Chamber's boardroom at 2:30pm. I confirm that the matter being deliberated was brought forward and resolved that the party that nominated the Member wanted a change. Thank you

Hon. Acting Speaker: Thank you. Secondly, may I also give guidance? Part one of our Standing Orders says that the County Assembly party or coalition of party's consisting of not less than 5% of the membership of the Assembly. The said member is from the Minority party and for the avoidance of doubt; there is a description of the Leader of Minority which means a person who is the leader of the County Assembly of the second largest party of the coalition of parties under Standing Order 21. The party whip is also the member designated as the Minority Whip by the Leader of the Minority party. I want the minority leaders whip to confirm whether they have facilitated the Hon. Member with the necessary documentation so that we proceed from there.

Hon. Peter Imwatok: Hon. Speaker, thank you for allowing me to give my input on this. It is very clear from the Minority's side led by the Minority Leader that we respect women and our party ideals stipulates that I be given time---

Hon. Acting Speaker: Order Hon. Member

Hon. Peter Imwatok: I am coming to answer what you have asked

Hon. Acting Speaker: Yes

Hon. Peter Imwatok: I indeed confirm that your office is in receipt of a letter from my office on the 2nd of this month. I know that your office still has challenges and it is the role of your officers to make sure that the letter is dispatched to the members. I confirm that I have a copy received from your office. Thank you Speaker.

Hon. Acting Speaker: Fine. I did a communication on the floor which then went to the House Business Committee. The Chair of the session has confirmed that they effected and the Minority Whip is saying that he has not given you the document but it is at the Speakers office. What we are going to do going forward is to facilitate you with the minutes and whatever document that you want for purposes of progress. However because this House has to give you a right of reply, do you have anything else to say before we proceed? The matter under question is from Madam Emily Oduor being approved or not. Are you supporting the issue or not? You are the Member in question and that is why I gave you the fairness to say whatever it is that you want to say before we progress. Allow me to give you another chance to discuss the matter but be guided on what you have heard.

Hon. Kennedy Obuya: Thank you Hon. Speaker. I need your protection.

Hon. Acting Speaker: Order! Order! The Leader of Majority.

Hon. Abdi Hassan: This is a House of rules and procedures and the moment we miss that then we tread on a very dangerous line. What you are conversing here is a member being discharged under the standing order 18.

Hon. Acting Speaker: True.

Hon. Abdi Hassan: You are trying to converse a member being discharged under Standing Order number 168. Those are two different things. Standing order 18 (1,2,3) is very clear. When the House Business Committee brings a report before this House then a member should not use Standing Order 168 because it

does not speak on the Speakers panel. We need to distinguish these things and adhere to the rules and laws of this House.

Hon. Acting Speaker: I totally agree with you. 168 is on the discharge of a member from the committee and Standing Order 18 is on the Chairperson's panel. The matter is question that the Leader of Majority has read and has been supported by the Leader of Minority is on Hon. Emily Oduor. We are not talking about the member being discharged. We are past that but for purposes of giving the member a chance since he was on the floor, we want to know whether he is in support or not so that we proceed.

Hon. Kennedy Obuya: Mr. Speaker I need your ---

Hon. Acting Speaker: Does that answer you Hon. Ogeto? Order!

Hon. Moses Ogeto: Hon. Speaker I am on a Point of Order number 18 (b). With due respect Standing Order 17 and 18 is very explicit on debate of Motions on this House because you either oppose or support. You are opening a loophole for people to start poking the Standing Orders. It is not prudent for you to open a Pandora's Box which will bring inefficiency to these Standing Orders. The Motion has been moved and seconded and now you are allowing Hon. Obuya to give his statements to the Government offices so that we respect Standing Order 18 (b)

Hon. Acting Speaker: I hear you. We have agreed that I will give him whatever he needs and now we are talking about the Hon. Emily Oduor. So can he bring himself to the agenda of the day?

Hon. Kennedy Obuya: Hon. Speaker, I am not contesting the Standing Orders and procedures but I am in protest to the intent and malice that is behind the scheme. Give me one minute Hon. Speaker.

Hon. Acting Speaker: Order Hon. Member. Please take your seat. I gave your Leader of Minority Whip time to talk on the documentation and he said that he brought them to my office and so I will facilitate you with the documents. On the issue of malice that you are taking about, I read out that you have your coalition of parties and so I wish to ask that you handle that business from that end. Allow the debate on Hon. Emily to proceed so that I can give other members a chance to express themselves on whether they want to support the member or not.

Hon. Kennedy Obuya: Thank you. Hon. Speaker, please allow me because this is a supreme guidance. I am not contradicting Standing Order 18 but wish to remind this Honorable House that we have Standing Order 168 (3) which---

Hon. Acting Speaker: Hon. Member, Standing Order 158 is on the select committees.

Hon. Kennedy Obuya: Hon. Speaker, what happened to the right to be heard? This is injustice and is stated in the Standing Orders that before any member is discharged from a committee then they are supposed to be served within a period of less than two days. I am not disputing my removal because we have mechanisms within our party that nominated me. It is my right as enshrined in the Constitution and the Standing Orders to be served and heard. Hon. Speaker, I do not want to act on pre-emption but after reception of the letter

Hon. Acting Speaker: Order! Have your seat! Hon. Members, can we give ourselves direction to this matter.

Hon. Kennedy Obuya: It is my right.

Hon. Acting Speaker: Order Member! I dispensed the matter to the House Business Committee and I have told you that a letter is done from your party and my business is to guide the debate and give you an opportunity to debate within what is on the floor. Clerk, I direct that you give him all the documentation that he wants. I am done. Members, contribute on the matter on the floor. Hon. Wambugu, are you on your feet? Hon. Mugambi from Umoja one

Hon. Mark Mugambi: Thank you Mr. Speaker. I rise to support this Motion and guide my brother Hon. Obuya by saying that he has lost the battle but the war is still on.

Hon. Acting Speaker: Order! Order! Hon. Member!

(Loud consultations)

Hon. Acting Speaker: Order Hon. Mark Mugambi! Withdraw the matter on advising Hon. Obuya

Hon. Mark Mugambi: I withdraw.

Hon. Acting Speaker: Proceed.

Hon. Mark Mugambi: Adding to what the Majority Leader has said in terms of gender. I feel that it is wise and long overdue that we have a woman representative in the speaker's panel. I have no objection but to support the motion. Thank you .

Hon. Acting Speaker: Hon. Minority Whip.

Hon. Peter Imwatok: Thank you Mr. Speaker for allowing me to speak on this. I wish to say that this is a House of rules and I support my party leader and the party's manifesto which believes in women. Everyone understands the strength of this iron lady Ms. Emily Oduor. She has been an activist who has fought for multi-party democracy; I have served with her in the Budget and Appropriations Committee and other disciplines. May I invoke the Standing Orders?

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

Hon. Peter Imwatok: I want to give a clean bill of health to one Emily Oduor by saying that she is fit, able and capable of being a special elect member at the Speaker's panel. Our ladies must be seen and heard for their experience. I support Emily Oduor. Thank you

Hon. Acting Speaker: Hon. Karani

Hon. Patrick Karani: Mr. Speaker I rise to support the Motion and tell my good friend Hon. Obuya that one serves at the discretion of his masters. I stand to say that Madam Emily is of sound mind.

The caliber of that lady is not questionable. I served with her in the Budget Committee. I know the kind of a lady she is. Mr. Speaker, when we flash our mind back, what this Assembly went through, there is a lady we chased from the Speaker's panel. It can be prudent now to have another lady there.

Hon. Acting Speaker: Order! Is there a lady that you chased from the panel?

Hon. Patrick Karani: I withdraw.

Hon. Acting Speaker: Withdraw. Thank you. Proceed.

Hon. Patrick Karani: Now, it is good to have another lady to serve there. I support.

Hon. Acting Speaker: Hon. Ann Catherine.

Hon. Ann Akinyi: Thank you Mr. Speaker. First, I want to congratulate you for your election. I would like to say that any appointment to serve in this House is a privilege that is bestowed upon you by your party. So, that notwithstanding that one Member has replaced another, it is just a privilege. It does not mean he or she is a lesser person. It just means that the party or the leadership has decided to give another person an opportunity. Nevertheless, moving on, I think it is well overdue that a lady should bring the vibrancy into the Speaker's panel.

I have been quietly observing that it is only men who are in the panel. I stand corrected. So, the fact that Emily is joining the panel is more exciting. With that, I stand to support. Thank you.

Hon. Acting Speaker: Thank you. The Hon. Chair of Women Caucus.

Hon. Doris Ngoyo: Thank you Mr. Speaker sir. I also congratulate you for being the Acting Speaker of this House. I rise to support Madam Emily Oduor for this position. Being a lady, I have worked with her in Trade Committee. We have pushed so many agenda in the Committee and she brought a lot of support to it. And for the gender part of it, I rise to support her. As a woman in this House, I appreciate the leaders who sat and have seen the worth of choosing one of us. So, I stand to support. Thank you.

Hon. Acting Speaker: Hon. Mary Ariviza.

Hon. Mary Ariviza: Thank you. I stand to oppose that Motion. I stand and quote that Standing Order which says that somebody should be given two days' notice. I am in support of that because I also received a termination from the Transport Committee and I was not given two days' notice. So, this is because this is a House of rules. It is good for us to terminate people but to terminate them in a good way with the Standing Orders. Otherwise, we may be found guilty of the very things that we are setting. Because we are setting rules for Nairobians to obey. We better obey the laws that we have set. I wouldn't mind a woman but having just chased one, a good one, I stand to oppose.

Hon. Acting Speaker: Hon. Leader of Minority, you are on a Point of Order.

Hon. Elias Okumu: Thank you Mr. Speaker. It is good that today, for the first time, Mary Ariviza has recognized you as a Speaker. That means you are now confirmed as a Speaker. On what is going on, you should expect more. I do not mince my words always and I take my time to act. And when I act, you will just say that I am a mad man. Whether you got a letter or not, Standing Order no. 168 is very clear. Whether you got a letter or not, 168 is very clear. Discharge of a member from a committee is done by the party which nominates the Member. Upon the Speaker receiving the letter, you are automatically discharged. So, just go to wherever you want to go and take the letter but you will still come back here. And I can tell you for free, Members, you should expect more. Mr. Speaker, I think you should just call the mover to reply.

Hon. Acting Speaker: Hon. Jagero Millicent.

Hon. Millicent Jagero: Thank you Mr. Speaker. First and foremost, I congratulate you for being elected as the Acting Speaker and we hope for the best from you. Secondly, going by the party's manifesto on inclusivity and as enshrined in the Constitution, article 10, under the national principles and values on inclusivity, I am proud of Hon. Emily Oduor being selected to sit in the Speaker's panel. We believe that where a woman is, it will be like a pillar, she has always been a pillar, she has always stood her ground and is a firm lady who is very respectful. We are all hoping for the best and that she will represent us, women, to the latter. We are praying that you sit there and represent us. We want to see a person that when we stand

as women, we see a woman among us and not somebody else among us. And we wish you all the best. I support the Motion.

Hon. Acting Speaker: I take two from this side and two from this side after that I will call the mover to reply. Hon. Maurice Gari.

Hon. Maurice Gari: Mr. Speaker, congratulations for being elected as the Speaker of this Assembly. First of all, in this Assembly, we are all Hon. Members. We must understand and remember that everyone has his weakness and strengths. Before I support or not---

Hon. Acting Speaker: Order Hon. Member. You know the procedure.

Hon. Maurice Gari: It is not something I want to bring across. The seat you sit on has the area MCA of Ngara. I appreciate the seat. We are all MCAs and we came here under different capacities. Mr. Speaker, as an Acting Speaker, there are some issues like the one about Solomon, the wise man. There were two women fighting over a child. One agreed to have the child slashed and she takes her side while the other said she can take it whole. And Solomon rule in favor of the woman who said the other one can take it all.

Mr. Speaker, that seat needs a lot of wisdom. It needs a lot of courage and a lot of self-esteem. Mr. Speaker, we might have wrangles in both coalitions. But our wrangles should not spread outside this Assembly because we have more than meets the eye. We must know that we are Honorable Members. We must love each other and we must coexist and bond as MCAs of Nairobi City County Assembly.

Mr. Speaker, I don't want to see any fight escalating beyond this door so that press can have what to report. When I was traveling, I was called by one of my fellow Members that I was to hold a press conference and those were just rumors. Someone said I was to hold a press conference. It was malicious. We must be Members of the Assembly, take charge, be wise, do what is good, condemn what is wrong and appreciate what is good. If you do that, when you resign, I don't mind whether you are Jubilee or NASA, I will vote for you. What I want is someone who knows my welfare.

Mr. Speaker, the reason I am saying this is that, when Members were exchanging words here from our coalition, they should have agreed first. This is a House of rules and procedure. This is not a House of making noise. We should come here when we are prepared. I am contented. I am a man of means. I know how to juggle and I want other members to know how to juggle. So, anything coming to this House should have a clear indication that it has nothing that may smear you with issues which will bring anxiety. I am neither here nor there but I want to say this. I can see my Majority Leader is a comfortable man. I am happy with that. I am happy that an MCA is the Speaker of this Assembly. That is what I was praying for.

Mr. Speaker, the rules and procedure of this House should be followed so that we don't see these crossfires of Members of this Assembly. I support the lady and the man. We all saw the names coming.

(Loud consultations)

Hon. Acting Speaker: Are you done? You are protected. Just finish.

Hon. Maurice Gari: Mr. Speaker, let me finish.

Hon. Acting Speaker: I am protecting you from your boss.

Hon. Maurice Gari: I am trying to bring something across so that next time we don't have a fight in our coalition party. Let these things come to the floor. That we are fighting over things which even me can handle. Thank you.

Hon. Acting Speaker: Thank you. You know, I promised to give two to each side and we have given the first one. But let me say this. It is your right not to be on any side. My work here is to guide the debate. Hon. Members should understand this. To give the ones who do not agree a space to speak. And to give the ones who want to agree a space. At the end of the day, you win or lose Motions on the numbers you would have marshalled on your side. So, I have given everyone an equal opportunity. Hon. Peter Warutere, I can see you together with Melab.

Hon. Peter Warutere: Hon. Speaker, thank you for catching my eye and giving me an opportunity to contribute on this very important matter. Hon. Abuya is a very good friend of mine. And as they say, there comes a day when some will have their way and others will have their say.

Hon. Acting Speaker: Order Hon. Member! We are discussing Emily Oduor to be put in the Committee. So, withdraw the remarks on Hon. Abuya.

Hon. Peter Warutere: I stand guided and withdraw that, Hon. Speaker. I have read a book by Robert Green on 48 laws of power. In rule number one, when you talk about the master, if I pick it correctly, they say that there can only be one sun at a time and you can never obscure a sunlight or rival the sun's brilliance, but rather fade in to the sky and find ways to heighten then master's star intensity. The problem here, and I stand to support the Motion, is that there are times that you need to know your lane. You keep to your lane. You walk slowly because this is a House of rules and authority.

Having said that, Hon. Speaker, I support because I know Emily Oduor as a woman of impeccable character. She is able. I know she can even equally to fill the shoes of my brother Obuya.

Hon. Acting Speaker: Order! Hon. Member, there is no filling of any shoes. Do you have a bond to pick with Hon. Obuya?

Hon. Peter Warutere: Hon. Speaker, I don't hold brief for anyone. So much has been spoken by others before me. Let me go straight to the point that this change is as good as the rest. Having seen that we have lost one seat through the vote on a seat that was held by a woman, I think it's the right time we pick this other seat and give Hon. Emily a chance to serve and I hope with time she will prove herself. Thank you Hon. Speaker.

Hon. Acting Speaker: Hon. Mellab.

Hon. Mellab Atemah: Thank you, Mr. Speaker. I just pray to God to give you wisdom on that seat you are seated on because He is the one who chooses the leaders. I stand to support the Motion for Emily Oduor, why? Emily Oduor is a woman and that is my business. Two, I know she is capable, all women here are capable but there is always one at a time based on the available opportunity. The only thing I would like to say in this House before I sit down is that this is a House of rules and procedures. I wish we could obey the rules and procedures of this House because what goes around comes around some day. I support you Emily Oduor, you do your work well. Thank you, Mr. Speaker.

Hon. Acting Speaker: The Hon. Karani Jeremiah and then I will conclude with you.

Hon. Jeremiah Karani: Okay, thank you Hon. Speaker for giving me this opportunity. Hon. Speaker, I first congratulate you for being elected and confirmed as Speaker of this House. I wish you all the best. Hon. Speaker, I stand here because for this House to stand and move forward and for procedures and rules to be obeyed I support Emily Oduor. I think with the Hon. Woman there on that Chair we shall be happy and we shall be seen in an orderly manner. Thank you, Hon. Speaker.

Hon. Acting Speaker: Hon. Omung'ala?

Hon. Stazo Omung'ala: Thank you, Hon. Speaker...

Hon. Acting Speaker: Is this your maiden speech?

Hon. Stazo Omung'ala: No it is not, I am a Chair, and it is not my maiden.

Hon. Acting Speaker: Yes, he is being protected, he is the Chair of PIC. Please proceed.

Hon. Stazo Omung'ala: Thank you, Mr. Speaker. First of all let me thank you for your election as the Acting Speaker of this House and I would like to support this Motion. Having known Emily Oduor as an eloquent and a person who is able to articulate issues the way they are supposed to be articulated. Secondly, I am yet to be taught to oppose the leadership of this House and so in this regard I support this Motion fully.

Hon. Acting Speaker: Thank you. Hon. Rose Ogonda.

Hon. Rose Ogonda: Thank you, Mr. Speaker. I must congratulate you on being elected our Acting Speaker. First, I stand to support Emily Oduor because I know the knowledge Emily Oduor has, she will work very, very well on the Speakers Panel. Secondly, I must congratulate my leaders, the Leader of Minority and the Minority Whip for remembering one of us to be put on the Speakers Panel. So, Mr. Speaker, I do not have much to say and I stand to support Emily Oduor being put on the Speakers Panel Committee.

Hon. Acting Speaker: I will now call the Mover.

Hon. Abdi Hassan: Thank you Mr. Speaker sir. Let me take this opportunity to first congratulate Emily Oduor. I know that she is a woman of high integrity and she is capable, very intelligent and I know that she will assist you to move this Assembly forward. Mr. Speaker, I want to remind these Members that the Standing Order number 160 does not contemplate a debate or discussion over it on the floor of the House. There is no room for that Mr. Speaker sir.

Mr. Speaker, when you were discharged under Standing Order 168 and you feel aggrieved you can go and appeal to your party but as the Leader of Majority I want to assure Members that if you misbehave we will still discharge you under Standing Order 168, that we are going to do. Mr. Speaker sir, there is nowhere under Standing Order 168 that gives you as a Speaker room or discretion to go around it and assist any Member, there is no room for that Mr. Speaker sir...

Hon. Acting Speaker: Order! Hon. Majority Leader are you implying that...

Hon. Abdi Hassan: No I am not implying that Mr. Speaker sir. Let me rephrase my words. Mr. Speaker sir, Standing Order number 168(1)(2)(3) and (4) is very clear. Mr. Speaker, I have not seen a letter from Jubilee committing any member of Jubilee side to any committee. That was done by the Majority Whip in consultation with the Majority Leader through the Selection Committee. Mr. Speaker sir, I do not understand where someone can come up and say that the ODM has not written a letter to me. Mr. Speaker, in the first place there was no letter from ODM to give me that chance to serve on the Speakers Panel, there was no

such letter. Mr. Speaker, the letter which the Speaker received to put you on that Speakers Panel came from the Minority Whip in consultation with the Minority Leader.

Mr. Speaker, this House is a House of rules and procedure and Standing Order number 18 is very clear, we were not discussing about Standing Order 168 and Standing Order 168 cannot and will not be debated on the floor of the House for the next 5 years because the Standing Orders are very clear, unless someone has a problem in reading the Standing Orders. Mr. Speaker, I also want to assure the ladies here that in Jubilee side we will also make sure that one person on the Speakers Panel must be a lady and I am going to do that to make sure that we fulfill the constitutional requirements so that the ladies will assist you to run this House Mr. Speaker sir. With those few remarks I beg to reply.

Hon. Acting Speaker: Okay. Hon. Members, as we can see the debate has elicited remarks from sides, the ones who are supporting and the ones who are opposing and that is the nature of debate. Whether you agree with it or do not agree with it you have a chance to be protected to be on the floor to say whatever you need to say. However, after having said all that we now come to the most important part of that Motion which is putting the question.

(Question is put and agreed to)

MOTION

REPORT OF THE SECTORAL COMMITTEE ON CULTURE AND COMMUNITY SERVICES ON THE INSPECTION VISIT TO TOM MBOYA FIRE STATION

Hon. Acting Speaker: Hon. Antony Gatune.

Hon. Antony Gatune: Thank you, Mr. Speaker. I beg to move the following Motion that this Assembly adopts the report of the Sectoral Committee on Culture and Community Services and...

Hon. Acting Speaker: Order Members. As you leave the Chamber, leave quietly so that the House business continues.

Hon. Antony Gatune: Thank you, Mr. Speaker. I beg to move the following Motion that this Assembly adopts 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 brought on the Table of the Assembly on Wednesday 26th September 2018. Mr. Speaker sir, during its meeting on Friday 29th June, 2018 the committee resolved to undertake a site visit to Tom Mboya Fire Station to establish the capabilities of the fire station to successfully put off fires in the County and provide disaster management services. Mr. Speaker sir, the committee conducted a site visit on Wednesday 3rd July 2018 at the Tom Mboya Fire Station and observed the situation during the site visit. The Committee made the following observations below amongst others:

1. The fire station was well equipped with necessary fire engines and equipment;
2. The fire station was under-staffed and most of the personnel were interns and on attachment basis;

3. The floors and walls are dilapidated and in need of urgent repair;
4. The beds and beddings are old and broken and therefore not fit to be used;
5. The kitchen area needs to be improved and kitchen equipment purchased because staff operates in shifts and they need a decent kitchen to prepare their meals;
6. The changing rooms and lockers are rusty and therefore there is need for an up-grade; and
7. The quad bikes that were purchased and allocated to the 17 sub-counties were vandalized due to poor management and security of the quad bikes.

Mr. Speaker sir, following the site visit to Tom Mboya Fire Station the Committee resolved to invite the Chief Officer, Disaster Management and Coordination to a meeting in order to deliberate on the findings and outcome to the visit to Tom Mboya Fire Station and the preparedness of the County in disaster and emergency management in the County. In view of the foregoing the Committee makes the following recommendations:

1. That the health center urgently requires emergency and medical technicians and nurses to maintain the ambulances;
2. The County Executives added the status of the damage of quad bikes and repair them since they easily have access to smaller roads especially in formal settlements in cases of disasters;
3. That the County Executive to fast-track the process of firing to 200 officers who will be trained and deployed to the decentralization of fast services in all the 17 sub-counties;
4. That the County Executive ensures that all the facilities in the fire station are refurbished and to better standards;
5. That the County Public Service Board advertises the position of the director responsible for disaster which is expressly formed in the Disaster and Emergency Act 2015 section 4(2) and the County Executive fast tracks the construction of the proposed fire stations within the county and provide the Committee with the timelines in which they are expected to be completed and functional;
6. That the County Executive ensures that all access roads within the County are well constructed to acceptable standards for accessibility purposes;
7. That the County Executive ensures that all buildings in the County are audited to ensure there are alternative emergency exits to provide a report to the Committee administrators and audit within 3 months;
8. That the County Executive allocates funds to ensure that both fire station buildings and facilities are rehabilitated to approved standards; and
9. That the Chief Officer ensures that the future and that of budget proposals for the department are factored in the departmental budget.

With those remarks I call upon Hon. Oyugi to second this Motion. He is not in. Sorry, Mr. Speaker, there is no other member of my committee here... Sorry, Hon. Jagero I had not seen you. Okay, with those few remarks I call on Hon. Jagero to second the Motion. Thank you.

Hon. Acting Speaker: Hon. Millicent.

Hon. Millicent Jagero: I second the Motoin. But there is no quorum Mr. Speaker.

Hon. Acting Speaker: No, you are a member who reads the Standing Order. There is a way of bringing the issue of quorum, so you are out of order. Are you seconding or not seconding.

Hon. Millicent Jagero: Yes, I am seconding the Motion.

Hon. Acting Speaker: Okay. Hon. Members I propose.

(Question proposed)

Hon. Acting Speaker: Hon. Members you are free to debate. Hon. Jackie Apondi, I can see your request.

Hon. Jackie Apondi: Thank you, Mr. Speaker. First I congratulate you on being elected the Acting Speaker of Nairobi County Assembly. I just want to inform you that there is no quorum.

Hon. Acting Speaker: Okay. Jackie, is that your maiden speech?

(Laughter)

Then I will excuse her if she did not get the right Standing Order because the Clerk is informing me that it should have come under Standing Order 30 or 31, thereabout. So, I will excuse it because she has spoken for the first time. I will allow the Quorum Bell to ring as per the procedure, for 5 minutes. As the bell is being rang the members are not free to leave.

(Quorum bell is rang for 5 minutes)

Hon. Acting Speaker: There being still no quorum under Standing Order 35 as proposed by the Hon. Jackie Apondi, she raised the issue of quorum and having asked that the bell be rang we still do not have a quorum. So, we will commit Hon. Gatune's Motion tomorrow because... Tomorrow is a holiday, so at the next sitting day because it has already been moved. In the next sitting we assume that it has already been moved and so we will proceed with the small matter of debating it and adopting it officially. I hope it is okay with you and it is also your business to ensure that at least your committee is there to support these findings.

So, as much as I push the Whips to work out member's quorum it is also a committee position. Can you imagine if your position does not have numbers to support yet you know they adopted it. So, the members of the various committees that are here, once you have an issue on the floor ensure that you are there to support the Motion.

ADJOURNMENT

Having said that, we have come to the end of the session. The House Business Committee shall sit at the rise or tomorrow morning clerk? At the rise of the House. We are adjourned until Thursday at 2:30 p.m. Thank you..

(The Assembly rose at 4.00 p.m.)