



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Wednesday 13th February, 2019

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Acting Speaker: Clerk, please confirm quorum. Seargent at Arms, ring the bell for 10 minutes.
(Quorum bell was rang for 10 minutes)

Hon. Acting Speaker: We have attained quorum. Clerk, you can now proceed to the first order.

PAPERS LAID

Hon. Acting Speaker: The Majority Whip on behalf of the Majority leader.

Hon. Waithera Chege: Thank you, Mr. Speaker. THAT pursuant to Article 228(b) of the Constitution of Kenya I beg to lay the following paper on the table of the Assembly today Wednesday 13th February 2019 and that is the County Governments Budget Implementation Review Report – Frist quarter for the Financial Year 2018/2019. Mr. Speaker, I beg to lay.

Hon. Acting Speaker: Thank you. The report is also going to be forwarded to the Committee on Budget for onwards processing. The Committee of Public Accounts I am aware that you are having business to attend to in the afternoon because of the officers who wanted to skip the morning sessions thinking we cannot be found in the afternoons! So, proceed and do a good job, you are free to convene. Next order.

PROCEDURAL MOTIONS

LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

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Hon. Acting Speaker: The leader of Minority, there is a procedural motion.

Hon. Elias Otieno: That notwithstanding the provision of Standing Order 103(4) this assembly orders that each speech in a debate on bills sponsored by a committee, the leader of Majority or the leader of Minority be limited as follows; maximum of 45 minutes for the mover in moving 15 minutes, and in replying a maximum of 30 minutes for the Chairperson of the relevant committee. If the bill is not sponsored by the relevant committee, a maximum of 10 minutes. For any other member speaking except the leader of Majority, 30 minutes, and the Leader of Minority party shall be limited to a maximum of 15 minutes each. If the bill is not sponsored by either of them that priority in speaking be accorded to the leader of Majority party or the leader of Minority party and the Chairperson of the relevant sectoral committee in that order.

Mr. Speaker sir, I think the person who was supposed to move the motion is already here and I call upon him to first second the motion number 8 before I continue. He can just do that and then I continue.

Hon. Abdi Hassan: Mr. Speaker, I don't know if I have heard my counterpart the leader of Minority, he is calling me a person instead of addressing me as the leader of Minority party. Is that in order Mr. Speaker sir?

(Hon. Elias Otieno spoke off-record)

Hon. Acting Speaker: Alright, you may proceed.

Hon. Abdi Hassan: I beg to second my counterpart, thank you.

(Question proposed)

Hon. Acting Speaker: You are now free to debate, the members who are entering are free to enter. Very well, I cannot see any request to speak so I will call the mover to reply.

Hon. Elias Otieno: Thank you Mr. Speaker I think the motion is not good for the debate because it is just to guide the house on the limitation of the debate. So, it think it is important for us to support procedural motions and I thank members for being attentive when myself and the Majority leader were discussing this important procedural motion. Thank you and may God bless you.

Hon. Acting Speaker: Thank you Leader of Minority.

(Question put and agreed to)

LIMITATION ON DEBATE FOR INDIVIDUAL MEMBER'S BILLS

Hon. Acting Speaker: The Leader of Minority, proceed.

Hon. Elias Otieno: Mr. Speaker, THAT, notwithstanding the provisions of Standing Order No. 103 (4), this Assembly orders that each speech in a debate on bills not sponsored by a committee, the Leader of the Majority party or the Leader of the Minority party be limited as follows; a maximum of 3 hours and 30 minutes with not more than 30 minutes for the mover in moving and 10 minutes in replying, a maximum of 30 minutes for the chairperson of the relevant committee and a maximum of 10 minutes for any other members speaking except the Leader of the Majority party and the Leader of the Minority party who shall be limited to a maximum of 15 minutes each and the priority in speaking be accorded to the Leader of the Majority party and the Leader of the Minority party and the Chairperson of the relevant Sectoral Committee in that order.

Mr. Speaker, I think because there only few motions which are remaining, so I call upon the Chairman of Transport (if you wish to second you can do it) because No. 10, 11, 12 and 13 I think the Leader of Majority will take it from there that is the reason why I am giving it to the Chairman of Transport. I don't know whether you are still the Chairman because if the Chairman of Transport is in this House you can stand up and second.

Hon. Acting Speaker: The Chair Transport, you are being requested by the Leader of Minority to second the Procedural Motion No. 9.

Hon. James Mwangi: I beg to second the motion Mr. Speaker.

Hon. Acting Speaker: Thank you. Hon. Members, I think it is important to understand that this House makes its own rules and we are now in our second year. The procedural motions are moved every year when we start. You make your own rules and the number of minutes the debate is going to take. We cannot do any debate until we agree amongst ourselves the minutes that every debate is going to take that is why all the procedures must be done, and then now we get into full business. I think it is good to clarify that.

(Question proposed)

Hon. Members who are entering you are free to come in. The floor is open for any debate on the issue. Since clearly there is no query on the Procedural Motion. I will ask the Leader of Minority to reply.

Hon. Elias Otieno: Thank you Mr. Speaker. I thank members. Let us move very fast and finish this Procedural Motion and then we can go to other business. Thank you.

Hon. Acting Speaker: Thank you. I think there are people who wanted to speak but I cannot see it here. So I will ask the technical team to guide me so that I don't close any specific intervention or a request to add.

(Question put and agreed to)

Hon. Acting Speaker: Next order, Clerk.

LIMITATION ON DEBATE ON MOTIONS

Hon. Acting Speaker: The Leader of Minority again.

Hon. Elias Otieno: Thank you Mr. Speaker. I thought the Leader of Majority was supposed to move but let me just continue because we are doing together this kind of work. We have a very good relationship, so let me finish everything.

THAT, notwithstanding the provisions of Standing Order No. 103 (4), this Assembly orders that each speech in a debate on any motion, including special motions be limited in the following manner; a maximum of three hours with not more than 20 minutes for the mover and 10 minutes for each other member speaking except the leader of Majority and the Leader of Minority who shall be limited to a maximum of 15 minutes each and 10 minutes before expiry of time, the mover shall be called upon to reply and that priority in speaking be accorded to the leader of Majority party and the Leader of Minority party and the Chairperson of the relevant sectoral committee, in that order.

Speaker, I call upon Mike Tyson to second the motion.

Hon. Acting Speaker: Order! I don't have a member by the name Mike Tyson.

Hon. Elias Otieno: What is your name?

Hon. Benson Macharia: Benson

Hon. Elias Otieno: Okay. Second the motion

(Laughter)

Hon. Acting Speaker: Hon. Benson, the leader of Minority is requesting that you second his motion. Kindly use the microphone so that you are on record. Proceed

Hon. Benson Macharia: Thank you Mr. Speaker. I want the Leader of Minority to first withdraw that name. I am not Tyson, I do not know anyone by that name and I have never interacted with anyone called Tyson. So let him withdraw before I second him

Hon. Actin Speaker: Have your seat. Leader of Minority, the motion will only proceed once you have a seconder and your seconder has put condition on that first.

Hon. Elias Otieno: I did not know his name and that is the reason as to why I asked him to tell me his name which he did and I referred to him as Benson. Maybe I preempted that he is called Tyson and I am sorry for that.

Hon. Acting Speaker: Hon. Benson, the Minority Leader has apologized and is requesting that you second his motion so that we proceed for debate.

Hon. Benson Macharia: I would like to second this motion and believe that 2019 will be a year of healthy debates to avoid repetition. I believe that 10 minutes is enough time for a member to articulate his or her issues in the House while debating.

Hon. Acting Speaker: Thank you. Order number 8 was on party sponsored bills and Order 9 is on individual or private members bills. We are now on procedural motions and the limitation on debate on the motions.

(Question proposed)

Hon. Acting Speaker: Hon. Members you are free to come in. Hon. Kennedy Obuya, contribute.

Hon. Kennedy Obuya: Thank you Hon. Speaker. I rise to support the motion and register my voice and presence in 2019. I beg to support.

Hon. Acting Speaker: Thank you. Hon. Mbugua Kabiro

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I would like to support the motion. It is a good one however, I would like to urge that since we have given the Majority and Minority leaders time to contribute on the bills then we should consider another member like Benson to have priority too after the leaders have spoken.

Hon. Acting Speaker: Order! Hon. Member, you are aware that the leader of Majority and the Minority take first priority? This is for purposes FOR order and the fact that they lead party positions. Note that members have 10 minutes to debate and the extra 5 minutes given to the leaders to give direction. I may not be in a position to catch each and every member's eye and so the leaders are able to express issues on your behalf. You also note that the chairpersons of relevant sectoral committees have been given an equal amount of minutes to express themselves. Do you wish to say something?

Hon. Mbugua Kabiro: The guidance is well taken. I am not in any way demeaning the position of Majority and Minority; I am just saying that because they were given the priority in the Bills we probably should give other people priority in motions plus the chairpersons so that ideally... anyway I understand.

Hon. Acting Speaker: Thank you. I can see no other request. I call the mover to reply.

Hon. Elias Otieno: Mr. Speaker I think the young boy is right to make people understand his presence in the house. You should always talk, that is very nice for you.

(The Hon Member interjected)

Mr. Speaker I thank members... you know you could be my second or third born! I thank members for understanding. We can go to another motion.

(Question put and agreed to)

LIMITATION OF DEBATES ON REPORTS

Hon. Elias Otieno: Notwithstanding the provision of Standing Order 103(4) this assembly orders that each speech in a debate on a report or a committee sessional paper or any other report submitted to the assembly be limited as follows: a maximum of 60 minutes for the mover in moving and 30 minutes in replying and a maximum of 10 minutes for any other member speaking, the Leader of Majority party and the Leader of Minority party who shall be limited a maximum of 15 minutes each and that priority be accorded to the Leader of Majority party and the Leader of Minority party in that order. I call upon my counterpart to second the motion.

Hon. Abdi Hassan: Thank you Mr. Speaker sir I want to second and I want to inform my colleague brother Kabiro that this is a procedural motion and it is standard across the commonwealth assemblies and when we were voted in the priority started with senior members. The senior members are the one who take the first oath so *bwana* Kabiro I am just informing you of that. Thank you Mr. Speaker sir.

Hon. Acting Speaker: Thank you. We are still building capacity. It's good that we continue in that spirit of building. We are on procedural motion 11 which is on reports.

(Question proposed)

Hon. Kabiro, you want to say something again? Please do.

Hon. Mbugua Kabiro: Thank you so much Mr. Speaker. I totally agree with the timelines which have been put here. I would like to ask the Majority Leader, since he talked about the commonwealth, can he allow me to go and benchmark with the commonwealth. I will be very happy to file a report to the assembly of my findings to know what he has stated is correct or not. Thank you.

(Acclamation)

Hon. Acting Speaker: Thank you. I can see you are supported there. Hon. Mary do you want to say something? Proceed.

Hon. Mary Mwami: Thank you. Maybe you can guide me but I am thinking on that motion of 10 minutes for any other member. It may look that we may give only one person to speak after the others have spoken. Maybe it could be other members, because I am sure there will be many people who will debate in between apart from the first one. I think it is a matter of semantics but you can guide.

Hon. Acting Speaker: I think it is properly put in English because at any given time it is only a member who speaks, so they are not members who are speaking. Collectively we are members but the time a members requests to speak he is singular. I think it is OK as it is in terms of English but in terms of 10 minutes again it is also very sufficient owing to the fact that the mover had almost an hour to explain. So adding and building up and our Chamber has 124 members, I think 10 minutes is sufficient to wiggle around your points and still give room to others. I hope that is understandable, Hon. Thumbi?

Hon. Anita Thumbi: Thank you so much Mr. Speaker. I stand to support the motion. I think 10 minutes is enough time for debate for Members. But what Hon. Kabiro is trying to say is that even in the animal farm, animals are not equal. So there is no way that Members can be equal and that is why he was saying Hon. Benson is more equal than other members. May be you look into those members who are more equal than others like Hon. Benson.

Hon. Acting Speaker: Order!

Hon. Anita Thumbi: Thank you.

Hon. Acting Speaker: Hon. Thumbi the House is guided not only by rules; there is something called procedures and something called traditions. Hon. Anita, when you're reelected next time God willing, you will now be referred as a senior. So if you request to speak and it's on issues of health which you are a member of that committee, compared to a first timer who is not even in the Health Committee, you get some precedence before that other Member. That does not mean that you are more equal to the others, it is just that in terms of traditions of the house and in terms of the contribution that we are expecting, we feel that you are enriched. That is the basis; it is not a structure to put people in different quarters, it is a structure to ensure that the debate is rich and is being enriched as it progresses.

Of course these other Members will be given time but the priority is given to the very first ones and remember even during debating, the Leader of Minority will not even have to speak, so it doesn't mean that we have to have a say in every debate. But the priority is given if they are requesting for the Speaker's eye at the same time. So it is just procedural in nature and we are talking in terms of procedure.

When we start proper debates next week and you see a senior member or a chairman of a sectoral committee whose issue is being discussed is given more time, you understand the basis, and I know you have quite understood that.

(Point of Order)

The Hon. Benson, you have something to say? You are on a Point of order. What is your Point of order?

Hon. Benson Mwangi: I want Hon. Anita to apologize because as far as I am concerned I am an ordinary Member of the County Assembly for Mowlem Ward and I am not special or more equal than any other member.

Hon. Acting Speaker: What specific apology are you requesting from Hon. Anita?

Hon. Benson Mwangi: She is on record saying that Hon. Members like Benson are more equal than others.

Hon. Acting Speaker: Hon. Anita, Hon. Benson is requesting for an apology for referring him to be more equal than the others and I think it is in order.

Hon. Anita Thumbi: Thank you so much Hon. Speaker. It is good to appreciate members with special skills but I apologize.

Hon. Acting Speaker: What specific Order! Hon. Benson, are you okay?

Hon. Benson Mwangi: Mr. Speaker, I am not okay with that because the only person who can come out in public and speak of my special skills, I believe is only my wife. These other people ... I am not okay with that.

Hon. Acting Speaker: But she has still apologized. Are you okay with that?

Hon. Benson Mwangi: She needs to apologize and erase the word 'but' or 'with'.

Hon. Acting Speaker: Okay. Hon. Anita, the Hon. Member is requesting that you apologize without adding 'but'. Hon. Anita you are on the floor unless you want to be informed by Hon. Mary.

Hon. Anita Thumbi: I withdraw and apologize. Thank you.

Hon. Acting Speaker: Hon. Mary, the only person you can inform is a Member who has been given a chance to speak. If Hon. Anita wanted to give you a chance to inform her, I would have allowed, but now I will not allow it. Now, I think everyone has spoken I will now put the question.

I had forgotten I stand guided. I now call the mover to reply and I know he will be kind to me and make it short. Thank you.

Hon. Elias Otieno: Hon. Speaker, I think it is a healthy debate, Hon. Benson and Hon. Anita thinks that it just a healthy debate. You don't need to demand for an apology from Hon. Anita. If that is your career, just take it my dear. Thank you very much, I reply.

(Question put and agreed to)

Hon. Acting Speaker: The next order.

LIMITATION OF DEBATE ON THE MOTION ON THE ADDRESS BY THE GOVERNOR

Hon. Acting Speaker: The Leader of Minority, again.

Hon. Elias Otieno: Thank you Mr. Speaker. THAT, notwithstanding the provisions of Standing Order No. 103 (4) and furtherance to the provisions of Standing Order No. 25 (5), this assembly orders that debate on the motion on the Address by the Governor be limited to not more than 5 minutes for each Member speaking, 30 minutes for the mover in moving and replying, and 20 minutes for the Leader of Minority Party.

Mr. Speaker I think that the young man there is going to ask a question. I know the reason why the Leader of Majority is going to get 30 minutes is because he is the one who is going to move the speech of the Governor. So I don't see the reason why you are going to give busy bodies time to start analyzing the minutes here because I think it is just common sense that the person who is going to move the motion about the Address of the Governor is the Majority Leader. That is the reason why he is going to be accorded 30 minutes. Mr. Speaker, I call upon the Majority Leader to second.

Hon. Acting Speaker: Capacity building is every day. So you are also helping the younger members also to understand their roles. The Leader of Majority, to second?

Hon. Abdi Hassan: Thank you Mr. Speaker sir. I beg to second and I think some people here are behaving very funnily and sarcastically. They are saying that my good friend here has some special skills. I think they are saying that because of what transpired yesterday, but I can assure them that we will discipline Hon. Benson so that nobody else can dare do that again. I will assure them that. Thank you.

Hon. Acting Speaker: Hon. Members, I want to now propose the question on the Procedural Motion on the limitation of debate on the address by the Governor.

(Question proposed)

Hon. Acting Speaker: Hon. Members. I cannot see any requests, I call the mover to reply.

Hon. Elias Otieno: Thank you, Mr. Speaker sir. I don't want to take too much time because it seems everybody is in agreement with what we are debating today. Thank you.

(Question put and agreed to)

LIMITATION OF DEBATE ON THE ADJOURNMENT MOTION

Hon. Elias Otieno: THAT, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, the debate on any Motion for the Adjournment of the Assembly to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. Provided that, when the period of Recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

I call upon Majority Leader to second.

Hon. Abdi Hassan: Thank you, Mr. Speaker sir, I beg to second the Motion.

(Question proposed)

Hon. Acting Speaker: Hon. Members, I also see this as a straightforward because when we are adjourning, there must be a very good reason other than the ones for the calendar. So, I call the Minority Leader to reply.

Hon. Elias Otieno: Thank you, Mr. Speaker sir. Since there is no any other business, I thank Members. If I am not wrong, today is ladies' night, so if you have anything you want to do away from home you can meet them wherever they are. Thank you, Mr. Speaker.

(Question put and agreed to)

ADJOURNMENT

Hon. Acting Speaker: Hon. Members, we have come to the end of our session. We are still in the process of setting up and putting up all our procedures in place. I hope you are learning how the process will be going. We adjourn the Assembly to tomorrow, Thursday 14th February 2019 at 2:30 p.m.

The House rose at 3: 40 p.m.