



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday 2nd July 2019

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Acting Speaker: Clerk, confirm quorum please.

(Quorum bell rung)

I am being informed that there is quorum, Clerk you can proceed.

(Members shouting, bursary!)

PAPERS

Hon. Acting Speaker: Order Members! Hon. Members, our sitting---

(Loud consultations)

Hon. Acting Speaker: Order!

(Loud consultations)

Leave in silence! Whoever want to leave can do so in silence!

(Members leave the House)

Serjeant-at-Arms, let us proceed. Whoever want to leave can do so and those who want to remain, remain. We were in Order No. 2 and we were recognizing Members of the County Assembly of Kilifi.

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COMMUNICATION FROM THE CHAIR

VISIT BY THE MEMBERS OF THE COUNTY ASSEMBLY OF KILIFI

Hon. Acting Speaker: Hon. Members, our sitting this afternoon is graced by members of Kilifi County Assembly, Committee on Loans who are here on a bench marking exercise with the counterpart committee. Accordingly, I wish to recognize the presence of Hon. Mwathethe A. Kandenge MCA and the Chairperson, Hon. Valentine Mwabanga MCA and vice-chairperson, Hon. Alphonse Mwagera MCA, member and Majority Whip, Hon. Albert Kiraga MCA, member and Chair Budget Committee, Mr. Rashid Rama Senior Legal Counsel, Mr. Harrison Chizamba the Director HR and Administration, Mr. Cyrus Kahindi Deputy Clerk, Ms. Linda Nyamwera Legal Counsel and Mr. George Kumbatha Hansard Editor.

Hon. Members, the committee is with us on a bench marking exercise with its counterpart committee on matters relating to county finances. On behalf of the Nairobi City County Assembly family, I wish to extend a warm welcome to the Hon. Members of Kilifi County Assembly Loans Committee. May your endeavors benefit the residents of your great county, feel welcome and enjoy your experience in Nairobi. Thank you very much. Next order.

STATEMENTS

CONTROVERSIAL APPROVALS AND PERMITS FOR CONSTRUCTION OF EXTRA STOREYS TO OLD BUILDINGS

Hon. Peter Imwatok: Mr. Speaker, allow to present a statement pursuant to standing order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding controversial approvals and permits for construction on extra storeys to old buildings in the city.

Hon. Speaker, various private developers have embarked on construction works for addition of extra floor to existing old building across the city despite the suspension notices by the National Construction Authority (NCA). The said construction works have been undertaken without regard to safety of tenants occupying the said buildings. For instance, the construction of extra floors and renovation of Kenya House, a commercial building on Koinange Street in Nairobi next to the former Kengeles. The developer has repeatedly defied NCA orders to stop renovations. The orders were issued last November 21st 2018. It is strange that the county would issue approvals for continued development despite clear warnings by the National Construction Authority on the dangers posed by the said renovations on such old buildings.

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

1. The procedure for authorization of construction works involving addition of floors to old buildings across the county;
2. Who authorized the continued construction of extra floors on Kenya House despite warnings on the dangers posed on such works from the NCA;

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3. Measures taken against County Planning officials who colluded with the developer to continue works despite warnings on dangers posed to the public by the national entity;
4. Steps taken by the County to immediately take an audit of such projects and enforce stop orders where findings recommend a stoppage to all works; and
5. Action taken against the developer for continuously ignoring stop orders and risking the lives of residents who use the premises now and in the future to come.

Mr. Speaker, I beg to lay the statement.

Hon. Acting Speaker: Thank you Whip. I can't see the Chair of Planning nor the vice-chair, Planning member?

Hon. Elias Otieno: Mr. Speaker, this is a serious matter so the member should give the committee two weeks for us to give the response after visiting the various sites. It is a very good concern by the member and we should thank him because it is a breach of rules in the CBD. In the next two weeks we are going to give a comprehensive report Mr. Speaker.

Hon. Acting Speaker: Fair enough, Leader of Minority.

Hon. Peter Imwatok: Mr. Speaker, I appreciate the response by the member who is also my Minority Leader on the same but I wanted to implore upon the leader that this statement is very pertinent because the construction is still going on and it is just across here on Koinange Street whereby every floor is being drilled literally to provide pillars to go up until the last floor and the occupants of this building are undergoing a challenge and the contractor is too arrogant. By the time it reached my desk, the contractor was told and I don't know how this contractor in particular after even the stop orders by the court has not stopped the construction. I wish it could be done as soon as possible to avert a calamity which might come up within the CBD.

Hon. Acting Speaker: I hear you Majority Whip but then again we are also going for recess this week so may be in the two weeks that we will be on recess as the Leader of Minority was requesting, by the time we will be coming back the first week should be sufficient, I don't know whether this will be okay with you. You are rising on a point of order Majority Whip?

Hon. Waithera Chege: Thank you Mr. Speaker---

Hon. Acting Speaker: Order!

Hon. Waithera Chege: Mr. Speaker, I am rising on Point of Order No. 45 that yourself and the Deputy Speaker have for the last three weeks given instructions concerning the statements, we should actually receive the replies on the floor of the House. You remember there were two statements, one was on the toxic emissions of gases within the Nairobi South area which statements has taken three months today, the other one was on gambling that was under Culture Committee. Mr. Speaker I wish to ask for your direction and indulgence looking at the precedence that was set by the National Assembly when the Member for Gem,

Hon. Jokoyo Midiwo requested for the ruling on the procedure for statements. I wish that you direct that the Committee on Culture can open an inquiry because the matter on gambling has become so extensive that it cannot be handled by a single person.

I also request that you direct the committee on Environment to give my reply before Friday because the issue I raised on toxic gases has reoccurred. Thank you Mr. Speaker.

Hon. Acting Speaker: The issues you've raised are pertinent and I have been informed by the Deputy Speaker that he gave directive that all pending statements be mentioned and I will give him time to speak on the same so as to follow up on the same. Deputy Speaker?

Hon. John Kamangu: Yes Mr. Speaker sir. I gave a ruling that tomorrow Wednesday will be the last call for all chairpersons with pending responses on the floor. So let us give them time till Wednesday

Hon. Acting Speaker: Alright. May I ask them to reinstate the report once we see how comprehensive it is going to be since the clerk had told me that they are working on it. Are you okay with that?

Hon. Waithera Chege: I am okay with that on the response from Environment committee, however the one on culture committee requires your directive because they called me for a sitting and I was not satisfied with the response that they gave because it involved violation of the Constitution and that is why I am requesting that through your indulgence you ask the Chair for Culture to extend the enquiry so that we involve more people so that we get a substantive report.

Hon. Acting Speaker: Fair enough. I compel the Chairman for Culture to give us a status report on their progress on this and also compel you as the Whip to ensure that he sits through to engage on this business. Is that a fair direction?

Hon. Waithera Chege: Most obliged Mr. Speaker

Hon. Acting Speaker: Before I allow you to give the point of order, we have responses from Planning for Hon. Kennedy Oyugi, Hon. Pius Mbono, Hon. Patrick Karani, Hon. Elijah Mbuthia and one to environment committee requested by Hon. David Okello. Are they here and do we have the requests ready? We also have another from the committee on Water and sanitation by Hon. Redson. Are the members who requested for these statements present? Minority Whip?

Hon. Elias Otieno: Mr. Speaker, it is very funny that you do not know that one of your members was arrested on Friday and is in police custody. It is important for you to be aware of the same

Hon. Acting Speaker: Leader of Minority, I received a letter from the DCI and advised that he be accompanied by a legal representative of the Assembly so that we are ably briefed and know the next point of action. Whip, I will come to you.



Hon. Elias Otieno: Mr. Speaker, it is my concern and that of various members on our member Hon. Paul Shilaho. He is very sick and I want you to give directions from this floor that the Clerks should allow someone to sign for him

Hon. Acting Speaker: Point taken. Whip?

Hon. Osman Adow: I think the microphone has come to me so I can proceed.

Hon. Acting Speaker: Sergeant at arms, help the member out

Hon. Peter Imwatok: Thank you Mr. Speaker and Sergeant Rama for the assistance. Allow me to inform the House that I have been away on CASA duties in Uganda and wish to inform the House that the African games will take place in Kampala Uganda in December and CASA games will be held early September, so let all the participants start preparations for the same.

Above all and more importantly, I want to implore the entire House that there is something that is very pertinent that we cannot ignore. Mr. Speaker, you can give us directives on the same on what has just happened before the Assembly. The issue of bursary is a matter of concern. The elected members have decided to walk out except wise men like Hon. Mbatia and Hon. Mbono who understand the challenges. It is time this issue of bursary should be taken on a serious note, let by you the Speaker and the entire leadership of the House so that we don't work as a vacuum without understanding the nitty-gritties. Why for the first time Nairobians are not getting bursaries? The issue of pushing and shoving on the issue of bursary is not adding up.

In one hand, the Committee on Education is accused, on the other hand, the Controller of Budget office is accused. Also, the office of CEC for Education, the Chief Officer and the entire education department are accused. It leaves us in a peculiar situation. We don't know from which level are we going to handle it. Under your leadership, Mr. Speaker, it will go in history that Nairobi County could not get bursaries. Bursary is the only incentive that an MCA can benefit by giving to his own residents.

Mr. Speaker, as you walk out of this House, I would wish through your leadership that we can have a Kamukunji of all elected leaders so that we can put everybody on perspective. If it is the issue of Controller of Budget, we might be prepared to lead a delegation to her office. If it is the issue of Executive, let the Controller of Budget exonerate herself. There are flimsy excuses I am hearing on the corridors that the Controller of Budget has said that there are some monies not accounted. The work of the Controller of Budget under the constitution is not to enumerate how money has been spent but issue money based on the votes approved by the county assemblies.

I was among the members who wanted to go out but my leader told me not to because I am a leader. Let us have a chance to mitigate this thing once and for all. We are also incorporating our sisters who are nominated because they also play a role. Some of them took bursaries from us. We can address this thing in a civil way to avoid those games I am seeing.

Hon. Acting Speaker: Noted, Hon. Whip. I will revisit that issue because I want us to have a sober discussion. I can see the House is properly constituted for us to transact. But on the issues of the statements

that were requested, I will suggest that we kindly have those statements tomorrow because they are already in the order paper. Planning Committee, let us have the statements tomorrow. Hon. Chair of Environment, on the issue of David Okello--- We will seek directions from the Minority side so that they can give a direction on that. I am also told there are reports to be expected, for Hon. Mwangi Njihia to the Chair of Transport and for Hon. Redson to the Chair Health. Members of Health and Transport, kindly inform your chairs to have these responses tomorrow.

Having said that, I want us to proceed to the next order. but before we do that, Hon. Whip has raised a pertinent issue. The last time we were sitting, we had issues of bursary also being raised. I directed that we create time to comprehensively discuss about bursaries. I know the Deputy Speaker was in session and he gave that report. I am also reliably informed that the Chair of Budget has something on the same issue. I will allow the Deputy Speaker to have a paragraph of the conclusion.

Hon. John Nyumu: Mr. Speaker, that day I was the Chair and I directed that the Committee on Budget and Finance to look at the matter and report on Thursday. We agreed that the matter be taken by two committees, Committee on Education and Committee on Budget. Because the chairman is here, he can confirm the same so that we can be on the same page.

Hon. Acting Speaker: Hon. Chair of Budget?

Hon. Robert Mbatia: Mr. Speaker, I made some notes here:

Following a motion by Hon. Jeremiah Themendu, the County Assembly discussed the delay as an urgent matter of county importance, an order that the delay had locked most students out of school due to lack of school fees. In this regard, the Speaker directed that the issue be handled by the sectoral committee on Finance, Budget and Appropriation, who are expected to report to this House on the way forward on Thursday 4th July 2019. The Committee has been on the matter and has taken the following steps that the report is submitted has directed:

1. The committee shall be meeting the Controller of Budget, County Executive Committee Member for Education, the County Executive Committee Member for Finance, the Chief Officer for Finance, the Chief Officer for Education, the County Attorney, all officers who are in charge of payment of the bursaries for the previous financial year 2017/2018 and officers from Cooperative Bank of Kenya to investigate the issues therein;
2. The committee has requested for all documents pertaining to the issuance of the bursaries from the sectoral committee on Education and the County Executive.

In summary, the committee shall be investigating and reporting on the following by Thursday 4th July 2019:

- i. The requisition requirements by the Controller of Budget for issuance of bursaries;
- ii. The submissions of quarterly reports and other accountability documents to the Controller of Budget on the issuance of bursaries;
- iii. The status of bursaries fund regulations and their legality or otherwise;
- iv. The cost of writing bursaries and bursary cheques;
- v. The disbursement schedules for bursaries including the beneficiaries;
- vi. The bursary expenditures against their allocated and requisitions amount;

- vii. Measure put in place to ensure the timely issuance of bursaries for the financial year 2018/2019; and
- viii. Way forward with regards to all these matters.

Mr. Speaker, I want to assure this House that we are committed to solve the bursary issues and hence seek indulgence of this House to enable us finalize the discussions with the relevant officers with the aim of ensuring that the deadlock is removed and the pending bursaries released as it is possible. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. I am happy. At least it is not like we are ignoring the fact that there is a bursary issue.

And there is a discussion that is ensuing. My only query is, the ones who are executing, what commitments are they giving the Hon. Members so that we are not compelled to sanction them. When we take up the matter, we are taking it up as an oversight. Bearing in mind that 2018/2019 is over, what commitments are they giving? Chair, Budget?

Hon. Robert Mbatia: Hon. Speaker, actually, the House is in confusion in that every time the members of the executive are called, they lay blame on other officers that are not present. If you call the education sector, they would blame finance and the Controller of Budgets. When you call finance, they would blame education and probably Cooperative Bank. So, Mr. Speaker, we are calling them at one place. This meeting which is slated for tomorrow, we have called all those parties. For now we are not sure of what actually happened because we are talking about two issues here. We want to know the issues that are delaying bursaries for the Financial Year 2018/19. Claim has it that there was a problem of the Financial Year 2017/18. These two have no relationship at all. They have no relationship at all. The only relationship is the name bursary, but they are of two financial years and they have been accounted for. So, for now, this House is in confusion. We don't know who to lay blame on, but by Thursday, we want to assure this House that we will be pointing at the culprit and take the necessary action.

Hon. Acting Speaker: I hear you. I also want us to conclude this matter and give direction. Hon. Whip, you are the one who had raised the initial issue. We can see the Deputy Majority Leader. Do you have anything to say on this matter?

Hon. James Kariuki: Mr. Speaker, the House is in a very confused mood. There has to be someone responsible for the bursary issue. Not everybody is responsible and we really need to know who this particular individual is. Being in government doesn't mean I don't feel my other colleagues are feeling. Being in leadership does not disseminate me from the blame that is going on outside there. So, what I am asking here with your due indulgence, what is the next step in the event that these people fail to respond to the matter positively? What should we do? I asked this same question last week. Do we bring the residents to come and be addressed directly or what is in your mind on this bursary issue? Otherwise, we will be seen as betraying our friends and we do not want that to happen. We rather lose our seats due to non-performance but not the executive failing this Assembly.

Hon. Acting Speaker: Thank you and I applaud you for coming in to look for a solution. And even from the position of the Chair, we must make resolutions that we are able to stand and defend. That is why we are having this discussion because during the first instance, we gave the house a chance to discuss. The

house gave the Chair of Budget a chance and he explained where he thinks the problem is, but we still have gaps. The Hon. Minority Whip.

Hon. Peter Imwatok: Thank you Mr. Speaker for your wisdom. I am just in the wilderness of thoughts. I thank the Budget Chair for being open on this. We invite the executive to appear before you or give a report, but there is this one impediment, the Controller of Budget's office. We will not work retrogressively on this past years because I am aware that there is an internal audit and investigation taking place in the executive until 2013 on the issuance of bursaries. Hon. Speaker, I would implore the Chair and the committees who were given assignment to do this, because the controller of budget was given information from the executive not to issue these bursaries until she confirms that about 90 or 100 million shillings was lost.

Hon. Speaker, if today I come to your office and tell you not to preside over the Assembly before we confirm there is no bomb, I am sure you will not come to the Assembly until you confirm that there is no bomb. That is the information coming from the office of the controller of budget. We want this particular office to confirm to us and before your committee that indeed they were instructed by the same county executive not to issue this money because there is a chase game between the controller of budget and the CEC Finance and the CEC Education and the chief officers of these sectors because the CEC Education will tell you that she is not the one who issued these bursaries and she forgets so quickly that she was the Chief Officer of this sector who is the accounting officer of the sector.

Hon. Speaker, I was just imploring upon you if possible you write also as a committee because the correspondents from our side of the county is usually from the executive. The oversight side may also write to the controller of budget asking those hard questions. Why have they not released the money that the County Assembly of Nairobi under the constitution is mandated to approve budgets per vote? What is the requirement when we get money? The job of knowing how much was lost is the job of the auditor general. It is not the work of the controller of budgets. Please invite her before that committee and invite us too.

Hon. Acting Speaker: The Chairman of Budget, because tomorrow will be your day and I suspect it is in the morning. Can we expect an update in the afternoon on the issue because I am tempted not to entertain government business until this issue is sorted? Government business is to ensure the issues where representatives are concerned are handled. So, I do not want us to get into a situation where we are today that all other issues are held at ransom because of one issue of budget. So, if we can get the update from you tomorrow that is not satisfactory, I will have to consult the Leader of Majority so that we now move to stall government business until you give us a comprehensive issue on the bursary. Otherwise, I am not going to hold the House at ransom because of one issue. Therefore, I need your commitment so that if we are not headed to any direction tomorrow and given a substantive date when the bursaries are going to be released, then we will not entertain any government business including the budget. I need your commitment. Leader of Minority, do you want to say something before the Chair of Budget because you are already on the floor?



Hon. Elias Okumu: Thank you, Hon. Speaker, what I wanted to say is, as much as we are in the House, I do not think that I belong in the same category as him. What I am saying is that if a monkey wears clothes it does not qualify it to be a human being.

Hon. Acting Speaker: withdraw the issue of the monkey.

Hon. Elias Okumu: Hon. Speaker, my brother here is not a monkey he is a Member of Riruta Ward. Hon. Speaker, last time what I said here is that if you cannot be a bridge to connect people, you should not be a wall to separate people. I also said if you cannot be a light to lighten people's good deeds, do not be darkness to cover their effort.

The reason I am saying all this is that right now we do not have some Members here because of the bursary which is separating Members here in the assembly. The people who are outside there they will look at the remaining ones as betrayers because of the bursary.

As I had mentioned earlier, it is a privilege for Members to get bursaries from the Executives and it is not our mandate. Members we need to be together for this one thing because where they are right now, we are going to call them rebels what they are not. Some of the Members have never visited their wards since their election and now they want to go back to their wards through these bursaries.

Therefore, let them have these bursaries because I know some of them will be making noises and they will not be re-elected again. Like the one here who is making a lot of noise and he calls himself more-fire and I do not know what is firing what. He is the one who has encouraged the Members to go out; he should go to Senate where he will get his own age mate.

(Loud Consultations)

We should, therefore, have the bursaries as I am a leader in this house and I do not want to betray the Members, therefore, next time if it will continue like this all of us will walk out of the house and you will remain there alone and we shall look at you as a betrayer. Therefore, you should work for this assembly together with your Deputy and take this incentive to go and talk with the Executive side.

Hon. Acting Speaker: Resume you sit and I will give directions because I have said that even the chair as the benefit of representing a ward and the issue of walking out and go to sit at the collider it will not give us solution which is a fact as we know where the problem is. If you care to follow the train of thought, we have given a chance to the assembly to air its views and the Deputy Speaker rose and gave us a direction that the chair of the budget gave out.

What we are saying if the Chair of Budget by having called the Controller of budget and we do not get a comprehensive answer we are going to stall government business. Hope you are aware that we have not passed the budget we have just passed the estimates. Therefore, I know the hands and levels we can use to the stall government. Therefore, we cannot be stalling the assembly because it has many other businesses beyond bursaries and that is a fact. Therefore, if you stall yourself is like saying the left leg is not going to move because the right leg did not step on the right place. Again, it is not the business of the chair and his deputy to go to the Executive to plead because we have the Leader of Majority who is well deputized, there is a whip, and they enjoy the majority of the house.

Therefore, it is upon themselves to go and pursue with the Governor who is the head of the Executive and who again enjoys the party that they came from so that they can come and tell us that this is where we are and this is where we are stake.

Otherwise, the chair cannot be drugged to take assemblies floor issues to the Executives. That is why I am giving the chair budget final time tomorrow if you do not have we are going to stall government business from tomorrow. Chairperson budget proceeds and give us a commitment.

Hon. Robert Mbatia: Mr. Speaker, before I start Hon. Waithera is making a distress call that she is locked outside and probably can be saved.

Hon. Acting Speaker: Hon. Chair you should remember that you are on record and we do not want Kariobangi South residents when they will be looking at the HANSARD and hear you and Hon. Waithera and some distress call.

Hon. Robert Mbatia: It is true she was making the call and I did not notice when she came back because I was concentrating with the Minority Leader. Mr. Speaker, I want to confirm that we have made calls to make this meeting a reality. I have called the Controller of Budget herself and she has confirmed that she will be attending the meeting tomorrow and I have met with CEC Finance, Education sector department the CEC is not in the Country but by tomorrow she will be coming.

However, Mr. Speaker, my fear is that there is a letter that is circulating about some members of the Executive, who feel that their life is in danger and they cannot attend the meetings. This is the Chief Officer of Finance and he has claimed that he will not be able to attend any meeting until you assure him of his security. That only unlikely person has not confirmed attendance tomorrow God willing the Chief Finance Officer.

Hon. Acting Speaker: Chairman I directed the issue of bursaries to go to the Powers and Privileges Committee that is why I am saying we can no longer be held at ransom by the executive on this issue. If they do come and they are harassed or manhandled on the issue of bursaries it will be very unfortunate.

We will make the necessary provisions to ensure that adequate security is given for them to be able to come. After that we will not entertain any of his business as CEC of finance. It is in his best interest to come and plead that case of bursaries, tomorrow. Otherwise I am giving them final chance tomorrow and we shall no longer entertain any government business.

I hope the Majority whip will take that to the Executive. We need to have a comprehensive undertaking from them – because it is their business and even the Controller of Budget is in the executive arm of the national government – it is not our business. Our business is oversight. We come in because we are representatives. If they are not going to give us any form of commitment, we are also not going to allow any of their business.

We shall ensure the CEC Member is given adequate security tomorrow. Including all of them. Members are frustrated. It is just that they don't know where to direct the frustration. If they see an impediment

they will charge at them. Anyway both whips – Hon Imwatok and Hon Waithera - ensure that your members are restrained until we get the necessary answers that we need.

Hon. Robert Mbatia: Mr. Speaker I want to totally disagree with my leader the Minority Leader that this [bursary] is only a privilege. This is not a favor because there is a law and we are just, in our representation mandate, which is where we come in in bursaries. This is not a favor they are doing us. It is a right. We demand the bursaries.

Hon. Acting Speaker: Correct. Let's proceed to the next order. What I was saying is that because I know the issue is emotive whips must ensure that their members are reined to allow the meeting of Controller of Budget and all invited witnesses or representatives so that we have a comprehensive report to table in the afternoon. If it is not in their favor, we will now take sanctions. However, the sanctions will need a house that is properly constituted in terms of quorum. Therefore, walking out is not the solution. I will allow anyone to express themselves without harming the rights of others to be heard. The Hon. Adow?

Hon. Osman Adow: Why are we being ignored and others are speaking?

Hon. Acting Speaker: You are on record. Proceed.

Hon. Osman Adow: You have given them all the time but the rest of us are denied. We don't need to be here Mr. Speaker!

Hon. Acting Speaker: You are on record. Proceed.

Hon. Osman Adow: This is wrong. This is not right. For more than an hour it has been on and I am not getting the mic. I am making a complaint. It is not only you but I feel like I have been sanctioned by the chair and it is happening all the time.

Hon. Acting Speaker: Chairman of ICT you are on the mic, on the floor.

Hon. Osman Adow: I am going to cut short what I was going to say. I wanted to speak on the welfare and safety of members especially touching on our parking. Our parking has become a very filthy, it has become a urinal where people go and urinate, it has become a meeting joint for youth groups that are smoking illegal drugs, and it has become all sorts of things except parking.

I need that addressed Mr. Speaker, thank you.

Hon. Acting Speaker: Chairman ICT, you are aware of the rules. It is something out of order in regards to what was being discussed. I entertain what you are requesting and we will take it up but it is not in order to bring it at that level.

(Members spoke off-record)

Hon. Adow you are also a member of Budget Committee, aren't you? And the Chair of Budget was the one giving us responses. Aright the Hon Mbugua Kabiro I request that we push your agenda to tomorrow and we take it up from there, right?

Hon. Moses Ogeto: I am on point of order 36. I believe your communications before this County Assembly are not binding because there is no quorum.

Hon. Acting Speaker: Order! You are out of order. You are a senior member in this house. Let me read for you [Standing Order] 36: *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 chairperson shall count the assembly or the committee as the case may be.*

You had not raised the issue. This is the time you are raising and you cannot purport that what we said, all of it, is not binding. In fact, you have just showed up and you are a senior member. You are out of order. It is binding because the chair is blind until he is brought to the attention that the house is not properly constituted. But as it is we have been able to transact. Hon Kabiro, can you be on record that you are allowing us to move tomorrow?

Hon. Kabiro Mbugua: Thank you very much Mr. Speaker, I agree that we should move my motion to tomorrow. It is the motion that creates the office of the ombudsman. I also urge the whips to make sure the members are whipped to come in so that we have proper quorum. Thank you.

Hon. Acting Speaker: Thank you. Let's agree that we meet tomorrow. There is also the one for Hon. Doris. Hon Doris equally I also want us to push yours to tomorrow.

Hon. Doris Kanario: That is okay hon Speaker. I agree that my motion on youth, women and PWDs empowerment fund can be moved to tomorrow.

Hon. Acting Speaker: Thank you. Hon Ogeto kindly know that it is the powers of the Speaker to decide that the debate ends. It is just that the Speaker wanted to be as consultative as possible and that is why we want everyone to feel they were part of the decision we are making.

Tomorrow we expect whips to ensure there is quorum. In fact, a quorum issue should never be raised by a Whip.

ADJOURNMENT

Hon. Acting Speaker: We have come to the conclusion of the day's business. The House Business will meet tomorrow at a time to be communicated. Having said that, enjoy the rest of the afternoon. The House is adjourned.

The House rose at 3.38 p.m.