



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Fifth Session

Tuesday 9<sup>th</sup> February 2021

The House met at 2.30 p.m.

*(Hon. Speaker (Mr. Benson Mutura) in the Chair)*

#### PRAYERS

#### QUORUM

**Hon. Speaker:** Hon. Speaker, confirm if we have the quorum.

*(The Clerk-at-the-Table confirmed there was quorum)*

I understand we have quorum. Clerk, go to the first Order.

#### PAPERS

**Hon. Abdi Hassan:** Thank you, Mr. Speaker sir. I beg to lay the following Paper on the Table of the Assembly today, Tuesday 9<sup>th</sup> February 2021:

The Building Bridges Initiative Constitutional Amendment Bill, 2020.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Abdi Hassan:** Mr. Speaker Sir, I beg to lay the following Paper on the Table of the Assembly today, Tuesday 9<sup>th</sup> February 2021:

The First Quarter County Government Budget Implementation Review for the year 2020/2021.

*(The Paper was laid on the Table of the Assembly)*

**Hon. Speaker:** Thank you. Next Order!

#### STATEMENTS

##### REQUEST FOR A STATEMENT REGARDING RECRUITMENT OF COUNTY CONSTABLES

**Hon. Redson Onyango:** Thank you, Mr. Speaker. Pursuant to Standing Order 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the recruitment of County constables.

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Hon. Speaker, in mid-2020, the County Government placed an advert calling for qualified persons to apply for various positions, including County constables. We have information that many young men and women applied and some recruited by way of calling through and SMS for collection of appointment letters.

Hon. Speaker, it is however disheartening to hear some youths who are our constituents, that despite going through the entire recruitment process and receiving the SMS, they are yet to be provided with appointment letters to date. This Assembly is therefore better placed to hold the Executive to account concerning the entire process of their recruitment in line with the Constitution.

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

1. The criteria used by the County Public Service Board in the recruitment of County constables and the report of the outcome of the recruitment process; and
2. Steps that the County Executive is taking to ensure that all qualified persons called to collect their appointment letters are handed their letters.

**Hon. Speaker:** Thank you. Do we have the Chair or any Member of the Committee?

**Hon. Pater Wanyoike:** Thank you, Mr. Speaker. I will take the undertaking and report back after two weeks.

**Hon. Speaker:** Hon. Member, after two weeks you will get a feedback. Are you content with the two weeks?

**Hon. Redson Onyango:** One week will be fair.

**Hon. Speaker:** Next Statement, Hon. Redson?

#### REQUEST FOR A STATEMENT REGARDING IMPLEMENTATION OF INFRASTRUCTURE PROJECTS IN THE COUNTY

**Hon. Redson Onyango:** Thank you, Mr. Speaker. Pursuant to Standing Order 45 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the implementation of infrastructure projects in the County.

Hon. Speaker, County Assembly Members are accountable to their constituents as far as the role of representation is concerned. Holding their interests in trust, we are expected to ensure that service delivery takes effectively at the ward level. Infrastructure development is one of the critical functions that were transferred to the Nairobi Metropolitan Services (NMS). It is an important aspect of development in this County. In late 2020 and early 2021, the elected Members were asked to submit priority infrastructure projects to the NMS for implementation.

Hon. Speaker, it is a great concern to the Members who submitted the projects but the commencement of the implementation of the projects is taking longer than expected despite the passage and ascent of the Appropriation Act. Further, the coming into place of the NMS saw resident engineers supervising many projects that were ongoing in the wards withdrawn. This led to stalling of the said projects, with most projects being incomplete. The prospects are bad in the wards given that the rainy season is fast approaching.

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

1. Reasons of the delayed initiation of the submitted projects and their implementation status;

2. Whether the resident engineers assigned to ongoing projects in the wards will be reassigned to facilitate completion of the projects; and
3. Steps that the NMS is taking to ensure the infrastructure projects do not take unnecessarily long to complete at the detriment of the residents of Nairobi County.

**Hon. Speaker:** Chair of Transport? Minority Whip, will you give an undertaking?

(Point of Order)

What is your point of Order?

**Hon. Moses Ogeto:** Hon. Speaker am on a point of order No. 1 that says you need to guide this House. I want the Leader of Majority to get it very clear since he is leading the Government, so that it does not happen that, the Deputy Minority leader who is not in that committee do an undertaking of two weeks yet the Deputy Minority or Majority Leader do not sit in that committee.

Hon. Speaker, I am requesting under Standing Order No. 1 that you order all the Chairs of various Sectoral Committees where such statements have been requested to be present in the House. We can get a tentative reaction to it because under Standing Order No .42 (a, b, c, & d) it is very explicit that it is the Chairperson who should be responsible for statements which have been requested is in this Assembly.

Hon. Speaker, I wish you to do a tentative communication so that the Chairs of various Committees should be in this House for the purposes of answering this request by Hon. Members.

**Hon. Speaker:** Thank you Member, but I believe that you are going to do a review of the rules that we had given much earlier on the number of people who are supposed to be attending the plenary. Therefore, we can bear with him the Chairman that there was no such communication. However, going forward I think we are going to engage the leadership to see that we can review in line with the new COVID19 guidelines. Therefore, Minority Leader, you are given an undertaking by Majority Deputy.

**Hon. Abdi Hassan:** I want to take an undertaking that as a Majority Party we will make sure that all Chairs of the Sectoral committees avail themselves in the plenary so that they can give the answers to the statements asked by the Members. Thank you.

**Hon. Speaker:** Majority, you have not given the timeline when we expect an answer.

**Hon. Abdi Hassan:** I am also a Member of Transport, Mr. Speaker sir and by virtue of being a Member and as a Majority Leader, the Member can give the committee two weeks so that he can get the response, because it will make a comprehensive answer. And we are asking the Member to indulge with the Committee so they can get a response with regards to his statements. Thanks, Mr. Speaker sir.

Hon. Speaker: Thank you, Majority Leader, but I am wondering whether we have a template of responses, which is usually two weeks. We can now move to the next order.

## PROCEDURAL MOTIONS

### LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

**Hon. Abdi Hassan:** Thank you, Mr. Speaker Sir. That, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: -

A maximum of forty-five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying. A maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order. Mr. Speaker Sir, I will ask the Deputy Speaker to second the Procedural Motion. Thank you, Mr. Speaker Sir.

**Hon. Geoffrey Majiwa:** Thank you, Mr. Speaker, I second the Motion.

*(Question proposed)*

**Hon. Speaker:** Is there anyone debating. Mover to reply.

**Hon. Abdi Hassan:** Thank you, Mr. Speaker, I beg to reply.

*(Question put and agreed to)*

**Hon. Speaker:** Next order!

#### LIMITATION OF DEBATE ON INDIVIDUAL MEMBER'S BILLS

**Hon. Abdi Hassan:** Limitation of debate on individual members Bill; that notwithstanding the provisions of standing order 103 (4), this Assembly orders that each speech in a debate on bill not sponsored by a committee, the Leader of the Majority party or the leader of 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. A maximum of ten minutes for any other member speaking except the leader pf majority party and the leader of minority party who shall be limited to a maximum of 15 minutes each and that priority in speaking be accorded to the leader of majority party, leader of minority party and the chairpersons of the relevant sectoral committees in that order

Mr. Speaker sir, I ask the board Member Hon. Catherine to second the Motion. Thank you.

**Hon. Speaker:** Seconder?

**Hon. Catherine Opiyo:** Thank you Mr. Speaker sir for giving me this chance to second the Motion. I support

*(Question proposed)*

**Hon. Abdi Hassan:** I take this opportunity to thank the House---

**Hon. Speaker:** Order Majority Leader, there is a request from Hon. Emily

**Hon. Emily Oduor:** Thank you Hon. Speaker. I stand to support this Motion. I am happy that the timings have been brought to us as we are starting the sessions. I also want to request our leadership and whips to listen to what I have to say. I have noticed that sometimes when a Motion is brought to the House, some Members tend to keep on going and do not respect the time and once they are done reading the Motion, they shout for the mover denying others the opportunity to speak. I support this Motion and I hope that we are going to stick to the timings and give others Members time to contribute. Thank you Mr. Speaker, I beg to support.

**Hon. Speaker:** Thank you. Hon. Warutere

**Hon. Peter Warutere:** Thank you Hon. Speaker for giving me this opportunity to rise in support of this very important Motion. I also wish to state that the business of this house has gone down having been affected by Covid therefore I ask the Majority to generate business for the House. All the respective chairs need to ensure that we have business that can sustain us going forward. I therefore rise to support.

**Hon. Speaker:** Thank you. Mover?

**Hon. Abdi Hassan:** Hon. Speaker, I want to thank the Assembly for supporting this Motion and I beg to reply.

(Question put and agreed to)

**Hon. Speaker:** Next order!

#### LIMITATION OF THE DEBATE ON MOTIONS

**Hon. Abdi Hassan:** That, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on any Motion, including a special Motion be limited in the following manner:- A maximum of three hours with not more than twenty (20)minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that order.

Mr. Speaker Sir, I will ask Hon. Deputy Minority Whip to second the Motion. Thank you.

**Hon. Moses Ogeto:** Hon. Speaker, I beg to second.

(Question proposed)

**Hon. Speaker:** Members, may I call the Mover to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker Sir, I beg to reply

(Question put and agreed to)

#### LIMITATION OF DEBATE ON REPORTS

**Hon. Abdi Hassan:** That, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on a Report of a Committee, a Sessional Paper or any other Report submitted to the Assembly, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and Leader of the Minority Party, in that order.

Mr. Speaker Sir, I will ask the Deputy Speaker to second the Motion. Thank you.

**Hon. Geophrey Majiwa:** Thank you Mr. Speaker Sir, I second the Motion.

(Question proposed)

**Hon. Speaker:** Members, there being no request, I call the Mover.

**Hon. Abdi Hassan:** Thank you Mr. Speaker Sir. I beg to reply.  
(*Question put and agreed to*)

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

**Hon. Abdi Hassan:** That, notwithstanding the provisions of Standing Order 103(4) and in furtherance to the provisions of Standing Order 25(5), this Assembly orders that debate on the Motion on the Address by the Governor be limited to no more than five (5) minutes for each Member speaking, thirty (30) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

Mr. Speaker Sir, I will ask Hon. Emily Oduor Ong'wen to second the Motion. Thank you.

**Hon. Emily Oduor:** Thank you Hon. Speaker and thank you Majority Leader. I second the Motion.  
(*Question proposed*)

**Hon. Moses Ogeto:** Thank you Hon. Speaker. I stand to support this Motion. It is unfortunate that for the last two or three years we have never had the Address of the Governor. I believe that this Procedural Motion will indulge the Leader of Majority to ensure that the Governor of this city will come and address the city for the purposes of this Motion.

Hon. Speaker, this Motion is very important. The reason why this Motion has been allocated a longer time is for the Governor to be able to address the progress of the various departments and how he wants to move Nairobi towards Vision 2030. We believe that the Leader of Majority and your leadership will ensure that before the end of this year we will get the Governor's Address.

Mr. Speaker, with those few remarks, I beg to support this Motion.

**Hon. Speaker:** Mover to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I beg to reply.  
(*Question put and agreed to*)

#### LIMITATION ON DEBATE ON ADJOURNMENT MOTION

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. Limitation on debate on Adjournment Motion. That, notwithstanding the provisions of Standing Order No. 103 (4), this assembly orders that the debate on any Motion on 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 hours with not more than five minutes for each member speaking except the Leader of the Majority Party and the Leader of the Minority Party which shall be limited to maximum of ten minutes each. And that priority be accorded to the Leader of 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 days. The debate shall be limited to a maximum of ten minutes and shall be strictly be confined to the question of adjournment.

Mr. Speaker sir, I ask the Deputy Majority Leader to second the Motion.

**Hon. Peter Wanyoike:** Thank you Mr. Speaker. I beg to second.  
(*Question proposed*)

**Hon. Speaker:** Mover to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I want to thank the House for supporting this Motion and I beg to reply. Thank you.

(Question put and agreed to)

#### ADOPTION OF THE ASSEMBLY CALENDAR – FIFTH SESSION

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. That, pursuant to the provision of Standing Order No. 29, this assembly approves the calendar of the County Assembly regular session for the Fifth Session 2021 as contained in the schedule attached to the Order paper.

Mr. Speaker sir, I ask the Majority Whip to second the Motion. Thank you.

**Hon. Paul Kados:** Thank you Mr. Speaker. I rise to second the Motion.

(Question proposed)

**Hon. Speaker:** Hon. Members, there being no request, I ask the Mover to reply.

**Hon. Abdi Hassan:** Thank you Mr. Speaker sir. I want to thank the House for supporting this Motion and remind them that this schedule will be passed by this House and they should not come at the middle of the term when we go for recess to say that we want an extension. You can see that the House is not full and it will never be full. The unnecessary extensions by Members should not be entertained. I want to take this opportunity to thank them again and welcome you back to the Fifth Session of the County Assembly of Nairobi. I beg to reply. Thank you Mr. Speaker sir.

(Question put and agreed to)

#### ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business, the House stands adjourned to Thursday 11<sup>th</sup> February 2021 at 2.30 p.m. Thank you.

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