



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 18th April 2023

The House met at 2.30 p.m.

[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]

PRAYER

QUORUM

(The Clerk-at-the-Table confirmed there was no quorum)

Hon. Speaker: Honorable Members, you may be seated. Hon. Members, the attention of the Chair has been raised for lack of quorum in the assembly. I direct, under Standing Order 37 (2), the bell to be rung for a period of 10 minutes.

(The quorum bell was rung)

Honorable Whips in the House, please facilitate the Members coming. Thank you.

Order! Honorable Members, please note that the Standing Order does not allow you to shout, whether the Assembly is in session or not.

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

Serjeant-at-Arm, please, we have quorum in the Assembly, and we may proceed.

COMMUNICATION FROM THE CHAIR

PUBLIC PARTICIPATION IN COUNTY BUDGET DOCUMENTS

Hon. Speaker: Good afternoon, Honorable Members. I wish to make a communication, and this is concerning the public's participation in county budget documents.

Hon. Members I have the following communication to convey regarding public participation in the county budget documents.

As you are aware, the Nairobi City County Intergraded Development Plan CDP for the period 2023/2027, the Nairobi City County Annual Development Plan ADP for the financial year 2023/ 2024 and the

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Nairobi City County Fiscal Strategy Paper CFSP for the financial year 2023/2024 were laid on the floor of the Assembly and committed to the select committee on County Finance, Budget and Appropriation and other sectoral committees for consideration and thereafter reporting to the assembly.

Honorable Members, Article 196 (1) (b) of the Constitution provides that a County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees. In this regard, the County Assembly has organized a public participation exercise to collect the views of the public on the aforementioned budget document in all the 17 sub-counties, as follows:

(Several Members stood at the entrance awaiting to enter the House)

Honorable Members, you may proceed to sit. Kindly proceed. Thank you. Hon. Members, this is the day I expect you to be very keen on the dates. Under the first column is the date the second column is sub County and the third column is the venue.

On Wednesday, April 19, 2023, Roysambu will have their venue at Kahawa West Market parking. On the same date, we have Makadara, Embakasi East, Ruaraka, and Dagoretti. In Makadara, the venue shall be Jericho Social Hall, Embakasi East Embakasi South Hall, Ruaraka, Baba Dogo, and Calvary Church Dagoretti North, St. John's Catholic Church, Riruta Embakasi North, Dagoretti Three Social Hall, Embakasi West Umoja One ward off his grounds. Those ones fall under the date April 19, 2023.

Thursday, April 20, 2023 the day after tomorrow, Kasarani Constituency or sub-county, Maji Mazuri grounds, Westlands, City Park Langata, Uhuru Gardens primary school. Embakasi South, Redeemed Gospel church quarry, Kibra Woodley green, Kamukuji Eastleigh North Social Hall, Mathare Undugu Social Hall. Embakasi Central Kayole Social Hall, Starehe Kariokor Social Hall.

Honorable Members, the public participation meeting shall be spearheaded by Members of the Finance, Budget and Appropriation committee and is scheduled to commence at 9:00 a.m. on the appointed day.

However, all Members are invited to attend the meeting, especially elected Members in each of the sub counties, especially in their various wards, who will be expected to mobilize their constituents to attend the meetings and air their views.

The Office of the Clerk has put in place measures to ensure that the exercise is successfully done and that the law is adhered too. Honorable Members of the House, stand in formed. Thank you

PETITIONS

PETITION BY RESIDENTS OF PUMWANI ON ALLOCATION OF PUBLIC LAND ALONG GENERAL WAIRINGE ROAD

Hon. Speaker: Hon. Majority Leader and Minority, please converse in low tones. Hon. Members, we have a petition by residents of Pumwani on the allocation of public land along General Wairinge Road.

The undersigned are citizens of Kenya who are residents of Pumwani along General Wairinge and members of Mabrouk, a local business community within Nairobi City County draws the attention of the Nairobi City County Assembly to the following:

That aware that the constitution of Kenya, under Article 37 and Sections 15 and 88 of the County Government Act 2012, provides the right of citizens to petition authorities or the county government on any matter.

Whereas, Article 62 of the constitution of Kenya provides that public lands shall vest in and be held by the county government in trust for the people and resident in the county and may be administered by the National Land Commission on behalf of the county government.

That whereas for a long time, a parcel of public land located along General Wairinge Road and directly opposite Pumwani has also remained idle and has been utilized by criminals, criminal gangs, illicit drug peddlers, and consumers, posing a security threat to the area.

Whereas, due to its strategic location, a parcel of land put to proper use by the local community can avert the reported security threats in the area, generate revenue for the county government, create employment, and be a source of livelihood for many households residing in the area.

That whereas the local business community under the Mabrouk group is ready and willing to utilize the land for useful reason and purposes as aforementioned.

In addition, whereas all the matters in respect of the petition have been raised or are not pending before any court of law or constitutional body. The petitioner's efforts to directly engage the county executive on this matter have not been fruitful.

Therefore, your humble petitioners pray that the Nairobi City County Assembly intervenes to ensure that the Nairobi City County Executive, in collaboration with the National Land Commission, allocates the idle parcel of land located along general Waring Road, directly opposite Pumwani Hospital, to the local business community of Pumwani under the Mabrouk group under a long term lease, and your petitioners will forever pray. Thank you.

Hon. Speaker: Hon. Members, I commit the petition to being considered by the Committee on Planning and Housing. Thank you.

PAPERS

Hon. Speaker: The Chairperson of the Sectoral Committee on Trade and Tourism Cooperative!

Hon. Deonysias Mwangi: Thank you, Mr. Speaker. I would like to lay the report of the sectoral committee on Trade, Tourism, and Cooperatives on the second induction workshop held from March 27 to 30, 2023 at Maxland Hotel Kiambu County. Pursuant to Standing Order 196, I beg to move the following Paper on the Table of the Assembly today, Tuesday, April 18, 2023. Thank you, Mr. Speaker.

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

Hon. Speaker: Thank you. Proceed!

STATEMENT

Hon. Speaker: Hon. Antony Maragu Muthoni. Is the Hon. Member in? You may proceed, clerk.

MOTION

(Point of order)

Hon. Speaker: You may proceed, whip.

Hon. Moses Ogeto: Thank you, Hon. Speaker. I am on Standing Order number 56 (h) on a Motion of Privilege.

Hon. Speaker. Today, I want to express my sentiments that this House is recognized under the Privileges Act that was passed by the National Assembly in the year 2017 and later amended by the National Assembly.

Hon. Speaker, the Members of the County Assembly, Members of the National Assembly, and Members of the Senate have the privilege to attend this House to do their representation under Article 1 of the Constitution, Section 2.

Hon. Speaker, we know well that the members of the Fourth Estate took the privilege of some Members who were committed during their CIDP Project and reported that we do not have a quorum in this House.

That notwithstanding, Hon. Speaker, under Article 1, Section 2, of the Constitution of the Republic of Kenya, we have a mandate to represent our people. The party which I represent, the Azimio la Umoja One coalition has various chairs and vice chairs to take care of the matters of the residents of Nairobi when they come here directly.

Hon. Speaker, on that privilege, I wish to state raising a quorum in this House is becoming a nightmare. Why? It is because Members, truly under the Circular of SRC, Volume 4, are not supposed to be paid their allowances when they are attending the meeting. It discourages Members from attending.

However, under the Privileges Act these Members, under Article 1 of the Constitution of the Republic of Kenya, their sole mandate is to represent the people and to do legislation or oversight in this assembly, Hon. Speaker.

Hon. Speaker, I call upon my Members, especially Azimio la Umoja, especially the Vice Chairpersons and Chairperson who fail to attend this Assembly yet their statements are in the Order Paper.

These are the Members we need to discourage and I ask even the office of the Clerk that these Members who request statements even though they are not in this House should not proceed to come before the floor of the House.

Hon. Speaker, that notwithstanding, I want to implore the leaders of Majority and Minority and my counterpart, the whip, that this House can only stand when we do our mandate under Article 195 of the Constitution of the Republic of Kenya.

Hon. Speaker, without that, this House should be closed sine die so that these Members can know there will be no committees' sittings. If Members attend [committees] they will draw their allowances, but in the plenary, they do not want to go because of their allowances.

If committees are an extension of the assembly, then why do we need to have these committees? If the committees are running concurrently, then it will also be the fact that they are extensions of the Assembly.

Hon. Speaker, I am imploring my chairpersons and vice chairpersons that I will be doing a roll call, personally in this assembly to ensure that these Members, the chairpersons or the vice chairperson, are ready to take the statements (*Applause*) from the Members who are requesting.

Hon. Speaker I would wish you to invoke the same privilege and extend the same to committee sittings; If Members are not going to attend this assembly, Hon. Speaker, let them not draw their allowances

from those committees. Hon. Speaker, with those few remarks, that is the point of order I wanted to raise. Thank you.

(Applause)

Hon. Speaker: Yes, Majority Leader,

Hon. Peter Imwatok: Hon. Speaker, allow me to stand to speak to my Honorable Members because it is not usual. Out of 47 county assemblies I have never heard any other assembly that adjourn more than twice because of a lack of quorum.

I am privileged to work with Hon. Chege Mwaura in the County Assemblies' Forum. However, in our reporting of the assembly's proceedings, it is only Nairobi which is reported every week, that has no quorum.

Honestly, Speaker it boils down to the leadership of the committee, and I want us to know that as we are being provoked by the whips I want to assure this House and Speaker that last week, when the able Speaker's panelist Kimemia was sitting on your seat he pronounced and directed the Clerks to give an attendance of all Members, starting from the chairs and vice chairs of the committees to this honorable House. Hon. Speaker that report was supposed to be availed to this House today. Hon. Speaker, it may not have come to your attention.

I request, respectively, that tomorrow you, as the Speaker of this House, take a roll call of the entire House. This is because, Hon. Speaker, there is no way a chairperson is absent in the assembly; the vice chair is absent, and kudos to the Speaker's panelists, I normally see almost all of them in the chamber.

However, the chairs and vice chairs who are amounting to about 46 Members of the county assembly they are never in the county assembly. Let me dare to say this: history is written by us, and if we have to write history, we must write it in the right way. I see the Hon. Special Elect with all due respect, you can be busier than even elected leaders. I want direct all the whips to take a good evaluation process of every committee, from the committee level to the County Assembly attendance.

This House is also called upon to make its own regulations beyond the SRC and one of the recommendations, Hon. Speaker, I will recommend that we fashion our own assembly in such a unique way that we have to reduce the committee sittings from eight sittings to five sittings so that the three sittings can only be payable when you attend the plenary so that we fashion our own assembly because it is only this assembly, Hon. Speaker, as I told you yesterday, it is wrong you have not invoked the Speaker's Rules. It is only in this assembly that a Member of the County Assembly comes in jeans and walks inside the chamber or in committee room.

It is only in this Assembly, Hon. Speaker, that a Member walks into committee, which is an extension of Parliament, without a tie. It is only in Nairobi County Assembly. I know the fourth estate, they will report whatever they want, but when your child has an issue, speak it out. Do not wait until he is shot outside there and say, I did not know he was a thief. Let us speak as a House.

Honorable Members, the Azimio side are trying, the UDA side are trying, but we need to pull up our socks.

(Applause)

I can imagine, Hon. Speaker, by 2025, will you have an assembly? For the first time in history, a Member who has never spoken, is always absent. When is he going to know how to stand to a point of order? I am just respectfully telling my fellows Members I see Hamisi, Hon. Malyun on a daily basis, and Lugonzo and my brother Chege and leadership are trying to be in assembly to encourage my counterpart, but it is not right.

It is not right for our Members to be reported on a daily basis. Someone comes on and says the media should be gagged. We cannot gag the media; they should do their job because the wanjikus claim they want more salaries, as I see on our page.

We are fighting ourselves for more salaries. Helen, what are you fighting for if you do not come to the assembly? Which salaries are you fighting for? It is also human nature before God that what you earn you must work for. Hellen Kidenda, what you earn you must work for; this is not a money-mincing process. If you want to be a billionaire, please do not be a politician; be an entrepreneur. This is a call to duty, Hon. Members; it is a call to service. Hon. Speaker you have been here for more than 20 years, and you know this is a call for services as much as you have to be paid.

Hon. Speaker I want to undertake, as the Leader of the Majority, on behalf of Azimio, that my whip is directed to make any change necessary to any chairperson or vice chairperson. If all the chairs can go to special elections, so be it. If the Special Elect will make this assembly have the forum, let them have the positions of chairs and vice chairs.

(Applause)

Therefore, I count on the 23 Members of the Special Elect in the next one month. Whip you will be directed that any chair who does not attend the plenary or any vice chair who does not attend the plenary should not be the leader on our side.

Let those who attend our plenary be the leaders. I am touched, but I am sorry; we have to do something. History is beckoning to us. Thank you.

(Applause)

Hon. Speaker: Just a minute whip please. Hon. Members, as raised by the whip and supported by the Majority Leader. He has raised a raft of proposals; I wish to invoke Standing Order 250 that gives exemption of business without notice of Motion so that you may have 20 minutes of our plenary time to deliberate on the issue. If necessary, I would request that the Majority Leader on your proposal come up with the substantive Motion where we can direct the Office of the Clerk and the Chair of the Service Board to capture the attendance for the three sittings as requested as it should be resolved by the House.

Then we will have to consider that as part of a sitting allowance. Thank you, Hon. Members; you have the plenary. Please, my Minority Whip, I am sorry.

Hon. Mark Mugambi: It is okay, Hon. Speaker, and thank you for this chance. I wish to support the sentiments of the Majority whip and the Majority Leader in regards to the continuous lack of quorum in this House.

It is quite discouraging that we actually thought that this Third Assembly would have been different from the last two assemblies. However, what we are witnessing, Hon. Speaker, is something that or rather a behavior that we cannot condone further.

Hon. Speaker, I also wish to direct to the clerk's office that this is the third time I am proposing that we have the first rows engraved with the labels of committee chairs so that at any given time when you are seated there, you can read the chairperson, his committee is not in the plenary.

Hon. Speaker, I am also quite disturbed by the fact that we have a committee that is having a retreat outside Nairobi during plenary days. I understand that committees are supposed to commence on Thursday evening and come back by Monday evening at the latest. Be it an assembly retreat, an executive retreat, or even a donor-funded retreat. We cannot entertain this, Hon. Speaker.

Even if the plenary is not being paid this is one of the core functions of us as elected leaders, because one is representation, two is oversight, and the three is legislation. How can you legislate while you do not attend the plenary? Hon. Speaker, I also wish to challenge the new Members to come up with Motions, Statements and Bills so that you can find the essence of you being in these chambers on a weekly basis.

It is not that the leadership is idle, or they do not have anything else to do but we find time to always - Tuesday, Wednesday, and Thursday, to be available in these Houses. We are leading by example. The leadership is quite different from the former leadership, where you could find the leaders were not in the chambers, but on a daily basis, we have the Minority Leader and the Majority Leader, all of them seated in these chambers.

Hon. Speaker, it is not that the rest have been too busy; as we are 123, we cannot raise a quorum of 42. It is quite absurd. In addition, when the members of the Fourth Estate do their work, you find others complaining in the group that they need to be gagged. Yet the people who are complaining about the group are not seated in this House this afternoon. It is quite absurd.

Hon. Speaker, I beg and pray to these Members: let us change our attitude towards the people that we represent. Because even the salary we draw is because of the votes they sent us here to represent them. Hon. Speaker, with these few remarks, I beg to support.

Hon. Speaker: Hon. Minority Leader.

Hon. Anthony Kiragu: Thank you, Hon. Speaker. Maybe I would like to clarify that the media wrote an article, but that did not go very well with some of our Members. Maybe I would like to clarify that I was not misquoted. I am happy that what I said is what is in this House today: that we need to be serious. I will remind Members that now it is about seven months after us being chairpersons and vice chairpersons, some of the chairpersons we have may not be happy or not even capable.

Therefore, I want to challenge Members: kindly impeach those who are not competent and take the seats yourselves. *(Applause)* Personally, in this assembly, I have been impeached twice as chairperson. I have also impeached several chairs, and it is actually your right to look at the committee and ask yourselves whether the leadership we have in those committees is taking you in the right direction.

One of the criteria is how they have been behaving in the plenary; kindly do what you are supposed to do. I would also request that my counterpart, the Majority Leader, not gauge people's looking forward.

I think we need to go back and check the last 30 days and take action from historical actions not from where we are going forward so that we can give an opportunity to new people who are serious to take up those positions.

But I also want to echo the importance of taking the Assembly serious because we owe it to the people of Nairobi and we owe it to the people of Kenya that we attend and do our oversight role. I wonder what would happen if somebody decided to oversight the Assembly and say, for the last 20 sittings may be we have not been able to raise quorum in so many sessions. It is a shame.

We need to be serious; personally I know myself because I have here on a daily basis, I have been here every day even when I have other things to do but we must give this Assembly priority. I know there also some very hard working chairpersons and they also; am only afraid to name a few people who are here every day and may be I would want to comment them and ask the Chair to take some time and mention like the chairman of Planning is always here, (*laughs*) I see he is soliciting for my vote (*laughs*) and I also know some hard working Members who are always in this House, who contribute and who take time to give quorum and to contribute in all Motions and in their committees.

Hon. Speaker, I would request that you take time, give a day like tomorrow where the clerk can give you the feedback so that we name some people, so that they can give way and give competent hard working Members of this House an opportunity to leads some of these committees. Thank you.

(Applause)

Hon. Emily Oduor: Thank you Hon. Speaker. A lot has been said and am not going to repeat but I would only like to add that, it is not the attendance that we first count the number of whether we have quorum, but it needs to proceed until the end of the session. Occasionally, we have sat here like we are about five people discussing a Motion and the Motion is passed with only five people. So, let's not only look at the quorum when we start the sitting but at the tail end of it. How Members do we have? That will also be very important. I think that is the one thing that has not been said that I felt I would of important to add. Thank you Hon. Speaker.

Hon. Deonyias Waithera: Thank you Hon. Speaker. I want to say something about the debate which is going on right now. Personally I am a chairman and maybe I have missed like two sessions because of an emergency so am not saying this because maybe chairmen don't attend but, I have three concern.

One, it is about the leadership. It is well known out there in the lounge when a sitting time arrives, you will hear Members saying "*ukiona huyu anakakuja, kuna kitu inazungumziwa*". So it is only known that, even the leaders should leaders be an example of this assembly to make sure that their seats are not empty because of the Members.

Number two, I would like to say something about the chairpersons. We as the chairpersons may not have that manpower to make sure our Members attend the sitting but we can be empowered by being told that, if a Member signs a sitting committee, he/ she should be in this House. But, if we are not given that power, somehow the chairpersons are afraid that if don't allow them to sign and go to their businesses, you will be impeached. So, we need to empowered as the chairpersons so that we can be tough on that.

The final one is about the first timers we as new Members in this Third Assembly because our seniors should be our role models. If I see a senior who has been elected like twice or thrice coming into our

committee sitting in jeans, what do you expect the first timers to do? So, it is all about role models, it is all about making sure everyone is committed to the core. Thank Mr. Speaker.

(Point of Information)

Hon. Speaker: Allowed you may proceed. Mheshimiwa Perpetua kindly switch off your microphone.

Hon. Moses Ogeto: Hon. Speaker thank you very much. I want to be informed. I want Hon. Deonysias to substantiate that we, the leadership, like now, Leader of Majority has taken an emergency call, but I know he is coming back. Is he trying to substantiate that this House, that the leadership when we are before this House, like today - I was literally threatening my fellow colleagues here to call your chairman so that we can have a quorum. Am seeing a Motion of Hon. Eutyclus Muriuki I don't know, does this concern that when leadership comes to this House that there is something. I don't know what is this 'something'. Can the Member substantiate what this 'something' the leadership is coming for in this House?

(Applause)

Hon. Speaker: Hon. Chege.

Hon. Chege Mwaura: Thank you Mr. Speaker. I rise also to support the Motion and also to...

Hon. Speaker: The Member has not concluded, I thought you were rising on a point of order?

Hon. Chege Mwaura: Yes, it was on a point of order. I just wanted to inform my younger colleague that, if a Member is not well dressed, it is not a license for you to be not well dressed because of that Member. If I in my senior misbehave, there no reason why you should misbehave because you are a leader in your own right and you have the responsibility to carry Nairobi forward whether a senior Member is well represented or well-dressed or not.

I think I should not leave that to pass so that any new Member should not necessarily take up bad example on the account of getting an example. When you are here when we started, when we found you as our senior Mr. Speaker, we used to take you on and asked you hard questions. We expect hard questions from our new Members and take us to task and for your information the Speaker is blind until a Member rises. So, if Hon. Chege Mwaura is not well dressed, you raise it with the Speaker so that the Speaker can take the necessary action.

Finally, Mr. Speaker, I agree with the whip that when we come, this thing that when I hear that when leaders are coming there is something you to take them on and ask them hard questions on that something they are coming to do. I am saying that with tremendous respect because am happy he has gotten the courage to ask but it is also important that you come prepared, bring a Motion, bring work. We want to deliberate and give good feedback. Let me give you a good example; I have seen everyone contributing to some group and I told a Member who came to me and said you also need to contribute, I said myself I will not contribute because I don't believe in that direction and if everyone contributes it is fine but Chege Mwaura was not going to contribute because there is a body that is working on the same issues.

Now, if another former amorphous body wants to con you or whatever then that is your problem and I will stand with my position whether I am SG or not. So, Mr. Speaker I urge the new Members to take up and be able to stand. You must be able to stand for something, whether everyone is on that direction or not. Whether the leaders, whether the bosses, whether your chairs are right. If a chair of a committee is not doing well, you as a Member no one stops you from doing right. Thank you Mr. Speaker.

Hon. Speaker: Thank you. Mheshimiwa Eutyclus please. Kindly you have raised an interesting version in the House which needs to be substantiated. So kindly please, you either substantiate on the issue or you withdraw.

Hon. Eutyclus Muriuki: *(laughs)* Thank you Mr. Speaker. As my friend Majority Whip has stated that leaders sometimes get an emergency like now the Majority Leader, we understand that leaders might have some emergency because they have a lot to do. But Mr. Speaker in my statement I have said that, there is that thing in the lounge and it was in a quote, “*ukiona huyu akikuja kuna kitu kinaendelea*” and Mr. Speaker I have like two examples when we are about...

Hon. Speaker: Hon. Member this house is a House of integrity please don't bring in issues discussed in the lounge and find them in the plenary please.

Hon. Eutyclus Muriuki: Thank you Mr. Speaker I withdraw but as I was saying that we have seen especially when we are about to pass a budget, the whole leadership is in the House maybe when there is a Motion to be passed, the whole leadership is the House and that is something as Members we always see and that's why I was saying it is just about a role model because Hon. Chege Mwaura has said, I don't have to do something because my counterpart is doing the same but if I say someone has been elected like twice or thrice and that is my interest and he comes in jeans...

Hon. Speaker: Hon. Member you are out of order. You are not supposed to be enticed to attempt the plenary. Please you are out of order be seated.

Hon. Eutyclus Muriuki: Thank you.

Hon. Sospeter Mumbi: Yeah Hon. Speaker. Okay thank you for the opportunity. I want to second the position shared by Majority whip with regard to attendance of the plenary. But without recapitulating what have been said, allow me may be to take it a note higher and request, maybe, it is important for this House together with the attendance of the House to begin considering the performance, maybe, working on a performance report.

By that I mean, it is not just about being in the plenary again, we are here to represent our people, to bring Motions in the Assembly. So, do we have Members amongst us who are just here to attend sittings may be without bringing Motions, reading statements in a way? So, I think it is high time that we begin to receive such a report and I will encourage even the media itself perhaps this is something that you can tailor to have a report that indicates these number of Motions have been presented six months down the line and they have been presented by these individuals. Maybe that kind of report would also go a long way in encouraging the Members to be active or to actively take part in the House. So thank you very much and am looking forward to having a full plenary. Thank you.

Hon. Speaker: Can we have the last one. We had allocated twenty minutes. Hon. Lawi Please. Hon. Perpetua you were a given an opportunity which you didn't utilize.

Mheshimiwa Lawi can you find a comfortable position to address the plenary please. Don't sit on the laps of Hon. Member.

(Laughter)

Please you are repeating the same mistake, again. Please the microphone is opened over there, behind you. Please you are suffocating the Member *(laughter)*. The microphone is on.

Hon. Members: Here please.

(Laughter)

Hon. Lawrence Odhiambo: Hon. Speaker can you please protect me because am seeing....

Hon. Speaker: You are not supposed to be protected, you are suffocating Members.

Hon. Lawrence Odhiambo: Hon. Speaker can you please protect me because...

Hon. Speaker: How do you expect to be protected when you are suffocating Members?

Hon. Lawrence Odhiambo: ... am seeing am having a lot of enemies here in this house...

Hon. Speaker: Please can you proceed!

Hon. Lawrence Odhiambo: ... I don't know if it is because of this beautiful lady or I don't know.

Hon. Speaker: You may proceed.

Hon. Lawrence Odhiambo: Hon. Speaker thank you very much. Let me support first of all this debate of today. First and foremost, you know very well that this is a House of rules and you know very well that, the first rule of this House is that maybe if honorable Member can be absent maybe for three *ama* four times without any apology, we know the rules *ama* any given rules that he is supposed to be taken against him. It is eighth times, yeah, but we find that maybe in this House most of Members can go more than eight times without attending this House. I want to go direct to the leadership of this House. Can you please be serious on your Members?

Hon. Speaker: Hon. Member you can't discuss the conduct of a Member or a leader without substantive Motion.

Hon. Lawrence Odhiambo: Am just saying that the leaders...

Hon. Speaker: You don't have the authority to give directions; can you contribute to the Motion please?

Hon. Lawrence Odhiambo: What am saying, our leadership in this House...

Hon. Speaker: Can you contribute to the Motion, honorable Member.

Hon. Lawrence Odhiambo: It is what am doing Hon. Speaker. The leadership of this House must be serious as per what is going in this House. Are you getting me? They must be serious.

(Laughter)

Hon. Speaker: Hon. Lawi are you questioning the competency of the leadership?

Hon. Lawrence Odhiambo: Am questioning the competence of this leadership.

Hon. Speaker: You are out of order, Hon. Member; you are out of order. Please can you bring substantive Motion, you are out of order.

Hon. Lawrence Odhiambo: I am supporting...

Hon. Speaker: You cannot support...

Hon. Lawrence Odhiambo: Am supporting the debate of today, Hon. Speaker.

Hon. Speaker: Order Hon. Member. Am just guiding you Hon. Member that you are out of order. You cannot point fingers; you cannot discuss the conduct of leadership. Kindly if you have a censor Motion please bring your notice.

Hon. Lawrence Odhiambo: Hon. Member. No. Hon. Speaker.

(Laughter)

If a Member can miss almost eight, more than eight sessions.

Hon. Speaker: Order, you are out of order honorable. You don't have the records of the attendance of Members. Please you don't have the records. You are pointing fingers. Please, please. Let us first of all get the attendance list and report then now you may have an opportunity to explore more in it.

Hon. Lawrence Odhiambo: Hon. Speaker are you getting me. We are losing the quorum always in this House. But it is just because of the leadership we are having here in this House.

Hon. Speaker: You are out of order kindly take your seat.

Hon. Lawrence Odhiambo: Thank very much.

Hon. Speaker: Please you may be sited. The last one please.

Hon. Perpetua Mbojiwa: Hon. Speaker thank you very much because somehow I support Hon. Lawi sentiment and before Hon. Chege Mwaura walks away, I would like to bring to his attention that whatever is happening here is partly his fault.

Hon. Speaker I have never understood, as the Secretary General for CAF, the reason to why the removal of the plenary allowances was done and no actions have been taken and we are going seven months down the line.

We are not getting any communication and how the money will come back because, let me tell you Hon. Speaker, it is so demoralizing for this Members knowing very well that there was an allowance coming which has been taken and I would say, illegally, because the constitution supports and protect that any gain whether materially, monetary or any other version of gain, as long as you have already have that gain, it cannot be taken away.

Hon. Speaker, it is so demoralizing that our plenary allowances were taken away from as by the SRC and our Secretary General is here as CAF. Our Secretary General is here. Chege Mwaura, we kindly urge you to take charge as CAF. Thank very much.

(Applause)

Hon. Speaker: Can you conclude the debate, Hon. Whip please!

Hon. Moses Ogeto: Mr. Speaker I wanted to remind my chairperson...

(Hon. Mwaura Chege rose to speak)

Hon. Speaker. You do not have the right to reply Hon. Chege. No, no, no, you have not been mentioned positively.

(Laughter)

Hon. Chege Mwaura: I have mentioned adversely and I beg for the right to reply, Mr. Speaker.

Hon. Speaker: You don't have to reply.

Hon. Chege Mwaura: I don't have to but I want to.

Hon. Speaker: Just leave the matter to rest, Hon. Chege please. With great honor.

Hon. Chege Mwaura: With tremendous respect.

Hon. Speaker: Hon. Member, the Hon. Member was out of order please.

Hon. Moses Ogeto: Hon. Speaker am on the floor. Just...

Hon. Speaker. The whip is on the floor. Please. Hon. Chege please.

Hon. Chege Mwaura: I request one minute from the whip. Am requesting from...

Hon. Speaker: The whip is on the floor, respect that. No. Respect that before you move.

Hon. Moses Ogeto: Thank you Hon. Speaker. He doesn't know that I wanted to defend him. Is that, Article 1...

Hon. Speaker: You are out of order. You are not here to defend any position of a Member. The Member has all the rights to speak out. Please, can you conclude?

Hon. Moses Ogeto: Hon. Speaker is I wanted to inform the House about Article 1; I want to read it so that this hullabaloo of allowances should stop.

Hon. Speaker, about Article 1 of the Constitution Section 3(A) where, all of us are seated in this House have been elected democratically to represent the people. The people of Nairobi residents woke up in the morning and elected the MCA, the MP, the Women representative, the Governor, the Senator and the President.

Where we belong is Article 3(A) where that there shall be Parliament both the County Assembly, the National Assembly and the Senate. What I want to inform the House and implore you under Article 1 of the Constitution is that, so that people like Hon. Lawi don't hide away saying 'us' the leadership are failing them is that we are not failing them. He should come to this Assembly and exercise his right under Article 1 of the Constitution.

Hon. Speaker I want to encourage you today to go to the Kenya library to bring these Hon. Members a Constitution of the Republic of Kenya so that Hon. Lawi cannot come and say leadership...

(Point of Order)

Hon. Speaker: Point of order declined. Under which point of order. Can you make reference, please, to the point of order?

Hon. Lawrence Odhiambo: I just want to clarify.

Hon. Speaker: which order, Hon. Member?

Hon. Lawrence Odhiambo: Order No. 1

Hon. Speaker: No.

(Laughter)

Please Hon. Member can you take your seat.

Hon. Moses Ogeto: I really want to thank the Hon. Members, Hon. Speaker. I am very happy today that Hon. Lawi is able to support me on a Motion of Privilege of Standing Order No. 59 (h).

Hon. Speaker, today you rose to speak and Members were just walking recklessly here. When the Speaker is on the feet, every Member should be seated. From tomorrow when the Speaker is on the feet and a Member is walking recklessly, chase him out of this House. You will deny him the committee allowances and you deny the Member the plenary allowances. That one will bring discipline to this House.

Hon. Speaker, there are Members here, some of whom I don't know their names, they don't come to this plenary and I know some Members here don't know if they are Hon. Members. Under this my Motion of Privilege, I am requesting you and imploring you that from tomorrow you be supplied with the Speaker's Rules that are within your jurisdiction and enforce them.

Hon. Speaker, from tomorrow we want Hon. Maryun, Hon. Vatia, and Hon. Ocheng Jairus to challenge me before this floor. It is not that when the leader speaks, he is always right. You can give a contrary opinion.

(Hon. Wilfred Odalo walked in)

People like the chairman of Budget who are coming late should be named. Bring some order in this House as from tomorrow. With those few remarks, I really want to thank you.

(Hon. Wilfred Odalo consulted the Speaker)

Hon. Speaker, I beg the chairman of Budget to give you time so that I address you. This is the respect which we have been demanding for in this House.

(Hon. Wilfred Odalo took his seat)

Thank you because you can't just walk in and want to approach the chair. You should be chased out. These are the things which we don't want in this House.

Hon. Speaker, from tomorrow enforce Speakers Rules. The Leader of Majority has given instructions to me and you will see the performance of the chairs and vice chairs. Before we go for recess, you will see the chairmen sitting here and responding to Statements and Motions. The House can be as peaceful when Members themselves are to create their own business to bring before this House. With those few remarks I beg to reply.

(Applause)

Hon. Speaker: Thank you. Hon. Members we will make further communication in regards to the Motion as dispensed by the plenary on Thursday 2:30 p.m. in our communication. Thank you. Clerk we may proceed!

Hon. Speaker: Mheshimiwa Muriuki

MOTION

INSTALLATION OF WATER HYDRANTS IN THE INFORMAL SETTLEMENTS TO FIGHT THE RAMPANT FIRES

Hon. Eutyachus Muriuki: Thank you Mr. Speaker. I beg to move the following Motion;

That aware that the function of fighting services and disaster management are vested in the County Governments pursuant to provisions of part 2 of the Fourth Schedule of the Constitution of Kenya. Further aware that informal settlements are generally characterized by poor infrastructural development including lack of access roads in the majority of cases. Informal settlements face fire disasters with late response from the county fire and disaster management team and concerned that even where some assistance is provided, firefighting equipment generally arrives too late after the fire has consumed property or whipped out the entire settlement. Observing that the County Government has in the recent past purchased a number of quad bikes to improve the response time when there is a fire outbreak in the informal settlements. However, several of the bikes have not been functional in the informal settlements due to their small capacity of carrying water and lack of hydrants within the settlements to refill them. Noting that the National Government in conjunction

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with the Ministry of Water and Sanitation and Irrigation embarked on the construction of the Northern collector tunnel in 2015 that is set to pump 140 million litres of water daily into Nairobi and other environs therefore improving the supply of water in the county and specifically in the informal settlements and realizing that Nairobi City County has a number of water hydrants distributed within the County.

However, majority of them are inaccessible or not functioning. Now therefore, this Assembly urges the County Executive to;

1. Conduct an assessment on the number of water hydrants in the county and conduct continuous routine inspections and repair of the water hydrants
2. Construct and install water hydrants in all informal settlements that lack water hydrants
3. Immediately submit the fire rescue and services policy Bill to the County Assembly for approval

Hon. Speaker, Nairobi County informal settlement experience frequent fire outbreaks leading to the loss of life, serious injuries and loss of assets and livelihoods. The combination of poverty, marginality and overcrowding of limited service provision exposes these residents to hazardous situations such as fires. The County Government has an obligation to provide firefighting and disaster management services to all Nairobians regardless of where they live.

It is noted with concern that informal settlements face greater risks of loss of property and life to fire than affluent areas. For instance, the County Government has placed a standby firefighting truck at Gigiri, which implies that in the event of a fire outbreak in the neighborhood, the response time would be faster yet this is not the case in other informal settlements.

On the other hand, informal settlements are prone to destruction of property due to fires as the county fire fighting brigade finds it difficult to access these areas and one of the reasons to blame for slow response to perennial fires for example at Gikomba market is lack of access routes in the areas. In the case of the September 12th 2011 fire disaster in Sinai village, the fire department arrived two hours after the fire outbreak instead of the five minutes recommended as standard within the city. The inaccessibility of the area due to lack of access roads and lack of water hydrants led to the destruction of property and loss of life.

Mr. Speaker, while conventional firefighting tracks may have difficulty in accessing these areas and use of quad bikes enable penetration of congested areas, countries such as Japan, Singapore and Brazil have adopted the use of quad bikes in firefighting in great effect. The effectiveness of these bikes is anchored on being properly equipped with portable fire extinguishers, jet guns, horse rigs and furthermore there is ease of access to water hydrants to ensure quick refill.

Hon. Speaker, water hydrants play a critical role in fighting fires as they provide a continuous water supply to the fire fighters allowing them to extinguish fires quickly and effectively. Unfortunately, the scarcity of functioning water hydrants has led to a significant challenge in controlling fires, this put lives and property at risk. Conducting a thorough audit on the current water hydrants shall enable the County Government to identify any that require replacement or repair and in addition, by mapping out congested areas in the city will enable the County Government put in place mitigation measures against fires.

Mr. Speaker, I represent the great people of Kahawa Ward in Roysambu constituency and since I was elected, we have been unfortunate to lose three lives due to fires. I also remember being together with

the Member for Lindi ward when he received a call informing him that his ward was going down in flames. I therefore urge the great Members of this Assembly to pass this Motion as it will achieve considerable success in controlling fire outbreaks in informal settlements within the City. I call upon Hon. Lily Kidenda to second the Motion.

Hon. Lily Kidenda: Thank you Hon. Speaker. I would like to take this opportunity to congratulate my colleague Hon. Euticus Mukiri for bringing this Motion on installation of water hydrants in informal sector to fight the rampant fires.

I want to mention that this Motion is timely even though I feel as though it should have been debated on and these actions taken before now. It has only been a few months since we sat at this Assembly and the number of deaths that have been reported by our colleagues from their wards have been alarming.

Many tears have been shed for loss of life and many people have come blurry eyed reporting on massive destruction of property. The truth of the matter Hon. Speaker is that our firefighting services and disaster management is wanting characterized by poor infrastructure, bad road networks and late responses when issues fire are reported. When this happens, areas in the informal settlements are wiped out with many lives lost.

The County Government in the recent past have purchased quad bikes to try and improve this situation but unfortunately, many of these are non-functional same as the water hydrants. I am excited to note that there has been the northern collection tunnel of 2015 that should be commissioned soon and will therefore give extra water.

As this is done, I pray that as the supply is improved, this should include the repair of the existing broken down water hydrants and quad bikes and that they should be distributed in all the informal sectors so that we put the lives of Nairobians ahead of anything. We realize that more water hydrants need to be purchased by the people given the responsibility to oversight. Can it be made clear to us during purchase in that what we get is top range? These things are used all over the world and we cannot be buying equipment that then become white elephants. Mr. Speaker, I rise to second this Motion.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. I rise to support the Motion by Hon. Eutyclus and congratulate him for coming up with the Motion. Since I was elected Mr. Speaker, I have witnessed a number of fire outbreaks within Nairobi such as in Roysambu, Githurai, Mukuru Kwa Reuben, Mukuru Kwa Njenga, Hamza Makadara and other wards. All of us in one way or the other have experienced this. This is a timely Motion because there is a lot of congestion in the said informal settlements, which makes it difficult for the fire brigade to access certain areas. In addition, the structures in the informal settlements are made of timber and iron sheets which are vulnerable to fires and by the time the fire brigade gets to the site then you realize that the mess is already done.

Once we put the hydrants then we will be creating an opportunity for mapping in the informal settlements in that in case of a fire incident, by the time the fire brigade gets to the site then it means that a team is going to sit down and plan to ensure that all the areas are planned for. However, the mover can also consider the security of the water hydrants and reliable water supply. For example, in my area, people have

not been able to access water for the last two weeks and in the event that a fire was to attack my area at this time then it would be very bad. Let us therefore see if maybe boreholes can be brought in handy to help address that.

Lastly, we understand that electricity connectivity in our informal settlements creates a broken ground for fire to thrive. As we focus on that, thank you very much Hon. Speaker.

Hon. Patrick Macharia: Thank you Mr. Speaker sir. I would like to congratulate my colleague Hon. Eutyclus Mukiri for this Motion. I have personally been affected with fire in my ward. When fire attacks Mr. Speaker, it burns down everything leaving people with no places to sleep and all. A few months ago, the fire brigade association came up with a proposal that Hon. Members should at least propose 30 youths who can be trained on firefighting skills. However, when they came here they noted that they do not have a budget to undertake the same.

Hon. Speaker, when a fire breaks out, you find that the youths in that area are usually the ones who participate in bringing the fires down even before the fire fighting people arrive. We were therefore forced to bring down that proposal because there was no budget attached to it. I ask the Assembly to at least get a budget to train the youthful volunteers who are ready to get these skills so that when fire breaks out then they are the first ones up to fight it. It is my humble request that we get monies in the coming financial years to train these youths.

Mr. Speaker sir, there used to be a disaster management team in the Executive which helped families acquire things such as mattresses and iron sheets but I have realized that it is no more. I urge the mover of this Motion to activate the disaster management Executive team to help in such cases. Thank you Mr. Speaker sir. I beg to support.

Hon. Stazo Omung'ala: Thank you Mr. Speaker. Allow me to congratulate Hon. Muriuki for a well thought out Motion because prevention is always better than cure. By having these hydrants in the informal settlements then we are preventing calamities from happening. We know that the core value of human beings is to protect life and property and with that being said, this is a well thought out Motion that should be supported and passed. Thank you.

Hon. Hellen Okello: *Asante sana Bwana Spika kwa nafasi hii ili niweze kujadilia katika mswada ambao umeletwa na mheshimiwa Eutyclus. Bwana spika, ka kweli tumeona watu wengi wamepoteza maisha kwa sababu ya moto, mali nyingi imeharibiwa kwa sababu ya moto na jambo ningalipenda kusema kuhusu hizi mikasa ya moto ni hili ili tuweze kuelimisha wana kijiji na wanabiashara jinsi ya kuzima moto. Bwana Spika kuhuzu maneno ya maji...*

Hon. Speaker: Protected. You may proceed.

Hon. Hellen Okello: *Asante Mr. Spika. Kwa maneno ya maji sasa hivi tunajua kwamba kuna janga la kipindupindu na kama tunaweza leta maji safi ili kuzuia watu wetu kuangamia kwa sababu ya kipindupindu na pia kwa sababu ya moto. Ni hayo tu Bwana Spika.*

(Applause)

Hon. Gerald Mukuru: *Asante sana Bwana Spika kwa nafasi hii ambapo nimesimama kuunga mkono mwenzangu kuhusiana na mjadala inayohusiana na janga la moto. Sanasanana mimi kama mtu ambaye amefanya kazi ya jua kali miaka yangu yote, nishawahi potezewa na kazi kuanzia mwaka 2005. Najua*

uchungu inayotekezea wakati watu wameguzwa na moto. Nilikua nafanya kazi ya garage na moto ilikuja usiku na kuchoma kazi yetu yote. Wengine wenyu mkipeleka gari kwa garage mnajua kwamba gari saa zingine hushika moto na maji ya kupigana na hio moto inakosekana. Kwa hivyo ni jambo lal busara sana kwa sababu umeleta hii jambo wakati inahitajika. Ninasimamia gikomba sehemu ya mbaao na juzi tu kulichomeka mpaka watu wawili wakaaga dunia na mali nyingi ikaharibika. Hapo hakuna mambo ya compensation kwa sababu biashara hapo ni informal. Kwa hayo, asante sana Bwana Mukiri na nimesimama kuunga mkono.

(Applause)

Hon. Speaker: Lastly Hon. Doreen

Hon. Doreen Mugambi: I rise to support this Motion and congratulations to Hon. Mukiri. Hon. Hellen mentioned something about cholera and my recommendation is that you have to use very powerful hydrants so that you prevent backflow that could contaminate public water. Thank you Mr. Speaker.

Hon. Speaker: May the mover reply

Hon. Eutyclus Muriuki: Thank you Mr. Speaker. I want to register my gratitude to the Members of this honorable House for their contribution towards this Motion. I do not want to take up more time, as you have heard fire issues are emotive and can make one shed a tear. With that, I beg to reply. Thank you Mr. Speaker.

Hon. Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, I direct that the House Business Committee sit tomorrow at 10:30 a.m. at the Speaker's office.

(Loud consultations)

I have already directed the adjournment of the Assembly. The Motion in question is referred to the next day. Thank you. The House stands adjourned to 2:30 p.m.

The House rose at 4.28 p.m.