



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 7th December 2023

The House met at 2.30 p.m.

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

PRAYER

Hon. Speaker: Hon. Members, you may be seated.

QUORUM

Hon. Speaker: Clerk, kindly confirm whether we have quorum.

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

COMMUNICATION FROM THE CHAIR

ADJOURNMENT FOR LONG RECESS

Hon. Members, good afternoon and welcome to this afternoon sitting of the Assembly. I have the following Communication to convey:

Performance of the Assembly

Hon. Members, without appearing to pre-empt the Motion to be moved by the Leader of Majority Party for adjournment of the Assembly, it is important to note that this is a special kind of Sitting because it marks the end of the 2nd Session in accordance with the Assembly Calendar that was approved by this Assembly,

Hon. Members, accordingly, may I take this opportunity on behalf of the Assembly leadership to express my sincere gratitude to all the Assembly Members for your dedication and commitment to the legislative work. Indeed, this is the time to take stock and introspect as an Assembly whether we have been able to achieve our objectives.

Hon. Members, the First Session was very brief and full of activities including induction of Committees and the entire Assembly; and familiarization with how Parliaments work. It was a brief learning Session. However, the actual learning on how to execute Assembly Business has taken place this Second Session and I want commend all Members because you quickly settled for duty.

Hon. Members, as an Assembly we are guided by a five-year Strategic Plan, in which our objectives and aspirations are captured. Indeed, the rate of our performance will be best measured when the output is placed side by side with the strategic objectives captured in the said Plan. This is reflected both in Committees and the Plenary. Accordingly, may I commend a good number Committees for having exercised their oversight and representation roles fairly well. It is uncontested that Committees are the backbone of the Assembly and they feed business to the Plenary. In this regard, the Plenary has been able to consider reports from Committees on Petitions, Bills, Statements, site inspection visits and budgetary documents. But the question as to whether that meets the expectations lingers.

Hon. Members, I am aware that the Select Committee on Liaison will soon or later be considering annual reports from all Committees with respect to their respective mandates. At this point, I believe, we shall be able to measure our performance in Committee in actual terms. However, I can confirm that there are pending business before Committees ranging from responses to Statements to reports on Bills which have recently been read the first time to reports on other aspects. I want to urge Chairpersons to have the business concluded within the provisions and guidelines in the Standing Orders and presented for consideration by the Plenary next session.

Legislative function

Hon. Members, I want now to address the Assembly on Bills. The Assessment of the Assembly's performance with respect to legislation is not appealing. Throughout the entire Sessions one and two, the Assembly has not passed any substantive Bill apart from budget related legislations. At the commencement of this Session, I conveyed a Communication on how Committees will dispense with Bills that either lapsed or had gone through Second Reading. In the Communication, I gave concessions and exemptions in order to have continuity of processing and re-introduction of Bills. However, the delivery has taken longer. Only until two weeks ago that a remarkable eight (8) Bills have been published and five (5) Bills have been committed to Sectoral Committees for public participation. In this regard, I direct that the Bills be prioritized by Committees upon resumption of Committee Sittings in accordance with Standing Order 141.

Select Committee on Powers and Privileges

Hon. Members, you recall that the Leader of Majority raised pertinent issues affecting effective discharge of the mandate of the Select Committee on Powers and Privileges. This is a statutory Committee that ensures order in the Assembly and adherence to ethics and integrity by Members. Accordingly, on the material day, I ordered the Committee be suspended in view of its reconstitution. Further, I directed both Whips to forward names of Members to form the new Membership of the said Committee. Hon. Members the process has delayed but I can report that

the leadership held a consultative meeting on the issue and the Committee will be reconstituted this afternoon as you can see in the Order Paper.

Ad Hoc Committee on County Revenue

Hon. Members, the Assembly established an Ad Hoc Committee to investigate and report on issues around revenue administration and system (s). This was occasioned by the Motion by the Leader of Majority in which the Assembly observed lack of accountability and transparency in revenue collection in the County. I am happy to report that the Committee has held its orientation workshop and is fairing very well. Accordingly, it has effectively commenced its work pursuant to its terms of reference and I am aware that this morning, the Committee met key stakeholders on matters County Revenue and it is my belief that under the leadership of the Leader of Majority and the commitment of the Membership, the Committee will deliver. I want to wish the Committee well even as it continues with its meetings.

Challenges in the course of the Second Session

Hon. Members, in the course of the Session, we have not been short of challenges that have affected our performance as an Assembly. Firstly, you can recall as much as I do, the challenge of cash flow that caused delayed payment of Members' allowances which you can all agree that as leadership, we went out of our way and had it addressed. Secondly, the Plenary has been faced with quorum hitches over the last few weeks that perhaps is not solely occasioned by the delayed refund of illegally deducted tax on the Members' motor vehicle reimbursement but also the removal of Plenary allowance by the Salaries and Remuneration Commission.

In view of the latter, I gave a Communication on this floor on the status of the refund. In this Communication, I indicated that we had commenced engagement with Kenya Revenue Authority (KRA). The outcome of the engagement and response from KRA on the matter has already been shared with the Members. I give an undertaking that as we proceed to the long Recess, we shall continue pursuing the matter through all avenues and continuously update Members on progress. Regarding SRC Plenary allowance, we are lucky to have one of us in the leadership of County Assemblies Forum (CAF) that provided a good platform on which such crosscutting matters can be raised and addressed. As an Assembly, we have engaged CAF and we shall not relent until the matter is addressed. I encourage Members to be patient as we pursue these matters.

Hon. Members, as we come to the end of this Session of the 3rd Assembly, I want to wish all of you a fruitful engagement with your constituents, and wish you a Merry Christmas holiday and a Blessed New Year 2024. Thank you very much.

(Applause)

Hon. Members, you may proceed and have your seats.

(Several Members walked to the Chamber)

Hon. Members, you have been provided with the Order Papers. We had some amendments which necessitated the production of a supplementary agenda. We are going to use the Supplementary Order Paper. Thank you.

PAPERS

Hon. Speaker: The Sectoral Committee on Health Services? The Sectoral Committee on Environment? The Select Committee on Selections? None of the Chairpersons are ready with the reports? We have three reports under Order No 5. You may proceed, Majority Leader. The Chair of Health Services and the Chair of Environment, be ready with your reports.

REPORT ON RECONSTITUTION OF THE SELECT COMMITTEE OF POWERS AND PRIVILEGES

Hon. Peter Imwatok: Hon. Speaker, pursuant to Standing Order No. 196 (1), I beg to lay the following Paper on the Table of this Assembly, today, Thursday 7th December 2023:

The report of the Select Committee on Selection on reconstitution of the Select Committee of Powers and Privileges.

(The Paper was laid on the Table)

REPORT ON SITE INSPECTION VISIT TO HOTELS AND CLINICS TO UNDERTAKE SURVEY AND VERIFICATION OF FOOD HANDLERS' MEDICAL EXAMINATION CERTIFICATE

Hon. Peter Imwatok: Further, Hon. Speaker, pursuant to Standing Order No. 196, I beg to lay the report of the Sectoral Committee on Health Services on-site inspection visit to various hotels, restaurants and clinics to undertake survey and verification of Food Handlers' Medical Examination Certificate.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. Where is the Chair of Environment? Can you lay the report please? You do not have the report? Chair of Health Committee, can you proceed?

REPORT ON CONSIDERATION OF NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023

Hon. Silas Matara: Thank you, Hon. Speaker. I am having challenges with this device here.

Pursuant to Standing Order No. 135, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 7th December 2023:

The report of the Sectoral Committee on Environment and Natural Resources on consideration of Nairobi City County Climate Change Management Bill 2023.

Mr. Speaker, Sir, the Committee on Environment was to instigate and inquire into matters pertaining to the mandate, management activities and administration of---

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Hon. Speaker: Hon. Chair, please you are to lay the report of the Committee.

Hon. Silas Matara: Yes, Hon. Speaker. There was a slight---

Hon. Speaker: Clerk, kindly give guidance.

Hon. Silas Matara: Hon. Speaker, there was a slight mix up but here is the report. I beg to lay.

(The Paper was laid on the Table)

Hon. Speaker: Hon. Chair of Health Services Committee.

Hon. Maurice Onyango: Hon. Speaker, the Papers have been laid by the Majority Leader; the report on the inspection of the hotels.

Hon. Speaker: When?

Hon. Maurice Onyango: Just now, Hon. Speaker.

Hon. Speaker: The Majority Leader has laid the report of the Select Committee on Selection.

Hon. Peter Imwatok: I laid when you asked me to.

Hon. Speaker: That is No. (b)? You have laid No. (b) and (c)?

Hon. Peter Imwatok: Yes, Hon. Speaker.

Hon. Speaker: Hon. Members, is the Majority Leader misleading the House?

Hon. Members: No!

Hon. Speaker: Has he laid the Papers?

Hon. Members: Yes!

Hon. Speaker: Thank you. Let us proceed. Clerk!

NOTICES OF MOTION

DEVELOPMENT OF LOCAL TOURISM POLICE

Hon. Speaker: Hon. Perpetua, you are not ready on Development of Local Tourism Police? As we give her time to recollect, Chair for Health Services, you have a notice of Motion for adoption of committee's report on site-inspection. It is appearing again under Order No. 6. Is there some misunderstanding? So we bypass that?

Hon. Maurice Onyango: Hon. Speaker, we have just laid the report.

Hon. Speaker: Thank you. Hon. Perpetua Mpojiwa, tell the Houses the reasons why you are not able to table the Motion?

Hon. Perpetua Mponjiwa: Hon. Speaker, due to unavoidable circumstances that are beyond me, allow me to---

Hon. Speaker: Hon. Member, please try to convince the Assembly because once it is in the Plenary, it becomes the property of the Assembly.

Hon. Perpetua Mponjiwa: Apologies.

Hon. Speaker: What are these unavoidable circumstances?

Hon. Perpetua Mponjiwa: Personal, unavoidable, serious circumstances to do with family. I would like to postpone until further notice.

Hon. Speaker: Defer?

Hon. Perpetua Mponjiwa: Yes, thank you.

Hon. Speaker: Thank you.

(Notice of Motion deferred)

ADOPTION OF REPORT ON SITE-INSPECTION VISIT TO HOTELS
AND CLINICS TO UNDERTAKE SURVEY AND VERIFICATION
OF FOOD HANDLERS' MEDICAL EXAMINATION CERTIFICATE

Hon. Speaker: Chair of Health Services is giving a report.

Hon. Maurice Onyango: Hon. Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Sectoral Committee On Health Services on site-inspection visit to various hotels, restaurants and clinics to undertake survey and verification of Food Handlers' Medical Examination Certificate.

Hon. Speaker: Clerk!

STATEMENTS

Hon. Speaker: Hon. Peter Maina, are you in the House? Hon. Kennedy Oyugi? Hon. Moses Ogeto? I have called out the name of the Majority Whip, may be a Member can rise on his behalf and make a clarification.

Hon. Peter Imwatok: Hon. Speaker, you are not seeing me.

Hon. Speaker: Thank you, Hon. Majority Leader, you may proceed.

Hon. Peter Imwatok: Hon. Speaker, allow me to express my gratitude to the entire Assembly. Hon. Majority Whip was involved in a road accident in Kisumu. We thank the Almighty God that the operation which was done to him last Thursday was successful. Yesterday he was released from the hospital. We spoke with him about 30 minutes ago and he has sent his gratitude.

(Applause)

For all the Members who have been able to visit him, those who called, and those who prayed for him across the political divide, he is very grateful. He is recuperating in Kisii, and in a week or two after the check up, he shall be back in Nairobi. Thank you for the brotherhood that you have shown to our brother. Let us be our brothers and sisters' keeper. Hon. Ogeto is good, sound and kicking, we thank God for this.

(Applause)

Hon. Speaker, to your Office and the Office of the Clerk, make sure that his medical bills are paid as quick as possible. We appreciate your leadership, thank you.

Hon. Speaker: Thank you, Hon. Majority Leader for that. I want to concur with your concern and statement, extend our word of prayer for his healing.

STATUS OF BURSARIES

Hon. Peter Imwatok: Lastly, Hon. Speaker, this is the last statement that I am making before we proceed for Christmas. As the head of Government Business, it is bestowed on me to clarify some issues under the Statement Hour, which the Chair of Education can put some intonation into.

Hon. Speaker as a House, out of 85 elected Members, there are privileges that are extended to all of us which is a must for us to get. One of the privileges of elected Members, not enshrined in the law, is acquisition of bursaries to our constituents. I am aware that since June, the County Government has not received the sharable revenue from the National Government. What they have received for two months has gone to pay our staff salaries.

Therefore, Hon. Speaker, the issue of bursaries is contentious, but so far, as the Leader of Government Business, I want to assure this House – and the Chair of Education can concur with me – as we are speaking, the COB is busy verifying requests of the release of the funds for the bursaries. While I was seated here, I was informed by the Hon. Chair of Budget that the County Government has received its revenue share for the month of October.

Therefore, all elected leaders who were waiting for bursaries, albeit the schools are closed, we want to assure you as a Government that before the schools are opened, all cheques will be processed and probably you will be called before Christmas to collect them. If not, a week before the schools are open, all elected leaders will be called to collect their bursaries. Subsequently, the Chair of Education can clarify whether we will be collecting also the additional forms for term one so that we can go concurrently.

We are in consultation with the Executive side and I believe this will augur well, but we apologize for the delay though the schools are closed. But that should not be entertained from the Government. When it says it shall do this, it should do as required. That is why I am apologizing on behalf of the Government which I serve as the Leader of Business.

Thank you, Hon. Speaker. May be the Chair can say a word, with your indulgence.

Hon. Speaker: Thank you, Hon. Majority Leader. Hon. Nicholas Juma, you have a request for statement.

Hon. Nicholas Okwacho: Thank you, Hon. Speaker.

Hon. Speaker: Hon. Nicholas Juma, kindly let us give the Chair of Education an opportunity to respond to the Statement that has been conveyed by the Leader of Majority.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I want to concur with the Majority Leader on the matter. The issue of bursaries as a privilege is a fact and it is also true that the Department of Education had given out forms and the cheques have been drafted. But due to the equitable share which has not been forth coming for the past two months, the COB could not release the Form A back to our County Treasury because there is no money in the account. As the

of Education Committee, we apologize for the delay. Bear with us, you will get the cheques and we will also issue the forms for January 2024. Thank you very much and Merry Christmas to everybody.

Hon. Speaker: Hon. Chair, kindly share with the Assembly whether it is the misgivings of the Governor for the lack of provision. Can you clarify?

Hon. Perpetua Mponjiwa: Honestly, the Governor cannot have control over what is happening from the National Government. The Equitable Share is a disbursement from the National Government to the counties. As soon as that is done, we will be able to act from our side. The Governor has extended goodwill because he has given the two disbursements that were made earlier. The problem is not with His Excellency the Governor because as a Committee, we have been following up with the Treasury. The good thing is that we have already started the festive season, we are closing, this is good so that in January we can have the forms and life continues. Under these circumstances, I do not want to put blame on H. E the Governor Sakaja because this is not a problem that was caused by him. Thank you.

Hon. Speaker: Hon. Member, during the Statement Hour of the Assembly, what is expected of the Hon. House is to treat yourself both in public and private life with a lot of decorum. It is wrong to give out wrong information to the public for consumption.

For that reason, Hon. Members, I want to reprimand one of the Hon. Members who came out on the social media claiming that the County Government collects Kshs.30 million every day. On whose behalf was he communicating the same? He cannot apportion the blame; the blame is to the entire County of Nairobi.

We have the Chair of the Budget Committee in the Assembly. We have got revenue streams where we collect revenue. You cannot articulate issues in the social media without the permission of the spokesperson of the Assembly or the Chair of the Committee, then you expect us to carry the burden of proof on behalf of the entire County Assembly of Nairobi. Hon. Swaka, are you in the House? Can you make some clarifications?

Hon. Kennedy Swaka: Hon. Speaker, as you know, the issue of bursary is not only affecting the elected Members but is also affecting parents whose children are out of school---

Hon. Speaker: Hon. Swaka, can you share the information that you have on the collection of Kshs. 30 million per day with the Assembly so that we are in concurrence with your frustrations?

Hon. Kennedy Swaka: Hon. Speaker on the issue of collection of---

(Hon. Majority Leader raised a Point of information)

Hon. Speaker: Hon. Majority Leader, please give the Member a platform to express himself.

Hon. Kennedy Swaka: Hon. Speaker, may be I did not get what you were asking me to clarify, what the County is collecting or---

Hon. Speaker: You are carrying the proof of burden for the County to explain how much we collect in a day and what we use it for. You seem to have some information which we do not have. Can you share it with the Members?

Hon. Kennedy Swaka: Hon. Speaker, on the issue of collection of revenue, I think it is the media which is giving the information to the public.

(Applause)

The public usually asks us, and when we go to the media trying to explain that, the media takes it otherwise. Thank you.

Hon. Speaker: So, you were quoted out of context?

Hon. Peter Imwatok: Hon. Speaker, my member---

Hon. Speaker: Hon. Majority Leader, please sit down. Hon. Member, were you quoted out of context by the media?

Hon. Kennedy Swaka: Hon. Speaker, I said that I represent the people who elected me and they had been questioning me that---

Hon. Speaker: But you also have a responsibility to give them correct information.

Hon. Kennedy Swaka: Hon. Speaker, allow me to finish what I was saying so that it becomes clear. What I have been saying is that the people who gave me the mandate to represent them have been saying that they are hearing from the media that the County is collecting more than Kshs.30 million. I was clarifying that my electorates are telling me that Kshs.30 million is being collected and are on my neck on the issue of bursaries yet the bursary cheques have not been given and third term has ended. From what they were saying, Hon. Speaker, I was trying to---

(Applause and Laughter)

Hon. Speaker: Thank you. Chair, please do you have anything to convey to the House on the issue to do with revenue and the bursary disbursements?

Hon. Wilfred Odalo: Mr. Speaker, I want to convey to this House that we have received an Exchequer 20 minutes ago. On that note, I wish to express to this House that those who were thinking of impeachment of any leader – leave alone Governor Sakaja – in this House, they are day dreaming because the allegations are baseless. It is also good to note that to impeach a Governor on the issues of bursary or baseless allegations, we as the leadership of this House will take action to any Member who is trying to give this House a bad name. As Azimio Coalition Party, we are behind Governor Sakaja, and UDA are also behind the Governor. So, do not attempt to come with unnecessary signature collections. We will deal with you---

Hon. Speaker: Hon. Member, are you trying to threaten Members?

Hon. Wilfred Odalo: Thank you, Hon. Speaker.

Hon. Speaker: Kindly, Hon. Chair for Budget Committee withdraw such sentiments, please.

Hon. Wilfred Odalo: I withdraw the words ‘we will deal with you’ and replace it with, ‘we will have civilized way of handling you perpendicularly.’

Hon. Speaker: Hon. Nicholas Juma, you may proceed.

(Hon. Member raised a Point of Order)

Hon. Speaker: Hon. Member, you cannot rise on a Point of Order during the Statement Hour.

Hon. Nicholas Okwacho: Thank you, Mr. Speaker. Please protect me.

Hon. Speaker: I have ruled him out of Order. Hon. Juma, please.

Hon. Nicholas Okwacho: Thank you, Mr. Speaker. I think there is some misunderstanding, my statement was deferred to a later date.

Hon. Speaker: Thank you for the clarification. Hon. Nicholas Juma, you are appearing under No. (e) and (f). Thank you, Hon. Juma.

Point of Information

Hon. Speaker: Hon. Majority Leader.

Hon. Peter Imwatak: Hon. Members, this House has precedence which was set. In case there is a particular issue that is under deliberation either by a committee or an ad hoc committee, no member is allowed whatsoever to comment within or without. Currently, we are delving into the issue of revenue for the County. I want to appraise you a bit, so far we have moved so well. Kindly implore the Members to kindly restrain from commenting on the issue of revenue. The Ad hoc Committee will give updates weekly on where we have reached and how we are faring, in a transparent manner. Every Member from next week is allowed to attend the Ad Hoc Committee sittings in the plenary and ask any question. But so far so good, threats aside, we are geared towards making revenue is collected appropriately so that Hon. Swaka’s constituents do not contradict the Hon. Member. Hon. Members, we have very clear figures and facts on how revenue is collected in the city. Hon. Speaker, thank you.

Hon. Speaker: Thank you for bringing that forward. Hon. Ochieng’, you may proceed.

REQUEST FOR STATEMENT REGARDING ENVIRONMENTAL DEGRADATION ACTIVITIES ALONG KIAMBU ROAD BY RHOMBUS CONCRETE COMPANY

Hon. Maurice Onyango: Thank you Hon. Speaker. Pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the environmental degradation activities along Kiambu Road next to Karura Forest by Rhombus Concrete Company.

Hon. Speaker, Rhombus Concrete is a construction company whose core business is production and sale of readymade concrete. However, in the course of its operations, the company

has been degrading the environment through illegal excavations, discharge of waste water to the environment, illegal tree cutting and air pollution by way of dust emission.

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

- i. Approval by the County Government to allow Rhombus Concrete Company to continue degrading the environment through its operations along Kiambu Road next to Karura Forest; and
- ii. Measures that the County Government is taking to stop Rhombus Concrete Company or any other company from continuing with activities causing environmental degradation.

Thank you, Hon. Speaker.

Hon. Speaker: The Chair to give an undertaking on the period of time he is able to respond to the request of the Hon. Member.

Hon. Silas Matara: Thank you, Hon. Speaker. With your indulgence since it is a serious matter of environmental degradation---

Hon. Speaker: Hon. Chair, please be seated.

Hon. Silas Matara: Hon. Speaker, because it is a serious matter of environmental degradation, with your indulgence - I know we are going for recess - if you allow the committee the extension of a week, we will be able to report in a week. We will conduct a site visit and whatever necessary action that can be undertaken by the Committee and report to the Member immediately we resume. Under your indulgence, if it is not possible, we seek and submit to you as a committee, you allow us to begin our work early in the second week of January 2024 for us to be able to dispense with that matter, Hon. Speaker. If we leave it to the opening of the session next year, may be they would have undertaken their processes and further degrade the environment. Hon. Speaker, that will depend on your indulgence. But we are going to report to him once we resume from recess. Thank you.

Hon. Speaker: Hon. Ochieng, are you okay?

Hon. Maurice Onyango: Thank you, Hon. Speaker. The Chair is quite in order because this is urgent.

Hon. Speaker: The next item, still Hon. Ochieng?

REQUEST FOR STATEMENT REGARDING ONGOING
CONSTRUCTION ON LAND ALONG LOWER KABETE ROAD
AGAINST APPROVED BUILDING PLANS

Hon. Maurice Onyango: Hon. Speaker, pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Sectoral Committee on Lands, Planning and Housing regarding ongoing construction on land L.R. No. 1870/1/254 along Lower Kabete Road against the approved building plans.

Hon. Speaker, the County Government has been mandated under the Fourth Schedule of the Constitution of Kenya, 2010 to oversee County planning and development, which include; approving, and construction of buildings in consultation with other state agencies. As such, all

building development plans must be approved by the County Government and adhered to by all developers.

Hon. Speaker, despite the above requirements, a developer on L.R. No. 1870/1/254 along Lower Kabete Road has disregarded the approved plans and proceeded to construct outside the approved plans, which is not only illegal but pose a risk to the workers, neighbours and would be inhabitants of the building. In addition, the developer has encroached on the adjacent road reserve.

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

- i. Failure by the developer on the land L.R. No. 1870/1/254 along Kabete Road to adhere to the approved development plans, including encroaching the road reserve; and
- ii. Measure the County Executive has put in place to ensure the said developer and any other developer within the city adheres to the approved development plans.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chair Planning?

Hon. Alvin Palapala: Thank you, Mr. Speaker. We will conduct a site visit and then we will give a response in the third week after we resume.

Hon. Speaker: Thank you, Chairman. Are you in agreement?

Hon. Maurice Onyango: Yes, I am in agreement.

Hon. Speaker: I can see that you have further requests, go ahead.

REQUEST FOR STATEMENT REGARDING OPERATION OF THE LAVA LATTE CLUB

Hon. Maurice Onyango: Thank you, Hon. Speaker, this is the last one.

Pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the operation of the Lava Latte Club, a public entertainment club, within a residential area and close to institutions of basic education.

Hon. Speaker, the Nairobi City County Alcohol Drinks Control and Licensing Act, 2014 outlaws the establishment of bars--- Hon. Speaker, I need your protection.

Hon. Speaker: From who?

Hon. Maurice Onyango: There is a lot of murmuring, I don't know why.

Hon. Speaker: You have not been attacked.

Hon. Maurice Ochieng: They are murmuring, I do not---

Hon. Speaker: Can you concentrate and proceed?

Hon. Maurice Onyango: Okay, thank you, Hon. Speaker. The Nairobi City County Alcohol Drinks Control and Licensing Act 2014, outlaws the establishment of bars or any other alcohol outlets next to institutions of basic education. Further, the County Government of Nairobi bars the establishment of entertainment clubs and bars in residential areas.

However, Lava Latte Club which is located in a residential area along Statehouse Road with close proximity to institutions of basic education, particularly Nairobi Milimani Secondary

School. It openly sells alcohol to revelers and stage disco music monthly mostly on Saturdays, with female revelers skimpily dressed thus distracting students. In addition, the club emits intrusive noise through loud music to the neighbourhood.

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

- i. Approval of operations of Lava Latte Club within a residential area and close proximity to institutions of basic education, particularly Nairobi Milimani Secondary School, contrary to the existing laws and regulations; and
- ii. Measures that the County Government is taking to shut down the operations of Lava Latte Club and any other bar or public entertainment establishment within residential area and in close proximity to institutions of basic education.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson to give an undertaking.

Hon. Clarence Munga: Mr. Speaker, I want to assure the Chairman of Health that all the issues raised will be addressed. Give us three weeks after recess and we will get back to him.

Hon. Maurice Onyango: Hon. Chairman of Culture, if we give you three weeks, I am not sure whether the Speaker is going to give the Committee an extension because we are going for recess. But I would like it to be done within one week in case the Speaker gives the extension of committee sittings.

Hon. Speaker: I cannot give authority for something which has not been requested, it is not within my powers. Hon. Shadrack Machanje.

REQUEST FOR STATEMENT REGARDING WATER SELLING
BUSINESS AT SIMBA COURT IN UPPER SAVANNAH WARD

Hon. Shadrack Machanje: Thank you, Hon. Speaker. Pursuant to Standing Order---

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: That matter is concluded and has been put to rest.

Hon. Peter Imwatok: He was seeking one week and the Chair has given three weeks. They have not agreed conclusively.

Hon. Speaker: He has just raised a concern.

Hon. Peter Imwatok: Remember this is the best Chair we have so far. Hon. Speaker, I want also to caution the National Government agencies to allow my chairpersons and committees to do their jobs my Chairs under their jurisdictions. The chairpersons should not interfere on national functions. You are doing the County Government functions in and without. Hon. Maurice is an exclusive chairman in doing oversight within and without.

Hon. Speaker: Thank you. Hon. Shadrack.

Hon. Shadrack Machanje: Hon. Speaker, pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding water selling business in the County, especially at Simba Court, Old Donholm Estate in Upper Savannah Ward.

Hon. Speaker, Article 46 of the Constitution of Kenya, 2010 provides for a right of every person to reasonable standards of sanitation, clean and safe water in adequate quantities. Further, Article 42 provides for the right to clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations.

Hon. Speaker, a private developer established a water selling business near the entrance of Simba Court at the Old Donholm Estate in Upper Savannah Ward. However, the business is adversely affecting the overall wellbeing of the neighbouring communities from deterioration and dilapidation of roads to the estate, operational noise from the business, and constant presence of water trucks has caused inconveniences to the residents due to constant traffic snarl-ups in the area.

Hon. Speaker, Paragraph 14 of Part II of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the County to ensure and coordinate the participation of communities and locations in governance.

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

- i. Approval of the construction of water selling business at Simba Court at the Old Donholm Estate in Upper Savannah Ward;
- ii. Whether the water selling business at Simba Court at the Old Donholm Estate in Upper Savannah Ward was licensed to operate;
- iii. Whether there was public participation and community engagement in the construction and establishment of the business; and
- iv. Measures the County Executive is taking to ensure the aforementioned challenges affecting residents of Simba Court at the Old Donholm Estate in Upper Savannah Ward are addressed conclusively.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chair of Water Committee? The Vice Chair, any Member of the Committee who would like to give an undertaking? You are a Member of the Water Committee?

Hon. Wilfred Odalo: I am a Member, Hon. Speaker. Two weeks after recess.

Hon. Speaker: Hon. Shandrack?

Hon. Shandrack Machanje: Two weeks after recess is okay.

Hon. Speaker: Thank you. We have a response from the Planning and Housing Committee. Are you ready?

Hon. Alvin Palapala: I can proceed.

Hon. Speaker: Yes, you can proceed.

Hon. Clarence Munga: Order, Mr. Speaker.

Hon. Speaker: You are ordering the Chair?

(Laughter)

Hon. Clarence Munga: No. Point of Order.

Hon. Speaker: Kindly be seated first.

Hon. Clarence Munga: Point of Order.

Hon. Speaker: Are you out of place?

Hon. Clarence Munga: I am saying, I have a request for a Statement.

Hon. Speaker: You may proceed.

REQUEST FOR STATEMENT REGARDING
IRREGULAR AND FORCEFUL ACQUISITION
OF PLOT ALONG MURATINA STREET

Hon. Clarence Munga: Thank you, Hon. Speaker for your indulgence.

Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding irregular and forceful acquisition of private land in the county.

Hon. Speaker, Part II of the Fourth Schedule of the Constitution of Kenya, 2010 apports planning and development functions to County Government. Further, Article 40 guarantees every citizen the right to acquire and own property. In addition, Article 21 (1) requires upon the state to protect the Bill of Rights.

Hon. Speaker, plot L. R. No.204/146 along Muratina Street was originally one block but was later subdivided in 1996 by the defunct Nairobi City Council into four portions or plots namely; A, B, C and D and allocated to different people as follows;

1. Plot A size 0.1 hectares was allocated to David M. Muthee.
2. Plot B size 0.1 hectares was allocated to Wachuchu Enterprises.
3. Plot C size 0.1 hectares was allocated to Winnie Kimei.
4. Plot D size 0.22 hectares was allocated to Seventh day Adventist Church.

Hon. Speaker, the owners of the respective portions paid fees and signed leases of agreement and registered at the Lands Office on 7th May 1999. However, in the course of developing the said portions by the respective owners, Marara Co-operative Savings Society Limited emerged claiming to have acquired the whole block and was issued with a title deed by the Commissioner of Lands under L. R No. 50765.

In addition, other people came out to lay claim on the parcel of land, producing a letter reference CC/MNN/320/L/07 dated 17th August 2007 and signed off by Mr. Nelson W. Otido for Town Clerk. In the said document reference, the same block has NRN/BLK/133/293, LR. No. 8285/510 and LR. No. 209/217488 under provisional title No. 107983, which is believed to be a forged document.

Hon. Speaker, in the Statement, the Chairperson shall inquire into and report on:

1. Report on the ownership of the said piece of land before and after the alleged subdivision;
2. Whether due process was followed in allocation of the land to the owners;
3. Whether aforementioned letter signed by Mr. Nelson W Otido is an authentic Nairobi City Council Document; and

4. Measures that the County Executive is putting in place to protect private landowners from illegal and forceful acquisition of the land by cartels.

Thank you, Mr. Speaker.

Hon. Speaker: The Chair Planning, kindly give an undertaking.

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: Let the Chair give an undertaking first, Hon. Majority Leader.

Hon. Alvin Palapala: Thank you, Mr. Speaker. Since I want to preempt that you will give us some more time after the closure of the Assembly and we will have more time in January, I beg to ask for three weeks.

Hon. Speaker: After the recess?

Hon. Alvin Palapala: Yes.

Hon. Speaker: Hon. Clarence.

Hon. Clarence Munga: Mr. Speaker, much obliged.

Hon. Speaker: Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I have a concern on the sub judice aspect in this House. The SDA church spoken by my able Chair is the Starehe SDA Church where I worship. One day, a Member of Planning Committee requested to use my official car to go and see his wife who was delivering at Pumwani Maternity. I was not aware he was going to evict the church because of the same issue. Therefore, Hon. Speaker, the same Marara land, as we speak, is an issue in court. So, this House cannot adjudicate on the same until the court comes to a conclusion.

I don't want to dissuade myself by saying my Chair was part of that team which went to evict a church on a Saturday in the pretext that the land belongs to a private developer. Starehe SDA Church is the valid owner of the land. It is a court issue. The Planning Committee, where I sit, cannot adjudicate on an issue which is in court. Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Chair, you stand informed. I hope that we will...

(Hon. Clarence Munga spoke off the record)

Order, Hon. Clarence Munga! That will form part of your report, as you have been notified of the status of the property.

Clerk, we proceed.

MOTION

Hon. Speaker: Hon. Majority Leader, please. Clerk, are we in Order No. 8 or 7?

Hon. Peter Imwatok: No. 7.

Hon. Speaker: I think we are still under Order No. 7 on the responses.

Hon. Peter Imwatok: We are through, Hon. Speaker,

Hon. Speaker: So, we proceed to Order No. 8?

Hon. Peter Imwatok: Hon. Speaker, we postpone the rest as ordered by you.

APPOINTMENT OF MEMBERS TO POWERS
AND PRIVILEGES COMMITTEE

Hon. Peter Imwatok: THAT, pursuant to the provision of Section 15 (1)(b) of the County Assemblies Powers and Privileges Act, 2017 and Nairobi City County Assembly Standing Order 169(1), this Assembly approves the appointment of the following Members to the Select Committee on Powers and Privileges, in addition to that specified under Section 15 (1) (a) of the Act:

1. The Hon. Paul Kiguathi Kados, MCA – Deputy Speaker
2. The Hon. Peter Jateso Imwatok, MCA – Majority Leader
3. The Hon. Antony Kiragu Karanja, MCA – Minority Leader
4. The Hon. Wilfred Odalo Oluoch, MCA
5. The Hon. John Ndile Musila, MCA
6. The Hon. Catherine Okoth, MCA
7. The Hon. Victor Ochola, MCA
8. The Hon. Jane Wanjiru Muiruri, MCA
9. The Hon. Chege Mwaura, MCA
10. The Hon. Grace Kaheti, MCA
11. The Hon. Farhiya Daudi Aden, MCA
12. The Hon. Aaron Kangara, MCA
13. The Hon. Agnes Njeri Muthoni, MCA

Hon. Speaker, as you are aware, this Committee is very important. About two months ago, you instructed my able office to dissolve this particular Committee because of reasons we all know. The Members who were serving in this Committee were not able to serve well. It is just a change of guard so that we realign the aspiration of the Assembly to the intent of the Committee.

Hon. Speaker, I want also to applaud the Members who were previously in this Committee for the good job they have done, as they hand over the mantle to the next bunch of leaders. On the Azimio side, my Deputy Whip is working together with the Majority Whip, who is in bed rest, to make sure as quick as possible as the Assembly resumes, they will have to align all those who were de-whipped from this Committee to other relevant committees, and also align all other committees.

This afternoon, Hon. Speaker, before your office, I said categorically that come the new Session, we are waiting for the performance matrix of every committee and every individual Member. At the opening of the next Session, we will make some changes in committees. The Members who are affected in this Committee, definitely the Whips are under instructions to make sure they are absorbed in other committees. No one will lose whatsoever.

I am also aware about other Members who are having less committees; Madam Benter, Madam Hannah, and others. We have instructed the Whips for the time being to include them on relevant committees to serve in terms of retreats and other benefits accrued to those committees. Therefore, the Whips are under instructions to make sure as the next Session begins, amendments of all the 23 committees has to be taken effectively.

Hon. Speaker, allow me to call my counterpart, without much more ado, to second this Motion. Thank you.

Hon. Antony Karanja: Thank you, Majority Leader and Hon. Speaker. I would like to second this Motion and remind Members that this Committee is very important in this House because it looks into the breach of privileges against the House or against individual Members. It is a Committee that requires strong and knowledgeable people. Like my counterpart has said, we thank the outgoing Members and welcome the new Members so that they are able to come and execute the mandate as stipulated in the law. Thank you. I beg to second.

(Question proposed)

Hon. Speaker: Hon. Members. Hon. Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker, I rise to support this Motion. As part of the Members who have been requested to serve in it, I would like to say that service is a privilege. I was a bit heavy hearted in accepting because it is an added responsibility. But then, my Leadership was imploring that it is important that they bring experience and balance to it. Therefore, I support because even as we extend the little knowledge we might have and the standards that we have built along the way, we must be able to bring the standards of the Assembly, if nothing else, at least to the standard that we got it from.

Mr. Speaker, pledging to be fair in that Committee, I urge Members to be fair to themselves because it cannot be okay for you to expect a lot of respect and a lot of decorum when you are being dealt with, but you are not extending the same to other Members. Sometimes, I look at the discussions that we have where Members reduce themselves even to address the Speaker in a very casual manner and in a manner that demeans the Office of the Speaker, that I have had a privilege to once hold. You might not like the Leader of Majority, who happens to be my friend, and the Leader of Minority. You might also not like any of the chairpersons, but at least uphold those offices with respect, the same way you would expect them to accord you respect.

In changing Powers and Privileges Committee Membership, I also urge Members to be very clear to what the Standing Orders provide for, because our role will be centrally faced on what the Standing Orders provide for. And if you are not within the Standing Orders, then necessary action should be taken for us to be able to bring standards and to bring the House to the specific standards that we feel are right; not for us, but for posterity.

With that, Mr. Speaker, I beg to support. Thank you.

Hon. Speaker: Hon. Waithera Chege

Hon. Waithera Chege: Thank you, Mr. Speaker. I rise to oppose this Motion based on the composition of this Committee. I will not tire from asking your desk, and, Mr. Speaker, you are mandated and we vetted you to protect the Constitution of this country, which also includes all other laws. I have been pushing your desk on Standing Order No. 173 (2). This Standing Order uses the word 'shall'. I think on the floor of this House, I have repeated that we must not leave one group behind. I will quote the Hon. Majority Leader and the Hon. Minority Leader, they have

indicated and submitted on the floor of this House that this Committee is very important. Therefore, I don't understand why we keep on leaving the Independent candidates who are part of this Assembly from most of these important committees. If I look at the composition of this list, your Office, Mr. Speaker, must stand up and protect the right of Independent candidates. I beg to oppose.

Hon. Speaker: Hon. Jera Samson.

Hon. Samson Ooko: Thank you, Mr. Speaker. I rise to support this Motion. I believe that this Motion is very important to this House. You always say that is a House of Order, but I am sure some of us have gone out of the Order. This is a committee that will help us work together as a team.

We have previously heard cases of disrespect from some Members within the Assembly. I wish to request that whoever will come in as the Chair of this Committee must play his role effectively. I am requesting that it should never be a witch-hunt, but sanity must prevail.

I am here crying that my friend, Hon. Member seated next to me, is today jobless. He was former the Chairman. It is true that in this world, today you can be a... (*Off the record*) ...but he is a wonderful guy, he has accepted it and he has asked me to tell you that...

(Hon. Member spoke off the record)

Mr. Speaker, whoever will take up this mantle must and should always be fair to all the Members. It must never be... (*Off the record*) ...because many things can come down here. It has been investigated properly. I am very grateful that this Committee is now constituted. It is true that some of the Members had been misbehaving. We came here as leaders and we must prove that we are leaders. Infighting and throwing of words is not what brought us here, we came to serve our people of Nairobi. I support this Motion. Thank you.

Hon. Speaker: Hon. Suleiman Maleya.

Hon. Hamisi Maleya: Thank you, Mr. Speaker for giving me this opportunity. I rise to support this Motion bearing in mind that I am one of the former Members of this Committee. Actually, you have removed a heavy stone on my back.

(Laughter)

This Committee had made me collide or hated by some of our Members in this Assembly. All said and done, we were very competent, but how do we give verdict where witnesses do not appear? I urge those who will happen to be witnesses, kindly support this Committee because without evidence, no conclusion can be arrived at. I rise to support.

Hon. Speaker: Hon. Diana Mwangangi.

Hon. Diana Mwangangi: Thank you, Mr. Speaker. I rise to support the Motion and urge the Committee to do its work with fairness, as a Hon. Chege Mwaura has pointed out. Even as they exercise their objectivity, they should ensure they prosecute matters to completion.

Mr. Speaker, this is a very important Committee, as it has been stated. It is a committee that is aimed at bringing sanity to this House. As far as people can exercise freedom of expression, it also needs to be exercised with a sense of responsibility. There has been amiss in some of the recent statements that have been articulated in some of our platforms and in the precincts of this Assembly. I support the Motion. Thank you.

Hon. Speaker: Thank you. Hon. Joyce Muthoni.

Hon. Joyce Kamau: Thank you, Mr. Speaker. I want to ride on the sentiments of the Majority Leader and the Minority Leader. They said that this Committee is a very important committee in this House. Mr. Speaker, one Member who has been selected to this Committee, I do not want to mention any names, was here earlier today before we came to Parliament, and was shouting and addressing us that today they have decided to come to work while they are drunk because they want to deal with some people. The same Member who came here drunk and confessing from their own mouth, has been selected to this Committee that you are saying is a very important. So, I want to ask my fellow Whips, even if we are rewarding our people...

Point of Order

Hon. Speaker: Hon. Perpetua, what is it? But do not carry yourself with emotions, just articulate your point.

(Hon. Perpetua Mponjiwa spoke off the record)

Put on your mic.

Hon. Joyce Kamau: Mr. Speaker, I am not accusing anyone.

Hon. Speaker: Hon. Member, please be seated a bit. Hon. Perpetua, please address the Assembly.

Hon Perpetua Mponjiwa: Hon. Speaker, out of humility and respect, it is only fair that we treat each other with respect because that is what you will get back. But if you want to bring disrespect, that is the same thing you will get...

Hon. Speaker: Hon. Perpetua, you have risen on a Point of Order, what is the Point of Order?

Hon Perpetua Mponjiwa: She has to substantiate the allegations of anyone who was drunk. Based on what? Did she measure? Was there alcoblow that was taken for her to determine that the Member, who has been put in this list, was drunk?

Hon. Speaker: Hon. Joyce please.

Hon. Joyce Kamau: Mr. Speaker, just as I told the House, the Member came to the 'black seats' and even here in the Assembly before you came in, and the Member was confessing from their own mouth, saying, "today I have decided to come here while drunk because I want to deal with some people." I do not have any issue with anybody, I am just here to do my work; the work that I was given by God to do in this House.

I am supporting this document, but I am saying that this Committee should be handled with the seriousness that they are purporting it is serious. These Members are representing this House

outside there. The media people were there and they saw, and even other Members saw. I can bring evidence, I was not alone, we were many. So, I am not accusing anybody, the Member was saying from... I don't want to say whether it is 'he' or 'she'.

Hon. Speaker: Hon. Member, you have an issue with the credibility of the Member?

Hon. Joyce Kamau: Yes, I am saying, this Committee is a very serious committee. And even as we are selecting people, we should give this Committee people that deserve. I am not opposing the composition, I am just saying that the Members in this Committee should have respect to this House and to themselves. That is all I am saying, Mr. Speaker. Otherwise, I don't have any issues with anybody in this list. Thank you.

Hon. Speaker: Thank you. Hon. Kados.

Hon. Paul Kados: Thank you, Hon. Speaker. I rise to second this Motion and request you, Hon. Speaker, to support this Motion. I would agree with...

Hon. Speaker: You request the Speaker to support the Motion?

Hon. Paul Kados: No, I rise to support this Motion.

Hon. Speaker: Okay.

Hon. Paul Kados: I am also requesting, since many Members have risen to speak, you call the mover to reply.

Hon. Speaker: Your request is granted because my screen is clear. Majority Leader, you may reply. Before you reply, may be your counterpart has an issue.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I want to support this Motion, I seconded but I was not given an opportunity to support. I would just like to clarify...

Hon. Speaker: Under which Standing Order have you risen?

Hon. Anthony Karanja: Standing Order 15 (1) (b).

Hon. Speaker: You had seconded Motion.

Hon. Anthony Karanja: Yes, and now I want to support.

Hon. Speaker: Can you bow, Hon Member?

(Hon. Anthony Karanja bowed)

Hon. Anthony Karanja: I want to clarify that in this House, we do not have any independent candidate, as my colleague said. The three Members who were elected independently have over time been affiliated to respective political parties and political coalitions; that is Kenya Kwanza which has two, and Azimio which has one.

Hon. Speaker, even if we would want to accommodate them according to Standing Order 173, we have 23 committees, we cannot have an independent candidate represented in every committee. My point is simple, according to the dictionary, an independent candidate is one who is not to be affiliated with any political parties. In this House, everybody is affiliated.

(Applause)

Secondly, my colleague, Hon. Joyce has said that one of the Members who is here is drunk. Hon. Speaker, I would feel offended because I don't drink and I would not want to be classified that way. We have about four of these people who are outside, so, sometimes it is good that she points out who this person is. To reiterate, that is why this Committee is being formed so that in the unlikely event that we have the kind of behavior that she is talking about, she has a committee to fall back to so that they can check and verify.

I want to also support what my Chair of Education is saying, that respect breeds respect. We want to treat everybody with decorum and with respect. With that, I support and return the microphone back to you. Thank you

Hon. Speaker: Before the mover replies, maybe just for future reference when you are privileged to second a Motion and you have reservations to contribute in the debate other than at the time of seconding the Motion, then what you only need to do is to bow, then you will be in a position to contribute to the Motion. So, that is just for noting. Hon. Majority Leader, please you may reply.

Hon. Peter Imwatok: Hon. Speaker, I am grateful that we are going on a recess. The Clerk's Office must do something about these gadgets. We are not an assembly in Turkana or Samburu, we are in the capital city of Nairobi.

Hon. Speaker, may I take this opportunity to thank the Members who have contributed toward this. Every House must have order, and I believe our order is derived from the laws and regulations put into place. All those Hon. Members selected by the respective Whips are competent enough to serve in any committee.

As far as I am concerned on my side, I have one principal called Hon. Munuve. He agreed before our party leaders that he is one of the principals in our Azimio la Umoja Coalition Government. My Whips designated him as a Member. Unless he does in writing, he belongs to the Azimio la Umoja Coalition Party as one of the principals, which he affirmed.

Hon. Speaker, I may not speak on behalf of the UDA Party, but best to my knowledge, the Leader of Minority has also confirmed. Sometime back, I tried to lure Hon. Kimondo, an independent Member, but he told me he must behave in a way the UDA Party wants him to behave. Therefore, that alludes all of us here are subscribed to respective major political parties within us.

Hon. Speaker, we cannot live in a jungle, the dissolution of this Committee was not borne by the entire committee. But it looks so awkward, if I may use that word, to leave a very respectable general, Hon. Hamisi when the quietest lady, Hon. Benter is out of the Committee. This afternoon at the Speaker's Office, there was a challenge on whether to leave the Board Member in the Committee or replacing her with another Board Member who was a Member of the Committee. It brings sanity. All said and done, it is a challenge to this committee, as Hon. Hamisi has said, that it is not easy to bring order and sanity. It must be taken firmly, decisively, and with a lot of humility, truthfulness and honesty. We cannot be an Assembly where the Speaker who is our symbol of our unity and togetherness, can be abused directly with threats on his cell phone by a Member. I have never bent to an extent of taking somebody's back. You know what I mean. My

association with any leader cannot be construed at any given time as a sign of licking someone's boot; that is not the language to be used in a parliamentary practice.

As we come to a new session next year, kindly let us respect parliamentary practices and precedencies set. This House had set precedence before when the Leader of Majority then was hounded out of this House by this specific Committee for one year because of misbehaving, and feeling the holier than thou and bigger than anyone else in this Assembly. This Committee can punish the Leader of Majority, the Minority Leader, or anyone else, apart from the Speaker who is the Chair.

Therefore, I implore on us that as we go for the Christmas holiday, let all of us summon ourselves for intrusive and incisive meeting within yourself. Why did you come to Nairobi City County Assembly? I want to say, from next year, there will be nothing called 'black seat' in this County Assembly. It will be the County Assembly of Nairobi. Drastic actions and decisions are going to be made to make sure this Assembly remains an assembly of debate; not Assembly of hearsays, witch hunting, and all those adjectives you can add. I repeat, from next year, there will be no place for 'black seat.'

I was once called 'the rebel leader of the Assembly' but I never sat on a seat called 'black seat.' I used to bring arguments here on the debate, read the Standing Orders, the County Governments Act, the Public Finance Management Act, Parliamentary Practices, and precedencies set internationally. I could challenge the Speaker or the Leader of Majority then who was big in capacity but small in other aspects, for those who know.

Hon. Speaker, I believe my sister Chege Waithera has a point, but that point depends on the reality on the ground, which is, there is no Independent candidate in this House. If there is anyone, I want to challenge them tomorrow first thing in the morning to present a letter with their letterhead issued by the PR Department, saying that he/she is an independent candidate, so that they don't associate to any political party issues. I am going to handle it as the Leader of Majority Party.

Hon. Speaker: Thank you, Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, with your indulgence let me finish. As we go for Christmas, I want to plead that we all pray for the Assembly. Hon. Lily Kidenda, pray for us. Mama Lugonzo, pray for the Assembly. I have never seen such an assembly where we make our own enemies. As Seventh Day Adventist, we will pray and fast for this Assembly.

Hon. Speaker, the Leader of Minority, all the chairpersons and vice chairpersons, and all the Members of the County Assembly, I wish you a Merry Christmas and a Happy New Year. Next year we will have a tremendous year. God bless you and take care. *Mungu awabariki sana.* I beg to reply.

Hon. Speaker: Hon. Majority Leader, I just wanted to remind you that you still have Motion of Adjournment to move, where you would have grabbed the opportunity to wish Members a Merry Christmas and a Happy New Year.

Hon. Members, you may realize in the middle of the debate, Hon. Chege Waithera raised an issue under Standing Order 173 on the composition of the Committee and it has attracted debate,

which is very healthy. But I want to put this to rest. Hon. Members, I wish to guide the Assembly in reference to Standing Order 170. That puts the matter to rest. You can read it for yourself, interrogate it, and get understanding out of it. Then maybe you can petition the Speaker. Thank you.

Hon. Members, I proceed to put the Question so that the House may make a decision on this Motion No.8.

(Question put and agreed to)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD

Hon. Speaker: Hon Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I beg your guidance. Last time, I said before this Assembly that anything procedural that requires my attention as the Leader of Majority or the attention of the Leader of Minority, must come to my attention early enough. Hon. Speaker, you gave a direction. The only thing that is on my attention as at now is the Procedural Motion on Adjournment of the County Assembly. Any other Procedural Motion in the Order Paper, I cannot own it. Kindly allow me to go with your guidance, Hon. Speaker, to the Order Paper that I am aware of; the Procedural Motion on the Adjournment of the Assembly. This other business, I am not aware of.

Hon. Speaker: Hon. Majority Leader, please let me remind you, you are part of the House Business Committee who allocated the Business of the House. Maybe you can just be kind enough.

Hon. Peter Imwatok: Hon. Speaker, in a House Business Committee, each day a Member is designated to brief the entire Assembly. But as the Leader of Majority, any other business that I should Table before this House, I should be notified prior. In my absence, the Leader of Minority should get a notification. Hon. Speaker, empower our offices to have its power. When I am not there, the Clerk should notify the Leader of Minority on what should be laid.

Hon. Speaker, respectfully as the Leader of Business, I am not reading No. 9, 10, and 11. I am going direct to the Adjournment of the County Assembly, for protection of our offices.

Hon. Speaker: Clerk, can you advise the Chair in the event that the mover of the Motion declines to move the Motion?

(Clerk-at-the-Table consulted the Speaker)

Hon. Majority Leader, kindly proceed to the Clerk-at-the-Table desk for some advice.

Hon. Peter Imwatok: Hon. Speaker, I was not briefed. I beg to ask for permission you rearrange the sequence of the Standing Orders so that I can go to the Adjournment Motion of the Assembly.

Hon. Speaker: Hon. Majority Leader, as you had indicated, you are the Leader of the Business of the Assembly. It is the one of the major functions of this Assembly to dispense the Business before the Plenary

Hon. Peter Imwatok: Hon. Speaker, I am the Leader of Government Business, and in this sequence, there is no any Government Business.

Hon. Speaker: Now that we have the Business before the Assembly, it is at the discretion of these Members to decide on what to do with the Business before the Assembly.

Point of Order

Hon Member, what is it about.

Hon. Anthony Karanja: It is about reducing the publication period of a Bill, which is part of the things that the Majority Leader is supposed to Table today.

Hon. Speaker: That is why, Hon. Minority Leader, I am reminding you that the Business to be transacted before the Assembly is the Business of the Members.

Hon. Anthony Karanja: I agree with you, Hon. Speaker, I only want to put myself in his shoes, that he is being told to request a reduction of publication period of something that he does not know and has not been briefed. For something that he does not understand the urgency why the publication period should be reduced. That we do not understand why the Nairobi City County Evictions and Resettlement Demolitions Bill, 2023 is urgent to a point that we are requesting a reduction of the publication period.

Hon. Speaker: For that reason, I would want to request the House whether you are in concurrence for the exemption of the debate on Motion No. 9, 10, 11, 12, 13 and 14.

*(Question, that Procedural Motions No. 9, 10, 11,
12, 13 and 14 be exempted, put and agreed to)*

The Motions stand exempted and referred back to the House Business Committee for reallocation.

MOTION

ADJOURNMENT IN ACCORDANCE WITH THE ASSEMBLY CALENDAR

Hon. Peter Imwatok: Hon. Speaker, thank you for supporting our offices. Consultation does not mean concurrence.

THAT, pursuant to the provisions of Standing Orders 31 (3), this Assembly adjourns until Tuesday, 13th February, 2024 at 2.30 p.m. in accordance with the Calendar of the County Assembly (Regular Sessions).

Hon. Speaker, in your communication, you have taken us through a memory lane of our journey for the last two sessions. You acknowledged our ups and downs, our successes, our challenges, and our future aspirations. I believe as we go to this particular long recess, we will evaluate ourselves as individuals, as an Assembly, as friends, as brothers, as mothers and as sisters,

whether what we have done so far as individuals has satisfied our spirits and our souls to the betterment of the City.

So far, I must acknowledge this Assembly has done us proud. We passed the set CIDP, the ADP, the budget, the chief officers, and the CECMs. We have done more than enough. Our people are waiting to be with us for the next two months.

I want to also take the opportunity to implore to us that even if you don't like the church, please go to a mosque or a synagogue somewhere and thank God. We have been alive here to see all these.

Hon. Speaker, I don't want to waste time, I ask Hon. Chege Mwaura to second this Motion so that we conclude this Business of this year. I wish you all Merry Christmas. I reply

Hon. Chege Mwaura: Thank you, Mr. Speaker. I rise to second this very important calendar event that cannot be interrupted as per the Calendar that we passed when we started the session. We are going for a break so that we can come back to the Third Session. I want to thank Members because this has been a year that we have understood each other. Now, everyone knows everyone's strength. So, moving forward, it should be easier in the next Session.

Hon. Speaker, as we wish everyone a very good restful time and a Merry Christmas, I wish that also we take time to reflect and reevaluate ourselves and our commitment to the oath of office that we took. With those remarks, Mr. Speaker, I beg to second. Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, you don't even have Christmas and Happy New Year wishes? Hon. Lily Kidenda, any festive wishes and New Year?

Hon. Lily Kidenda: Thank you, Hon. Speaker. I want to thank our seniors in the House for the leadership that they have provided for those of us who are still in the stages of learning processes. I would like to appeal to those who have been here longer than others that it is critical that as a senior in any institution, you are called upon to hold hands with those who are new. If you went to a high school in this country, you had a mother or a grandmother that took care of you. I have had the privilege to have support from many of you. But I also know that it can be a very lonely road to some of us. So, I appeal that as we go, we have a reflection and we will consider what our responsibility to one another is.

Allow me to also appreciate our Clerk in the Powers and Privileges Committee. I am one of the outgoing Members of the Committee. I know that we have had an excellent Clerk, and fortunately, he sits today in the Assembly. Austin, I would just like to appreciate and honour you for the guidance you gave to us. Even as I wish the incoming committee all the best, I pray that our focus and our choice will be to restore dignity to the Assembly. Otherwise, I wish you a Merry Christmas and a Happy New Year and do only those things that will build you. Remember that our focus is Wanjiku, anything that we pass and anything that we speak to, let us remember that the privileged are fewer than those who are not. So, who are you to the Wanjiku, as we go home.

May God bless you, you will remain in my prayers personally, I plead that we will continue all to pray for one another. Thank you, Hon. Speaker, and may God continue to bless you. Thank you for the father that you have been to us, even though you are younger than some of us. I appreciate your energy and your strength, and I thank God for the leadership. May God bless you. Thank you.

Hon. Speaker: Thank you, Hon. Kiogora.

Hon. Eric Murigu: Thank you, Mr. Speaker, I rise to support. I wish each Hon. Member, including you and our clerks a Merry Christmas and Happy New Year.

Mr. Speaker, I want to urge the Hon. Majority Leader, as he thinks and pushes to abolish the 'black seat', to plan on where the Hon. Members will be sitting. And if it is possible, to change it from the black seats as we go to for the holiday, to white seats because they symbolize innocence, purity, perfection and peace. It is also very important that in this House we have a space around there. He can give us a plan to have indoor games to keep Members in touch with it with each other instead of sitting on those seats.

Mr. Speaker, as we go for the recess, it is also important for the Leadership of this House to consider the pending bills in this Assembly to be paid in due time so that at least we can enjoy our Christmas. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Joyce Muthoni.

Hon. Joyce Kamau: Thank you, Mr. Speaker. I want to thank God and all the Members of this Assembly, including you, Mr. Speaker for the good leadership that you have given us throughout this year and since we joined this Assembly. We have not had any major incidents like teargases or any major fights. So, we thank God for keeping us together. We have had differences, but we were able to cope together.

Mr. Speaker, just to inform you in the previous Assembly, each time we went Christmas, the Speaker used to give us a cocktail party. So, just be informed and do something, follow suit and give us a Christmas party. Thank you and Merry Christmas.

(Applause)

Hon. Speaker: Thank you. Hon. Stazo, the Deputy Majority Whip.

Hon. Stazo Omug'ala: Thank you, Mr. Speaker for giving me this opportunity. Mr. Speaker, allow me to thank you for your wisdom and your calmness when the temperatures are hot.

Mr. Speaker, going back to the new Membership of the Powers and Privilege Committee, I think Justice will be their shield when they are called upon to make decisions.

Mr. Speaker, the recess calls for people to rest and at least have fun with our bosses on the ground. My people of Upper Savannah shall be hosting the Savannah Festival on 13th December, so, any Member who has never eaten penguins and French ducks, is invited for that feast so that you can now kick start your Christmas holidays. Thank you, Mr. Speaker. God bless you. Happy New Year and Merry Christmas

(Applause)

Hon. Speaker: Hon. Members, during my communication, I made it clear that as you proceed for the festive and subsequently New Year celebrations, may the Angels of God be upon you. That is all I can pray for

On the request as relayed by Hon. Joyce, I would wish that the House extended the prayers of giving, that the Lord might give me something to celebrate with the Nairobi County Assembly Family.

(Applause)

I give a commitment and undertaking that when you are called upon by the Hon. Speaker, even if you are far, you may honour to come.

On the issue and request by the Hon. Member on the extension of the committee sittings, I direct that the last date to end the committee sittings be on 15th of December for committees with pending businesses and any other business that might arise during the long recess, and subsequently to open on 15th January 2024

We might have a provision of Special Sittings, so, when you were called upon to duty, kindly honour; we can call you for a Special Sitting anytime. I am not trying to say there will come such a time, but in any case, then kindly honour the request from the leaders.

ADJOURNMENT

Hon. Speaker: The House stands adjourned to next year 2024, the year of our Lord, Tuesday February 13th 2024 at 2.30 p.m. However, I have said the committees will run up to 15th December 2023 and subsequently to resume on 15th of January 2024. Thank you and God bless.

The House rose at 5.07 p.m.