



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Second Session

Wednesday, 26th March, 2014

The House met at 2.30 p.m.

(Mr. Speaker in the Chair)

PAPERS

The following Papers were laid on the Table:

- a) The 2013/2014 half a year County Budget Implementation Tribute Report
- b) The Seventh Report of the Sectoral Committee on Water and Sanitation on the site inspection visit to Laini Saba and Nyayo Highrise Ward

Hon. Speaker (Mr. Alex Ole Magelo): The Hon. Chairman of the Budget Committee. Order number 5; half year account implementation review report. Next, Order.

NOTICES OF MOTION

NOTICE - MOTION ON COUNTY PROCUREMENT PROCESS

Hon. Chief Whip of Majority (Mr. David Mberia): Mr. Speaker, I beg to give Notice of the following Motion, **That AWARE** that the Public Procurement and Disposal Act, 2005 requires that each public entity established procedures to provide for the making of decisions on behalf of the public entity relating to procurement; Further **AWARE** that on 25th March, 2013 the Minister for Finance gazetted the

Public Procurement and Disposal County Government regulations as legal notice number 60 of 2013 enacting guidelines to be followed by the County Governments when carrying out procurement processes within the County; **THAT** public procurement processes within the County Government are bureaucratic in nature and there isn't enough personnel to handle the workload resulting in delays in implementation of public projects and attracting unnecessary extra costs that are met by the taxpayers across the city; this Assembly resolves that the County Government move with speed and ensure that procurement processes within the County is decentralized to the respective existing departments or entities of the County Government in order to expedite the procurement process and implementation of projects within the stipulated time and at a reasonable cost. Thank you, Mr. Speaker.

Hon. Speaker: Very well. Hon. Jane Muasya.

NOTICE – MOTION ON COMMERCIAL SEX WORKERS IN THE CBD

Hon. Jane Muasya (Nominated Member from Kibra): Thank you, Mr. Speaker, sir. I beg to give Notice on the following Motion; that **AWARE** that recent years have witnessed a marked increase in the number of commercial sex workers across the streets of Nairobi CBD; further **AWARE** that Section 153 and 154 of the Penal Code, (Chapter 63 of the laws of Kenya) prohibits both men and women from living wholly or partly on earnings of prostitution or from soliciting; deeply **CONCERNED** that the enforcement of the provisions of the Penal Code on prostitution remains lackluster and that commercial sex workers now undertake their unlawful practice openly within the CBD; this Assembly urges the County Government to move with speed and vigorously enforce the provisions of the law to deter the vice within the CBD. Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Jane Muasya. Hon. Chairperson of Water, then we will go back to Order number 5(b).

Hon. Member for Mugumoini Ward (Mr. Alex Ouda Otieno): Thank you, Mr. Speaker and I am very sorry. Pursuant to Standing Order number 180 sub section 6, the following paper will be laid on the table of the Assembly today, Tuesday 25th March, 2014. The seventh report of the sectoral Committee on Water and Sanitation on the site visit to Laini Saba and Nyayo Highrise Ward. Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Chairperson of Water Committee. The Hon. Alex Otieno, under Order number 6(c).

Hon. Alex Ouda Otieno: Thank you, Mr. Speaker, again. I would like to give Notice of Motion. Hon. Speaker, I beg to give a Notice of the following Motion. **That** this Assembly adopts the seventh report of the sectoral Committee on Water and Sanitation on the site inspection visit to Laini Saba and Nyayo Highrise Ward, laid on the Table of the Assembly today, Wednesday, 26th March. Thank you, Mr. Speaker, sir.

Hon. Speaker: Very well.

STATEMENTS

Hon. Speaker: The Hon. Chairperson, Sectoral Committee on Labour and Social Welfare.

STATEMENT ON THE WAGE BILL OF NAIROBI CITY COUNTY

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Thank you, Mr. Speaker, sir. On Thursday, 19th September, 2013, Hon. Peter Imwatok, MCA, Member of Makongeni Ward rose on the floor of the Assembly pursuant to the Standing Order number 41(2c) and requested the Chairperson of Labour and Social Welfare Committee for a statement regarding the Wage Bill of the Nairobi City County which has been escalating to about 800 Million but yet the last employees were hired 14 years back when the wage bill was 200 Million. Mr. Speaker, sir, in the Statement the Member sought to know the following;

1. The mortality rate for the last 14 years among the staff of the defunct Nairobi City Council, that is, how many staff have since died in number, per month, every year for the last 14 years.
2. How many staff moved to Nairobi Water and Sewerage Company on its foundation which was then the Department of the defunct City Council?
3. How many of these members have retired every year for the last 14 years.
4. How many members of the defunct Nairobi City Council were transferred to other defunct municipalities across the country, Kenya.

Mr. Speaker, sir, the Committee wrote to the Nairobi City County secretary, Mrs. Lillian Ndegwa, Ref:No. NCA/NCW/CORR/2013/09, requesting to be furnished with the written response to the Statement by the Hon. Peter Imwatok. In this regard, Mr. Speaker, sir, I wish to report to the Assembly as follows. Mr. Speaker, sir, in the report summary of the annual---

(Consultations)

Hon. Speaker: Order! Go on.

Hon. Wilson Ochola: Yes. Mr. Speaker, sir, in a report summary of the annual mortality rate, retirement, transfer, resignation and staff dismissal as indicated below:

- In 14 years, deaths, retirement, transfer, resignation, dismissal, were 1280, Mr. Speaker; retirement were 2837; transfers were 115; resignation were 156; dismissal were 106, and the total came to 5,452.

- Mr. Speaker, sir, in the 14 years from the year 2000 to 2013, a total of 5452 have either died, were transferred, resigned or were dismissed from the service.
- Staff transfers to the Nairobi Water and Sewerage Company: Mr. Speaker, sir, a total of 2331 staff comprising of 2216 officers---

(Loud consultations)

Hon. Wilson Ochola: Mr. Speaker, can you please protect me from the Minority Leader. Be in order so that we can get this cleared.

Hon. Speaker: Order Hon. Ochola!

Hon. Wilson Ochola: Mr. Speaker sir, a total of 2,331 Staff comprising of 2,216 officers and 115 security officers guarding Nairobi Water Installation were transferred from the defunct Nairobi City Council to the Nairobi Water and Sewerage Company Ltd.

Mr. Speaker sir, attached herewith is a copy of the report. The Hon. Member can get a detailed analysis of this summary, showing the respective departments and the affected members on the above indicated areas. Mr. Speaker sir, I beg to lay this response. Thank you, Mr. Speaker sir.

Hon. Speaker: Thank you very much, Hon. Ochola.

Hon. Wilson Ochola: Mr. Speaker --- *(Hon. Diana Kapeen upstanding)*

Hon. Speaker: Hon. Diana Kapeen, what could be the problem?

Hon. Member for South C Ward (Ms. Diana Kapeen): Mr. Speaker sir, I would like to put a request to your Hon. Chair to use your Privileges Act to compel the City Engineer and his Minister to give us resource--- *(Pauses as Speaker consults with a Member)*

Hon. Speaker: Yes please.

Hon. Diana Kapeen: I put a request to --- *(Pauses as a Member consults with the Clerk)*

Hon. Speaker: Yes.

Hon. Diana Kapeen: I put a request to your Chair to use your Privileges as our Speaker to compel the City Engineer and the Minister in charge of Roads to furnish the Committee with reports that are requested by the Members of this Assembly because we have a time limitation of two weeks and each time we try to get information we don't get the information, Mr. Speaker.

Hon. Speaker: Very well, Hon. Diana Kapeen, I will come to that after we are done with this Order Paper. Hon. Members I know the Chairpersons had been given two weeks to answer to the questions by Members, some of which go up to last year and therefore I will come to that as we go on.

Hon. Diana Kapeen: Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Honourable Imwatok.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker I want to say thank you so much for an opportunity to say something on the Statement. I gave the Statement on 19th of September 2013 and it has taken more than 5 months to avail it to the House. All said and done, thank you for that; for the effort you gave and for the two weeks ultimatum for all the Statements to be answered on this floor, Mr. Speaker.

Having said that Mr. Speaker, I just received the Statement this afternoon; it's not even signed by the Chair who has just read it but I appreciate the answer. But I wanted at least--- for those who have it you can see the County Government of Nairobi then the defunct City Council from 1998 has 5452 people who have died, retired, transferred, resigned and dismissed. It shows the indicators and now if you subtract 5531 from the year 1998, you can see where our Wage Bill can be but I have not read name by name Mr. Speaker I want ample time to go through so that I come and put my questions across for the Executive to come up with a solution to the Wage Bill, Mr. Speaker.

Hon. Speaker: Hon. Imwatok, are you asking the Chair to give you time to go through the report?

Hon. Peter Imwatok: Yes, Mr. Speaker.

Hon. Speaker: So can we revisit it tomorrow 2.30pm?

Hon. Peter Imwatok: Thank you, Mr. Speaker.

Hon. Speaker: Okay. Very well. We are still on Statements. The Hon. Adow. I will go by the sequence that we have in the Paper.

REQUEST – STATEMENT ON EMPLOYMENT IN THE NAIROBI CITY COUNTY PUBLIC SERVICE

Hon. Member for Eastleigh North Ward (Mr. Osman Adow Ibrahim): Thank you, Mr. Speaker. Hon. Speaker, pursuant to Standing Order 41 (2c); I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding employment in the Nairobi City County Public Service. Hon. Speaker, it is alleged--- actually it is not alleged but I know for a fact--- that there is bias in regional and gender balance in employment within the Nairobi City County Public Service for the

different posts in the County Government. Hon. Speaker, in the Statement, the Chairperson should inquire into and table a report on employment of the public in the County showing the name, the gender, the tribe and the religion of the person. Thank you.

(Applause)

Hon. Speaker: The Hon. Chairperson for Labour, how long will you take --- *(Hon. Wilson Ochola approaches the floor)* Order! Order, Member! Sit down! Hon. Chairperson, this is a weighty matter and this is a matter that you need to bring here in a very decisive manner to avoid speculation and rumour-mongering in regard to the County Public Service Board. How long do you need to compile this?

Hon. Wilson Ochola: Thank you, Mr. Speaker sir; I would like you to give me three weeks to attend to that, Mr. Speaker sir.

Hon. Speaker: Very well, Hon. Ochola.

Hon. Wilson Ochola: Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Isaac Ngige.

REQUEST – STATEMENT ON PUBLIC LAND GRABBED IN MWIKI BY A PRIVATE DEVELOPER

Hon. Member for Mwiki Ward (Mr. Isaac Njoroge Ngige): Thank you, Mr. Speaker. Pursuant to Standing Order 41 (2c); I wish to request for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the grabbing of public land by private developers. Hon. Speaker, the parcels numbered LR 9363/74, 9363/93, 9363/21 which were allocated for the construction of a market, a secondary school and a nursery school respectively in Mwiki Ward have now been grabbed by a developer who is currently developing them. A complaint has been launched with the Nairobi City Government but no action has been taken.

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

1. Whether the said parcels have been grabbed.
2. Action being taken to stop the development that is currently going on.
3. Disciplinary action taken against the officer who authorized the private development on public land and lastly,
4. Measures being taken by the County Executives to stop further grabbing of public land in the County.

Thank you.

Hon. Speaker: Very well, Member for Mwiki Ward, the Hon. Chairperson for Planning.

(Loud consultations)

Hon. Member for Imara Daima Ward (Mr. Jairo Atenya Asitiba): Thank you, Mr. Speaker sir. Since, I am going to be away, kindly give me three weeks to give a concrete report.

Hon. Speaker: No, no, no, no, no. Hon. Chairperson, you can see it is being constructed, in three weeks the houses will be---

Hon. Jairo Asitiba: Then, two weeks, Mr. Speaker sir, please.

Hon. Speaker: Two weeks, yes?

Hon. Jairo Asitiba: I can't make it in a week's time.

Hon. Speaker: Two weeks, okay.

(Loud consultations)

Hon. Speaker: The Hon. Adam.

REQUEST – STATEMENT ON SUPPLY OF WATER TO KIBRA CONSTITUENCY

Hon. Member for Makina Ward (Mr. Alhad Ahmed Adam): Thank you, Mr. Speaker sir, for this marvelous opportunity. I beg to request for a Statement. Pursuant to Standing Order 41 (2c) I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the supply of water for the entire Constituency. Hon. Mr. Speaker, according to the Nairobi City Water and Sewage Company schedule for supply of water, the residents of Kibra Constituency are supposed to get water at least 3 days per week but unfortunately, Kibra has been experiencing a water shortage for approximately one month now.

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

1. Reason for the lack of water supply to the residents of Kibra Constituency.
2. How long will the residents of Kibra Constituency experience this shortage?
3. The plan which the Nairobi Water and Sewage Company has to ensure that residents of Kibra Constituency receive enough water throughout.

Thank you.

Hon. Speaker: Very well Hon. Adam, Member for Makina Ward. The Hon. Chairperson for the Sectoral Committee on Water.

Hon. Alex Ouda Otieno: Thank you, Mr. Speaker sir. I beg to be given 14 days so that I can give a detailed report since water is a touchy issue. Thank you.

Hon. Member for Clay City Ward (Mr. Erastus Muiruri): Point of Order!

Hon. Speaker: Point of Order on what?

Hon. Erastus Muiruri: Thank you, Mr. Speaker. I am standing on a Point of Order number 80. I am requesting your able Chair, whenever a Member rises here requesting for a Statement of assistance, it is due to the frustration he or she has undergone in his or her area of jurisdiction. For instance when I requested a Statement from the area where my area was demolished; hawker's premises were demolished. You can imagine they were demolished like one month and one week ago. When they were demolishing I was not present---

Hon. Speaker: Order! Order! Order, Member! I will come to that Order. The Hon. Jane Muasya.

REQUEST – STATEMENT ON THE STATE OF BURMA MARKET

Hon. Jane Muasya: Hon. Speaker, request for Statement. Pursuant to Standing Order number 41 (2c) I wish to request for a Statement from the Chairperson for the Sectoral Committee on Agriculture, Environment and Natural Resources on the state of the Burma Market. Hon. Speaker, the Burma Market is a hub for many Nairobians who gather at the market for lunch as well as dinner. The market is in a filthy condition with drainage systems that are not functioning. Hon. Speaker, in the Statement, the Chairperson should enquire into and report on what the County Government is doing to improve the state of the Market for the good of the residents who use the market. Thank you, Mr. Speaker.

Hon. Speaker: Very well, Hon. Jane Muasya. The Hon. Chairperson for Agriculture, Environment and Natural Resources could you give an undertaking as to when we will get a satisfactory answer in regard to the Statement? The Hon. Chairperson, Agriculture, Environment and Natural Resources? *(Consults with Clerk)* Is the Vice Chairman in?

(Loud consultations)

Hon. Member for Kwa Njenga Ward (Mr. Alexander Mulatya): On behalf of Agriculture, Environment and Natural Resources I wish to be given time till Wednesday next week.

Hon. Speaker: Very well, Hon. Mulatya. The Hon. Charles Thuo.

REQUEST – STATEMENT ON TRANSFER OF HOUSING DOCKET FROM LANDS TO PLANNING

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo Wakarindi): Thank you, Mr. Speaker sir. I rise to request for a Statement. Pursuant to Standing Order No. 41 (2c), I wish to request for a Statement from the Chairperson of Sectoral Committee on Lands Planning and Housing regarding the transfer of the Housing docket from the Department of Lands and Housing to the Department of Housing.

Mr. Speaker sir, a nominee was nominated by this Assembly as the Chief Officer for the Department of Lands and Housing. However, part of his docket Mr. Speaker was later transferred to a different Department, the Department of Planning under which a separate nominate had been vetted by the Assembly as Chief Officer to.

Mr. Speaker, in the Statement, the Chairperson should enquire and report on:

1. Reasons for the transfer of the Housing docket from Lands to the Planning Department under a different nominee who was vetted for Planning only; and
2. Legality of the said docket transfer and why the Chief Officers presently holding the dockets have not been brought back for fresh vetting as their Departments have ostensibly been altered.

Thank you, Mr. Speaker sir.

Hon. Speaker: Very well, Hon Thuo, the Hon. Chairperson for Planning to give an undertaking.

Hon. Jairus Atenya Asitiba: Thank you, Mr. Speaker sir. To that, I will respond in a week's time.

Hon. Speaker: Very well Hon. Chairperson. Hon. Members, *(Loud consultations)* Order Members! Hon Members I know most of you are in the process of rising up in regard to Statements that have not come. *(Loud consultations)* Order, Members! Thank you very much. Hon. Members, a lot of Statements have been asked for or requested since 2013 and most of them have not been forth coming. I have heard the Chairperson for Works' complaint. You remember, we gave her about five Statements when she was away. But, I want to say this without laying any blame on anybody, I want to ask the Executive to cooperate with the Chairpersons of Committees in giving out the required Statements and answers for the benefit of Hon. Members of this House.

I want to ask the leader of Majority to take this matter very seriously. Report it to the CEO of the County Government and inform him that we have one week, to have all the Statements on the floor of this House. Some of these Statements are on the emergency basis, for example the question of a house or a plot that is being constructed; we cannot wait for five and a half months to have an answer.

I therefore rule, one week from today, if answers are not on the floor of this Hon. House, we will take appropriate action in regard to the Chief Officers, in brackets, who would have not brought the answers to the attention of this House.

And if the Chief Officers have a problem please ask them to convey this problem to the Chairperson of Committee so that they are in the know that there are some technicalities or technical hitches that could delay the Statements or answers because some of them are technical, some of them need to go to several officers. That's not to say that we are blaming anybody, but we want answers on this floor. This is the last time I will stand up here, because I cannot come here and ask answers, Statements, want to know something and wait and wait. I would like to ask the Hon. Leader of this House, to convey the message of this Hon. House. Thank you.

Yes, the Members who were on their feet would I know why you are on your feet? I would like to know why you are on your feet. Excuse me, please let me know why----. Excuse me Hon. Thuo, I want to know why you are on your feet and you are talking. Excuse me, I need you to rise up so that I know exactly why you are on your feet. Hon. Thuo, could I know why you are on your feet? Loudly please.

Hon. Member of Karura Ward (Mr. Stephen Kamau Thuo): Thank you, Mr. Speaker, for that. I would want to withdraw some Statement I had requested sometimes back. I would want to withdraw Statement on Runda, the Statement for the Chairman for Labour, and also Trade. Kindly, don't give to me that report. I no longer need the report.

Hon Speaker: Can you specify? Order, Member! Can you specify?

Hon. Stephen Kamau Thuo: Mr. Speaker, as far as the issue of Runda is concerned it has taken years to be reported on and to be implemented. The one on Trade, the Hon. Member is supposed to report on it today. There are some people who are jobless as a result of that Statement. And also on the one on Labour, I am feeling that the Chairman is not doing enough. It is not the Executive, these men have power. Mr. Speaker, as you say, the Executive-----

Hon Speaker: Order, Hon Thuo! Which men are you referring to?

Hon. Stephen Kamau Thuo: I am saying the Chairman of Labour and the trade Chairman are the ones who are frustrating us.

Hon. Speaker: Order, Hon. Thuo! Order! I have made an order that all the Statements--- actually you cannot withdraw, they are the property of this House and every Member has a right to know what has been done. Once again I want to say we have one week, Mr. Clerk, to have all the answers including Thuo's answers here. Point of Order, from Hon. Nyang'wara

Hon. Member of Viwandani Ward (Mr. Samwel Nyaberi Nyang'wara): Mr. Speaker, it is regrettable that Hon. Thuo has made a very serious allegation here which actually needs to be substantiated and if it is true, this House should take action. Let us find out whether it is true there are some officers who are jobless simply because of responses to Statements requested on this floor. We want to know, Mr. Speaker, those officers who must have been intimidated not to give information to this Assembly.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! The Hon. Thuo was indicating the withdrawal of his Statement due to frustrations which never the less I have made a ruling on, that we shall have all the Statement and indeed it carries weight when the leader of Majority is now on top of things. So let us give him one week so that everything can be brought to the floor of this House. I want to ask the Hon. Thuo to bear with the House until the answers come. Hon. Mwalimu.

Hon. Member for Kahawa West Ward (Mr. Patrick Ngaruiya Chege): Thank you, Mr. Speaker. I had requested a Statement and the Chairperson and the Deputy Chairperson, of that Sectoral Committee on Transport was not present. So I am not aware because I was not given the specific time, when I am going to get that particular report? The Chairperson and the Deputy Chairperson were not present. I don't know whether they have the question.

Hon. Speaker: Hon. Ngaruiya, I have just made a ruling and that is final, that in a week's time responses will be brought to the House. Even in the absence of the Hon. Chairperson for Works the matter was handled by a responsible Member of this House in the person of the Chairperson of liaison Committee who is also the Deputy Speaker of this House. Therefore, it is in good hands and you will be or you might be communicated to. So we have one week to have all the answers.

I want to ask you very kindly, please do not rise up again on issues of Statement because we have finalized that. I will close. Hon. Thuo, you are protected. This is the precincts of the House and you are protected. Hon. Thuo, we have not heard it. Hon. Warutere, I did not know that you are a boxer. Sit down! Order Members! Order! Hon. Warutere, Hon. Thuo, we are in a Hon. House please. Order, Members! Next, order?

Hon. Leader of Majority (Mr. Elias Otieno): Thank you, Mr. Speaker. I beg to lay the Paper. Pursuant to the Standing Order No. 41 (2b) the following Paper will be laid on the Table of the Assembly, today Tuesday 25th March, 2014; 2013/2014 half a year County Budget Implementation Tribute Report. Thank you, Mr. Speaker.

MOTION**MOTION ON APPROVAL OF APPOINTMENT OF MEMBERS OF WDF SELECT COMMITTEE**

Hon. Leader of Majority: Thank you, Mr. Speaker, I would like to move the Motion No. 8; that, pursuant to the provisions of Section 35 of the Ward Development Fund Act 2014; this Assembly approves the appointment of the following Members to the County Assembly Select Committee on the Ward Development Fund:

1. Hon. Maurice Otieno Gari , MCA
2. Hon. Peter Isuha, MCA
3. Hon. Diana Kapeen , MCA
4. Hon. David Kitavi, MCA
5. Hon. Wilfred Odalo, MCA
6. Hon. Moses Ogeto, MCA
7. Hon. Michael Wainana Wanjiku, , MCA
8. Hon. Chege Mwaura, MCA
9. Hon. Peter Wahinya Kimuhu, MCA
10. Hon. Njoroge G. Maina, MCA
11. Hon. Erastus Muiruri, MCA

Mr. Speaker, I think after giving those names, I beg the Leader of Minority to second.

Hon. Leader of Minority (Mr. Abdi I. Hassan): Thank you, Mr. Speaker sir. Let me take this opportunity first to congratulate Members today because they are very calm. The House is not as hot as yesterday. Yesterday, I could not speak, so, let me thank them for that. Before, I second the Motion; I want to put the Executive on notice. As the Minority Leader of this County, I am not going to seat back and watch them sleep on their job. We will hold them accountable. We are not going to allow ourselves to be held accountable by the people of Nairobi because the Executive are sleeping on the job. I put them on notice from today that anybody who is not delivering to Nairobians will have to pack and go.

Mr. Speaker sir, let me take this opportunity to second the Motion and urge all Members to support. All of us cannot be in this committee, Mr. Chege, the Bill just needs 11 people, five (5) from Jubilee side and six (6) from CORD side. But we have agreed, Mr. Speaker sir, that when the Bill comes for amendment on Tuesday we will have to amend that section 35 so that we can add more Members.

We don't need incitement in this House, Mr. Speaker sir. Some Members are texting others and they are in that Committee, Mr. Speaker sir. We don't need another stalemate in this House. As leaders we must provide leadership in this House. It is regrettable to see some people in this House texting one another as if 127 Members can be in this Committee (*Loud Consultation*)

It is bad. That is a very bad behavior; let me put it that way, Mr. Speaker sir. We consulted before we came up with these names and some—

Hon. Speaker: Order! Order, Member!

Hon. Leader of Minority: I don't think that a CORD Member should ask me that question, Mr. Speaker. That is a very silly question. Because--

(Loud consultations)

Hon. Speaker: Order Members! Order!

Hon. Leader of Minority: Can you protect me, Mr. Speaker sir?

Hon. Speaker: Order Members! Order!

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, how can the Minority Leader call Members silly? This is very unparliamentary.

Hon. Speaker: Order Members! Order!

Hon. Maxwell Ochar: Mr. Speaker, Mr. Speaker, let him withdraw, whether he is the Minority Leader or not.

Hon. Speaker: Order Members! Order! Hon. Ochola--

Hon. Leader of Minority: Mr. Speaker I withdraw the word 'silly' and apologize to this House. I think now the mood is jovial and we need this Ward Development Fund Select Committee as early as yesterday.

(Loud consultations)

Hon. Leader of Minority: Can I be protected, Mr. Speaker sir?

Hon. Speaker: Proceed, proceed.

Hon. Leader of Minority: Mr. Speaker it was just on a light touch. We need this Ward Development Fund Committee as early as yesterday because the Executive wing of the government is blaming us because we have not formed this Committee. After the House approves these names we are asking the Committee to sit down and elect the Chair. After the election of the chair they should go and speak with the Executive for the gazettelement of the County management Board so that we can move

forward as a House. Mr. Speaker sir, we need to pass the supplementary budget so that we can access these funds to develop our Wards.

I want to ask the Chair of Budget to bring that supplementary budget to this House so that Members can access facilities of loans and mortgage. Mr. Speaker sir, you saw yesterday; Members were complaining and it is true Members are suffering. That is a fact and we must move with speed to satisfy the welfare of these Hon. Members. With those few words, Mr. Speaker sir, I beg to support.

Hon. Speaker: Thank you very much the Hon. Leader of Minority, Hon. Abdi Hassan. Hon. Members, I now propose the question that pursuant to the provision of Section 35 of the Ward Development Fund Act 2014; this Assembly approves the appointment of the following members to the County Assembly Select Committee on the Ward Development Fund: (*Loud consultations*) Order Members! Consult in low tones.

1. Hon. Maurice Otieno Gari
2. Hon. Peter Isuha
3. Hon. Dianah Kapeen
4. Hon. David Kitavi
5. Hon. Wilfred Odalo
6. Hon. Moses Ogeto
7. Hon. Michael Wainaina Wanjiku
8. Hon. Chege Mwaura
9. Hon. Peter Wahinya Kimuhu
10. Hon. Njoroge G. Maina
11. Hon. Erastus Muiruri

Hon. Members. The Hon. Nyang'wara.

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker. First and foremost I stand to support this Motion and congratulate the Hon. Members who have been appointed to sit in this committee and I see it has taken care of the minorities of this House. So, Mr. Speaker, I support. Thank you very much.

Hon. Speaker: Hon. Wamari—

Hon. Member for Ruai Ward (Mr. Daniel Mbugua Mari): Thank you, Mr. Speaker sir. I rise to support this motion bearing in mind we are now very close to one year and a month in this Assembly and surely speaking no leader can say that he has done something in his Ward. So, I am urging my fellow Members to move with speed and support this Motion so that the committee can be implemented as fast as possible and may be from next month or next month but one, we can hold our heads high in our Wards as we work and carry out developments in the Wards. So, I support the motion and urge the Members who have been put in the committee to move with speed and dispense their duties. Thank you, Mr. Speaker sir.

Hon. Speaker: The Hon. Mulatya—

Hon. Alexander Mutisya Mulatya: Thank you Mr. Speaker. Contrary to my fellow former speakers, I support the Motion with amendments bearing in mind that as per the Constitution of Kenya and the respect we give to it, we should have a third representation from our ladies here. Hon. Speaker I will also go contrary to the coalitions in this House. I belong to the CORD fraternity---

Hon. Speaker: Order! Order!

Hon. Alexander Mutisya Mulatya: I belong to the CORD fraternity-----

Hon. Speaker: Order! Order, Hon. Mulatya! Please do not bring party politics here.

Hon. Alexander Mutisya Mulatya: But in terms of representation I have this list to be tabled maybe at a later date but inclusion of ladies in this House is mandatory. I beg to support with amendments.

Hon. Speaker: The Hon. Mumo—

Hon. Leah Mumo Matee (Nominated Member from Makadara): Thank you, Mr. Speaker. I rise here to support but with amendments that the one third gender rule should apply. I want these women here in this House to be recognized also. Thank you.

Hon. Speaker: Hon. Obonyo—

Hon. Member for Gatina Ward (Mr. Mike Obonyo Guoro): Thank you, Mr. Speaker. I support the Motion and I support the names because these are elected people either ordinarily elected or special elects. If you cannot convince your husband to vote for you, how do you expect us to do it here?

(Loud consultations)

Hon. Speaker: Hon. Wahinya---

Hon. Member for Ngandu Ward (Peter Wahinya Kimuhu): Hallo, Mr. Speaker. Thank you very much, Mr. Speaker.

Hon. Speaker: Order, Hon. Members! Consult in low tones.

Hon. Peter Wahinya Kimuhu: Thank you very much, Mr. Speaker. I stand here to support this Motion and I wish to give two reasons why I am supporting the Motion. One of the reasons why I do so is because as one of my colleague here has said and has stated very clearly this is one of our committees that we do not want to play games with.

It is one of the reasons why there is a high spirit here in this Assembly. As you have noticed, today we had a Kamukunji and many of the reasons why we are suffering and complaining is actually the fact that this particular committee is not in place and therefore we are unable to engage the Executive with a committee. This is one of the biggest tools that we require so that we can be able to engage the Governor and his people to be able to release our funds as a matter of urgency. In actual fact I may sound as if I am supporting it. *(Loud consultations)* Mr. Speaker, there is too much---

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Order!

Hon. Peter Wahinya Kimuhu: Mr. Speaker, we really need to go to work. I happen to be in this particular committee and I congratulate and thank my Leader of the Minority and we have been waiting a great deal because we really need to begin work as a matter of urgency.

Secondly, Mr. Speaker, for the Members who are asking for one third; I sympathize with that scenario of one third because our ladies are also equal to the task but because of time and because of another reason whereby the Minority Leader, Abdi has clearly stated that he will bring another Motion whose intention is to increase the number of the composition of these committees, I would wish to urge all the Members to support it with an understanding with that increased number, whatever the number, that the leaders of this House shall give that consideration to the ladies without fail whatsoever.

It is very necessary, Mr. Speaker, that the ladies are represented and as far as I am concerned I don't share the opinion that the nominated Members of this House cannot do the job. I support the nominated Members of this House who are ladies and I also support the elected who are also ladies. So I wish that they support it with that understanding that the increase in number shall be set aside purely to accommodate our good ladies. Thank you, Mr. Speaker.

Hon. Speaker: The Hon. Imwatok and then the Hon. Thuo and the lady.

Hon. Member for Makongeni (Peter Imwatok): Mr. Speaker, *(Adjusts microphone)* sorry I am short. I want, Mr. Speaker, to stand here as the Clerk adjust the microphone to the right perspective and as I contribute to this Motion. First and foremost I must say without blinking my eyes, this is the most powerful team— *(Loud consultations)*

Hon. Speaker: Order! Order, Members! There is a member on the floor.

Hon. Member for Makongeni (Mr. Peter Imwatok): Mr. Speaker, thank you for protecting me. I said I must start by saying while looking at these names; I look at the name of Hon. Maurice Otieno Gari, Peter Isuha, Diana Kapeen, David Kitavi, Wilfred Odalo, Moses Ogeto, James Chege, Njoroge G. Maina

and Erastus Muiruri. I can see the face of people, the men and woman who fought for the 1st Bill of this Assembly. And this is thumbs up for them. As I support this, Mr. Speaker, as the Minority Leader said, there is an amendment to come; I must compel the leadership of this House that they must consider disability.

(Applause)

On top of that, Mr. Speaker, as others have spoken, we cannot ignore the role of the women in this House. Let that amendment come as quickly as it can so that we do things as a House of rules and procedure. To the Committee which has been appointed, we have a task of 4 million at your hands; a task of 85 Wards, men, women and children down there who are looking forwards to getting water, who are looking towards getting clean hospitals. So, keep the ball rolling and where there are obstacles, we are here, Mr. Speaker, as they say we are PMH; in other words Professional Mouths for Hire. We are ready to defend this Committee to execute its mandate. I beg to support.

Hon. Speaker: Thank you. Hon. Thuo, Hon. Ochola and Hon. ---

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Thank you Mr. Speaker sir. I rise to support this Motion and also add that this is a group of able men and a woman and I am sure they will be able to deliver to us, Mr. Speaker. I would also want to believe that this--

Hon. Speaker: Order, Hon. Ochola!

Hon. Stephen Kamau Thuo: I would also want to believe that this particular committee will have teeth to bite unlike some other committees in this House Mr. Speaker that do not have teeth to bite. I hope this particular one will have. If it doesn't we will have to import some teeth for this committee. We also want to believe that they understand their mandate and do their work. Your mandate is very simple to make sure that Karura has 15 million or 18 million. That is their mandate; there is nothing else I am asking this committee to do for this financial year and the next financial year. Mr. Speaker I love women so much, my mum is a woman, my grandmother is a woman and my wife is a woman but---

Hon. Speaker: Order! *(Loud consultations)*

Hon. Stephen Thuo Kamau: Mr. Speaker, protect me, protect me from some Members who are---
(Loud consultations)

Hon. Speaker: Order Members! Order!

Hon. Stephen Thuo Kamau: Yes I have a wife; go to AG's (Attorney General's Office) office and get the documents.

Hon. Speaker: Order! Order, Hon. Members!

Hon. Stephen Thuo Kamau: So, Mr. Speaker--- (*Loud consultations*)

Hon. Speaker: Order! Order! Hon. Members. (*Loud consultations*)Go on, Hon. Thuo of Karura.

Hon. Stephen Thuo Kamau: Mr. Speaker, this is something you need to address in this House. Anyway let's forget that. What I was saying, Mr. Speaker, is that I love women so, so, so, so much and I was saying my mother is a woman, my aunt is a woman and even the County Secretary here is a woman and also our Clerk here is a woman, but I must say this particular committee is the property of the elected, Mr. Speaker. This particular committee is the property of the elected Members even if I love the women so much. Thank you, Mr. Speaker.

Hon. Speaker: Hon., my friend Thuo, again.

Hon. Charles Thuo Wakarindi: Thank you, Mr. Speaker sir.

Hon. Wilson Ochola: Ochola *akae chini kwa nini?*

Hon. Charles Thuo Wakarindi: Thank you, Mr. Speaker.

Hon. Wilson Ochola: Mr. Speaker who was next? Who was next? (*Consultations*)

Hon. Charles Thuo Wakarindi: Thank you Mr. Speaker sir, I, (*consultations*) stand here to support this Motion. (*Loud consultations*) Thank you, Mr. Speaker sir and the consultations in the House are too loud, Mr. Speaker sir. (*Loud consultations*) The consultations are almost rising to a noise level; the consultations are too loud. (*Loud consultations*)

Hon. Speaker: The Hon., my apologies.

Hon. Charles Thuo Wakarindi: Thank you, Mr. Speaker sir, I rise to support this Motion and state clearly without fear of contradiction that the Ward Development Fund is a panacea for the other development in this County. It is what is going to bring the fruits of devolution to our people and real actualization of devolution, because devolution is about power and resources and because I have a chance I would only request that you read the mood of the House and move the question, Mr. Speaker sir. Thank you.

Hon. Speaker: The Hon. Members of the County Assembly of Nairobi, I'll call upon two ladies and one Hon. Member, the Hon. (*Loud consultations*) no I thought I talked about George Ochola, not--- (*Loud consultations*) (*applause*)---

Hon. Rosemary Macharia (Nominated Member from Sarang'ombe): *Ahsante Bwana Spika---*

Hon. Speaker: *Endelea, Mheshimiwa. (Loud consultations)* I think, Hon. Ochola is tired.

Hon. Member: Yes he is tired.

Hon. Speaker: It is about time for you to leave this House.

Hon. Rosemary Macharia: *Ahsante Bwana Spika kwa kuni---*

Hon. Speaker: Keep your peace.

Hon. Rosemary Macharia: *Ahsante kwa kunipa nafasi hii kuweza kuchangia mjadala kama mama. As much as tunapenda hawa ndugu zetu hata hii Motion sisi ndio tulii-- support. Na bado hata ikiwa twawapenda, ni kama mnatusukuma kando kwa kusema kuna bado elected---*

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Point of order, Mr. Speaker sir.

Hon. Speaker: Order on what, Hon. Masiga? *(Loud consultations)* Order Members! Order! *(Loud consultations)*

Hon. Rosemary Macharia: Protect me, Mr. Speaker.

Hon. Speaker: Order Member! Order! Order! *(Loud consultations)* Order on?

Hon. Nelson Masiga: *Bwana Spika naamini hii nyumba ni ya sheria na tunafuata sheria. Hamna haja ya Mheshimiwa kutumia lugha mbili akichanganya kwa sababu inaudhi na kukereketa maskio yangu. Sitafurahia tutumie lugha mbili tukichanganya changanya.*

(Loud consultations)

Hon. Speaker: Continue, Hon. Member.

Hon. Rosemary Macharia : *Sawa nitatumia lugha ya Kiswahili. Kama vile tunapenda---* *(Loud consultations)*

Hon. Speaker: Order Members! Order!

Hon. Rosemary Macharia : *Tunapenda na tunaheshimu ndugu zetu ambao wamechaguliwa mashinani na pia dada zetu waliochaguliwa mashinani. Sisi akina mama hata kama hatuna Wards ama hakuna mahali tunawakilisha chini kwa mashinani tulikuwa sisi ni watu wa kipaumbele kuwapatia mkono,*

kuwaunga mkono katika huu mjadala wa Ward Fund. Na hapa tunaona bado ni kama kuna mgawanyiko. Ni kama bado kuna ubaguzi. Si eti tuna haja ya kuingia kwa hiyo kamati ya Ward Development Fund. Lakini kusema eti kwamba itakuwa amended halafu ndio tuje tuingizwe baadaye ni usemi tu kwa maana hiyo idadi ya kamati ikipitishwa tulikuweco hapa Bungeni.

Kwa hivyo, mimi ninasema hata mkifanya mambo mengine mjue bado tunaona. Na msisahau kuna mpaka Executive ambao wako pale juu. Hata nyinyi mnaona huo moto unawaka saa hizi. Na labda siku moja mtahitaji msaada wetu. Kwa hivyo kama ni kutaka kusaidiana, wakati ni sasa. Kama ni kufanya mabadiliko kwa mswada wacha ifanywe na akina mama wawili wawakilishe hiyo kamati ndio tusonge mbele. Lakini, naunga mkono kwa dhati.

Hon. Speaker: Hon. Rachael Kamweru and then Hon. Ochola.

Hon. Rachael Kamweru (Nominated Member from Embakasi West): Thank you, Mr. Speaker, the spirit and the mood of the House is for the committee to be constituted, but, Mr. Speaker, Hon. Kamau Thuo said that this is a committee for people with Wards. If it is in that spirit, Mr. Speaker, we have four women who already have Wards. If that was the spirit they would have put all the four women who were elected, in the Committee.

So, you cannot say all is well when women cannot be well represented in the committee. I don't think that is the spirit of this House. Under your leadership, issues to do with gender are being pushed to the side with a rider that the women don't have Wards. I don't agree with that. Where do we have an undertaking that the next seven members that are going to be in that committee will be women? Because this is politics; easily said here and recorded, but when it comes to the proper implementation, that seven will be women, where is the commitment that that will be done? You can put all the elected Members who are women in that committee, if that is it. But what happens to the other women? Thank you, I support.

Hon. Speaker: Hon. Ochola George.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you, Mr. Speaker sir, as I stand here, I want to reiterate that this is a new dawn and this is the beginning of the history of our lives. Mr. Speaker, we all know that for about a month now, Motions have been deferred because of the issue of the Ward Development Fund and the loan and the mortgage issue. But, Mr. Speaker sir, today, is a birthday for the Ward Development Fund and I urged all Members to support the list, because the listed Hon. Members cut across the board and this is the new born child of my comrade and namesake, Mr. G. The Members here, are a team that is highly level minded, commendable and of recommendable IQ.

This is the team which is going to save us by providing for the success and survival of this new born baby called WDF. Mr. Speaker, the other day one of my comrades just said, if the wife were to give birth he would call that child WDF. We have some, like *Mheshimiwa* Njoroge Kairu whom I know in few

days or a month ago nicknamed their children, WDF. The team enlisted here is a team of high integrity; a team who are able; who have great capacity to ensure that what we have been crying for is achieved.

Mr. Speaker, we do need, and I am saying without compromising, that we do need this to fight the battle or rather to achieve our dreams; a dream we have been praying for. So, Hon. Members I urge you to give respect to this team and I want to thank those who sat and thought of these wise men to head us on this issue. Thank you, Mr. Speaker. I beg to support.

Hon. Speaker: Last one Hon. Zulfa. The last Member Hon. Zulfa and then the mover of the Motion will reply.

Hon. Zulfa Mohamed (Nominated Member from California): Thank you, Mr. Speaker sir, I rise to support this Motion. It is my great pleasure that this House is in this mood today and I can see we are moving forward. However, I would like to ask how fast this process will be, because we can stand here and talk about a lot of things and yet we hear stories. So, on behalf of the Members of this Assembly I would like to ask when this will be implemented.

Another thing as well, is about the list; with regard to the list tabled before you. chair, I would like to find out whether the amendments will be implemented as regards the women of this House. As much as we have been nominated I am sure we are the best people to oversee this Fund because---(*Loud consultations*), yes we wish to be represented in that list. Thank you. (*Loud consultations*)

Hon. Speaker: Hon. Members!

(*Loud consultations*)

Hon. Zulfa Mohamed: I am supporting. I am supporting with amendments of course.

Hon. Speaker: I now call the mover of the Motion to reply. (*Loud consultations*)

Hon. Leader of Majority: Mr. Speaker, (*Loud consultations*) Warutere, attention please.

Hon. Speaker: Hon. Members, order!

Hon. Leader of Majority: Order Members! Mr. Speaker, as I come to reply, a day is always good when it is spent in somebody else's house. When it is spend in your House you think something is missing, because, today the Leader of Minority abused my people calling them 'silly'. (*Laughter*) But, I can remember it's only one day when I talked about 'this small seat'. Almost everybody on that side of the divide walked out. (*Laughter*) But, okay, Mr. Speaker, I need your protection in totality. (*Loud consultations*)

Hon. Speaker: Order! Order, Members! Order!

Hon. Leader of Majority: In totality--- okay, Mr. Speaker, as I want to reply to this Motion; people are talking about gender and whatever. Let me just quote; sometimes back about two thousand years ago, as written in the Bible, when Jesus constituted his committee--- *(Loud consultations)*

Hon. Speaker: Order, Members! Order! Order! *(Loud consultations)* Order, Members! Order! Order! Order, Members! Order! *(Loud consultations)* Order!

Hon. Leader of Majority: Let me just say it. *(Loud consultations)*

Hon. Speaker: Order!

Hon. Leader of Majority: Jesus was constituting his twelve disciples--- *(Loud consultations)* the only woman who was very much active--- *(Loud consultations)* ---was, the lady called Mary Magdalene. But the twelve disciples were men and I can mention their names. *(Loud consultations)*

Hon. Speaker: Order! Order! *(Loud consultations)*

Hon. Leader of Majority: First, the first disciple was Simon Peter who was named Maurice Gari. *(Loud consultations)*

Hon. Speaker: Order, Members! Order! *(Loud consultations)*

Hon. Leader of Majority: The second name was Andrea who was named Peter Isuha. *(Loud consultations)*

Hon. Speaker: Order Members! Order! *(Loud consultations)* Order, Members! *(Loud consultations)*

Hon. Leader of Majority: So, my friend---*(Loud consultations)*

Hon. Speaker: Order Members! Order! *(Loud consultations)*

Hon. Leader of Majority: My friend---

Hon. Speaker: Order! *(Loud consultations)*

Hon. Leader of Majority: I don't want this noise, Mr. Speaker, let these people--- they are going to be followers of Jesus, but it is me to decide how the twelve disciples are going to rule the world. The Members have to respect the twelve disciples. So, Mr. Speaker, can you tell the--- *(Loud consultations)*

Hon. Speaker: Order, Members! *(Loud consultations)*

Hon. Leader of Majority: Sit down! *(Loud consultations)*

Hon. Speaker: Order Members! Order! Order! *(Loud consultations)*

Hon. Leader of Majority: Order Members! *(Loud consultations)* Mr. Speaker can I be protected? Can I be protected? *(Loud consultations)* Not me. It is not that I hate anybody, it's only that I am quoting this one from the Bible, and I want to tell you this, there was some time when Jesus told Mary Magdalene and his followers, not to go to his burial site but to head to Galilee, where he was going to meet them. How many women were there? How many women were there? It's only Mary Magdalene. *(Loud consultations)*

Hon. Speaker: Order, the Hon. Leader of Majority! *(Loud consultations)*

Hon. Leader of Majority: So, Mr. Speaker, *(Loud consultations)* I want to take this opportunity to thank all Members who have just--- *(Loud consultations)* been confirmed to this committee--- *(Loud consultations)*

Hon. Speaker: Order. *(Loud consultations)*

Hon. Leader of Majority: Let them take up this responsibility, because, I can see these people are equal to the task. These twelve disciples are equal to the task. We have our own, Mary Magdalene, who was with Jesus and she is Diana Kapeen. *(Applause)* Do you understand that one? So when we are doing these things we must consider also the Bible. We must consider the Bible. *(Loud consultations)*

I am not the one who did this but Jesus was the one who did. *(Loud consultations)* So, Mr. Speaker these gentlemen who have just been nominated in this committee let them go and start work of implementing our Ward Development Fund. You ladies, I love you so much but it is only one, *(Loud consultations)* There is a possibility of others joining, because after Jesus allowing Mary Magdalene to be on board, there was another one called 'Esther' who came and joined them later. So you will come and join 'Mary Magdalene' later. Thank you, Mr. Speaker and I beg to reply.

(Applause) (Loud consultations)

Hon. Speaker: Hon. Members, *(Loud consultations)* I now put the question, that pursuant to the provision of section 35 of the Ward Development Fund Act 2014--- *(Loud consultations)* Order, Members! Order! This--- *(Loud consultations)* Order! Order, Hon. Kambi! This Assembly approves the appointment of the following Members to the County Assembly Select Committee on the Ward Development Fund:

1. Hon. Maurice Otieno Gari
2. Hon. Peter Isuha

3. Hon. Diana Kapeen.
4. Hon. David Kitavi
5. Hon. Wilfred Ndalo,
6. Hon. Maurice Ogeto
7. Hon. Michael Wainaina Wanjiku
8. Hon. Chege Mwaura
9. Hon. Peter Wahinya Kimuhu
10. Hon. Njoroge G. Maina and,
11. Hon. Erastus Muiruri.

As many as are of the opinion say 'yes'. And as many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the Motion on appointment of the WDF Select Committee members and agreed to)

ADJOURNMENT

Hon. Speaker: The Assembly is adjourned to tomorrow 2.30 p.m.

(The House rose at 5:03 p.m.)