



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Tuesday 10th, February, 2015

The House met at 2.30 p.m.

[Hon. Speaker Mr. Alex Sanaika Magelo in the chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, Honorable Senator of Nairobi City County, Mike Mbuvi Sonko; Hon. Members of the County Assembly; Distinguished guests, Ladies and Gentlemen; Good Afternoon, happy New Year and welcome to Nairobi County Assembly. I would like to personally welcome each of you to this Afternoon's Sitting when we officially commence the Third Session. It's an exciting time for the Assembly as we continue to grow and adapt, remaining always adaptable, motivated and responsive to the needs of the people of Nairobi City County.

Hon. Members, we recall the Assembly, by way of a Motion of adjournment on a matter of urgent County importance, resolved to invite the Senator, Nairobi City County, to address the Assembly on challenges facing the County and his efforts to address the same. Subsequently, the Chair wrote a letter dated 22nd September, 2014, inviting the Senator for the said address. On 9th February, 2015, the Chair

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received a letter from the Office of the Senator, Nairobi City County, requesting to address the Assembly on its official opening, pursuant to Standing Order 21. The Chair, pursuant to Standing Order 21(1), wrote to the Leader of the Majority and Minority Parties regarding the request by the Senator. The request by the Senator was also placed before the Assembly Business Committee, which considered and acceded to the request. We are therefore graced by the presence of our Senator, the Hon. Mike Mbuvi Sonko.

Hon. Members, distinguished guests, ladies and gentlemen; permit me to make a few comments before the Senator addresses this August Assembly. Distinguished guests, ladies and gentlemen, the Assembly is confronting a time of many changes and we're meeting these changes during a time of larger nation-wide change. Indeed we have made several notable accomplishments in the two Sessions since the birth of this Assembly with a view to overcome challenges that have threatened the very existence of the County Government, and continue to work on overcoming stumbling blocks to our progress. I wish to reiterate here that the Assembly will not tire in ensuring the success of the County and the delivery of services to our people.

Hon. Members, to that end, the Assembly has passed eleven (11) Bills into Law, with five (5) Bills pending before the Assembly. We have also passed a record fifty five (55) Motions and Members continue to submit Motions on various issues of concern to Nairobi residents. We have considered and made recommendations on petitions on various matters affecting Nairobi residents, and made numerous Statement requests. These successes in terms of executing our mandate have not been without challenges.

Hon. Members, the year 2014 was especially a very challenging year for the County Assembly. The Chair, and indeed the Leadership of the County Assembly, have seized themselves of these challenges. To begin with, financing issues have greatly bedeviled the working of the Assembly. As of today, the Assembly is deficit in excess of Kshs 400 million, a fact that has greatly hampered the operations of this institution.

The Nairobi City County Assembly, like other like-minded Assemblies across the Republic, faced this challenge by correspondence to the National Treasury on the development of a framework for

channeling Assembly funds directly to an account held by the Assembly at the National Treasury. These efforts are indeed ongoing, but not much has come out of it.

Hon. Members, Distinguished guests, Ladies and Gentlemen; In order to attain our objectives, consistent funding is crucial. I therefore want to call upon the Senate, through our Senator, to consider ways to ensure financial independence for County Assemblies. A law providing for the sharing of raised revenue within the County, and not just National Revenue, given the fact the County Executive does not swipe its revenue collection from the County Revenue Fund will go a long way in sustaining the sought independence.

Secondly, Hon. Members, the passage of the Ward Development Fund Act, 2014, was met with a lot of acrimony and challenges. To date, the noble idea meant to cushion a majority of our urban poor from everyday challenges through community based projects has not taken off.

Distinguished guests, Ladies and Gentlemen, the Assembly has tried its level best to overcome hurdles to the implementation of the Fund, including considering and passing amendments to the principal Act as requested by other stakeholders such as the Controller of Budget. Hon. Members, as we do our level best to ensure implementation of the Fund, I wish to throw the ball to our Senator and the Senate to consider developing a uniform law on Wards Development Funds that will provide for the operations of the crucial grassroots development initiative across the Country.

Thirdly, allow me to speak about a matter I feel needs to be part of our national conversation as we roll out the new Constitutional dispensation. The Role of the Senate, as espoused in Article 96 of the Constitution and other enabling provisions, is chiefly to protect the interests of Counties. To this end, I must commend the Senate for showing leadership in ensuring Counties get their fair share of National Revenue.

However, permit me to also observe that the Senate is increasingly encroaching on the mandate of the County Assembly in terms of the legislation we are increasingly seeing emanate from the August institution. Indeed the need for streamlined legislation and maintenance of standards across Counties cannot be underestimated. But, Ladies and Gentlemen, standardization does not necessarily mean the

unique needs of various Counties are better captured by National laws emanating from the Senate, especially where such function can be readily undertaken by the County Assembly as provided for in the Fourth Schedule. Therefore, it is important that a balance is established, between what Assemblies can legislate for Counties, in line with the Fourth Schedule to the Constitution and their individual needs, and what the Senate can legislate in terms of its Legislative mandate as provided for in the Constitution.

Hon. Members, if the foregoing is not done, we run the risk of double legislation at both levels of Government and unnecessary conflict on the implementation of such laws. Nevertheless, I wish to once again thank the Senate, and especially the Hon. Mbuvi, for the good work so far undertaken to progress the development of Counties, and particularly Nairobi City County. As we commence our operations for the Third Session, let us all work together than we did last year, and surround ourselves with laughter and friendship as we push our County's agenda forward.

On behalf of myself and the County Assembly, I wish to assure you all that we will continue playing an integral role in the legislative process, to ensure we provide an enabling Legislative framework within which to pursue the people's development objectives as the Assembly. The National Treasury, those efforts are in--- sorry I think I am done.

(Hon. Senator walks out)

Hon. Members, we're transforming the way we operate to continuously improve our ability to deliver on our mandate. Our employees and partners have continued to meet the challenges facing us to excel despite setbacks. We should all be very proud of where we are today and excited about where we are headed. As I sum up, I wish to thank the Hon. Members for the manner in which you conducted yourselves during the Second Session. I also want to encourage you to continue maintaining the high standards you have set, and ensure this Assembly stands out from the 46 others.

Hon. Members, Distinguished guests, Ladies and Gentlemen, I wish to once again sincerely welcome you to the County Assembly. I therefore direct that the House proceed with Order number 8. Finally, it is now my great pleasure and privilege to invite the Hon. Senator of Nairobi City County, to address this August Assembly. I warmly welcome you again. Thank you.

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Mr. Speaker, I also want to take this chance to welcome each and every Member to this third session of the Assembly. We expected the Governor of Nairobi to address this Assembly and you have not made communication on---

Hon. Speaker: Order Hon. Member! Order!

(Laughter)

(Loud consultations)

(Applause as the Hon. Senator walks in)

Hon. Speaker: Finally, it is now my great pleasure and privilege to invite the Hon. Senator, Nairobi City County to address this August Assembly. I warmly welcome you again sir.

(Applause)

Hon. Senator (Mr. Mike Mbuvi Sonko): Mr. Speaker, Hon. Members of the Nairobi County Assembly, it gives me a lot of joy and pleasure to address the County Assembly today. I wish to extend my sincere gratitude to your office, the leadership of the Nairobi city County Assembly and indeed the entire County for this opportunity. I am honored and equally humbled. Allow me to officially congratulate you and the Members of this Assembly for inviting me to address this Hon. County Assembly as per the Nairobi City County Assembly Standing Orders part 4 number 21(1) which gives the Senator an opportunity to address the County Assembly on various issues. From the onset may I state that I owe the Nairobi City County Assembly the respect it deserves contrary to speculation that states the opposite.

(Applause)

Hon. Senator: I have always taken this Hon. House very seriously for this is no longer the Nairobi City Hall of the past years. This is the Parliament of the Nairobi City County established through article 176(1) of the Constitution of Kenya. The County Assembly plays a crucial role of the County Government. Under article 185 of the Constitution, it is the duty of the County Assembly to oversee the County Executive, make County laws, manage County resources and approve plans and policies for development. Article 96 of the Constitution clearly explains the role of the Senate. As your Senator, I have and shall

continue to diligently perform these functions to promote the interests of Nairobi City County and the people of Nairobi in general.

(Applause)

Hon. Senator: Mr. Speaker, the greatest risk to the survival, existence and effectiveness of Nairobi City County is the continued mismanagement of public resources. At this stage, I wish to thank Members of this House for the legislation work undertaken so far since 2013. However, I shall urge you to double your efforts in formulating legislations that will tackle the problem of corruption, misuse of public funds and impunity. The other greatest challenge confronting our County today is poverty and unemployment especially among the youth and women. We cannot only rely on Government taxes and levies to solve these problems. The Nairobi County Government has to develop innovative investment and business strategies with flexible financing mechanisms to create wealth and employment through private, capital and public private partnerships.

Today I undertake and pledge that I will support the County Government to develop laws and policies for development of our County. However, my support will be reviewed based on how best the Executive addresses issues of accountability and transparency. However, as leaders of Nairobi City County including myself, must fulfill promises made to the electorate in the run up to the 2013 elections. Problems such as unemployment, lack of medical facilities and medical supplies, supply of electricity and water to residents, insecurity, tarmacking, upgrading and maintenance of feeder roads. We have to work with the Central Government to realize the vision of free medical care in all our hospitals, dispensaries and health centers. We have to take care of the aged, the weak and the marginalized groups within the society.

Collectively as elected leaders of this great County, our dream is to make Nairobi City County great. However, we cannot hope to make Nairobi great with big anti-corruption policies where individuals pocket tax payers' money in private accounts---

(Applause)

Hon. Senator: ---in private accounts as residents yearn for effective service delivery. As your Senator, I will do everything possible to mobilize adequate financial resources to ensure that our County Government and the County Assembly are adequately funded and staffed with qualified personnel for

efficient delivery of services and rapid social economic transformation of Nairobi County. At this point allow me to demonstrate some of the challenges that face our County today which I feel that the Nairobi City County has done very little to address. Our governor H.E Dr. Evans Kidero is directly elected by the people of Nairobi County and is therefore accountable to the people of Nairobi.

(Applause)

Hon. Senator: Even as we exercise our oversight functions over him and his team, we'll only support and facilitate them for efficient delivery of services to our people if there is public participation, transparency, accountability pursuant to County Government Act number 17 of 2012 section 6 sub section 6. I undertake to do everything possible to promote harmony between the Central Government and County Government officials. I shall promote resolution of any disputes or disagreements through discussions and negotiations as required by article 189 of the Constitution.

It is only by working together as a team that we shall make Nairobi County great. For devolution to succeed, Nairobi City County and the senate must work hand in hand in harmony and with a common purpose. To this end and to respond to the demand of article 196 sub article 3 of the Constitution that requires the Senate to exercise oversight over National Revenue allocated to County Governments. As I play this role without fear or favor, I promise to ensure that money allocated to Nairobi City County is used for the intended purpose and not diverted to some individuals.

At the time Nairobi city County Government came into being, it inherited a fiscal position from the predecessor Nairobi City Council that was technically insolvent. Cash inflows including National Government grants were mismanaged and were then not adequate to meet its debt pursuant to article 96(3) and 217 of the Constitution. Allocation of revenue is the mandate of the Senate.

As your Senator therefore it is my business to ensure adequate resources are made available to the County Government only if we address the problem of corruption and the Executive must also be ready and willing to account for the money allocated and revenue collected. The development agenda that I believe this Assembly should embark on should be on one that is people driven. As you are well aware, article 1 of our Constitution gives all sovereign power to the people. Since we are the representatives of the people of Nairobi City County we should exercise all power vested in us in consultation with the people we

represent. All of us must dedicate ourselves to the search for solutions to our most urgent challenges. There have been speculations that I run a parallel County Government but that is not true.

(Applause)

Hon. Senator: I initiated the Sonko rescue team which is a program for giving back to the community in terms of service delivery. Poverty is still the main challenge we are facing today and I am ready to partner with all Members of this House.

(Applause)

Hon. Senator: I offer free hearse services to bereaved families and in case of demise of any of your Constituents at the Ward level. I offer to give free transport to any part of this Country. I also offer free ambulance services, free wedding limos, free clean water, free firefighting engine services, free fumigation to Nairobi residents, security patrol vehicles to any part of Nairobi facing insecurity problems---

(Applause)

Hon. Senator: --- and free towing and carriage services among other services. I am not trying to outshine any leader but I am ready to work with all the leaders both from jubilee and CORD to serve our people and to eradicate poverty in this great County. I also have a master plan that will see our jobless youth engage in self-employment and income generating activities. We are all aware that security, health and education functions were not devolved to the County Government. County Governments must play an active role by working hand in hand with the Central Government. I therefore propose that to improve on insecurity, street lights must be installed, County police officers to undergo further training to get better skills to fight crime.

Mr. Speaker we are also aware that these are times patrol cars provided by police through the national government are not sufficient because each police station is normally assigned one vehicle per station or one vehicle per OCS. Mr. Speaker I am willing to partner with County government to invest towards this, just like what Mombasa and Machakos Counties are doing.

Mr. Speaker sir I initiated a disarmament and community policing program whereby I have been able to recover several illegal firearms in the wrong hands. I also plan to establish a center in each of the 85 wards through the assistance of the Honorable County Reps to gather information from the public. We

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have had cases where members of the public are always afraid to convey information to the police for fear of victimization.

On cases of Education County schools which were built during the colonial era have never been given a facelift. We have to create a conducive environment through innovations, equipping of labs, libraries, incentives to schools to both students and teachers. For instance schools like Olympics, Nairobi primary among others are former giants of this County but unfortunately they have been neglected. We must raise the academic standards of our county schools to be able to compete with private schools. This can only be achieved if they are well equipped. Mr. Speaker one may ask where this money may come from. Nairobi County collects revenue in terms of billions and if these billions are managed well they can finance all these projects and that is why we must fight corruption as most of the revenue collected ends up in private individuals' pockets.

(Applause).

Mr. Speaker sir the County Assembly passed the Ward Development Bill, I proposed and support the same should be operationalized---

(Applause)

--- with immediate effect and run in the same manner as CDF. Monies allocated to each ward should be directly wired from the exchequer to the ward development accounts not through the county government. Bursaries to honorable MCAs should be disbursed in good time to enable students from poor backgrounds continue with their education uninterrupted. Mr. Speaker services like licensing should be decentralized to the ward level for efficient service delivery. In this digital era we can have mobile services in revenue collection.

Mr. Speaker sir we have had cases of building collapsing leading to death and destruction of properties. I challenge the Nairobi City County to employ qualified personnel to work hand in hand with old engineers who have been at City Hall for decades. It is important that the county government should use cess to renovate modern markets which were built during the colonial period. We should partner with investors to expand existing old markets to modern markets standards. The Nairobi master plan of 1970 had a provision of markets and social amenities across the city and which should now be reclaimed. Land

grabbers should take note that all corrupt county officials involved in land grabbing will not be in office forever. God willing we shall in future come for our county land.

Mr. Speaker getting a designated area for small scale trader in other words hawkers remains a challenge to this county government. There is need to allocate hawkers designated areas just as it happens in Thailand, Bangkok where hawkers are designated a street to operate from within a given time of the day. It is important that we engage hawker rather than killing them brutally. I recently raised a complaint with director of CID, the DPP, IPOA and human rights commission and soon all the culprits who have been brutally murdering all our innocent hawkers will be brought to book.

Mr. Speaker the problem of public transport needs serious attention. The Nairobi county executives should engage all stakeholders to bring back sanity in this important industry. The county traffic Marshalls should undergo serious training, feeder roads should be well maintained to help in traffic control within the CBD. Mr. Speaker we are the only city in the world with a national park within the city. We should encourage both domestic and international tourism. Narok County collects millions of shillings from its games, reserves and parks.

I challenge the Executive to come up with a serious marketing plan to ensure more foreign and local tourists visit the Nairobi National Park so as to boost revenue for the County. I'm however aware travel advisory ban had been issued and has affected the tourism industry but it is also our collective duty to market our county as safe tourist destination. I had a meeting with J.S Vohra the proprietor of Stanley Sarova and Pan Africa hotel and also the chairperson of Kenya Hotel Keepers Association plus other major stakeholders in the industry. I deliberated on some issues affecting the industry and they will visit in two weeks from now address the same issues with the Head of State, His Excellency Uhuru Muigai Kenyatta.

At this point I want to demonstrate how corruption has found its way to the top management of Nairobi City County Executive and how the same corruption network that fleeced Mumias Sugar Company- that was the largest producer of sugar in our country but today it is producing mineral water. Mr. Speaker let me come to that later. Let me skip that point because I have to table some documents with me here. Mr. Speaker the Nairobi City County Executive has specially failed to manage resources that they hold in trust of the people of Nairobi in an open, transparent and accountable manner.

Mr. Speaker sir, allow me to present the allegations of financial mismanagement at Nairobi City County under various projects. In an effort to play my oversight role, the office of the Governor has in many occasions prevented my office from accessing vital information. I sought clarification pursuant to article 35 of the Constitution from the office of the Governor documents relating to public accountability unfortunately the Governor's office declined to furnish me with the said documents. I have letters to prove my case which I would like to share with the Honorable Members, but I would like to finish my speech then I will table the letters once am through with my speech.

Mr. Speaker this forced me to reach out to various government offices through the Ministry of Devolution; I have got communication, relevant correspondences between my office and that of Auditor General, the Comptroller of Budget and other relevant authorities. I will table it once I finish with my speech. Failure by the office of the Governor to work closely with my office is what led to my branding as a lone ranger which I am not. I am a team player. I work with all leaders irrespective of their political affiliation, region, religion or ethnic background. I have letters with me here Mr. Speaker from these County Representatives from this House who came to my office demanding for different assistance and I helped them. It was through my effort that I got several documents regarding corruption through the period before transition and shortly after transition.

Mr. Speaker, allow me to present case-by-case how corruption has found its way to the Nairobi City County. On misuse of money from Transitional Authority after writing to the Ministry of Devolution I was furnished with all the documentary evidence which I have and I will table. Around April 2013 Nairobi City County received Kshs 61.592 million from the Transitional Authority specifically for county infrastructure. The funds were meant for the development of County infrastructure on actual construction or refurbishment.

Mr. Speaker, allow me to table the letter from Transitional Authority concerning the allocation of the said money to Nairobi County and order demanding the County government to forward expenditure returns to the Transitional Authority latest by June 30th 2013. The letter is dated April 23rd 2013. On September 11, 2013 the Transitional Authority wrote Nairobi City County Ref: TA/2/3. After the County government failed to account for the said funds in the earlier letter, Transitional Authority gave a new deadline of September 18th to have the Nairobi City government account for the Kshs 61.5 million. Again, on September 18th 2013 the Nairobi City County wrote to the Transitional Authority and gave the expenditure report which I will table

once I arrange my documents. The letter clearly demonstrate how this money was used to pay for services rendered by the defunct Nairobi City Council and not to service debts inherited from Nairobi City Council and which do not fall under infrastructure.

The Transitional Authority through another letter dated 16th October 2013 noted a number of anomalies from the expenditure returns; that the utilization of Kshs 61.5 million was not within the budget while some expenditure were not utilized for the intended purpose for instance payment of electricity bill Kshs 18 million, the Nairobi City County magazine that has never been printed consumed Kshs 3.1 million; I managed to conduct a search of the beneficiaries of this Kshs 3.1 million, I will table the search, I managed to meet the senior editors of this publication, they admitted that they never printed this magazine. After all these events on February 12th 2014 the Nairobi City County had not accounted for the said money. This can be confirmed by a letter dated 12th Feb 2014 vide Ref. Number TA/7a/Vol 1/30. At this point Mr. Speaker I will proceed with other sectors whereby the County lost money in terms of billions then I will table the documents because they are all in order.

Mr. Speaker according to the Auditor General report and am sorry to say this matter is already before a Committee here, I think it is the PIC or PAC which is handling the matter so I will not go into the details but just in brief because of time, revenue collected from various sources between January 2013 to June 2013 by the Nairobi City County totaling to Kshs 5.5 billion was not fully accounted for. The County only accounted for Kshs 5.25 billion which was banked in the County accounts resulting to under banking of Kshs 252 million. I'm just leaving this Honorable House with one question on this matter: who is responsible for this loss of Kshs 252,883,000? Was there any action taken? Was the money recovered? I leave it to you Honorable Members to make a thorough follow up.

Mr. Speaker the same report by the Auditor General for Nairobi City County for the period before transition and the period immediately after transition reveals how millions were paid for services not delivered. As I play oversight role I wish to table documents on this scandal where millions ended up in individual pockets at the expense of service delivery. I will table the documents shortly because of time let me wind up my speech.

Mr. Speaker through my own investigation I wish to reveal the names of individuals and companies used to loot the Nairobi City County coffers through garbage collection and other tenders. The report also

revealed that Kshs 166,225,000 was paid to various firms which were not even in the prequalified list. Some of the firms are not traceable at the Registrar of Companies. While at the Dandora dumpsite some lorries did multiple dumping within a few minutes. It was noted that this amount was paid to private firms while the city garbage trucks acquired through asset financing by the Co-operative Bank were grounded at County garbage depot requiring only minor repairs some of them not more than Kshs 300,000. Out of 19 firms paid 5 firms received 85% of all payments ranging from Kshs 15 million to Kshs 195 million.

Mr. Speaker cases of conflict of interest are rampant at Nairobi City County. The appointment of Lawyer Tom Ojienda as the Nairobi City County Lawyer; it has been drawn to my attention that the same Lawyer doubles up as family lawyer to our Governor H.E Dr. Evans Kidero. I have enclosed a number of documentary evidence to prove that he had at one time represented Mumias Sugar during the reign of Dr. Kidero as the Managing Director, Mumias Sugar and has been his personal Lawyer in election petition challenging his election. At Mumias Sugar he was the Company Lawyer in a case at the High Court Bungoma petition No.3 of 2013. Further documents reveal that he had acted and continues to act as Nairobi City County Lawyer in a number of cases as shown in my documents which am just about to table. As Nairobi County Lawyer he acted for County government at Industrial court in Nairobi case No. 1410 of 2013 between Local Government Workers Union and most recently he represented Nairobi County during a case on enforcement of new parking fees for Public Service and Private Vehicles.

I strongly believe that by acting both for Nairobi City County and Dr. Evans Kidero amounts to a serious conflict of interest. Therefore in accordance with the spirit of transparency and in an effort to prevent any conflict of interest I hereby request that this House investigates to disclose the potential for conflict of interest. Mr. Speaker specifically this House should investigate the following: under what terms was Mr. Ojienda appointed the County government Lawyer, two was the process transparent, open and competitive to public participation; three how much is he paid for the services as Nairobi County Lawyer. How much is he owed in unpaid arrears if any?

Mr. Speaker still under conflict of interest, the Governor has brought on board some people who have been linked to various scams at Mumias Sugar. I have documentary evidence to show that Mr. Peter Hongo has been awarded a tender for garbage collection in Karen, Kangemi, Loresho through his firm trading as Sifa Bins limited. I have done a search and I'm going to table it shortly the directors of all these companies. Mr. Peter Hongo is a former Business Development Manager at Mumias Sugar and he is the

current General Manager at Sifa Bins limited. Mr. Hongo was sacked from Mumias Sugar following a report that he was responsible for the recommendation of Postel discounts. Credit notes worth Kshs 154 million were issued to effect after sale discounts following his recommendations.

I have a complaint letter by a consumer complaining of intimidation from Mr. Peter Hongo which I wish to table and I will table it shortly. In the letter Mr. Hongo writes directly to city residents in the name of Nairobi City County and JICA and purports to be demanding that other existing garbage collection contracts are null and void and only his company Sifa Bins is allowed to collect garbage within the designated zone.

We need to ask ourselves the following questions: why didn't our Governor H. E Dr. Evans Kidero declare interest on Mr. Peter Hongo, a former colleague; two since Mr. Dan Ameyo, chairman of Mumias Sugar made public the firing of Mr. Hongo over corrupt practices does he really meet the provisions of chapter 6 of the Constitution? Three, how was this specific tender evaluated and by whom? Four, having just been fired from Mumias Sugar what experience and technical suitability did Mr. Peter Hongo have? Five, on what basis was Mr. Peter Hongo writing directly to consumers of garbage services? Six, why was there no sufficient public consultation particularly on the quality and cost of Sifa Bins limited garbage collection services?

Mr. Speaker, I have documents which I wish to table to prove that Mr. Wainaina who is the....

(Loud consultations)

Mr. Speaker, I need your protection.

(Loud consultations)

Mr. Speaker, Mr. Wainaina, who is the Chief of Staff, is a beneficiary of tenders at Nairobi City County and just like Mr. Peter Hongo, he has also been mentioned in corruption related cases at Mumias Sugar. I will prove that in a short while. I went all the way to Mumias Sugar Company; I went to their auditors KPMG and managed to get some sensitive documents which I will table. From the list of suppliers who fleeced Mumias Sugar Company, it seems it is the same corruption network that has been extended to our great County. I will demonstrate this in a very short while.

Mr. Speaker, I did a search on a company trading as the CAPS Limited which has been doing business with Mumias Sugar Company since the year 2011. The point I am trying to make here is that, these same suppliers who were distributing sugar on behalf of Mumias Sugar Company to different areas and companies, for instance, in the list which I am about to table has over 16 companies; one of them is CAPS Limited. After conducting my search at the Registrar of Companies offices, which I will table the search, the main Director of this company was Mr. George Wainaina Njogu and Mr. John Ngari Wainaina.

(Loud consultations)

Mr. Speaker, these companies used to receive sugar worth billions of shillings and then supply to their distributors, for instance, some of these companies supplied sugar to East African Breweries Limited. They were paid for the sugar they supplied but they never remitted these funds to Mumias Sugar Company. These are the same directors who own the companies which are today fleecing our great County. Mr. Speaker, to prove that Mr. Wainaina is not suitable to hold that position of Chief of Staff based on Chapter six of our Constitution, when he was doing business with Mumias Sugar Company, he failed to remit over Kshs 3 million from the sale of sugar from Mumias Sugar Company. We need to ask ourselves if indeed he was vetted before taking up this important job. All these documents which I mentioned, I will table.

Mr. Speaker, Bowling Green Restaurant which is located along Limuru Road is owned by Nairobi City County Government. The leasing of the restaurant to MS Safari Club which Mr. Wainaina our Chief of Staff is the main beneficiary, flouted the procurement rules. The lease agreement was in contradiction of Public Procurement Act No.3 of 2005 and lacked public participation, fairness, transparency and accountability. The fraudulent lease was done through a lease letter dated July 2013 when His Excellency, the Governor had assumed the office of the Governor of Nairobi County. An advertisement was placed on the Nairobi City County website, www.nrb.go.ke, inviting those interested to send their bids for a term of five years and one month lease period. The advert indicated that those interested were to drop their bids to Ms. Lillian Ndegwa, the County Secretary, on or before 12.00p.m, March 2014.

I want Members to concentrate on this point very clearly. The process to release the restaurant began on 5th July 2013 and not the year 2014 when the advert was placed; through a letter of offer send by Ms. Lillian Ndegwa and addressed to Mr. Robinson Chege, a partner of Mr. Wainaina. It was in reply to this letter dated June 17, 2013. On 2nd August 2013, Safari Social Club wrote to Nairobi City County

acknowledging receipts of their offer of acceptance and enclosure of 3 months' rent and deposit of the same. I repeat, Mr. Speaker, 2nd August 2013. By the time the tender was placed through an advert, Safari Club had already secured the premises. This is a clear case of single sourcing where procurement rules were bent to suit self-interests.

Mr. Speaker, I now wish to shed light on the oversight roles I have played as Nairobi Senator and the Bills I have launched. I will just mention them because I want to table some sensitive documents here. I will not go into details.

1. A Bill on street vendors on protection of livelihoods and regulation of street vending; a Bill that aims at protecting the rights of urban street vendors and to regulate street vending.
2. Establishment of rehabilitation Centre for street children.

Mr. Speaker, on fight against public land grabbing, I will touch on important points because of time. Land grabbing is still rampant in Nairobi City County. The Nairobi School and the local community around the Nairobi School through a letter dated 15th January 2014; requested my intervention to save the school land from land grabbers.

I Wrote to Ethics and Anti-Corruption Commission On 2nd April 2014, requesting for speedy investigation over the encroachment of the school land. The Ethics and Anti-Corruption Commission, in a letter dated 24th April 2014, replied to my letter and promised quick action. Nairobi School is a National School within our great County and the case was raised by the school management, BOM and parents. The school land was grabbed by potential investor in this country, a feared investor, the Director of SCANGROUP. I am mentioning his name and I am ready to meet him in court, Mr. Bharat Thakrar. We did a survey, and I will soon table some documents here, the beacon of this school is in his master bedroom.

(Applause)

That same investor came here to the County offices and met one of our Executives and parted with millions for protection. I have evidence in clips which I will play.

(Applause)

Mr. Speaker, Kamukunji Secondary School, the principal Mr. Barasa Nalianya, wrote to me on 27th June 2013 asking for my intervention following an illegal lease of the school land to Inter-Countries

Importers and Exporters Limited. I drew the matter to the attention of His Excellency, the Governor. I was impressed, the Governor wrote back to me on July 22nd 2013 saying he had instituted the process to revoke the illegally leased land.

Mr. Speaker, I hope I will have another chance to come to this Honorable House. I will always come with these other cases and table the evidence before Members because we have other sensitive matters to table.

(Applause)

Since one of the roles of my office is oversight, on March 11th 2014, I wrote to the Governor demanding to shed light to some of the issues that were in public domain. To be specific, my request touched on parking fees, gazettement of parking collection areas, collection of County land rates and employment of persons with no portfolio in Nairobi City County. On March 17th 2014, the Governor, through his legal counsel Mr. Gad Awuonda, replied to my request in a very rude manner accusing me of frustrating his efforts in enhancing service delivery.

Mr. Speaker, still under oversight role, we are aware that the Chief Finance Officer, who is my real cousin, Mr. Jimmy Kiamba...

(Applause)

.....had been involved in financial scam and continued to discharge his duties against the orders from the Ethics and Anti-Corruption Commission. It was through my intervention...

Hon. Member for Gatina (Mr. Obonyo Mike Guoro): You Member, you are boring, can you summarize?

(Loud consultations)


(Mr. Obonyo Mike Guoro escorted out by Serjeant-At-Arms)

Hon. Speaker: Order! Order Members! Continue Hon Senator.

(Loud consultations)

Hon. Speaker: Order! Hon Mumo, Order!

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(Loud consultations)

Hon. Speaker: Order Hon Alvin! Order Members! Hon Senator, continue.

Hon. Senator: Mr. Speaker, it was through my intervention, through a letter I wrote to the Ethics and Anti-Corruption Commission dated 2nd February 2014 demanding for his interdiction; the Ethics and Anti-Corruption Commission replied to my letter on February 6th 2014 promising quick action. It was against my intervention that Mr. Kiamba was sent on compulsory leave pending investigations. Mr. Speaker, I wish to table some audio clips which I am going to play shortly.

(Loud consultations)

Hon. Speaker: Order Members!

Hon. Senator: Unfortunately, it will not go down well to some people but for the sake of development of the people of Nairobi County, you will allow me to table and air the clips.

In conclusion, the challenges ahead of us are many and very tricky. I believe that together we are equal to the challenge. This Assembly has men and women whom I can trust to help deliver to the residence of Nairobi a better city for a better life of each and every individual and family in our County. With these few remarks, once again allow me to more sincerely thank you all for listening to me and wish you well as you embark on this historic journey.

(Applause)

I will table documents to prove my allegations. I will start with the investigations I conducted in Mumias Sugar Company. I managed to get contract agreement which has been authenticated by Mumias Sugar Company and stamped, dated 12th April 2014; between the Company and some of the main suppliers who fleeced the Company. They have ganged up again to fleece our great County. Again, I am tabling an agreement 'Contract for manufacture and sale of goods between Mumias Sugar Company and YH Wholesalers Limited'. It was a contract of Kshs 650 million. I will not go into details because we are only interested in our County affairs but I am trying to prove my case. I am trying to prove my allegation that the same corruption network that fleeced Mumias Sugar Company is today fleecing our County.

Looking at this agreement which has been authenticated by Mumias Sugar Company, the signatories to this agreement and the directors on behalf of the Company, there is a signature signed by our current Governor who was the CEO Mumias Sugar Company. Then on the part of YH Wholesalers Limited, it was signed by Yunis Ibrahim Khalif, who is the current Manager of Sifa Bins Cleaning Services which collects in Karen, Kileleshwa, Lavington and Loresho. I table the documents;

Exhibit one. I have a list of suppliers Mumias Sugar Company. The companies which are still supposed to pay money to Mumias after receiving sugar worth billions of shillings from Mumias Sugar Company when our beloved Governor was the CEO; one of the companies which I wish to name is the CAPS Ltd. The Director is our Chief of Staff, Mr. Wainaina and his brother. I table the list Mr. Speaker.

I have a search here with me of YH Wholesalers. I have a letter which I will be tabling. After getting these names, I wrote to the registrar of companies who provided me with the list of all directors who used to distribute sugar on behalf of Mumias Sugar Company. I wish to name the directors of YH Wholesalers. Members, I kindly advice you to record these names somewhere because these are the same names which fleeced Mumias Sugar Company. We will see these names again...

(Loud consultations)

Hon. Speaker: Go on.

Hon. Senator: Mr. Speaker, I request for your guidance and protection. The directors of YH Wholesalers are;

1. Mohamed Ibrahim
2. Ibrahim Khalif Mohamed

These are the same directors who are the directors of the same companies today, who are being paid to the tune of billions by our great County. I am tabling this search

The company no. 2 the CAPS Ltd, which was given sugar by Mumias Sugar Company to go and distribute and pay back but never did so. The main director of the company is Mr. George Wainaina Njogu, who is the current Chief of Staff and his son Mr. John Ngari Wainaina. I mentioned a case whereby Kshs 61.5 million was misappropriated. This is the first money we received from the Transition Authority. Before I

elaborate on the directorship of some of the beneficiaries of the Kshs 61.5 billion from the Transitional Authority, let me refer to some sensitive documents which will guide the House how I got these documents.

Mr. Speaker, I mentioned a letter I wrote to the office of the Governor, His Excellency, Dr. Evans Kidero on 11th March 2014 'Public Accountability and Disclosure of Accounts of Nairobi County'. I was shocked because the reply I received from our great County Governor, through his Legal Counsel, Mr. Awuonda was abusive. Then I wondered why? Before I wrote this letter, I received a complaint from Kamukunji Secondary School addressed to my office which I wish to table; 'On the illegal lease of school land'. After receiving this letter from Kamukunji Secondary School, I decided to write to the Governor on 18th of July over the same complaint and I was very happy because within three days, he replied to me. The Ethics and Anti-Corruption Commission and Ministry of Education also replied to me. I was impressed by the contents of the letter of reply. In a one sentence letter, the Governor addressed this letter to me. 'Ref: Illegal lease of School Land, Kamunkuji Secondary School'.

This note is to confirm that I have issued instructions to initiate the revocation of the illegal lease of school land, land Number 2091263. Dr. Evans Kidero signed the letter and copied the same letter to the Director of education Nairobi City County, why won't he reply to me with a good letter in this Kamukunji case Mr. Speaker? When I seek to asked a question on the County accountability on funds on public accountability and disclosure of accounts of Nairobi City County he instructs his Legal Adviser to write a very rude letter to me through my office abusing me, so I raised a question mark Mr. Speaker, I table a letter from the Governor, the letter I wrote to him the same letter was received by Ethics and Ant-Corruption Commission, they also replied, the Minister for education also replied but they took time to act, I was forced to go to court, court order number 104 of 2014 whereby orders were granted by the High Court in favor of the school and myself because I was one of the complainant, and I table the court order, my letter to the Governor, my reply and the letter on public accountability.

Mr. Speaker I was mad I decided to make a further follow up on this matter, I wrote to the Principle Secretary Ministry of Devolution to be furnished with all sensitive documents relating to Nairobi County, all monies allocated to Nairobi County immediately we took over this County and I wish to table a letter from my office executed by myself dated 26th March 2014 to the Principal Secretary Devolution which he received on 31st March 2014, I table the letter. I was glad that the Ministry of Devolution replied on 1st of April 2014 and furnished me with all the relevant documents relating to the monies which were allocated to

this great County, I Table a reply letter from the Ministry of Devolution executed by Mr. Patrick Ngichuru for Principal Secretary dated 1st of April referenced MLG 1328/A.

The first communication from the Transitional Authority is a letter dated 23rd of April 2013 accompanied with an AIE, a sum of 61.592 million was allocated to our County and the AIE was issued this money for the construction, refurbishment of Nairobi city County, the heading was ALLOCATION OF COUNTY INFRASTRUCTURE DEVELOPMENT FUNDS, I table the letter authenticated by the CEO himself, I went to his office in person, I table AIE dated 26th April 2013 which was also authenticated by the same CEO, Mr. Stephen Makori. There were clear instructions in this letter and you will allow me to read it, Chief Finance Officer please call County Finance Officer Nairobi, Mr. Jimmy Kiamba Ref: ALLOCATION OF COUNTY INFRASTRUCTURE DEVELOPMENT FUND, paragraph one, the Transitional Authority has allocated your County Kenya shillings 61 million 592 thousand 200 hundred this funds are to be used for the development of County infrastructure or construction and refurbishment of non-residential office premises and the Hansard for the County Assembly which is expected to cost Ksh:15,000,340.

Procurement for implementation of all works and supply of all goods and services should be done in strict adherence to the provision of Public Procurement and Disposal Act 2005 and the accompanying regulations. This office expects monthly reports on the progress of the implementation of the work of the procurement of goods and services, all expenses, returns to be submitted to the Transitional Authority by 30th June 2013. Signed by Mr. Makori Transitional Authority and is stamped and counter signed, I table this report. By 30th June 2013 no reply on accountability of this fund was received by the Transitional Authority, this forced the Transitional Authority to do another letter on 11th of September 2013 which was also signed by the same CEO, Mr. Makori and the letter is again addressed to the Principal Finance Officer Nairobi County, titled "surrendered AIE the amounting to 61.592 million.

In brief the Transitional Authority CEO says further to my telephone conversation on the above subject, this Authority issued an AIE number A685074 and disbursed funds amounting to Kshs. 61.5 million towards infrastructure and civil works and purchase of the Hansard of this House. Up to date you have not accounted for the same and this has become a subject of audit observations which is not accounted for, it will be an inclusion of the annual report for the financial year 2013, you are therefore called up on to account for the funds and remit the balance if any and this report should reach the undersigned that is the CEO Transitional Authority on or before 18th September 2013. This matter should be treated as urgent,

signed by CEO, I table the letter dated 11th September from the Transitional Authority which was furnished to me through the Ministry of Devolution after the Governor refused to cooperate with my office.

Mr. Speaker the Transitional Authority did another letter another reminding to the Principal Finance Officer, Nairobi County and the remarks are almost the same because of time I'll not read the letter but there's a warning that they've not accounted for this funds on time. I'll just read the last paragraph because of time, the CEO Transitional Authority is reminding the Principal Finance Officer, Nairobi County" In this regard therefore we are requesting to account for 61.5 million and any balance if any which be transmitted to the following account at Central Bank, kindly expedite action signed by Stephen Makori, CEO Transitional Authority " copied to Governor Nairobi County , copied to PS devolution, copied the County Transition coordinator, I table the letter dated seventh October 2014.

Here the County Government is writing now to the Transitional Authority how it spent the money in a tricky way Mr. Speaker and this letter is excuted by Mrs.Lilian Ndegwa, the interim County secretary and my cousin Jane Kiamba, Principal Finance Officer, dated 18th September, 2013 with a heading: Expenditure of AIE Kshs. 61.5 million. I will read in brief the content of the letter Mr. Speaker. Kindly refer to your letter, Ref: TA/2/3 dated 11th September 2013 on the above subjects. The following are expenditures relating to AIE.

Mr. Speaker, here is a scenario where you are given money to go and buy a cow at a price of a cow, with instruction of AIE ,but Mr. Speaker you go and you go buy a chicken at a price of a cow, that is corruption. In the content of this letter they are saying that they spent the money paying KPLC electricity bills worth Kshs. 18 million, this is not Hansard and this is not infrastructure. They paid Panister Kenya Ltd, maybe this is furniture for the Hansard, yes. They paid Commercial Bank Africa the Staff Medical Cover, they paid Propeller Investments, they paid Communication Carrier, they paid Design Forty Limited, they paid Skinler Limited, East Africa elevators, Nairobi City County Assembly workshop, yes I support that. My only question is about a company called Kamumo Bins which was paid for garbage collection. Why would we use money for Hansard and office infrastructure to pay for County garbage while we have garbage for County under the Environment Department Mr. Speaker?

Mr. Speaker, another strange case which I am willing to table shortly here. We are told that Kiamba and Ndegwa, out of this money, they paid a company by the name triple AM Classic Printers for a County

Magazine of 2013 and 2014. Mr. Speaker I am the Senator of this great County, I have never seen a magazine since I was elected the Senator of this County. Where did they take this money? Kshs. 3.1 million for the County Magazine? Before I table this letter Mr. Speaker, I wrote to the Registrar of Companies to confirm the beneficiaries of these funds meant for County development. The company which was responsible for the printing of this County Magazine under the name triple AM Classic, I did a search, did a letter to the Registrar of Companies which was replied and to be brief, I will go to details.

The Director of this triple AM Classic Printers Ltd is Precedes Okonga Aura. I will tell you who this Lady is, let me just finish this. Box number of Okonga is 97 Maseno, she is a Kenyan and has 50% shares in this company. Director number two Mr. Speaker is Kelvin Alwaka Macharia same address and same shares of 50% but I decided to do a search for this company, the physical address of this company Mr. Speaker, this is the same printer, is the same proprietors of Weekly Citizen, the gutter Weekly Newspaper, I think which goes for Kshs. 20. The publication which has been tarnishing the name of this great Assembly, and had a headline story that I was just in state House, that I was mad, that I am a con man.

To a shame the devil, when I went to this company and I am sorry, I am going to betray one of my best friends for the sake of this County.

(Applauds)

I believe that information is power, I got all the Editors of this company which was paid Kshs. 3 million by Kiamba and Ndegwa. I will tell you. Just wait. *Tuende pole ama kama mmchoka* we adjourn and we come again tomorrow. Ok, let us proceed then. Mr. Speaker, triple AM printers have an office here in Nairobi, I have mentioned the directors. The last magazine they printed for this County and I wish to table the magazine, was in June August 2012 during Roba Duba and Kisia's time and they were paid but your money for the Hansard and infrastructure for this County was used to please Editors to write good stories for your Governor.

Mr. Speaker, in the Editorial Department, one of the Senior Editors and I will mention his name, he will be sacked but I will give him employment no problem. The Editor in Chief, Mr. Wilfred Marube, Assistant Editor is Sally Raga. Interviews were done by David Marende and Okoth Ogaro. Design was done by Moses Musyoka, photography was done by Alfred Sore, and photo cover was done by Mutua Madheka.

I had a conversation with one of the Senior Editors, Mr. Elias Ong'aro of 0720553881. I got even his ID number and he is a staff of weekly citizen and triple AM which swindle the County the money for infrastructure and Hansard. You are not supposed to be in this hall, you are supposed to have your own room, money was released by the Transitional Authority but today we are suffering in a hall, toilets are very far, you are supposed to have your VIP toilets here.

Mr. Speaker, I will refer this House to a conversation between myself and I also table the Safaricom print out to confirm that I really spoke to the real Chief Senior Editor of this triple AM Magazine that your Hansard money was paid to, that is why today you are sitting on chairs meant for bars, you are supposed to sit on executive chairs equivalent to those the Governor is *sits on*. Hon. MCA's I have over fifty clips today here, I have fifty six clips to prove how money meant for this County is being swindled by the same cartel, same network that swindled and fleeced Mumias sugar company and they are today trying to fleece our great County. Ok, we concentrate Members I am playing the clip:

(Audio clip played).

Because of time Mr. Speaker, here I am proving a case that the triple AM editors who printed a previous edition for Nairobi County in 2012 are the same editors today for this same triple AM and here is a scenario where the editors are admitting to me that this money was paid but there was no magazine that was delivered. This money ended up in Alwaka's pocket so that he favors the Governor, he writes negative stories about anybody who challenges the Governor. Mr. Speaker I table this magazine which has a list of the directors. I table a search of the directors, the beneficiaries, of the money meant to construct this County's Hansard.

Another thing Mr. Speaker before I go to another file because I have got fifty six files, depending on the mood of this House if they wish to hear all of them now, I will play them.

(Audio clip played)

Hon. Sonko: Ok Mr. Speaker the Editor is admitting that they have never printed delivered or issued any magazine on behalf of this great County. So you will allow me to table the magazine which was previously printed which has the names of the editors, the name of the company, the search, the letter

signed by Kiamba and Lilian Ndegwa saying they have utilized this money for Hansard and infrastructure contrary to the order or instructions issued by the Transitional Authority. I table all the letters Mr. Speaker.

(Applause)

Hon. Senator: Mr. Speaker you will now allow me to go to the next file, or next case. I would also mention that I wrote to the Anti-Corruption Commission on the 2nd January, 2015 to request for removal from office of my cousin Chief Finance Officer Nairobi County, Mr. Jimmy Kiamba. I was glad they replied to me on 6th February, 2015 and told me that they had already instructed the Governor to interdict him. I tabled the letters to prove my allegations before this Honorable House.

You will allow me with time to table some of the cases I just mentioned earlier for instance the Nairobi school case. I received a letter from the school and parents. I wrote to the relevant authorities, the National Lands Commission and they replied to me that they are going to take action. I table all these letters from the Nairobi school, the National Land Commission and the letter which I also wrote to these relevant authorities. I table the letter Mr. Speaker.

Mr. Speaker on garbage collection when I wrote to the Ministry of Devolution, the Director Budget and also the Auditor General I was furnished with facts which the Governor did not want to furnish me with and specifically I would refer to page 23; the PIC and PAC Members understand what I am talking about. Page 23 of the Auditor General's report under garbage collection, although this is a 2012/2013 report Mr. Speaker but I am only interested in doing a follow up on the period during and after transition Mr. Speaker. During this period there are companies which were paid monies to the tune of Ksh.287, 000,000.

I did the same process Mr. Speaker after getting this report and wrote to the Registrar of Companies and was furnished with a list of the garbage collectors, the beneficiaries of this Ksh.287, 000,000. I then searched for their physical addresses and physically visited their offices, summoned their directors to my office, unfortunately we do not have videos here, I could have aired videos of my conversations with the directors. I managed to get the audio clips. For instance, the company which I mentioned here is a beneficiary of these monies Metabased Enterprises which was not prequalified by then, Cargen Construction Company.

I managed to sermon the Director who is my friend but I am going to betray him today and I do not care and do not fear anybody. Mr. Speaker they admitted to me that garbage money was paid to them but they have never ever collected garbage for this great County and the money that was paid to them they had to share with some of the Executive Members; you are calling them the Executives of your great County today Mr. Speaker and I will air the clip so that you hear it for yourself. I have got a Safaricom print out which I will table to confirm that I really had a conversation with the directors of these companies Mr. Speaker.

This is how our County is being fleeced by the same cartels, the same corruption network that fleeced Mumias sugar and some of our County heads have no interest in this County anymore Mr. Speaker. I table a search requisition form from the Registrar of Companies for Kange Constructions Company. Director number one is Mr. Lawrence Ngeto Mugambi; he is my friend but when it comes to leadership I do not care who is who. I must do my oversight mandate and discharge my duties. His wife is the second director Lydia Viole Kawira. I will take the House through the audio clips but let me first prove on how I came to know the Directors of these companies. I table this search.

Commodity West Company which was not prequalified I have also tabled the list from the Registrar of Companies, the requisition for search, a list of blacklisted companies. Mr. Speaker they mentioned 27 companies because of time I will not mention them but I will table the documents. It will be availed to the Members to make a follow up. Also I got another separate report that Kange Constructions Company was not filing the annual returns for the company for the year 2006/2007/2008/2009/2010/2011/2012 and I wonder how they were being paid all these money.

I tabled a list showing the directors of Commodity enterprises Ltd. also a beneficiary of this Ksh. 287,000,000. I table a receipt which I paid a fee with the registrar of Ksh. 200 so that I could be furnished with all this evidence. Mr. Speaker I have mentioned that I had a conversation with the garbage collectors named on part three minute three dot10 dot5 of page 23 of the Auditor General's report. I wish to briefly air the conversation for Members to bear me witness Mr. Speaker.

I had first a conversation with the Directors of Biscan who by the Registrar of companies is registered as a beer transporter. The director confirmed to me that he was paid Ksh. 29,000,000 by the County Government for garbage collection but he has never collected garbage for this County and that his

name was inserted in the Auditor General's returns submitted by this County as a cover up. Out of this Ksh. 29,000,000 he only got Ksh. 9,000,000. The rest of the money was shared between the Executive Mr. Speaker and I will play the audio

(Hon. Gideon Mbuvi plays audio clip)

Hon. Senator: Mr. Speaker because of time I will avail this audio clips in form of flash disks and CDs to all of the 127 Members of this House. I also have a Safaricom print out.

(Applause)

Hon. Senator: Mr. Speaker to prove me right, the number of the director of Biscan who has just admitted to this his number is 0722739647 and there is a Safaricom print out to prove my allegations. He is also my friend but when it comes to discharge of my responsibilities as ----I do not care who is who and who. *Hakuna mtu ako na jela yake.* Again Mr. Speaker I have a similar conversation from the director of Kange Limited, also a beneficiary of this Ksh. 287,000,000. There is a request from the Minority Leader Mr. Speaker you will allow me to--- okay I will play it.

(Hon. Gideon Mbuvi plays audio clip)

Hon. Senator: Mr. Speaker he is admitting that he never received that money but the records are very clear. I am not the author of this report, the author is the Auditor General. The report has been authenticated and is confirming money was paid but he never received it in full. I will avail the same clip to all the Members after this.

Mr. Speaker when the Executive realized that I was doing a follow up on this matter, this is very sad, because I was literally termed as a mad man, a sick person but I want to confirm to you today that your Senator is not sick. Mr. Speaker one of the Executives was instructed to call me when he was with the Governor and I managed to record that audio clip. He is my friend and I know that our friendship will end today but I do not care. I know there are so many repercussions that will follow after this but Hon. Members let us be serious with this great County. Nairobians have hope in us.

Mr. Speaker before I air this clip because I am going to lose my friends who are lawyers, but I have to air it. This Executive Member called me and he told me in Kiswahili, Senator we are always raising a budget of Ksh. 400,000 every Friday of the week. Do you really get this budget? I told him that I remember

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of a case whereby I had lost my uncle and the governor came to my office with Ksh. 400,000. I was happy because he was comforting me, but I was not told whether this was a bribe. Again Mr. Speaker in the same audio which I am going to play in a few seconds he added that the voucher has been signed for the last four months for my silence. He further admitted that the office of Mr. Wainaina the Chief of Staff was releasing to my office of Ksh. 100,000 on a daily basis. I wondered why someone should send me money and for what reason? But the clip is very clear and I told him that even if they send me a billion shillings I would still set them up. Allow me to play this clip Mr. Speaker.

Hon. Speaker: Order Members!

(Hon. Gideon Mbuvi plays audio clip)

Hon. Senator: So Mr. Speaker that is part of the clip and I will give it to most of the Members. I will go to another sensitive dossier. These are searches which I wish to table for the garbage collectors who were paid for the work they never did.

Mr. Speaker allow me to relate that the same directors of companies which were involved in fleecing Mumias Sugar company are the same directors who are today owning companies which are fleecing Nairobi County. For instance, the directors of Sifa Cleaning and Bin services limited where Mr. Peter Hongo who was fired from Mumias just the other day is a General Manager. Directors of these companies are; Mr. Yusuf Maina and Mr. Joseph Kula Kato. Mr. Kato is also a second director in Quitz Enterprises Limited which collects debts on behalf of this great County where he owns shares worth 150 and 250 in Sifa Cleaning.

Mr. Mohamed Adan Ibrahim is also a director of in Quitz Enterprises Limited. He is also the director of Peposi Freight Kenya limited which was recently involved in a fraud case and was arrested because the bank ----

Hon. Senator: -----doubted the transaction and the documents availed to them because this is a Company that was just opened the other day, and then the next day 7.6 million is wired. Therefore let the managers call the Police and when I talked to the police they said that they are ready to pursue this case but the Governor had stopped them and informed them that this are my guys don't pursue this case.

Where are we heading, Mr. Speaker? If these are the same Directors, who froze the Mumias Sugar—

(Loud Consultation)

Hon. Senator: ---and today Mr. Speaker and therefore, I table this search because I have mentioned Quince Enterprise Limited as debt Collectors. I am also proving my allegation beyond reasonable doubt.

I am tabling another letter from Quince Limited signed by the same Mr. Mohammed addressed to Mr. Hassan Ghulei and Partners who had a debt for this great County Mr. Speaker. Mr. Mohammed from Quince letter head he is telling Ghulei” you pay Nairobi County or we come for your assets” I table this letter from Quince Mr. Speaker and search dated 6th February, 2015 addressed to me by the Registrar of Companies, and in this same Company Mr. Peter Hongo I repeat myself, is the General Manager.

Why do we give suppliers work to the same Companies and Directors, people who are involved with same corruption network in Mumias and again they are in the same corruption network as if there are no leaders in the Nairobi County Mr. Speaker, it is a very sad case. Mr. Speaker, I am pleading with Members, of this Great House because it is the right time to act.

(Applauses)

Hon. Senator: I am ready to avail any evidence required by any Committee of this House *(Applauses)* and am ready to appear before any Committee of this House to shade more light to give certified documentary evidence Mr. Speaker.

These are funds meant for Nairobi County Development, Mr. Speaker but the same suppliers who froze Mumias Sugar are using these same funds to freeze our County and they have the same cartels, Directors and also the officers. For instance, Mr. Speaker, Sifa cleaning and Bins Service Limited have an office and I went there on my own and I took a Photograph which I will table, this is the office of Kifaru Millers and it is situated at Grayne Millers Building Airport North road Hotel LR. 2097657 Box number 22800 code 00504 Nairobi this is Kifaru Millers and then Abbas is the main player Mr. Speaker. You make some little noise he gives you 20,000 and 10,000 then you keep quiet, why should you keep quiet when County Fund are frozen and Nairobi resident are languishing in poverty *(Loud Consultation)* I table this letter Mr. Speaker.

Mr. Speaker, the other Directors of Quince Limited which collect debts on behalf of this County, is Lypodin Transporters Limited. I did a search and I will come to that, the Directors of Lypodin, is a brother and a relative of our Chief of Staff George Wainaina, who played a role in freezing Mumias Mr. Speaker and we are there just watching this thing happen, and Mr. Speaker quote me again this is not a hearsay evidence, I have done proper investigation I went to Mumias and the Registrar of Companies I had to pay Internal Auditors to get this information and they have all confessed, I am ready to come back before any Committee. I am repeating myself because I am mad and sad and am ready to give evidence, I am ready to adduce the same evidence before you Mr. Speaker, these Hon. Members Mr. Speaker and any Court of law, Mr. Speaker.

Mr. Speaker, the Peposi Directors, the Company which was receiving 6.7 million on services that were never delivered in this County Mr. Speaker. Director number one Mohammed Bashir Ibrahim somebody's father, I will not mention his name since he is one of your friends. The second Director of this Peposi Company, when I asked the police why you have not arrested this guy, they told me that he is still at large, how is he at large while he is a Director at Peposi. Mr. Mohammed Ibrahim with 500 shares and again he is a director in Quince Enterprise Limited which collect debts on behalf of this County and they are the same behind ones YAH Wholesalers who froze Mumias sugar and you are silent on this matter. Hon. Members, so this document I am tabling is the evidence.

Mr. Speaker, I table the Search from Registrar of Companies for Sifa and Quince and Lypodin for Hon. Members of this Assembly to go and peruse. Mr. Speaker I also wish to table a letter from Nairobi City County Environment and Forestry Department executed by Leah Oyake County Chief Officer Environment, to Sifa Bins instructing them to go and collect garbage in Kilimani, Kileleshwa, Lavington and Kangemi. I therefore, table the letter Mr. Speaker

I table another protest letter Mr. Speaker to addressed to Mr. Peter Hongo from the Director of Regent Management Company Consultancy who were collecting garbage before Sifa, and their Contract had not expired Mr. Speaker, so I table this complain letter this Company is based in Karen, copies of the same letter were addressed to Leah Oyake, Governor Evan Kidero, Kenya Alliance of Residence Association Karen and JICA Mr. Speaker.

Mr. Speaker, I also table another letter from Sifa Cleaning and Bins Services Limited Signed by their General Manager Mr. Peter Hongo instructing Nairobi residence to be paying garbage collection fees to Sifa Cleaning and Bins Services Limited, without my Knowledge as the Senator and also without the knowledge of the Hon. County Members of this House. Contrary Mr. Speaker to section 17 of the County Government Act 17 section 6 sub sections 6 with no public participation, I table the letter Mr. Speaker.

Mr. Speaker before I forget this letter was dated on 1st December, 2014. Mr. Peter Hongo, because of Members I am told we are out of time and I am always ready to come back and make clarifications, I have just tabled 4 out of 50 files now with all due respect I accord to the Speaker. We can all plan a date to come again. We have to respect the Speaker.

(Loud Consultation)

Hon. Speaker: Go ahead

Hon. Senator: Thank you Mr. Speaker. The letter I am just about to table is dated 1st December, 2014. Early this year Mr. Speaker, Mr. Peter Hongo General Manager Sifa Cleaning and Bin Services and former Manager Mumias Sugar wrote another letter to Nairobi residences Mr. Speaker, instructing them to pay money for garbage collection. I table both letter Mr. Speaker.

(Applauses)

Hon. Leader of Majority: Thank you Mr. Speaker for giving me this opportunity to echo what our Senator has said, I think it is just a challenge to this Hon. House. Mr. Speaker I have come to move a procedural motion pursuant to Standing Order number 27 (3) (a) this Assembly extended its sitting to 6.00 pm. Thank you Mr. Speaker for allowing that report. Sir, okay I need a seconder Hon. Njoroge Kairu to come and second.

(Applauses)

Hon. Njoroge Kairu: Mr. Speaker sir, I beg to second what Majority Leader has said.

(Applauses)

Hon. Speaker: Hon. Members, I propose that

(Question put and proposed)

Hon. Speaker: Hon. Members, I put the Question that

(Question put and agreed to)

Hon. Speaker: Hon. Senator of Nairobi

(Loud Consultations)

Hon. Senator: So Mr. Speaker, I table the document and I think that they are here. Mr. Speaker, I also verbally mentioned the case of Browlin Green and how it was single sourced, how the County Secretary posted a fake advert in the Nairobi City County website adverts, am saying it is fake because she had already awarded the Club to a Company associated with Wainaina Safari Club in 2013, then she came back again in 2014 to advertise the same tender of procuring the same Club which is owned by this great County.

Mr. Speaker, recently I raised a matter when I was in Citizen Breakfast show, that our Anti-Corruption body officers mandated to arrest corrupts officials are sleeping on their job. Soon we are going to constitute another body to investigate the corrupt offices, the reason why I am saying Mr. Speaker, the Governor was quoted in a couples of days ago in one of the dailies, that if the Senator has evidence he should stop tarnishing the names of his Executives, if he has any evidence let him rush to the Anti-Corruption offices.

Mr. Speaker, I reported this matter since last year April 2nd and I wish to table a letter which was signed stamped and received by the Ethics and Anti-Corruption Commission over the same allegation that I have raised and the same was highlighted in all the media houses. By referring me back to Anti-Graft Authority he knew what he had done there. That is why I am calling upon for the constitution and I am going to raise a Motion so that we set another body to investigate the Anti-Corruption officers since they are sleeping on their job, Mr. Speaker.

This is part of my oversight mandate and responsibility we must speak the truth, I therefore table a letter dated 2nd April addressed to CEO Ethics and Anti-Corruption Commission and received on the same date with the heading: Leasing of Browlin Green Restaurant Mr. Speaker. I table the letter.

Mr. Speaker I also table an advert from the Website of Nairobi County, this advert was posted in 2014 after this same Club had already been leased to Mr. Wainaina so this was just a matter of fooling Nairobi business people, Community, MCA's, Senator that there is a procurement procedure going on which is wrong and it is an offence, I table the same advert Mr. Speaker downloaded from the County Government Website.

Mr. Speaker, the same Club was on lease and it had not yet expired, the previous lease was given to Lee Njiru, the Private Secretary of the retired President and the Sister to Lee Njiru Mr. Speaker the proprietor of Browlin Green she is now in the Hospital and she is sick and lost all her belonging including the stock and the lease had not yet expired. I table this letter from Lee Njiru Director Presidential Service Unit and he signed the letter, I table it Mr. Speaker and the executed lease which had not expired, I also table it. This lease had certified stamp duty showing rent was paid to the former City Council of Nairobi. It is self-explanatory and I table it.

Mr. Speaker, I don't have any personal interest against any Executive officer, Governor, I am here to discharge my oversight mandate accorded to me by this Constitution. I wish to table a letter dated 4th October, 2013 before the advert by the Nairobi County Government secretary Lilian Ndegwa through the County Website that the Club is offered for lease or someone can come and lease it, and bid it which was a cover-up. Why am I saying it was a cover-up Mr. Speaker, why would you put an advert in 2014, while you had allocated this Club to your college a Chief of Staff in your County in 2013, this is corruption, and impurity of the highest order Mr. Speaker.

I tabled documents here, the first letter was executed by Mr. Mwakazi, Director of City Planning and I have got audio clips but my phone is off and I don't know who has a backup, in this clip Mr. Wainaina, Mr. Kiamba and Madam Ndegwa are instructing Mwakazi to award or allocate this Club to a Company associated with Mr. Wainaina the Chief of Staff of this County. The same person who own a Company that was given sugar by Mumias sugar to go and sell and remit our money and that is why Mumias is collapsing today, why because of this suppliers Mumias is collapsing because of Wainaina, Hon. Kidero, Peter Hongo, Abbas his father, brothers, families and today Nairobi County you are quiet Hon. Members. You will be auctioned as we watch and our people are going to suffer as we are watching.

Mr. Speaker I table this letter signed by Mwakazi instructing Safari Social Club associated with Wainaina to do renovation of the Club and take it over in 2013 and another letter Mr. Speaker from Safari Social Club to Kiamba, Chief Revenue Officer of Nairobi County, Lease of business Browlin Green City Park, I will read it in belief for Members to get facts, "We are in receipts of your letter of offer for a lease dated July, 2013 in connection to the above mentioned premises, we are happy to inform you that we have accepted your offer with all his attendance conditions. We hereby forward a bankers cheque amounting to 420,000 being three months' rent. Why should Wainaina pay three months' rent and the previous tenant was paying the County one year's rent. Is this not corruption Mr. Speaker, why are we silent and betraying the residents of Nairobi and the people who voted for us Mr. Speaker. I table this letter signed by the Chairman Safari Social Club dated 7th of August, 2013.

Mr. Speaker, I wish to table another letter dated 5th January, 2013 it is in the letter head of Nairobi City County signed by Lillian Ndengwa by then she was the interim County Secretary and she is addressing the letter Mr. Speaker to Safari Social Club, Mr. Robinson Chege.

Hon. Senator: She heads the letter "Lease of Bowling Green, City Park". "We are in receipt of your letter dated 17th June, 2013---"And she is admitting, 2013. She had put an advert in 2014 saying the club is still on lease. This is fooling Nairobi business people, fooling Nairobi residents, fooling Hon. Nairobi MCA's, MPs, and fooling the Nairobi Senator. "We are in receipt of your letter dated 17th June, 2013 addressed to the Governor in connection with the above referenced premises. I am instructed to advise you as follows; the premises are available for lease to your Safari Social Club at a rate of 70,000 and you will pay quarterly".

They did not even have time, Mr. Speaker, to call the previous tenant who is a widow, a mother who is languishing in poverty today; mother who, when you meet her when she comes to my office, always cries. She lost property worth billions to Wainaina Lillian and Kiamba. Mr. Speaker, she further says that "the premises are available in vacant possession---". There was stock there, the fridges were there. This widow had constructed sheds for *koroga*, People used to come from all over Nairobi to go and cook food there and then here the County Secretary - says she is lying - saying the property is vacant possession.

Number 3. Mr. Speaker she says, "If you are in agreement with the above kindly respond so that we can prepare the lease documents; the lease to this widow through her brother Lee Njiru, private secretary of the former President, Daniel Arap Moi. Her assets were there, her belongings, her stock was there, Mr. Speaker. Then she says "We thank you for showing interest in the development of our great County". What development, Mr. Speaker? What development does she refer to? Then she signs "Lillian W. Ndegwa, Interim County Secretary for Nairobi Governor. Copy to Chief Valuer, Kiamba; Chief

Revenue Officer, copy to the beneficiary, Chief of Staff, Mr. Wainaina and copy to Karisa, Legal Director. Whom are we serving, Mr. Speaker? I table the letter.

I also table a receipt issued by the Nairobi City County. There is a payment which was paid by Safari Club Nairobi, the photocopy is faint, I will avail another copy but I still table the receipt. Mr. Speaker, I table another final letter dated 2nd October, 2013. Reference; "Renovations at Bowling Green City Park". The letter is addressed to City Engineer, Nairobi County. "We humbly request your permission to do some renovations on the following items; repair of the gate, putting counters and shelves". This was a bar which was already running, the shelves were there, the counters were there but he is doing these renovations at the expense of our County. This is a relative to our Chief of Staff here who is just seated upstairs listening to me, and chewing our funds. "We kindly look forward to your consideration and also find a copy of an acceptance letter from your office." "Signed, Robinson Njoka Njoroge, Chairman, Safari Social Club". I table all these letters, Mr. Speaker.

(Hon. Mike Sonko tables the letters)

Hon. Senator: I do not have a copy of this list so if it disappears---

Hon. Speaker: So want them to do copies of these ones?

Hon. Senator: I have all the copies of the originals but I do not have another copy of this file. Mr. Speaker, the dossier is big you cannot finish it today. Mr. Speaker, I also mentioned about conflict of interest. Contrary to Public Officers Ethics Act, Cap 183, Section 12, sub section 1,2,3 and 4, I made a complaint over my allegations again to the Ethics and Anti-corruption officers on 12th April, 2014.

Mr. Speaker, up to now no action has been taken by the Anti-Corruption Officers. No action has been taken by the Nairobi Senator, no action has been taken by the Nairobi Governor. No action has been taken by the Nairobi Hon. County Reps; no action has been taken by the Nairobi MP's. Mr. Speaker, I am asking a question, are we part of this County? Or Mr. Speaker, you are part of this?

Hon. Speaker: No, no. *(Laughter)*

Hon. Senator: Members, this is the right time to take action. This is the right time to act. This is why I was being called a mad man; they knew I had this dossier. Kidero and Wainaina knew, they called the Registrar of Companies and told him – all the Counties were called – do not furnish Sonko with any documents but it was too late. I have a recording of a conversation of them calling the Registrar of Companies saying do not furnish Sonko with any documents, he wants to finish us.

Mr. Speaker, I will take you back again. I have a clip here and I will play it tomorrow, my phone is off. These same Editors of Citizen, they were called by the Governor and Hon. Kamanda and they were told – I have that recording, I will play it tomorrow – this is the right time to tempt Sonko. Hon. Waititu was in that meeting, they had a fundraising in a bar and they raised funds, money was taken to the Editors and they were told this is the right time to betray Sonko. Bloggers were paid, it went viral that I was in Mathare, that I had died because they knew I was about to bring this dossier so that by the time I bring this dossier you will just take me as a mad man.

Mr. Speaker, I am not mad and I am happy because after being paid this money, after being paid by Kamanda and Kidero, I do not care. I believe in the power of the people, Mr. Speaker. Everybody came to this House with his or her own votes or what he or she did for their Party, so I will never be scared. Mr. Speaker, when I talk the truth I normally do not fear.

Let me refer you back to where I have reached, Mr. Speaker. I have tabled a letter to prove my allegation on the conflict of interest case. Mr. Speaker, the letter was received by the Ethics and Anti-Corruption Officers and up to now no action has been taken. Mr. Speaker, I have also tabled the Public Officers Act, Cap 183, Section 12, sub-section 1,2,3,4 and 5. Whatever was done, Mr. Speaker, how we procured the services of Tom Ojienda, the County Lawyer, the services of the suppliers who fleeced Mumias Sugar, how they landed here in Nairobi County as a cartel, this is conflict of interest. You do not give work to your friends or to your relative, wife or to yourself while you are part and parcel of this County, Mr. Speaker. There was no public participation, Mr. Speaker. I table this Act.

Mr. Speaker, to prove my case... because I cannot just verbally allege that Ojienda used to work with the Governor when they were in Mumias without proving it. Mr. Speaker, today I stand here as a very sad leader of this County. I will prove this with documentary evidence, not hearsay evidence, Mr. Speaker. This is the evidence which the Governor said I should take to the Anti-Corruption Commission. He knew he had his guys there, maybe he has pocketed some of the officers there where the files are.

I was shocked, Mr. Speaker because I met the Vice Chair Mercy Kieno, she was not aware about these cases and when I called the Anti-Corruption officer--- I do not care, he is armed and I am also armed. I called him and recorded him. I asked him, did you receive my file and he said yes. I asked, what have you done about it and he said, I am still busy with the Makueni case. Nairobi is the heartbeat of Kenya, the capital city of East and Central Africa. Mr. Speaker, why should you deal with Makueni case when Nairobians are suffering? Why should you deal with Mandera when Nairobi has no funds for development? You do not have to give the County Rep's their money for the Ward Development Fund. You have money to pay *wakina* Abaas, you have money to pay your colleagues from Mumias but you do not have money for the County Development Fund for County Rep's to help the people who voted for us.

Hon. Members: And salaries!

Hon. Senator: Mr. Speaker, you are hearing Hon. Members complaining about salaries for their staff. Mr. Speaker, for the love I have for this County, for the votes I gathered from the great people of this County who voted for me because their employees are my constituents. I do not have any budget from this County. Mr. Speaker, I do not have any budget from the National Government.

I am volunteering now, this second, I will give 2 million to these County Rep's to cater for their staff salaries at the Ward level. I will give that money now! Mr. Speaker, this is not a bribe and let it go on record because my critics will want to capitalize on this. This is not corruption, this is not a bribe, I am not seeking any favour from the Hon. Members but they have just mentioned the salaries of their staff. It has touched me, Mr. Speaker and I am going to release this money to the leaders, the Majority and Minority, 2 million from my own savings so that they pay their staff because they worked for the money from the County Government.

(Loud Consultations)

Hon. Speaker: Order! Hon. Members, we still have time.

Hon. Senator: Mr. Speaker, I just mentioned verbally on the conflict of interest issues. I now want to prove to this House, I want to table documents proving that my allegations were indeed true. Mr. Speaker, there is an article in one of the dailies, it certified that our Governor, H. E. Dr. Kidero--- I will take you back to Mumias, Mr. Speaker, because I want to prove the conflict of interest case, the gender factor. The supplier's case I have already proved, Mr. Speaker. The gender factor; Mr. Speaker, There was a time Mumias Sugar Company had acquired shares in Busia. There was a farm called Nasewa in Busia where farmers had very big land. Mr. Speaker, these Nasewa farmers took a loan of 50 million from Mumias. This loan was paid but Busia Sugar factory collapsed. The Government intervened, Mr. Speaker.

When the deputy President was the Minister they were given some funds to help them survive, funds to pay farmers but the funds never reached the farmers. The loan was paid and our current Governor was the then CEO of Mumias Sugar decided to auction this farm belonging to poor Nasewa farmers. There was an audit that was done by the Auditors of Mumias and the report that was availed and which I will table clearly showed that the farmers had paid their loan through the funds that were allocated by the Government. However, Mr. Speaker, the Governor and some other conmen opened a parallel company because the Government was recognizing Busia Sugar Company but the Governor and his people opened another parallel company called Busia Sugar Company with some other Asians.

These funds from the Government were diverted to this fake Busia Sugar Company and the farmers lost their land, poor farmers, Mr. Speaker, lost their land. The Governor himself has a criminal case which has now been transferred here in Nairobi, the Court of Appeal and he applied to expunge his

name out of that case but the Court of Appeal refused. He also tried to expunge his name in Bungoma but the High Court refused. Mr. Speaker, I want to connect the conflict of interest case against Tom Ojienda, the County Lawyer.

Mr. Speaker, the Governor forged an affidavit and also forged the signature of a Lawyer called Watima, I will table a document which I have here with me. He convinced the Land Registrar, Busia without going through the Land Control Board, he cheated the Land Control Board Chairman and the Land Registrar to transfer this land because he had a buyer for 100 million, we want to recover our money. The land had already been paid. Mr. Speaker, the Land Registrar was convinced, the Land Control Board Chairman was convinced and his fake signatures were admitted and the land was transferred. Despite paying the loan the farmers lost their land, Mr. Speaker.

Mr. Speaker, an activist called Okio Mtata who happens to come from the same area raised some complaints on behalf of the farmers. He went to court and investigations were carried out by the Police, the DPP, this was in 2012 before the campaigns and the DPP brought a report that Governor Kidero should be charged with fraud and forgery and I wish to table a document by Okio Mtata which I will read briefly because of time. "There was dance and ululations by a group of farmers who were in court when Justice Aggrey Muchelule read his ruling dismissing with costs Dr. Kidero's application to be removed as the ninth respondent from Constitutional Petition number 1/2012." That petition you can always Google it from Kenya Law Reports--- "...pending at the High Court in Bungoma where he and 9 others were sued for grabbing the 843 acres, Nasewa Estate, which the Government compulsorily acquired from Busia. An absolute free interest in the land was irregularly registered in the name of a private entity called Busia Sugar Co. Ltd. Instead of the Government owned Busia Sugar Factory.

Mr. Speaker, there are others accused in the petition. Mumias Sugar Co., Busia Sugar, Kaploney Ltd, these were the buyers, Asians from Kisumu and I have got their names but because of time I cannot table them now. Wetangula, Aden and Makoha Advocates, these were all the respondents in this matter sued by Omtata on behalf of the farmers through his advocates. I am coming to the Busia case now. I am coming to the connection of Professor Tom Ojienda, the County Lawyer. This is a case in 2012, Mr. Speaker. Who was representing Mr. Kidero and Mumias Sugar that time?

Mr. Speaker, please allow me to read. Through his advocates Professor Tom Ojienda – this is a case from 2012 – why do you put your lawyer in your criminal problems and bring him here to our great County to do our legal work. We do not have any other lawyers in Nairobi County, Mr. Speaker? We have lawyers in Dandora, Kayole, Lavington, Kileleshwa, all over. Mr. Speaker, this was wrong. Through his advocate Prof. Tom Ojienda, Dr. Evans Kidero had argued that the petitioners had included him out of malice since he only acted as an agent of Mumias Sugar Company and did not seek leave in his capacity as the Managing Director and Chief Executive Officer.

The Judge dismissed his arguments and ruled that Dr. Kidero has a case to answer personally since the petitioners had demonstrated to court that the suspect Dr. Kidero was a key player for possible personal gain to the tune of 119 million. In the crimes the petitioners alleged were committed against them and against the general public of Kenya. Mr. Speaker, here I have confirmed to Hon. Members and to this House that Prof. Ojienda was acting for the Governor in Mumias. I will go to other evidence, Mr. Speaker, on the next page. The important ones I will just keep. I have tabled Kenya Law Reports, Republic of Kenya and any Hon. Member can access it, petition no. 3 of 2012, Bungoma. Mumias Sugar Co. versus the respondents--- You will find all the facts that I am alleging here, Mr. Speaker.

Mr. Speaker, there was another Article on 19th March, 2012, before the Nairobi Gubernatorial elections. Bungoma Court wants Mumias Sugar MD, Kidero, from using politics in the controversial Nasewa land and this story was written by Wanyonyi Wasike. Mr. Speaker, the contents of this evidence, I will read it in brief because of time, just one paragraph. The hearing of the petition challenging the sale of Busia Sugar Co. 341 hectares which is equivalent to 800 acres at Nasewa at 100 million to Kaplany Enterprise Ltd.

Hon. Members, because of time I will terminate there. I will always be willing to come back at your request we deal with this. I am not finished, I have 50 more files. I need TV's here, videos and speakers. I leave that to the discretion of the Speaker.

Hon. Speaker: You will come back here.

Hon. Senator: When?

Hon. Speaker: We will agree with the Majority and Minority Leaders.

Hon. Senator: No problem, just agree then you let me know. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Members, we would like to recognize our Member of Parliament for Mathare the Hon. Stephen Kariuki.

(Applause)

Hon. Speaker: You are most welcome and thank you for coming. Hon. Members, thank you Hon. Senator. The House is adjourned until tomorrow, 2.30 p.m.

The House rose at 6.15 p.m

