



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Thursday, 25th June, 2015

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Mr. Samuel Nyang'wara) in the Chair)

PRAYERS

Hon. Temporary Deputy Speaker: We don't have a quorum. I direct the Serjeant-At-Arms to ring the bell for the next ten minutes.

(Quorum bell rings)

Hon. Temporary Deputy Speaker: I am informed that there is a quorum. We can now proceed.

Order, Hon. Members! I will allow the Members who are just walking in to take up their seats. Hon. Millicent Mugadi and the Hon. Deputy Majority, you cannot just walk into this Assembly without giving respect to this House. Hon. Members, you can take up your seats. Hon. Chief Whip and Hon. Mugadi, the Chair is on his feet. Hon. Chief Whip, when the Chair is on feet, you are supposed to freeze. Take up your seat then!

COMMUNICATION FROM THE CHAIR

EXERCISE OF POWERS CONFERRED UPON MEMBERS AND THE ASSEMBLY

Hon. Members, I have a communication to make. As you are aware, the conduct and the exercise of powers conferred upon Members and the Assembly at large is guided by the long standing tradition of parliamentary practice, procedure, custom and norms. This indeed is the case when a Member wishes to bring any matter to the attention of the Assembly. Standing Order No. 87 explains in details.

Hon. Members, the Chair wishes to remind Members that the foregoing provision is very clear on what can and can't be laid on the table of the Assembly. Breach of Assembly procedures not only occasions embarrassment to the affected Member but also to the House at large. The public and other stakeholders are keenly following our proceedings.

Hon. Members, I will stop there and I just want to give an instruction. Hon. Member for Dandora and the Hon. Member who is just standing up, Order! Hon. Catherine, you go back to your seat. The Standing Order states very clearly that when the Speaker is on his feet, you are supposed to freeze and remain in your seat.

I just saw Hon. Charles Thuo, you cannot take this House for granted. I give you the last warning, you must respect this House but you are not respecting anybody in this House. You must adhere to the Standing Orders. I will continue from there, I have given you the last warning.

Hon. Members, any Member wishing to bring any matter to the attention of the Assembly must ensure that such information written and properly signed can be authenticated and verified at presentation. Any short of this will attract sanctions from the Chair as per the Standing Orders. I think you are therefore advised accordingly.

I also want to address the issue of decorum and dress code during the plenary and Committee Meetings. Hon. Members, the Chair has on several occasions made communication regarding decorum, both during the plenary and the Committee Meetings in which the Chair guided on the mode of dressing and presentation for plenary and Committee sittings.

However, the Chair has noted with utmost concern that Members are increasingly flouting our own provisions for the foregoing matter. It has since come to my attention that the matter needs further revisiting. I wish to further guide as follows, Hon. Members by practice and procedure and by interpretation of Standing Order number 177, a Committee of the Assembly is a mere extension of the Assembly.

The procedure, practice and presence and customs that apply to the plenary therefore directly apply to the Committee sittings. The Chair, therefore takes greater exceptions to Members who are increasingly attending plenary and Committee sittings in T-shirts, untucked shirts, open shoes and other unauthorized attire. By its very nature, the implications of this being a Hon. House and August are that, our dressing and mannerism be formal and respective.

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Hon Members, henceforth, the Chair will not take lightly the Members whose dressing and mannerism during plenary and Committee sittings bring the reputation of the Assembly into disrepute.

The Chair shall henceforth, deal firmly with Members found flouting the Standing Orders and Speakers rules and attires presentation during the plenary. Chairpersons of Committees are also advised to strictly enforce the provisions of our regulations and the Speaker's rules on this Matter. Thank you.

As you are aware, Hon. Members, I gave instructions from the Chair yesterday that last week, a Member purported to table a document that was not signed, that was typed with which did not actually meet the requirements of this Assembly. I directed that Member should approach this Assembly, apologize and withdraw those remarks.

At the same time, I gave that Member the benefit of doubt that if he has any other document that he thinks will support him, after he has withdrawn and apologized, he is at liberty to bring such document that will be admissible in this Assembly and table it. I therefore, because I can see the Member comfortably seated in front of us, to approach the microphone, apologize and withdraw the remarks he made last week. Hon. Mauti!

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you, Mr. Speaker sir. I cannot apologize because I am the one who tabled and therefore I signed. If you have a document which is not signed, I don't know. A Member has the right to say anything in this House and not to be restricted on what to say, Standing Orders allow us.

(Applause)

Powers and privileges of this Assembly allow us to say or to cough anything a Member feels it pinches. If possible, let this Assembly approve, we take it to EACC so that it can be proved whether I was right or wrong.

(Applause)

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Point of Information, Mr. Speaker.

Hon. Temporary Deputy Speaker: Whom do you want to inform? Order! Hon. Mauti, do you want to be informed?

Hon. Wilson Ochola: Thank you, Mr. Speaker sir, the Hon. Member is just okay but he was supposed to follow proper protocol, because we have a Committee known as Labour. The thing he is raising on the floor is supposed to be raised to the Chairman of Labour or any Member from Labour. Thank you.

Hon. Temporary Deputy Speaker: Order, Hon. Ochola! What is it Hon. Mauti?

Hon. Elkana Mauti: An answer to what he has said. You as the Speaker directed the report to go to the Committee. I am worried, why was it withdrawn? Already the Speaker had directed the report to go to Justice and Legal Affairs in conjunction with Labour Committee. I am worried if there was any interest because it was withdrawn again. We are Members representing Nairobians, we would like to know why it was withdrawn because you had already made a decision.

Hon. Temporary Deputy Speaker: Hon. Mauti, I want to direct once again, unless and otherwise you want to challenge the Chair. I went through that document, the same document that you purported to table on the floor of this House, the same writings that you were reading, that document is not signed. I have given you that benefit of doubt that you can still come back with a signed document that can be admissible in this House

I want to give you the last warning, that you approach the microphone and apologize and at the same time withdraw. I have numerous--- Order, Hon. Mauti! The office of the Speaker has numerous letters of the kind of allegations you made from Members of staff who are not relatives of those personalities you mentioned here. Unless and otherwise you apologize and withdraw the same, I will impose sanctions on you as per the Standing Orders. Can you approach the Microphone?

Hon. Elkana Mauti: Mr. Speaker, I am worried. Even Members here have not known that I am undergoing discipline; right now I have been removed from the Powers and Privileges Committee. That is a discipline because of what I tabled here. Now, why do I apologize when I have already been punished? Let us be humane, why do I have to apologize and already I have been punished?

(Loud consultations)

Hon. Temp. Deputy Speaker: Hon. Mauti! Can you take up your seat? Hon. Mauti, the Chair made the ruling on this House; I made the communication further the day before yesterday. This office, the office of the Speaker has not punished anybody regarding this particular issue.

(Loud consultations)

Hon. Elkana Mauti: Mr. Speaker, if you are not aware, this is the letter. Let me read, *“discharge of Hon. Elkana Omoga Mauti from Powers and Privileges Committee. Above matter refers to pursuant to Standing Order 157 (1), I hereby wish to discharge Hon. Elkana Mauti from Power and Privilege Committee with immediate effect.”* Which means immediate effect implies that we do not want to see you there without a reason.

Hon. Temp. Deputy Speaker: Order, Hon. Mauti! Can you read that letter and finish it? I want to know who has signed that letter.

Hon. Elkana Mauti: I know, Mr. Speaker that I am a problem, this is a discipline already, I have never been called---

Hon. Temp. Deputy Speaker: Is that letter signed from the office, who has signed that letter?

Hon. Elkana Mauti: The Speaker and the Clerk of this Assembly approved.

Hon. Temp. Deputy Speaker: Approval and writing...

Hon. Elkana Mauti: Who has requested for the approval is the Speaker.

Hon. Temp. Deputy Speaker: Order! Order! If the letter has been approved, there are offices which places Members to Committees and remove them. I want to know where does that particular issue connect with you withdrawing the allegations you made on the floor of this House that are false and malice and are made to taint other people's names? Leader of Minority.

(Applause)

Hon. Leader of Minority (Mr. Abdi Hassan): Mr. Speaker sir, we are going into theatrics mood right now. We have gone out of Order Paper and I should advice the Member for Mukuru, I do not know whether it is Mukuru Kwa Njenga or what? If he has issues with the staff or the County Assembly Service Board, there is---

(Hon. Member for Kwa-Njenga Ward, Mr. Alexander Mulatya, stands)

I am sorry, Member for Kwa Reuben, I am very sorry. If he has issues with how the staff have been recruited in this Assembly, we have constitutional independent offices in this County which has the capacity to take full investigations of what he is saying. I can advise the Member to write a letter to the EACC instead of wasting this Assembly's time. Also, the Member who is speaking here is not supposed to be in this Assembly, he is a fraudster. As we are speaking, Mr. Speaker sir---

Hon. Temp. Deputy Speaker: Order! Order, Hon. Minority! Hon. Minority.

Hon. Leader of Minority: Mr. Speaker sir---

Hon. Temp. Deputy Speaker: Hon. Minority. You must---

Hon. Leader of Minority: I have withdrawn that, Mr. Speaker sir.

Hon. Temp. Deputy Speaker: Thank you.

Hon. Minority Leader of Minority: Mr. Speaker sir, it is better for us to go into Order Papers. If he is not ready to apologize, then the Speaker should rule and he should be thrown out of this House.

Hon. Temp. Deputy Speaker: Hon. Mauti is a friend of mine, I want to request you for the last time, approach the microphone, apologize and withdraw. Last warning, Hon. Mauti. Hon. Members, I have given directions, Order, Hon. Jack, Member for Githurai! The Speaker is on his feet.

Hon. Mauti, Order! You take your seat. I communicated to this House as far as the document he presented to this House is concerned. The document was not signed and it had lot malice. You purported that some Members of staff were not degree holders and the same was contested in this House and we found that the information you were giving was false.

I have requested you to withdraw and apologize on the same but you have refused. I think whoever must have removed you from the Committee you are purporting to have said that you have been removed, must have known. There is no way you can sit in that particular Committee and at the same time you cannot respect this House.

Powers and privileges Committee is a very important Committee that does not require Hon. Members who cannot respect themselves or respect this House and respect its Standing Orders. I therefore, because you have refused to heed the advice of the Speaker, suspend you from the House for the rest of the day and other procedures will therefore follow. Thank you very much.

(Hon. Elkana leaves the Assembly)

Hon. Temp. Deputy Speaker: The Leader of the Majority.

PAPERS

Hon. Leader of Majority (Mr. Elias Otieno): Where is this lady? Mr. Speaker, I gave these papers to somebody to carry for me, so...

Hon. Leader of Minority: Point of Order!

Hon. Temp. Deputy Speaker: Point of Order granted, Hon. Minority.

Hon. Leader of Minority: He has to sit down, Mr. Speaker sir; you should not allow the Majority Leader to use unparliamentary language against our esteemed Hon. Member. *(Applause)* He should withdraw and apologize.

Hon. Temporary Deputy Speaker: Indeed, I totally concur with you, the Leader of Minority. The Leader of Majority, with due respect, you must withdraw those remarks you made. Those are unparliamentary words you used.

Hon. Leader of Majority (Mr. Elias Otieno): Mr. Speaker, since I know very well according to the Bible, when God started creating these people, there was a man and later on there was a woman. The woman was called Eve and the man was called Adam. So, Mr. Speaker as much as we are claiming to be Hon. Members, even if, they are still men and women in this House and there is nothing wrong if the so called---

Hon. Temporary Deputy Speaker: Hon. Majority, with due respect, we only have Hon. Members in this House.

Hon. Elisha Otieno: Okay, Mr. Speaker, I apologize because since the person is not a woman, I apologize.

Hon. Temporary Deputy Speaker: Proceed.

THIRD QUARTER COUNTY GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT.

Mr. Speaker, I beg to lay the Paper pursuant to Article 228 of the Constitution and Section 39(8) of the Public Finance Management Act, 2012, I beg to lay the following papers on the table of the Assembly today, Thursday 25th June, 2015; Financial year 2014/2015 Third Quarter County Government Budget Implementation Review Report. Thank you, Mr. Speaker.

Mr. Speaker, you wanted me do it but you are busy talking, so I don't know whether you heard what I was reading. Okay, Mr. Speaker, I beg to lay.

Mr. Speaker, also, I had something to add as I---

Hon. Temporary Deputy Speaker: Can you lay the papers first? Next Order. Hon. Minority I will give you time later on.

DEBT MANAGEMENT STRATEGY PAPER 2015/2016

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much, Mr. Speaker sir. Pursuant to Standing Order 180(6), I beg to lay the following paper on the table of the Assembly today, 25th June, 2015; The Report of Select Committee on Budget and Appropriations on the Debt Management Strategy Paper for the Financial Year 2015/2016 and over the Medium Term Expenditure. Thank you.

NOTICES OF MOTION

DEBT MANAGEMENT STRATEGY PAPER 2015/2016

Hon. Temporary Deputy Speaker: Chairman, Budget and Appropriations Committee

Mr. Michael Ogada: Thank you once again, Mr. Speaker. Mr. Speaker. I beg to give notice of the following Motion;

THAT, this Assembly adopts the Report of the select Committee on Budget and Appropriations on Debt Management Strategy Paper for the Financial Year 2016/2016 and over the Medium Term; laid on the table of the County Assembly today 25th June 2015. Thank you.

STATEMENTS

Hon. Temporary Deputy Speaker: Hon. Diana Kapeen. Hon Diana Kapeen? Is there anybody who knows the whereabouts of Diana Kapeen? This particular question is dropped. Next Order.

I want it to be on notice that the Hon. Diana Kapeen question is dropped till she explains to the office of the Speaker why she is not in yet she knows very well that her question is supposed to be on the floor of this House.

STATEMENT ON PURCHASE OF GARBAGE COLLECTION EQUIPMENT AND GARBAGE TRUCKS BY THE COUNTY.

The Chairperson of Sectoral Committee on Agriculture and Natural Resources is supposed to give a response to a Statement requested by Hon. Leah Mumo regarding the purchase of garbage collection equipment and garbage trucks by the County.

Hon. Emmaculate Musya (Nominated Member): *(Inaudible)*.

Hon. Temporary Deputy Speaker: Are you the Chair?

Hon. Emmaculate Musya: No, I have been sent by Hon. Mumo.

Hon Member for Pipeline Ward (Mr. Samuel Kagiri): Mr. Speaker...

Hon. Temporary Deputy Speaker: Order!

Hon. Samuel Kagiri: I am responding on behalf of the Environment Committee.

Hon. Temporary Deputy Speaker: Can we hear from the lady first.

Hon. Emmaculate Musya: Thank you, Mr. Speaker for giving me this opportunity. Madam Mumo's baby is very sick, is admitted in the hospital. So, she sent me to tell the Chair of Environment Committee to give the response next week when she will be in the Assembly

Hon. Temporary Deputy Speaker: When, can you be particular?

Hon. Immaculate Musya: Next week on Tuesday when she will be in the Assembly.

Hon. Temporary Deputy Speaker: So ordered next week on Tuesday, Hon. Kagiri.

(Hon. Kagiri approaches the microphone)

Hon. Temporary Deputy Speaker: Order! It has been ordered next week on Tuesday when you will give your statement.

There is one for Rachael Kamweru, is Rachel Kamweru in? She is not in. That question is dropped. She will have to face the office of the Speaker and explain as to why she was not in for this particular question to see the light of the day in this House.

The Chairperson Sectoral Committee on Labour and Social Services is supposed to give a response to a Statement requested by Erastus Mburu. The Hon. Chair.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Is Hon. Mburu in? Erastus Mburu? Question dropped.

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

(Hon. Majority Chief Whip David Mberia rises on Point of Order)

Hon. Temporary Deputy Speaker: It seems you know the whereabouts of Hon. Erastus Mburu?

Hon. Majority Chief Whip (Mr. David Mberia): Mr. Speaker, before the next order, I had asked for Statement from the Ward Development Fund Committee Chair regarding the status of the Ward Development Fund Committees since they were gazetted.

Hon. Temporary Deputy Speaker: Yes, I have noted that particular issue. The Chair of Ward Development Fund.

Hon. Member for Umoja 1 Ward (Mr. George Maina): Thank you, Mr. Speaker; I beg to give full answer by Thursday next week, is it okay?

Hon. Temporary Deputy Speaker: Hon. Chief Whip?

Hon. Majority Chief Whip: Mr. Speaker, this Statement is now one month old, so I don't know---

Hon. Temporary Deputy Speaker: The Hon. Chair, Ward Development Fund, can we have that particular Statement on Tuesday?

Hon. George Maina: I'm saying we are going to do it very well on Thursday. Let us say it has taken a month, I think it was asked last week.

Hon. Temporary Deputy Speaker: It is so ordered, on Thursday next week. Yes Hon. Gathundo

Hon. Member for Dandora III Ward (Mr. Charles Thuo): Thank you, Mr. Speaker, I am standing here to seek your guidance regarding the Statements that are due for answer but the people who asked them are not in the House. Mr. Speaker, some of the information that is being sought in the Statements is meant to serve this Assembly. If you would allow that the statements be read, they might be of assistance to all the Members and also for us as we run our duties in the Assembly. I was just asking for your guidance on that, do we have to wait for the person who asked the question or can it just be answered so that it can help us all. Thank you.

Hon. Temporary Deputy Speaker: The Standing Orders are very clear. These questions were asked by specific Hon. Members of this Assembly and when they are not in, I am not saying that the same questions have been dropped completely, they have been dropped from today's paper.

STATEMENT ON DIVERSION OF WATER, DESTRUCTION OF EXISTING CONNECTION PIPES IN KILELESHWA

At the same time, the following Statements are due; Statement requested by Hon. Jacqueline Nyangara from the Chairperson, Sectoral Committee on Water and Sanitation regarding the diversion of water, destruction of existing connection pipes in Kileleshwa courtesy of construction works being undertaken by the East Africa Reinsurance company. The Hon. Chair.

Hon. Member for Mugumoini Ward (Mr. Alex Otieno): Thank you, Mr. Speaker sir---

Hon. Temporary Deputy Speaker: You have communication to that effect? Are you responding?

Hon. Alex Otieno: Mr. Speaker, if you could allow me to combine "a" and "d"

Hon. Temporary Deputy Speaker: Statement by Hon. Shadrack Juma?

Hon. Alex Otieno: Yes, Mr. Speaker sir

Mr. Speaker on statement requested by Hon. Jacqueline Nyangala, we had presented the statement to the Chief Officer of Water but he has not responded and the statement for Hon. Shadrack Juma, we got the response but we as the Committee felt the response was not satisfactory so we referred back the answer to the Chief Officer and we have agreed that on Thursday next week, both statements will be presented before the Assembly. Thank you

Hon. Temporary Deputy Speaker: Are you in any manner doubting the Chief Officer, Water and Sanitation?

Hon. Alex Otieno: Mr. Speaker in connection with statement from Shadrack Juma we as the Committee we had a site visit and whatever was given by the Chief Officer and from what we saw was not matching that is why we referred it back that they should give us a satisfactory answer.

Hon. Temporary Deputy Speaker: Thank you it is actually unbecoming on several occasions, Chairpersons of Committees you are coming to this House to say answers that are not satisfactory and yet you represent the Executive in this Assembly, then you must be a problem. You are supposed to engage that particular Chief Officer and come with a satisfactory answer. So, in the near future we are not going to encourage Chairmen saying that the answer was not sufficient.

(Point of Order by Hon. Alex Otieno)

Hon. Alex Otieno: Point taken, Mr. Speaker, but we as the Committee or rather the Chairmen of various Committees, if you know that something is not matching what you have seen, there is no point of coming here to lie before to the Assembly. Some of the officers sometimes can get responses from wherever they are seated instead of moving to the actual place where there is a problem. You find that somebody is just cooking answers that is why some of us cannot stand with statement that is not factual and that is why we are saying we have to refer it back to the author, thank you.

Hon. Temporary Deputy Speaker: Then you have to use the Clause that says that you must interrogate. If you don't interrogate whose problem is that? These officers are supposed to do the work for you. You must interrogate them and if they don't give sufficient answers you know what you are supposed to do as Committee Members.

A statement requested by Hon. Shadrack Juma from the Chairperson on Sectoral Committee of Agriculture, Environment and Natural Resources regarding the state of Dandora dumpsite.

Hon. Jacky Nyangala, response?

Hon. Jackline Nyangala (Nominated Member): Thank you, Mr. Speaker. I just want to get some guidance on a matter on my response. Eng. Ngari called to ask me about this particular issue. I am just

wondering why he would call me instead of calling the Chairman so that he deals with it. Why would he call me to ask me about my request?

Hon. Temporary Deputy Speaker: That is a valid question; kindly direct it to the Chair of that particular Committee. The Hon. Chairperson of Sectoral Committee on Environment, Agriculture and Natural Resources regarding Statement requested by Shadrack Juma on Dandora Dump site.

There was a Hon. Member who stood on this floor representing the Chair of Environment, Agriculture and Natural Resources. There is no Chairperson or Vice Chair of this particular Committee? Chief Whip, are you aware this particular Committee, where are the Members of this particular Committee and officials?

Hon. Chief Whip of the Majority (Mr. David Mberia): Mr. Speaker, I think Margaret Sewe is a Member of this Committee; she can give commitment on the same.

Hon. Temporary Deputy Speaker: Hon. Margaret Sewe.

Hon. Margaret Sewe (Nominated Member): Chair, I think it is prudent at times to give a commitment when you have been engaged by the Chair so that you don't mislead the House but I believe next week we will be able to respond on the same.

Hon. Temporary Deputy Speaker: Where is the Chair? This is not the first time that the Chair and the Vice Chair of this particular Committee is not this House.

Hon. Margaret Sewe: Mr. Speaker, the Chair could be at large, may be in the diaspora, but I am assuring the House that we shall respond next week. Thank you.

Hon. Temporary Deputy Speaker: It is so ordered next week. Hon. Shadrack Juma? He is also not in the House. He is lucky that his Response has come out. Statement requested by Hon. Shadrack Juma from the Chairperson of Sectoral Committee on Health Services. Still the same Shadrack Juma is not in.

STATEMENT ON CONSTRUCTION OF A PERIMETER WALL OF A MOSQUE

Statement requested by Hon. Nancy Luchiri regarding the construction of a perimeter wall of a mosque that collapsed following the heavy rains in Fuata Nyayo slums in South B Ward.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. From our records, I found that the Chair requested for three weeks but the Executive has not furnished us with the Response. So, I think yesterday they wrote back again to the Executive. So please I am requesting for one week.

Hon. Temporary Deputy Speaker: So next week on Wednesday?

Hon. Maxwell Ochar: On Thursday please. Thank you.

Hon. Temporary Deputy Speaker: On Thursday, so ordered.

STATEMENT ON OPERATION OF CHILDREN'S HOMES

Hon. Temporary Deputy Speaker: A Statement requested by Hon. Alexina Mudi from the Chairperson of Sectoral Committee on Justice and Legal Affairs and Children, Early Childhood and Vocational Training regarding the criteria used to allow the operation of Children's Homes. Hon. Chair, Justice and Legal Affairs. Quite a number of Chairpersons are involved in this.

Hon. Member for Parklands Ward (Mr. Jaffer Kassam): Mr. Speaker sir, I am not aware of this Statements but however----

Hon. Temporary Deputy Speaker: Order! Hon. Chairperson of Justice and Legal Affairs, with due respect, you cannot say that you are not aware of this question and yet this particular question is due on the floor of this House.

Hon. Jaffer Kassam: Apologies, Mr. Speaker sir, but I will require 24 hours' time to dig into the matter and come back to you.

Hon. Temporary Deputy Speaker: You come back with the answer on Tuesday 2.30 p.m.

(Laughter)

Hon. Jaffer Kassam: Agreed, Mr. Speaker sir.

STATEMENT ON GRABBING OF A PUBLIC LAND IN KILIMANI WARD

Hon. Temporary Deputy Speaker: Thank you. Statement requested by Hon. Moses Ogeto to the Chairperson of Planning and Housing regarding the grabbing of a public land in Kilimani Ward Plot No.3734/343, Chairman Planning. Hon. Ogeto is not in the House.

Hon. Maxwell Ochar: Mr. Speaker, Mr. Ogeto is not in the House please.

Hon. Temporary Deputy Speaker: He will have to explain to this House as to why he is not in the House for the answers. Hon. Ogeto will have to approach the Chair and explain as to why he was not in the House to get answers to that particular question but at the same time Chairperson; you will have to give the

undertaking so that the Clerk's office will be in a position to track. Okay, Chairperson Planning, you will have to give an undertaking.

Hon. Maxwell Ochar: Mr. Speaker, this one is also not in the line of answering today. We could not answer the Statement because we have not received the Response from the CEC. There are three questions which have not been answered which we referred to them.

Hon. Temporary Deputy Speaker: Hon. Chairperson, I am talking about this particular one for Hon. Moses Ogeto. Can you respond to that particular one?

Hon. Maxwell Ochar: On Thursday next week, Mr. Speaker, without fail.

Hon. Temporary Deputy Speaker: Thank you, on Thursday next week.

STATEMENT ON MONIES PROMISED BY CHINESE GOVERNMENT TO THE NAIROBI CITY COUNTY GOVERNMENT.

A statement requested by Hon. Masiga from the Chairperson of the Sectoral Committee on Budget and Appropriations Committee regarding some monies promised by Chinese government to the Nairobi City County government.

Hon. Michael Ogada: Mr. Speaker the document was not ready when we were coming and therefore we were in agreement with Hon. Masiga that I come with it on Tuesday.

Hon. Temporary Deputy Speaker: Hon. Masiga can you confirm the same? So can you give an undertaking on when you are going to bring the answer Hon. Chair? Tuesday next week. Thank you, next order.

PROCEDURAL MOTION

Hon. Temporary Deputy Speaker: Chairperson Budget.

The Leader of Majority: Thank you, Mr. Speaker. Pursuant to the provision Standing Order No. 27 (3) (b) this Assembly sought to sit on Monday, 29th June from 10 a.m. Mr. Speaker I think the reason why we want to sit is because we want to beat the deadline of the budget because I think the budget deadline is 30th of June. So that is the reason why we brought this Motion for us to adopt it for us to sit on Monday, 29th June. Mr. Speaker before I sit down I wanted to say something through your----

Hon. Temporary Deputy Speaker: I know through your indulgence I know that is what you wanted to say then you will stand under Standing Order No. 80, if there is anything you want to say.

The Leader of Majority: Through your good wisdom.

Hon. Temporary Deputy Speaker: That is why I said that you will stand under Standing Order No. 80, thereafter and give whatever you wanted to give.

The Leader of Majority: If that is the case, can I call the Leader of Minority to second?

Hon. Temporary Deputy Speaker: Much obliged.

The Leader of Minority: Mr. Speaker sir, let me second this Procedural Motion and I want the Members to understand the importance of holding the sitting on Monday. As you understand, the budget cycle should end on 30th June 2015. If by 30th of June we have not passed this budget, we are going to be in big crisis. That is the major reason why we want to have an Assembly on Monday. And the reason for delaying the budget is for obvious reasons as the Members understand the Senate Committee on Finance passed the ceiling on Tuesday. We would not have gone forward without getting the ceiling of the Senate. That is the main reason, because some Members wanted to know the reason. I beg to second, Mr. Speaker sir.

(Question proposed)

Hon. Jackline Nyangala (Nominated Member): Mr. Speaker it seems that the House is ready for the Mover to reply. I request the Mover to reply. Thank you.

Hon. Temporary Deputy Speaker: Much obliged, can the mover reply?

The Leader of Majority: Thank you, Mr. Speaker. Since they don't want to waste more time so that means that each and everyone in this House we have agreed that we are going to have a sitting on Monday at 10. a.m. as indicated here. Mr. Speaker it is very important that the self-proclaimed hustler can give the Minority Leader time to concentrate. I think Mr. Speaker with due respect I think Hon. Gathundo is still thinking that this is where he was leaving about 15 years ago. This is not the place where he was kept. This is an Hon. House. So Hon. Gathundo please there are times that you need to learn how to sit with other people. Thank you all for accepting this Motion.

(Question is put and agreed to)

MOTION

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you once again Mr. Speaker sir, I beg to move the following Motion That *"This County Assembly adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the Nairobi City County Government, and County Assembly tabled in the County Assembly on Wednesday 24th June 2014."*

Mr. Speaker Sir, the Budget Committee during deliberations on the 2014/15 budget estimates noted that there were a number of inexcusable mistakes that the County needed to get rid of in order to make it not only law compliant but also pace setter in the region on good budgeting practices. In scrutiny of the 2015/16 estimates the Committee was quick to point out that there had been a lot of improvement in budget preparation and reporting compared to the previous financial years. It is the delight of the Budget Committee that the experiences gained over the past years have been of value to the Members of this Assembly and the officers from the County Executive. The Committee therefore shall not hesitate to commend all actors in the budget process for having been alive to the requirements of the law in the budget making process. The report would however in part be identifying the areas that still need all of us to pull up our socks.

Mr. Speaker sir, this is second financial year in which the County Governments are required to prepare program based budgets as provided for under the provisions of Section 210 (12) of the PFM Act 2012. Program based budgeting is still a new phenomenon even for the national government and confusion about what constitutes a program and how to determine measurable outputs among other related identifiers remains a challenge. It is therefore excusable during these initial stages that under some sectors like Public Health Department, just imposed some of its facilities as programmes.

Mr. Speaker, this Assembly must continue to urge all the departments in the County Executive to develop necessary capacity in this area. It is recommended that the entire County Executive takes a cue from the County Assembly Service Board which seems to have mastered the art of the program based budgeting.

Mr. Speaker sir; The Assembly is not meant to be a rubberstamp of Executive policies without understanding how the same are to be implemented. It was therefore our expectation that these budget estimates shall include a brief on how the County Government has been able to implement the resolutions adopted by the County Assembly.

Further, revitalizing the Wards and taking services closer to the people remains the only opine of devolution and hence we cannot continue to dilly-dally when the populace remains eager to taste the fruits of Chapter Eleven of the Constitution. It is the expectation of the law that this budget would have provided a brief review of how the 2014/15 budget is being implemented including any challenges being faced in the process.

Mr. Speaker sir, whereas the Budget Committee remains alive to the resolution of the Senate that the development vote for the County governments do not fall below the 40% mark of the total budget, it is of the view that these figures can only be realized gradually and with a number of policy interventions aimed at streamlining many sectors and operations within the County. The Budget Committee has nonetheless through this report continued the process of ridding the budget of non-core expenditure items.

Mr. Speaker sir, the Budget Committee in its review of the budget performance for the two financial years noted that supplementary budgets have been used as convenient avenues for drastic reductions of

the development votes. The Committee has insisted on the County Treasury to ensure that all the funds allocated for development are utilized as planned. It is not the anticipation of the law that the 30% PFM threshold for development funds should be arithmetic but rather should be based on the ability of the sectors to absorb the allocated funds. In this regard, the Committee urges the Controller of the Budget to be steadfast in releasing requisitions for development.

Mr. Speaker sir, one sole problem that faced many Sectoral Committees during their scrutiny of this budget was the indecision by the County Executive which continued approaching Committees with revised estimates and projection priorities for the coming financial year. The provisions of Section 129 of the PFM Act, 2012 require that the County Executive Committee Member for Finance shall submit the budget estimates to the County Executive Committee for approval before the same are forwarded to the County Assembly for consideration. This implies that any document that gets its way to this Assembly has gotten the nod of the County Executive Committee. It was hence out of order for the same County Executive to continue approaching the Sectoral Committees with such revisions long after the documents have been submitted to the County Assembly.

It is important to remind the County Executive Committee Members and all Chief Officers that once the documents have been tabled in the Assembly they remain documents of the House and any amendments must only be done through the various Committees. The Committee discourages the Executive from coming up with many Executive Orders which are never binding on this Assembly and all its Committees.

Mr. Speaker sir, the Committee was perplexed to realize that some of the departments that had been given the nod to purchase vehicles in the FY 2014/15 still had huge requests for Purchase of Vehicles and Other Transport Equipment. The Budget Committee is not convinced that purchase of motor vehicles should be a perpetual development project for the County. Of specific alarm to the Committee was that most vehicles which had thus far been bought for Environment Sector (Solid Waste Management) were not working. The idea of buying vehicles for same departments in an annual basis is something that the Committee has vetoed against.

Mr. Speaker sir, we said last year that Nairobi County is unique in many aspects and one among them is the magnitude of emergencies that require attention of the County Government. In the budget for the financial year 2014/15, the County allocated to the tune of Ksh.24 million for emergency relief. These amounts were clearly not enough, to adequately to address the many calls of assistance that normally come to the attention of the County Government. It was hence baffling that despite there being enormous evidence on the need to reflect additional funds in the budget for emergency assignments; the 2015/16 budget had no budget line for the same.

The Committee would hence be recommending that the budget is realigned to make available funds for emergency relief. Further during deliberations on these estimates, the County Executive Committee Member for Finance confirmed to the Committee that the Emergency Fund Regulations have

been submitted to the Assembly for consideration. The Committee wishes to urge the County Assembly leadership to see to it that the regulations are submitted to the Assembly and approved without any further delay.

Mr. Speaker sir, Members may recall that in the 2014/15 budget the County Assembly had approved funds for purchase of Ipads for the Members. The Clerk explained that the same had not been purchased due to intermittent revenue inflows from the County Treasury. In this regard therefore, the amounts have been included in the budget for the FY 2015/16. The Budget Committee has agreed that the amounts are necessary but has insisted on the Clerk to the County Assembly to prioritize such expenditure in the FY 2015/16. The use of tirade of papers in the official County Assembly business should be a thing of the past not only because they are environmentally unfriendly but also because they are more expensive in the long-run.

Therefore the Committee was advised that by July, this year all the Members of this House will be having ipads.

RECOMMENDATIONS

a) Policy Measures

Mr. Speaker sir, the Committee noted various critical issues during the consideration of these estimates which it would like addressed. In addition to the proposals contained in the body of this report, the Committee proposes that the Assembly resolves as follows:

- i. That as one of the devolved institutions, the operational and maintenance budget for the County Assembly must in future be obtained only from the National Transfers to the County;
- ii. That the County Executive Committee Member for Finance immediately designates all the Chief Officers as Accounting officers as required by the provisions of Section 148 of the PFM Act, 2012;
- iii. That the County Treasury submits a legislative proposal to exclude the Public Health Department and amounts for debt repayments from sweeping to the County Revenue Fund;
- iv. That all the County entities starts implementing e-procurement without any further delay;
- v. That Vote 2610100 under the Fire and Disaster Management be renamed from "Grants and Transfers to Foreign Governments" to "Emergency Fund and " and transferred to the Finance and Economic Planning Sector; and
- vi. That the Agriculture, Livestock and Fisheries Sector undertake public awareness on its operations.

b) Proposed Adjustments and Reallocations in the 2015/16 Budget

Mr. Speaker sir, as has been said the Budget Committee received presentations from Chairs of Sectoral Committees on recommendations and proposed reallocations in the 2015/16 Budget. In line with its mandate and so as to ensure that the County remains on track in delivering in the areas that are critical for the growth of the County, the Committee made numerous recommendations. Further and arising from the memoranda from the County Executive Committee Member for Finance and the Clerk to the County Assembly, the Committee submitted a proposed amendment on the County Fiscal Strategy Paper which has since been approved. The revenues and expenditure are hence proposed for adjustment to Kshs.30.833 billion with additional allocations to be effected in the areas highlighted in the subsequent parts of this report.

Mr. Speaker sir, the Budget Committee in its report on the budget estimates for the FY 2014/15 decried the slow pace of rolling out of Ward Development Fund which continued to make Members of this County Assembly aliens in their Wards. The Committee has noted that the County Treasury has not been very keen to comply with the provisions of the Ward Development Fund Act which require that balances of the fund are retained in the fund at the end of the financial year. The Committee has directed the County Treasury to ensure that the expected bank balances of Ksh.20 million for the FY 2014/15 which will not be spent by 30th June to be brought forward to make the total allocation for the fund to equal Ksh.40million per Ward. *(Applause)* The amounts of Kshs.1.7billion in the budget estimates are for the FY 2015/16 translating to Ksh.20million per Ward be allocated for Ward Development Fund for the coming financial year.

I. Expenditure Reductions.

Mr. Speaker sir, the following are proposed reductions in the County Assembly expenditure:

That under the County Assembly, the following amendments be effected in the budget:

- i. Ksh.7.8million for Rental Expenses under the Office of the Speaker be reduced to Ksh.4million;
- ii. The amounts for Foreign Travel and Subsistence, other transportation costs under the Office of the Speaker be reduced by Ksh.4.08million to Kshs.4million; *(Laughing)* that is in the office of the Speaker.
- iii. The amounts for Hospitality Supplies and Services under the Office of the Speaker be reduced by Ksh.3.3million to Kshs.500,000;
- iv. That allocation for Foreign travel and Subsistence and other transportation costs under the County Assembly Service Board be reduced by Ksh.3.3million to Kshs.10million;
- v. That allocation for Hospitality Supplies and Services under the County Assembly Service Board to be reduced to the extent that they are provided with food from other quarters but retain what they use for tea and what have you.

- vi. The allocation for Other Operating Expenses under the County Assembly Service Board be reduced by Ksh.760,000 to Kshs.5million.
- vii. That the allocation for Training expenses be reduced (*Laughing*) by Ksh.17.96million.
- viii. The allocation for utilities and supplies to be reduced by Ksh.600,000 to Ksh.5.4million.
- ix. The allocation for Communication supplies and services to be reduced by Ksh.499,600 to Ksh.4.496million.
- x. That allocation for Foreign Travel and Subsistence allowance under the Office of the Clerk to be reduced by Ksh.2.9million.
- xi. The allocation for Printing, Advertising and Information Supplies to be reduced by Ksh.1.6 million in the office of the Clerk.
- xii. The allocation for Office and General Supplies to be reduced by Ksh.2.6million.
- xiii. That the allocation for Foreign Travel under the County Assembly be reduced by Ksh.5.8million.
- xiv. The allocation for Other Operating expenses be reduced by Ksh.11.7million;
- xv. The allocation for Routine of Vehicles and Other transport equipment be reduced by Ksh.300,000.
- xvi. The allocation for Routine Maintenance of other Assets be reduced by Ksh.700,000.

The above reductions reduces are meant to adjust the County Assembly recurrent budget and realign it with the legal requirements of the ceilings as proposed by the Senate. This in effect reduces the County Assembly recurrent budget to Ksh. 1,233,219,787. Overall the budget for the County Assembly is hereby broken down as follows:

- Compensation to Employees- Ksh. 766million
- Use of Goods and Services - Ksh. 467million
- Transfers to County Assembly Funds – Ksh. 320million
- Development Expenditure - Ksh. 144million

Mr. Speaker sir, the following are some of the proposed reductions in the County Executive expenditure:

1. That under the Governor's Office the following amendments be effected in the budget:
 - i. The allocation for purchase of uniforms under the City Inspectorate Department be scrapped off the budget;

- ii. The allocation for maintenance of furniture under vote head 5312000101 be reduced to Ksh. 700,000;
- iii. The allocation for purchase of office furniture and general equipment under the City Inspectorate vote 3111000 be reduced by Ksh.11million.

That, under the Information, Communication and E-Government Department, the allocation for capital expenditure be reduced to Ksh. 150 million.

That, under the Finance and Economic Planning Department, The allocation for Other Creditors under Finance and Economic Planning Headquarters be reduced to Ksh. 1,228,390,523 to be reviewed in the Supplementary Budget after adoption of the Debt Management Strategy Paper which we have just tabled today.

That under the Education, Youth Affairs, Sports, Culture and Social Services Department, the allocation for refurbishment of buildings under Social Services Headquarters be reduced to Ksh. 25million.

That under the Health Department, the allocation for training expenses under County Health Management Team Headquarters be reduced to Ksh. 15million.

2. Mr. Speaker sir, through the above cuts the Committee managed to make available to the tune of Ksh. 496, 433,477 for spending in the other priority areas which had been inadvertently left out of the budget estimates. These savings are hereby combined with the amounts realized from the revision of the revenue figures of Ksh. 1,973,000,000 to be utilized for various expenditures as enumerated below.

Mr. Speaker sir, under the Public Service Management that is under the Public Service Management Sector:

- i. The amount allocated for staff insurance be increased by Ksh. 120million ;
- ii. The amount allocated for payment of pensions for retiring staff be increased by Ksh. 60 million; and
- iii. Ksh. 50 million be allocated for special interest groups and Gender mainstreaming. These amounts are to be used to address issues related to people living with disabilities and focusing on matters affecting various interest groups in the County.

That under the Trade and Tourism Sector an additional allocation be included in the budget for the following purposes:

- iv. Ksh. 36.336million for allowances for the County Liquor Board;
- v. Ksh. 5.4million for allowances of the County Betting and Control Board;
- vi. Ksh. 8million for purchase of specialized weights & measures double cabin vehicles;
- vii. Amount allocated for operations and maintenance for Cooperative Audit department be increased by Ksh. 10,990,000.
- viii. Amount allocated for Census/Audit of business be increased by Ksh. 10,200,000.
- ix. Amount allocated for construction of new markets be increased by Ksh.250million.

That, under the Physical Planning and Housing Sector:

- x. An additional allocation of Ksh. 20million be allocated for purchase of vehicles.

That, under the Environment and Forestry Sector:

- xi. Amounts allocated for Youth Solid Waste Management programs be increased by Ksh. 21million.
- xii. Ksh. 150million be allocated for purchase of specialized equipment.

That, under the Governor's Office:

- xiii. Ksh. 5million be allocated for construction of ablution block;
- xiv. Ksh. 6million be factored in the budget for purchase of a college bus for Dagoretti Training School; and
- xv. Ksh. 3million be set aside for purchase of 10 no. of motorbikes;

That, under the Legal Department:

- xvi. Ksh. 10million be allocated for purchase of a modern library;
- xvii. Ksh. 10million be allocated for purchase of 1 prison bus;
- xviii. Ksh. 13million be allocated for refurbishment of buildings such as the City Court and Cells; and
- xix. Amount allocated to other operating expenses be increased by Ksh.16, 543,477;

That, the under the Water and Energy Sector:

- xx. Kshs. 3million be provided per Ward for development of water infrastructure.

That, under the Education, Youth Affairs, Sports, Culture and Social Services Sector:

- xxi. Ksh. 30million be allocated for Public Participation;
- xxii. Ksh. 2million be allocated per Ward for bursaries. The amounts should only be utilized once the regulations Governing the fund have been forwarded and approved by the County Assembly;
- xxiii. Allocation for rehabilitation of Joseph Kang'ethe be reduced to Ksh.10 million and the remainder of Ksh. 30million be reallocated for construction of other three social halls;
- xxiv. That allocation of Ksh. 14million for refurbishment of buildings under the Social Services Sub-Sector be scrapped off the budget and the amount be utilized for purchase of one Water Booser;
- xxv. Ksh.15 million for refurbishment of buildings under Education Sub-Sector be expunged and be reallocated for refurbishment of Kileleshwa Day Nursery School, Umoja II Nursery School and Umoja I Day Nursery; and
- xxvi. That the amount allocated for other expenses of Ksh.50, 000,000 be reallocated to training expenses.

That, under the Disaster Management Sub-Sector:

- xxvii. Ksh. 55 million be allocated for purchase of specialized equipment

That the budget for the Public Health Department:

- xxviii. Ksh. 15million be allocated for Community Health Workers but the amounts be spent only once regulations Governing the fund are approved by the County Assembly.
- xxix. The projects be implemented as proposed by the Health Services Committee.
- xxx. Ksh. 20million be allocated for refurbishment of Tassia Health Centre.
- xxxi. Ksh. 20million be allocated for Construction of Lower Savanna Health Centre.
- xxxii. Ksh. 405 million be allocated for rehabilitation of Pumwani Maternity Hospital.
- xxxiii. Ksh. 150million be allocated for rehabilitation of Mutuini Hospital.
- xxxiv. Ksh. 250 million be allocated for rehabilitation of City Mortuary.

That, under Public works, Infrastructure and Transport sector:

- xxxv. Ksh. 30million be allocated for construction of River bank Baraka road.
- xxxvi. Ksh. 25million be allocated for construction of Vietnam road.
- xxxvii. Ksh. 257.247million be allocated for new public street lighting.
- xxxviii. Ksh. 4.15 million be allocated for purchase of heavy equipment.
- xxxix. Ksh. 9 million be allocated for traffic management and non-motorized facilities.
- xl. Ksh. 270million be allocated for the repair and maintenance of street lighting.

Expenditure Reallocations

That, under the County Assembly, the following amendments be effected in the budget:

- xli. That Ksh. 36.896 million for training under the Committee Services be lumped together with the amounts for Domestic Travel and Subsistence allowance for the Committees to enjoy enough money.

Mr. Speaker sir, in conclusion and pursuant to the provisions of Section 131 (1) of the Public Finance Management Act 2012 and Standing Order 207 (6) the County Budget and Appropriation Committee recommends that:

This County Assembly adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the Nairobi City County Government, and County Assembly tabled in the County Assembly on Wednesday 24th June 2015.

Thank you very much Mr. Speaker sir and I would like to call upon Mr. Irungu to come and second the Motion.

Hon. Member for Komarock Ward (Mr. Samuel Irungu): Mr. Speaker, I rise to second this Motion. I want to passionately request the Hon. Members of this House to support this Motion overwhelmingly. Just to mention a few, Nairobi County is actually living under what we call an extraordinary situation. We require extra ordinary measures. These estimates have sought to address critical issues that Hon. Members from various Sectoral Committees as stipulated--- Mr. Speaker I beg your attention. I am saying that the critical aspects that were addressed by various Sectoral Committees as stipulated in Standing Order number 207(4) is that these estimates are joint concerted efforts from Sectoral Committees and the Executive.

Some of the highlights that are to this Hon. Members, look at the Health Sector for example in page number 15. The critical issue of health workers has been addressed and 15 million has been allocated. These estimates have also sought to address the issue of decongesting our level 3, 4 and 5 hospitals by refurbishing the health centers in various Sub-Counties. If you go to the Transport Sector Hon. Members had hectic times calling engineers to go and fix their lights. These estimates have allocated 100 million to outsource the repair of public and street lighting. If you go to Water, all Wards will be catered for in terms of infrastructure. Go to culture and Social Services, various Sub-Counties have benefitted in terms of rehabilitating social halls and such services.

Mr. Speaker, just to mention the Ward Development Fund, this document has given a policy guideline that the Executive should ensure that the 20 million that was allocated in the year 2014/15 is considered as balance. 40 million in my opinion, the development is going to be felt in 85 Wards. I just want to talk lastly about gender mainstreaming. This has been an issue that has for some time, if it was not handled well would have separated us from the Special Elect and other gender issues. This report has actually addressed the issue.

Mr. Speaker, I second.

(Applause)

Hon. Temporary Deputy Speaker: I now propose the question that,

(Question proposed)

Hon. Temporary Deputy Speaker: Hon. Members, Hon. Jacky Nyangala.

Hon. Jacqueline Nyangala (Nominated Member): Thank you Mr. Speaker, I stand to support these budget estimates. I particularly would like to applaud the diligence of the various Sectoral Committees. We looked at all the irregularities of the program based issues that were redone and resubmitted to the Committees.

I again applaud the presentation of all the Chairmen of various Sectoral Committees that tried to accommodate everything that came from the Executive and gave their proposal. I finally would like to applaud the Committee of Budget and the Chairman for--- it feels me with joy that they had to look at what the public was talking about, the hearings from the public. They actually accommodated:

- i. Allocation of funds for water improvement in the County by giving Ksh.3 million
- ii. Reduced allocation to the Governor's office.
- iii. Ksh.200 million for the establishment of ECD Centers in each Ward.

(Loud consultations)

Can you protect me, Mr. Speaker? Protect me from Manyala.

Hon. Temporary Deputy Speaker: Can the Hon. Members consult in low tones please!

Hon Jacqueline Nyangala: Mr. Speaker, it gives me joy that we listen to the public; the Nairobians about the Budget. The Committee and the Chairman accommodated them in this presentation of the Estimates.

Mr. Speaker, I support and I think we should all approve this Budget as soon as possible, thank you.

Hon. Temporary Deputy Speaker: Hon. Karen.

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker sir. I want to support this Report of the Budget Committee with no amendments. It will be a very good Report if implemented. I want to mention Ward Development Fund; we have been talking about it since we came to this Hon. House. It is time those projects are implemented. It is very important for the people who voted for these Hon. Members. I think those money, Chairman Budget, should be added, it is not even enough because we have not done anything for more than two years. The money should be increased, Mr. Chairman.

I would like to thank the Budget Committee because the Health Budget that was increased. They have looked at several Health facilities in our Wards; Mukuru, Upendo and other several Health facilities in our Wards. Health has been completely devolved and it lies squarely on Nairobi County, we cannot run away from that. Every Kenyan has a right to life according to the Constitution of Kenya.

Mr. Speaker sir, I also want to commend the Committee for remembering special interests and gender mainstreaming. They gave us Ksh.50 million and I believe they are going to add that money in the next financial year.

Mr. Speaker sir, I cannot forget to talk about the Community Health Workers. I was a Community Health Worker. In case you don't know the work of a Community Health Worker, they do the follow-up for TB patients, follow-up for ARVs and so much work but they were not given anything. I want to thank the Budget Committee. The Chairman has told me they have been given them at least Ksh.15 million which is not enough but I know they are going to add that money.

Mr. Speaker sir, I want to talk about ECD Centers. My sister, Hon. Nyangala has talked about it. It is a very noble issue.

Construction of new markets: this will solve issue of hawkers we have in the County.

Before I finish, I want to put forward that this Budget is legitimate because they have followed all the procedures. They have looked at the special interests, done public participation and the issues that arose from the public hearings, we have seen them. They said that they want us to reduce allocation of Governor and locate the funds to education, health and others; that has been done. They also recommended Health workers to be given money, rehabilitation of social halls, funds for public participation, operation of the Ward Development Fund among others.

(Loud consultations)

I still have my ten minutes. Mr. Speaker sir, the Jubilee manifesto, and I believe even the CORD manifesto, talks about the youth, women and Kenyans that we have a right to be given services as citizens of this Country. Thank you Mr. Speaker sir.

(Applause)

Hon. Temporary Deputy Speaker: Yes, Hon. Manyala.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you, Mr. Speaker. I want to echo the good work that the Chairman of the Budget has done. However, equitable distribution of resources has not been done well. I find, like in Viwandani, there is nothing that has been allocated. In Kayole South, there is a Health dispensary that is a level 2. We are trying to decongest Mama Lucy Hospital so that we can have a one-stop-shop. Every time you hear Mama Lucy, you get a negative report because it is overwhelmed. But we are seeing that when the Budget is being factored in, nothing at all has been given to Kayole South Ward. So, I am wondering what basis or situational analysis was carried out especially on the Health Sector for them to come up with this Budget?

I am appealing to the Budget Committee to factor in the Wards because when you lump them, we know very well that light is already in the Ward Development Fund. Apart from that, what is coming from the County is supposed to tackle the Fourth Schedule of the Constitution. If our Wards are not factored in, we are feeling that we have been played upon. Thank you, Mr. Speaker.

Hon. Temporary Deputy Speaker: Yes, Hon. George Ochola.

Hon. Member for Hospital Ward (Mr. George Ochola): Thank you, Mr. Speaker for giving me this opportunity to express the good work that has been done by the Budget Committee. I want start by congratulating all the Sectoral Committees, the Chairmen and the Members for the cooperation they showed to the Budget Committee; for having consulted deeply with the relevant department and indeed came up with realistic figures that can actually move our Country forward.

Mr. Speaker sir, the budget of this year, we all know, might not be perfect but in reality, it is 99% perfect as per the way it was done. The Budget of this time round, as you know Health is very essential, actually covers most of the area in regards to Health facilities and Health dispensaries. If you check about the distribution of the resources as per the construction of Health facilities and dispensaries, you will find that it did cut across every Ward and sometimes beyond what was prioritized in most of the areas.

The budget considered people living with disabilities, which previously did not cover. The public participation has been entrenched in the COK, 2010 and the PFM Act but you will realize that previously, this was not given any allocation. But this time round, we went on a program based budget and considered Ksh.30 million for the public participation so that that the common *Mwananchi* and the residents of Nairobi can understand what is happening in their County.

Mr. Speaker, the rescue centers were also factored in. But what I would like to emphasize is that, rescue centers should be considered especially in the Eastlands areas and in informal settlements because this is where the need arises. You will realize that we have considered the issue of disaster and emergency. One thing I want to urge is that the policy, I think this will go to the relevant Committee, let the Committee come up with a policy of how this money will be spent but to those who are not loyal.

Mr. Speaker sir, we have an issue of CHWs, they have been very instrumental to our Wards and to the electorates. The previous Budget did not factor the CHWs but this time, we thought twice that we need to compensate these people in one way or the other, not on salary but allowances. We allocated Ksh.15 million as a start.

To go by the issue of equitable distribution, I want to differ a bit. We have something called CIDP; in CIDP, we have the officers from the County who went to respective Wards, met with the residents and projects were prioritized on that particular day of the meeting. The equitable distribution of resources can only arise if all the Wards prioritized the same projects. If they did not but touches on what matters most, then we go as per what is indicated in the CIDP. Above all, we have not gone beyond the ceilings, we are within and it is a program based budget. Therefore, I support the Budget, Mr. Speaker.

Hon. Minority Chief Whip (Mr. Hashim Kamau): Thank you, Mr. Speaker. Before I do a request, I don't know if you have noticed that the Members of Committee are congratulating themselves.

(Laughter)

Hon. Minority Chief Whip: Mr. Speaker, there is an issue of Ksh.50 million that has been mentioned by *Mheshimiwa* Karen, be allocated to special interest groups and gender mainstreaming. I want to inform this House that even the old like me and Kados are in the group of special interest groups. I hope this money will not be used for *chamas* and baby showers.

(Loud consultations)

Hon. Minority Chief Whip: Lastly Mr. Speaker I seek clarification from the Chairperson on Ward Development Fund. I am supporting the Motion Mr. Speaker but I don't know why Mr. Chairman wants us to take the same route that we took last year. 15 million was allocated in the last financial year and what was carried forward in arrears was almost 1.2 million. The same issue that the Chairman is proposing that it be carried forward and paid as arrears and be removed from the expected bank balances, I don't know why the Chairman wants to take us down that route that the money for WDF be removed from the expected bank balances of which we know very well that we operate on overdraft. The arrears is on papers, and not in liquid form Mr. Speaker.

Secondly Mr. Speaker my proposal is that the budget for the next financial year is 30 billion; the amount for this financial year should be factored as a roll over or a pending bills because letter of awards have been issued and so it must come as a pending bill or roll overs instead of relying on expected bank

balances of which I know its ambiguous to have this amount in liquid form and for that Mr. Speaker I am requesting that the mover reply because the mood of the House is very clear.

Hon. Temporary Deputy Speaker: You have already made a contribution so you cannot talk about the mood of the House and call the mover to reply because you are out of order. Hon. Abuka

Hon. William Abuka (Nominated Member): Mr. Speaker thank you very much for having caught my eye. I just want to appreciate the diligence with which the Committee on Budget and Appropriations embarked on seeing prudent allocation of money. I have been complaining, murmuring and talking a lot about people with disabilities. It is an area that is of great concern to me. It is a very serious group of people, a part of this community that should have not been ignored for all this while but I really want to thank the Budget Committee Chair my brother Hon. Ogada for having captured that, even though it is small to be shared among three parties; the youths, women and people with disabilities but at least we have somewhere to begin from.

Mr. Speaker I also want to take this opportunity to thank the Budget Committee. My brother Hashim Kamau will appreciate that I do not come from the Budget Committee and so I am not appreciating my Chairman. Mr. Speaker I need your attention. We must make a rule on how many consultations a Speaker will get while he is on the Chair because a lot of things will pass his attention. *Njoroge wacha Spika kidogo enda kaa chini mkristo wangu* please. I want him to hear this.

Mr. Speaker I really wanted you to hear this. I also want to thank the Committee for the improved allocation and positive engagement with the public especially in the health sector. I see there is some commitment to enhance resources available to the health sector and I am very happy about it. Mr. Chairman we have had a lot about Lucy Kibaki hospital in this County Assembly, and all those things we have heard are wrong and nobody is happy about it. Either it is lack of drugs, lack of personnel, people doing all sorts of funny things and encroachment on land allocation and so on and so forth. To date including the dilapidated condition in which the hospital finds itself. Nothing has been done seriously to really improve the image of that hospital. Mr. Chairman I am saying this because of the serious engagement that I can see coming in the future. If we as Kenyans chose to name a hospital after one respected family, the immediate former first lady, I think to leave it in that condition year after year is the highest degree of disrespect to that family.

If we chose to use that family name in connection with that hospital then we should respect that family and put that hospital in a condition that befits the Kibaki family. Why should we continue to mention that name again and again? Even if we chose to have one Doctor Abuka hospital, have some respect for it and put it in a condition that befits my status and so I really want to appreciate Mr. Chairman for looking into these two areas disability and health. *Hongera!*

Hon. Temporary Deputy Speaker: Yes Hon. Gathundo

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Thank you Mr. Speaker. Since the mood of the House is clear I say that you call upon the mover of the Motion to reply. Thank you

Hon. Temporary Deputy Speaker: Much obliged with what Gathundo has said but I will give the youngest Hon. Member of this House a chance to air his views.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you Mr. Speaker sir. The budget and the mood of the House is very clear. I want to support this Motion with amendments that in the information communication and E-Government departments Mr. Speaker sir with facts. This department was taken to court and since that time they have never utilized any money and as much as the budget and appropriations Committee has done a wonderful job, I would request this Hon. House that on the 150 million--- the Constitution is very clear that we have Early Childhood Development. I wish that that money which was captured in this budget to be distributed among 85 Wards for the ECD classes. I also wish to call my colleague Hon. Chege to second me Mr. Speaker sir

Hon. Temporary Deputy Speaker: Is there supposed to be amendments Clerk? Hon. Ogeto has requested a Hon. Member to second the amendment and if there is no secondment--- Hon. Ogeto I am sorry the Standing Orders cannot allow you to make amendments at this juncture. You were supposed to write to the CEC Member on the same so that it could be admissible on the floor of this House. Where is the copy? You have written to the CEC? Can you forward it to the Clerk. Since you do not have that particular copy as per now then am sorry I will request that the mover of this particular Motion replies.

Hon. Micheal Ogada: Thank you very much Mr. Speaker sir protect me from Ngaruiya Chege

Hon. Temporary Deputy Speaker: Hon. Ngaruiya Chege, you are a respected Hon. Member of this House. Being a deputy minority is a very senior position in this House. Can you give the Hon. Chair some time to finish?

Hon. Michael Ogada: Thank you very much *Bwana* Speaker. Am happy because reading the mood of the House they are generally appreciating the work of the Budget Committee. It was quite a tedious job because every department approached us with several recommendations and cries. They did so many letters and memos and we had to make sure that we adhered to the law because we also have the law that guides and so we tried as much as we could.

Mr. Speaker sir another thing that was raised by Hon. Kamau Hashim is about the issues of Ward Development Fund. My Committee was alive to the fact because if you read the original budget proposal, they avoided putting that figure for the new year in the budget and therefore the Budget Committee made those recommendations that because we had budgeted for this particular year, several projects have been done. Several of them have been done while others are being done. They can just be treated like any other projects which are going on and if at all there is not enough money to pay for this work then they can be treated and paid from the bank balances and the Government can also try as much as they can to look for more funds to ensure that these works are paid for. Otherwise we have set the monies for this.

The other issue that Ogeto is trying to bring and he is really bringing it hot is that he was totally against giving 150 million to ICT department. Mr. Speaker sir one thing that we need to appreciate is that our Committee does a lot of consultation. We talk with the Governor, his Deputy and all Executives, Directors and all Ministers and all chief officers and all Members of this House and so when you see that the Committee has decided to do something then it is as a result of serious consultations. What happened is that they realized that maybe something was not right as a Committee and that department was given a budget of around 450 million and then they went and knocked out that figure and they gave it 100,000. It is impractical to manage a department using 100,000 shillings. It cannot even pay allowances for one person and so in the wisdom of the Budget Committee we realized that it is not good to punish departments just because of one or two things and so we had to really consult and make sure that instead of giving them the 450 million, at least we listened to the views of the legal department and we gave them 150, 000,000 which we are going to put their feet down and monitor how they are going to use it.

Otherwise Members I am glad because you are supporting this. I will just request you to put the question so that Members can deal with it

Hon. Temporary Deputy Speaker: Fair enough. Hon. Members, I now put the question that,

(Question put and agreed to)

MOTION

Hon. Temporary Deputy Speaker: Hon. Member note with a lot of concern that you have got 13 minutes to move the Motion and to be dispensed off.

Hon. Charles Thuo: Thank you Mr. Speaker sir. I am wondering whether that is a compliment or a warning?

Hon. Temporary Deputy Speaker: It is a Point of Information Hon. Chair

Hon. Charles Thuo: I stand guided. Mr. Speaker since you realize that this is the first report that is being discussed by the Public Investment Committee I was seeking your guidance whether it is prudent we reallocate the debate for this Committee to maybe Monday or Tuesday next week so that we can have ample time. Is it in order Mr. Speaker?

Hon. Temporary Deputy Speaker: On Monday there will be a special sitting. It will be allocated time on Tuesday 2:30 pm next week

Hon. Charles Thuo: Mr. Speaker it is also important to remember that this is our first report and we still have our second one. If you could find it in your honour to allocate us time on Tuesday and Wednesday so that we can discuss both reports Mr. Speaker sir.

Hon. Temporary Deputy Speaker: I am further advised Hon. Chair that on Tuesday we'll be having a budget reading. I understand the importance of this particular report and I would not like it to be

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rushed in a manner that does not befit it. So I direct that it appears on the order paper on Thursday next week

Hon. Charles Thuo: Mr. Speaker of course I stand guided by your orders but I just wanted to inform the House that the Committee has two pending reports.

Hon. Temporary Deputy Speaker: There is no problem Hon. Chair. Those two reports can be read at the same time on the same day

Hon. Charles Thuo: Thank you Mr. Speaker sir. I stand guided

ADJOURNMENT

Hon. Temporary Deputy Speaker: Thank you very much. Next order, Hon. Members this Assembly stands adjourned till Monday 10:00am in the morning.

The House rose at 4:50PM