



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Wednesday 6th April, 2017

The House met at 10.30 a.m.

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

PRAYERS

Hon. Deputy Speaker: Hon. Members, the attention of the Chair has been raised that there is lack of quorum in the House, I so direct the Serjeant-At-Arm to ring the bell under Standing Order No. 31 (2) for ten minutes.

(Quorum bell rung)

Hon. Chief Whip, kindly mobilize Members to come to the House. We have a crucial business to transact.

Hon. Members, we still lack quorum in the House, I so direct the Serjeant-At-Arms to ring the bell for a further five minutes.

(Quorum bell rung)

Order, Hon. Members! Serjeant-At-Arms, allow the Whips to get in. Kindly advise the Serjeant-At-Arms that we have quorum. We may proceed.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF THE NAIROBI CITY COUNTY APPROPRIATIONS BILL 2017,
(ASSEMBLY BILL NO. 7 OF 2017) FROM SEVEN DAYS TO TWO DAYS

Hon. Majority Leader: Good morning, Mr. Speaker.

Hon. Deputy Speaker: Good morning, Hon. Majority.

Hon. Majority Leader: I am here to move the procedural Motion; THAT understanding the provision of Standing Order No. 117, this Assembly resolves to reduce the publication period of the Nairobi City County Appropriations Bill 2017 (Assembly Bill No. 7 of 2017) from seven days to two days. I therefore ask Hon. Karen Wanjiku, who is also a Member of the Speaker's panel to come and second the Procedural Motion.

Hon. Deputy Speaker: Hon. Karen, kindly switch on your microphone.

Hon. Nominated Member (Ms. Karen Wanjiku): I second.

Hon. Deputy Speaker: Have you seconded the Motion? Thank you. That is in order.

(Question proposed)

Hon. Deputy Speaker: Hon. Millicent, your microphone is on. Serjeant-At-Arms, could you kindly switch off the microphone that is on! Hon. Maxwell Ochar.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. I rise to support the Procedural Motion because it is in order given that we have very limited time. Most of the people want to go for campaigns and therefore, I believe that it is in order to reduce the number of days to two. Thank you.

Hon. Deputy Speaker: Please, Hon. Members! Serjeant-At-Arms, this is a directive from the Speaker, do not allow any Member to leave the room until we dispense off the business of the day. We have a crucial business before the Assembly and we cannot afford to lose this just because of Members coming in to sign in and walking out. You may proceed.

Hon. Maxwell Ochar: Mr. Speaker, I have made my statement. Thank you.

Hon. Deputy Speaker: Thank you. Since there is no request from any Member, I call upon the mover to reply.

Hon. Majority Leader: Thank you, Mr. Speaker for the directive. You should not allow the practice of Members walking in and out of the Assembly. I thank all Members for accepting to reduce the days from seven to two. I therefore request all of you to be good citizens and wish you all the best in your nominations.

Hon. Deputy Speaker: Order, Hon. Majority Leader! The standing Order does not allow you to anticipate debate that is coming up at 2:30 p.m.

(Question put and agreed to)

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL 2017 (ASSEMBLY BILL NO. 7 OF 2017). A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF THE COUNTY REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICE OF THE YEAR ENDING ON THE 30TH JUNE 2018 AND TO APPROPRIATE THAT SUM UNDER SUM VOTED ON ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES

(First reading)

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL 2017 (ASSEMBLY BILL NO. 7 OF 2017)

(Second reading)

Hon. Deputy Speaker: The Hon. Chairperson for Finance, Budget and Appropriation.

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much, Mr. Speaker sir. Members may recall that on Wednesday 5th April 2017, the County Assembly considered and approved the report of the Select Committee on Finance, Budget and Appropriation on the Budget estimates for the Nairobi City County Government and the County Assembly for the Financial Year 2017/18 to give legal backing and ensure smooth running of the current and the next Government. This Appropriation Bill has been submitted for approval. It is important to remind Members that in the approved report, the County Assembly had resolved that in the compliance with the provisions of Section 35 of the PFM County Government Regulations 2015, the County Treasury shall submit to this Assembly Appropriations Bill that contains votes and programs for the financial year.

The Committee wishes to commend the County Treasury for having worked tirelessly within the very limited timelines to incorporate the recommendations of this Chamber and present Appropriations Bill that is demarcated into programs and votes. As a Committee, we would like to thank all Members of this House for the support they have rendered to the Budget Committee during the entire life of the first Assembly.

Our consideration and approval of various budget documents has been devoid of acrimony mostly due to your untiring desire to see to it that Nairobian get nothing but services from their elected representatives. On this Bill, I would wish to confirm that the Budget Committee has scrutinized the

submitted Bill and confirmed that it is consistent with the figures approved in the annual estimates report. The Committee recommendations have been incorporated as resolved by the Assembly.

Mr. Speaker sir, the appropriation is totaling to 35.9 billion which is broken down as follows;

That the general administration, planning and support services is appropriated Ksh.70 million. The office of the Deputy Governor and the Governor is appropriated Ksh.2.7 billion. The General Administration is appropriated Ksh.2.3 billion. Management of Legal Affairs is appropriated Ksh.185 million. Information and Telecommunications have been appropriated a total of Ksh.284.8 million. Public Finance Management is appropriated Ksh.2 billion. General administration services is given Ksh.900 million. That is a total of Ksh. 3 billion. Preventive and Promotive Health Services, Ksh.63 million. Curative, that is In Health Department, it has been allocated Ksh.6.3 billion. In general administration, which is under the Urban Planning, we have given a total of Ksh.379 million. In Transport and Infrastructure, they have been allocated Ksh.1.2 billion. In Youth Affairs, it has been allocated a total of Ksh.1.4 billion. Trade and Commerce, Ksh.618 million. In Public Service Management, Ksh.2.25 billion. In Agriculture, Ksh.375 million.

In County Assembly, it has been given Kshs.1.3 billion. In Environment, Water and Natural Resources, Ksh.1.4 billion. In Urban Renewal, Ksh.140 million. Ward Development, Ksh.54 million. That is for the administrative services. And then County Public Service Board Ksh.29 million. Office of the Governor and the Deputy Governor, Ksh.373 million. Information and Telecommunications, Ksh.170 million. Finance and Economic Planning, Ksh.170 million. Health, Ksh.1.2 billion. In Urban Planning and Renewal, Ksh.444 million. Public Works, Ksh.4.9 billion.

In Education and Youth, Ksh.300 million for development. Trade and Commerce, Ksh.560 million. Public Service Management, Ksh.117 million for their development. Agriculture and Livestock, Ksh.154 million. County Assembly, for development, Ksh.320 million. Environment, Water And Energy, Ksh.900 million. Urban renewal, Ksh.180 million. Ward Development Fund allocation for development is Ksh.1.73 billion. Emergency fund has been allocated Ksh.90 million.

Mr. Speaker sir, that brings the development fund to Ksh.11.78 billion, bringing our budget to a total of Ksh.35.9 billion.

Mr. Speaker sir, I wish to urge Members to support this Bill and give the County Government and the Assembly authority not only to be able to pay Members of this Assembly their salaries for July 2017, but also to ensure that there are resources for the second County Government to implement its projects. It is my hope and desire that all of us seated here today would be part of this implementation of this budget as elected Members of the second County Assembly of Nairobi.

Mr. Speaker sir, I wish to call Hon. Njoroge Kairu to come and second this Motion.

Hon. Deputy Speaker: Hon. Njoroge Kairu, please proceed.

Hon. Member for Woodley/Kenyatta Golf Course Ward (Hon. Njoroge Kairu): Thank you very much Mr. Speaker sir. I beg to second the Bill.

(Question proposed)

Hon. Karen Wanjiku (Nominated Member): Thank you, Mr. Speaker sir. I stand to support the Appropriation Bill 2017, the Bill totaling Ksh. 35.9 billion. Looking at Health, I can see that in Preventive and Promotive Health Services which includes what was proposed in the public hearing, we had a girl who spoke about diabetes and I believe this one has been catered for in preventive service. It has been given Ksh.63 million, I believe that will also cater for cancer, stroke and other non-communicable disease that have been ignored by the County. I believe the Ksh. 6.3 billion in total for health services will be used, especially for the development part because last time, we were given this money and it was rolled over. I pray that we will come back to use this budget after August under the Jubilee Government, thank you.

Hon. Deputy Speaker: Thank you, Hon. Karen. Hon. Daniel Mbugua.

Hon. Member for Ruai Ward (Mr. Daniel Mbugua): I rise to support Appropriation Bill. My interest has been drawn to item 2 on allocation to Governor and Deputy Governor's office; it seems there is duplication not unless somebody enlightens me more on that. Also item D5312, it seems they have been double allocated that is the office of Governor and the Deputy has been allocated same amount.

Hon. Deputy Speaker: Maybe the Chairperson of Budget and Appropriation Committee, you will react on that when you reply

Hon. Daniel Mbugua: Much obliged

Hon. Deputy Speaker: Thank you.

Hon. Maxwell Ochar: Thank you, Mr. Speaker, I rise to support this Appropriation Bill 2017. What the Committee has done is wonderful work and I can recommend them because I saw by myself they sat for long and were ready to go.

However, I would urge the Committee to look into the Committee of Planning because if we don't plan well, everything will go haywire. Mr. Speaker, everything we are doing is anchored in Planning and that is the reason why we brilliantly fought to have the master plan so that everything can be anchored in the master plan. Yes, you cannot see what we are doing by naked eyes. Everything which is being done, if planned well will be okay. And that is the reason why I am asking the Budget and Appropriation Committee to look into that. We were having a new child called Urban Renewal and most of its money comes from donor community.

Hon. Deputy Speaker: Order, Hon. Maxwell! I think what you are raising is overtaken by events. The issues and concerns you are raising at this point should have been raised at the Committee level. We proceed to another Member.

Hon. Alexina Mudi (Nominated Member): Thank you, Mr. Speaker sir, I stand here to support the Appropriation Bill 2017. So far so good I want to say the Budget committee has done so well. When I look at this D5318, the amount required in the year ending 30th June, 2018 Ksh. 200 million for the Education sector, it is quite interesting that the Budget Committee has done their bit. I don't know where the buck stops, but to generalize the Ksh. 200 for the Education sector in Nairobi County---

Hon. Deputy Speaker: Hon. Ogeto, please! There is an order from the Chair, we have the rest room right behind, you can use that one.

Hon. Alexina Mudi: (*Laughs*) It's fantastic. Mr. Speaker, the Chairs of the respective Committees, it is up to their task to make sure that every penny that has been allocated respectively to every sector is utilized to the latter. Let us hope and pray that the people who will be voted in as *Waheshimiwas* in this House will be up to the task to do and deliver so that the blame would not actually come back to the legislators that they have not done their bit. I therefore support the Appropriation Bill 2017. Thank you Mr. Speaker sir.

Hon. Member for Kahawa West Ward (Mr. Ngaruiya Chege): Thank you, Mr. Speaker for giving me this opportunity to respond. First of all, I rise to support the Appropriation Bill. I want to thank the Budget and Appropriation Committee for work well done; this has been the trend for the last four years. I also want to thank this House and as we come to the end of this Assembly, we have played our role perfectly as a House to pass all the budgets and all the Appropriations for this Government. But it has come to a point that when it comes to implementation, the buck now stops with the Executive. Mr. Speaker, when you go through it, it is something that is perfectly drawn, something that at least is audible even to the common *mwananchi*. But the problem the *wananchi* are asking is when it comes to implementation especially on that part of development--- I remember during the burial of the Governor of Nyeri Hon. Gachagua, may God rest his soul, I remember the former Prime Minister and also the President criticized the Members of County Assemblies.

The media should realize that we play our role very perfectly in all the County Assemblies of this Country but now the buck stops with the Executive when it comes to implementation. I think it will reach a point whereby, the Members of the public should be educated. What is the role of the County Assembly and the County Executive? Yes, we pass the Appropriations, we pass the budget, but who is to implement? It is not the County Assembly because that particular document has now gone out of our hands. We have tried for the last 4 years, we have tried to sit down with the Executive to try and ask them where the problem is because implementation has always been a problem.

As we go, I trust and believe that the Members, who are here at least even if not 100%, will come back. I believe around 70-75% God willing, these Members will come back so that at least we can prove the Nairobi's wrong. So that we can now prove that whatever we did in the First County Assembly of Nairobi, we played our role as required. Mr. Speaker I support. Thank you.

Hon. Deputy Speaker: I hope you are not making your closing remarks, Hon. Ngaruiya.

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Hon. Ngaruiya Chege: I am not. I still have time probably from next week.

Hon. Deputy Speaker: Hon. Elkana.

Hon. Member for Kwa Reuben Ward (Mr. Elkana Mauti): Thank you, Mr. Speaker sir. First and foremost, I am here to support the Bill. This is a very beautiful document. In our mind or at the back of our mind we hope that it will be implemented, if wishes were horses, beggars could ride. Mr. Speaker, I cannot say that this is the end of this House, it is not the end. The end will be in August, some of us are going to come back. I hope when we come back, the Government that will be in place by then, will implement what we have said and also the Assembly which is the oversight body has been given almost Ksh.320 million. It will make use of these funds more so the Implementation Committee which has led this Assembly down. It will use the resources available so that it will squeeze the Executive to the wall to do the implementation.

Mr. Speaker, I hope Ksh.179 million which has been allocated to Ward Development Fund will be actualized but not in terms of figures as it used to be.

Finally, Mr. Speaker, I hope the Government which will come will be doing implementation and development which is conscious in the conscience of so many Nairobi's. I hope that the Government might be the same; it will change its modalities of working and implement what the Nairobi's will see. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. We have Hon. Tabitha Ndigirigi.

Hon. Tabitha Ndigirigi (Nominated Member): Thank you, Mr. Speaker sir. I stand here to support the Bill and I request the Committee for Health Services to speed up in paying the doctors because the President has directed the Governors to pay them and it is the duty of the Sectoral Committee of Health to do that. Thank you, Mr. Speaker.

Hon. Deputy Speaker: This is a good observation, Hon. Member. It is the responsibility of you as a Member to make sure that our facilities are run well. Thank you.

Hon. Members, I now call the mover of the Motion to reply. Please, Hon. Ogada, it seems Hon. Muga has a burning issue, let me give her an opportunity.

Hon. Carolyn Muga (Nominated Member): Thank you, Mr. Speaker for giving me this opportunity to support the Appropriation Bill. I want to echo the sentiments of my colleagues as they congratulate the Budget Committee. I would also like to congratulate the Sectoral Committees as they scrutinized proposals from the sectors and came up with this wonderful document.

Mr. Speaker, our fears on implementation cannot be overemphasized. As we have said, we have faithfully passed the budget for the last four years but implementation has really been wanting. So, as we come to the end of our term, we want Nairobi's to know that we have played our part and now the honour lies on the Executive.

Mr. Speaker, I want to draw attention to 5318, on Social Services. I am excited to see Ksh.145 million given to this Sector. I am really hoping that this time, we will actually see a fully-fledged Children's department set up so that we can have policies and laws that will protect our children. Right now as you listen to the discussions on TV concerning the state of Nairobi, you will hear about the street children. If you are going to protect children, you have to protect all of them so that you are not having candidates for the streets. My prayer is that, this department will put up this fully-fledged Children's department so that our children can be protected from the ills that occur in this Nation at this time. With these few remarks, I beg to support.

Hon. Deputy Speaker: Thank you. I will now allow the mover to reply.

Hon. Michael Ogada: Thank you very much, Mr. Speaker sir. I am glad that all the Members in the House are in support of the document. The document has been produced as a result of very thorough consultations. The other thing that I want to echo is that, budget is very political document. We are glad that the Budget Committee stood out for the four years to produce a document that every Member of this House has been in support. So, I am really grateful to members of Budget Committee for their wonderful work.

The other thing is that, the Sectoral Committees have really been doing a great job for our Committee because they basically looked at their Budgets. We have had a lot of consultations with them whenever they produce or when they contradict the document. We have been in total agreement with most of the Committees.

Mr. Speaker sir, when they were looking at the document, I heard one of the Members raise a concern about allocation in the Governor's office. He was talking about the split of the Ksh.5.3 billion. One is for general administrative services, and the other one is for security and safety. One thing that I want to draw to the attention of the Member is that the money there is meant for salaries and wages. Under the general administrative services, that is where we have the Sub-County Administrators, Ward Administrators and the support that are under administration. Under security and safety, we have the Inspectorate and Emergencies; this is for their salaries and wages. We don't have much to do because we are all aware that nearly 50% of the budget is financing salaries and wages.

The other thing which the Members have raised is, the Committee has been producing beautiful budgets but sometimes we understand that most of the departments implement less than 5% of the budget as it is approved. So, I am just requesting and believe in God that the Members who are going to come back to put more pressure on the Executive in order for the services to be seen. Otherwise, the Assemblies are doing wonderful jobs. They need not to be questioned in anything because they have passed all the documents which are necessary. The buck stops with the Executive since it is their work. We cannot point fingers on the Members of this House who have done their job well.

It is our prayer that by the grace of God, God will see them through and most of them will be back to this House. Thank you very much for giving me this time.

Hon. Deputy Speaker: Thank you, Hon. Chair for Budget

(Question that the Bill be now read a Second time put and agreed to)

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL, 2017 (ASSEMBLY BILL NO. 7 OF 2017) A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF COUNTY ASSEMBLY REVENUE FUND AND ITS APPLICATION TOWARDS THE YEAR ENDING 30TH JUNE, 2018 AND OPERATE THAT SUM AND SUM VOTED ON THE ON ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES

(Second Reading)

COMMITTEE OF THE WHOLE ASSEMBLY

[Hon. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairman took the Chair](Hon. Ronald Milare)

Hon. Chairman: Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Appropriation Bill, 2017 (Assembly Bill No. 7 of 2017) and we will start with Clause2;

Clause 2

(Question of Clause 2 Proposed)

(Question of Clause 2 put and agreed to)

First Schedule

(Question of First Schedule Proposed)

(Question of First Schedule put and agreed to)

Second Schedule

(Question of Second Schedule Proposed)

(Question of Second Schedule put and agreed to)

Title

(Question of title Proposed)

(Question of title put and agreed to)

Clause 1

(Question of Clause 1 Proposed)

(Question of Clause 1 put and agreed to)

Hon. Michael Ogada: Thank you, Mr. Chairman, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Appropriation Bill (Bill No.7 of 2017) and its approval thereof without amendments.

Hon. Chairman: Thank you Chairman.

(Question put and agreed to)

(The House resumed)

[Hon. Deputy Speaker in the Chair]

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

Hon. Chairman: Hon. Speaker sir, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Appropriation Bill, 2017 (Bill No. 17 of 2017) and approved the same without amendments.

Hon. Deputy Speaker: Thank you, Hon. Milare for that. Hon. Members given that there is no amendments, I will now call Hon. Michael Ogada to reply.

Hon. Michael Ogada: Mr. Speaker sir, I beg to move that the Assembly do agree with the Committee in the said report.

Hon. Deputy Speaker: Thank you Hon. Michael.

(Question put and agreed to)

Hon. Deputy Speaker: Hon. Michael Ogada.

Hon. Michael Ogada: Mr. Speaker sir, I beg to move that the reading of the Nairobi City County Appropriations Bill, 2017 (Assembly Bill No. 7 of 2017) be now read a third time.

(Question proposed)

(Question put and agreed to)

THE NAIROBI CITY COUNTY APPROPRIATIONS BILL, 2017 (ASSEMBLY BILL NO. 7 OF 2017) A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF COUNTY ASSEMBLY REVENUE FUND AND ITS APPLICATION TOWARDS THE YEAR ENDING 30TH JUNE,

2018 AND OPERATE THAT SUM AND SUM VOTED ON THE ON ACCOUNT BY THE NAIROBI CITY COUNTY ASSEMBLY FOR CERTAIN PUBLIC SERVICES AND PURPOSES.

(Third Reading)

Hon. Deputy Speaker: Thank you, Hon. Members, the Assembly stands adjourned to 2.30 p.m. As you are all aware, we will be hosting the CEC Member for Finance and Budget Appropriation in the afternoon thereafter we will be having a tea break then again we will be having a dinner in the evening. Thank you

(The House rose at 11.44 a.m.)

