



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Thursday 25<sup>th</sup> October, 2018

The House met at 2.30 p.m.

*(Hon. Deputy Speaker (Mr. John Kamangu) in the Chair)*

#### PRAYERS

#### QUORUM

**Hon. Deputy Speaker:** Hon. Members we don't have the quorum. Serjeant-at-Arms please ring the bell for 10 minutes and then we proceed from there. Please ensure that nobody goes out when we are having a problem with quorum. Nobody is allowed to go out when we have a quorum hitch. Thank you.

Order please! Members consult in low tones. The only persons who are supposed to go out are the Whips to whip the members. Consult in low tones.

I think we now have a quorum, Clerk proceed.

#### NOTICES OF MOTION

**Hon. Deputy Speaker:** Hon. John Kamau, proceed.

**Hon. John Muthiga:** Thank you Mr. Speaker. I beg to give Notice of the following Motion: THAT aware that Part II of the Fourth Schedule of the Constitution of Kenya provides for the functions of the county government which includes amongst others control of air pollution and implementation of specific national government policies on natural resources and environmental conservation.

Further aware that Section 5 of Nairobi County Solid Waste Management Act 2015 provides that every person within the county is entitled to a clean and healthy environment and has a duty to safeguard and enhance the quality of the environment.

Deeply concerned that there has been carless disposal of waste such as medical waste, asbestos and harmful chemicals to the environment and particularly Nairobi River;

Noting that asbestos waste have haphazard materials with extremely fine fibres that remain suspended in air for hours and if handled without caution may cause serious chronic health problems such as asbestosis, lung cancer; acknowledging that the County government in partnership with the national government through a multi-agency taskforce is working towards the restoration and transformation of the county into an environmental friendly area.

Further acknowledging that National Environmental Management Authority (NEMA) has established guidelines on disposal of asbestos waste and waste treatment, this Assembly urges the County Executive to enforce the control of highly haphazard materials such as asbestos in all buildings in accordance with the NEMA guidelines on safe management and disposal of asbestos and establish robust regulations within 60 days for effective conservation of environment including water bodies such as Nairobi River from medical waste and other harmful chemicals as provided in Section 10 and 38 of Nairobi City County Solid Waste Management Act 2015. I beg to lay Mr. Speaker.

## STATEMENTS

### STATEMENT REQUEST REGARDING THE OWNERSHIP STATUS OF NAIROBI BLOCK 134/1518

**Hon. Deputy Speaker:** Chairperson Planning, any member? We have two statements, I call upon Hon. John Kamau to request and the second one is Hon. Maurice Ochieng. Is Hon. Maurice Ochieng around?

**Hon. John Muthiga:** Thank you Hon. Speaker. Pursuant to Standing order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding the ownership status of Nairobi Block 134/1518. Hon. Speaker, the said block of land has allegedly been grabbed by a private developer in Komarock Ward thus denying the area residents the right to access.

Hon. Speaker, in the statement the chairperson should inquire into and report on;

1. Who allocated the said parcel to the private developer?
2. Measures put in place by the County Executive to reclaim the grabbed land?

Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Chairperson Planning committee?

**Hon. Anthony Karanja:** Two weeks.

**Hon. Deputy Speaker:** Hon. Kamau, are you comfortable with the two weeks?

**Hon. John Kamau:** We will be on recess but I oblige.

**Hon. Deputy Speaker:** Are you comfortable with the two weeks?

**Hon. John Kamau:** I am comfortable.

**Hon. Deputy Speaker:** Thank you. Hon. Ochieng

### STATEMENT REQUEST REGARDING WARD PROJECTS FOR FISCAL YEAR 2018/19

**Hon. Maurice Ochieng:** Thank you Mr. Speaker. Pursuant to Standing Order 45 (2)(c), I wish to request for a statement from the chairperson of the select committee on Ward Development Fund regarding the ward projects for the fiscal year 2018/19 in all the 85 wards. Hon. Speaker, the ward development funded projects have been ongoing since the enactment of the Ward Development Funds Act 2014 but not much

development progress has been realized on the ground. Hon. Speaker, in the statement the chairperson should inquire into and report on;

1. Liquidity of the ward development fund account for the fiscal year 2017/18?
2. List of all ward development fund projects and their status for the financial year 2017/2018?

**Hon. Deputy Speaker:** Chair WDF? Deputy? Any other Member? I think I saw Hon. Mutheu around. Hon. Matara? Is there any member who can stand on behalf of the Chair? Any Chair who can stand on her behalf?

**Hon. Anthony Karanja:** Hon. Speaker, I think two weeks will suffice. However, I want to call for the dissolution of that committee because it is not acceptable that not a single member of that committee comes to the Assembly. This is something that we need to take note of.

**Hon. Deputy Speaker:** Hon. Wamboi what do you want to say?

**Hon. Mwangi Wamboi:** Thank you Mr. Speaker sir. The Chair for WDF was here and has just stepped out to go for a short call. I believe that she will be back in a while.

**Hon. Deputy Speaker:** Hon. Chair what do you want to say?

**Hon. Member:** Mr. Speaker, I think that this shows how much this committee is not serious. This shows incompetence

**Hon. Deputy Speaker:** Hon. Kiragu, are you requesting?

**Hon. Anthony Karanja:** I said three weeks so that we can try help them because they are not here.

**Hon. Deputy Speaker:** Are you comfortable with three weeks Hon. Ochieng?

**Hon. Maurice Ochieng:** Where is the Vice Chair? Hon. Speaker can we get a word from the vice Chair?

**Hon. Deputy Speaker:** Vice Chair WDF? Or is it two weeks as usual? Proceed

**Hon. Silas Matara:** I wish to request the member to repeat the question because I have just walked in.

*(Laughter)*

**Hon. Silas Matara:** I cannot say two weeks without knowing what I am saying that for.

**Hon. Deputy Speaker:** Hon. Kiragu?

**Hon. Anthony Karanja:** Hon. Speaker, does this mean that this House does not believe me when I say 3 weeks. Is it because I am in the Liaison Committee? We will put WDF as an agenda and he will get his response after three weeks

**Hon. Deputy Speaker:** Are you comfortable with three weeks?

**Hon. Anthony Karanja:** ...I haven't moved. I have said we are going to look into that. However he will get his response within three weeks.

**Hon. Deputy Speaker:** Are you comfortable with three weeks?

**Hon. Maurice Onyango:** I think since the committee is not serious let us give them three weeks.

**Hon. Deputy Speaker:** Thank you. Three weeks, considering we are going for recess, thank you. The chairperson, committee on Trade, is the response ready? The vice chairman or any other member? Themndu can you please request? Hon. Karani?

**Hon. Jeremiah Themndu:** Thank you Hon. Speaker. I have response from Hon. Mberia of Karen ward. Can I proceed? They are talking there. How can I proceed?

**Hon. Deputy Speaker:** Hon. Chairman, order please! Is Hon. Mberia around? Did you consult Hon. Mberia before you give the response?

**Hon. Jeremiah Themndu:** hon. Speaker even if we had called him as the Standing Order requires he also did not attend. We invited him but he did not attend the meeting. But we have the response. We invited the CEC and other executive members and they bought the response which I have it here.

**Hon. Deputy Speaker:** Did he agree with you?

**Hon. Jeremiah Themndu:** hon. Speaker let me repeat again...

**Hon. Deputy Speaker:** I think we better defer the response.

**Hon. Jeremiah Themndu:** Mberia did not attend any meeting Mr. Speaker. This concerns the whole assembly!

**Hon. Deputy Speaker:** Order Hon. Karani. I have said that response is deferred. Sit down and be comfortable. Thank you.

The Chairperson of Justice and Legal Affairs, Hon. Malde?

**Hon. Jayendra Malde:** Thank you Hon. Speaker. I have a response of Hon. Benson Mwangi. Hon. Speaker on 27<sup>th</sup> June 2018 Hon. Benson Mwangi rose on the floor of the assembly pursuant to Standing Order 45 (2) (c).

**Hon. Deputy Speaker:** Hon. Malde, was Hon. Mwangi called upon to attend?

**Hon. Jayendra Malde:** We called Hon. Mwangi and he was satisfied.

**Hon. Deputy Speaker:** Are you sure he was satisfied?

**Hon. Jayendra Malde:** Yes we called him twice.

**Hon. Deputy Speaker:** is Hon. Mwangi within? He is not within. Hon. Malde let us defer the response. Clerk proceed. You may sit down, thank you. You have another one?

**Hon. Jyaendra Malde:** I have another one for Hon. Anita Thumbi.

**Hon. Deputy Speaker:** is Hon. Anne Thumbi around? Let us defer it Hon. Malde.

**Hon. Jayendra Malde:** Thank you Hon. Speaker.

**Hon. Deputy Speaker:** Clerk proceed. Hon. Mbatia?

**Hon. Robert Mbatia:** Thank you. This is a response to a statement requested by Hon. Geophrey Majiwa.

**Hon. Deputy Speaker:** Is Majiwa around?

**Hon. Robert Mbatia:** Mr. Speaker on 10<sup>th</sup> July 2018 the Hon. Geophrey Majiwa rose on the floor of assembly pursuant to Standing Order 45 (2)(c) and requested the chairperson of the county Finance, Budget and Appropriation committee for a statement regarding the conflicting revenue figures announced by the county executive committee member for finance and the collections by Jambopay.

In the statement the Hon. Member requested that the chairperson should inquire into and report on:

1. The exact revenue collected in the financial year 2017/2018
2. Why there were discrepancies in the figures emanating from Jambopay and the county treasury
3. Measures taken to assure the public that no public money has been lost from the above confusion

4. Measures that the county have put in place to safeguard revenue collection as per the contract by Jambopay.
5. Hon. Speaker the committee received the response to the above issues and submitted the same to the Hon member as had been requested. The committee has considered the response and noted that it addresses the issues which were raised by the hon member in the statement request.

In this regard I wish to report to this assembly as follows:

1. The exact revenues collected in the FY 2017-18 equaled Kshs.26.328billion consisting of Kshs.15.402billion from Equitable Share of revenues, Kshs.817million as conditional grants and Kshs.10.1billion from Internal Sources of revenues.
2. Why there were discrepancies in the figures emanating from Jambopay and the County Treasury Web tribe - provides e-payment services

The figure of Kshs.14 billion reported by Jambopay was the revenues collected through the Jambopay system between January 2017 and June 2018 being one and a half financial year. The amount that was collected through the Jambopay system in the financial year 2017-18 was Kshs.9.87billion. The figure is consistent with the amounts reported by the County Treasury as having being collected through the system. The following reasons may also occasion discrepancies on the figures reported by Jambopay and those reported by the County through LAIFOMS:

- Amounts collected at Huduma centers are credited to the Laifoms System but their funds are not channeled through Jambopay;
  - Banking slips paid in years prior to the current financial year are receipted in Laifoms but not in Jambopay;
  - Payments made on Jambopay are not updated to Laifoms in a real time basis; and
  - The Jambopay figures are net of commission charged per contract terms
3. Measures taken to assure the public that no public monies have been lost from the above confusion and Measures that the County has put in place to safeguard revenue collection as per the contract for Jambopay.

The Finance Committee has noted that there are a number of system challenges that have continued to hamper the County's efforts towards full automation. The County has not fully taken charge of the system making it very difficult to vouch for the figures provided by Webtribe. However, the County has limited transactional rights on the Jambopay system to view transactions and collect summaries. On the face of it therefore both Jambopay and the County report similar figures on revenue collection.

The Committee has agreed with the Finance Sector on the need to fully implement the Internal Audit Report dated 29<sup>th</sup> November 2017 which recommended a number of ways of improving the system from manipulation. To safeguard public funds the County has employed the following strategies:

- The County has adopted a cashless system to reduce cash handling by staff;
- The County has deployed its own cashiers in all its cash offices to ensure no funds are lost;
- The County has set in place segregation of duties between various staff involved in receipting verifications and customer complaints; and

- The County has budgeted for the acquisition of and ERP which shall enable easy integration with payment system providers like Safaricom to ensure safety and control of own data base.

Mr. Speaker, I wish to lay the response of Hon. Geophrey Majiwa. Thank you, Mr. Speaker

**Hon. Geophrey Majiwa:** Thank you, Mr. Speaker. I was listening keenly if the Chair was going to mention that he gave me an audience to give him the evidence that I had that informed my question. I am glad that he has not said so. I want to state in this House that I totally disagree with this report. Ordinarily, I expected them to call me into their meeting and ask for evidence that I had that informed my question in this House.

They saw it was not necessary and decided to give me this piece of paper along the corridors. I call it piece of paper because it has nothing answering my question. I totally disagree with the report and I need them to give me an opportunity to give them the evidence that I had on how these people are looting money from this County. Thank you, Mr. Speaker.

**Hon. Robert Mbatia:** Mr. Speaker, Hon. Geophrey Majiwa might not be satisfied with the response. In our response, we have said that we cannot ascertain whether the figures the Executive is giving and what the Jambo Pay is giving are the actual figures. The County has no access to the back office of the system.

However, I want to report that it is true Hon. Majiwa was given a response and that one piece of paper but he was not given on the corridors of this Assembly. He was invited to our meeting, and the normal practice is that he cannot bring in what he has. We just gave what he had asked. Comparing what he gave...

*(Point of Order)*

**Hon. Geophrey Majiwa:** Point of order, Mr. Speaker. The Chairman cannot stand here and lie that he invited me to a meeting. I have never attended a single meeting with the Budget and Appropriation Committee. I think members of the Budget Committee are here any of them can confirm that I have never been to any of their meeting.

Why should the Chairman come and lie here that he invited me to their meeting. This document, I was given at the lounge. Nobody invited me to a meeting and it is unfortunate that the Chairman can lie in front of all Members in this Assembly. I urge you not to entertain such lies.

**Hon. Deputy Speaker:** Hon. Mbatia.

**Hon. Robert Mbatia:** I urge one Hon. Majiwa to withdraw the word "lie". That is un-parliamentary. I might mislead, which I am not, but I cannot lie before I proceed

**Hon. Deputy Speaker:** Hon. Musili.

**Hon. Patrick Mbangula:** Thank you Mr. Speaker. Let me say this. I think there is a bad trend that the Budget Committee is making because Hon. Akama had raised a statement on the same revenue streams. This has not come through. Now, His Worship is complaining. I think you need to look into that so that we look like a House that is serious, committed to safeguard the revenue that we raised and to serve Nairobians. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Mbatia.



**Hon. Robert Mbatia:** Thank you Mr. Speaker. Hon. Majiwa has not withdrawn the word “lie”. I cannot be a liar in this House.

**Hon. Deputy Speaker:** Hon. Majiwa. Use parliamentary language.

**Hon. Geophrey Majiwa:** Mr. Speaker, I am not aware of any other name that we can refer to somebody who is not telling the truth. That is what my English tells me. I don’t know whether the parliamentary language has displaced the English dictionary.

**Hon. Deputy Speaker:** Hon. Mary.

**Hon. Mary Ariviza:** Thank you Mr. Speaker. It is very unfortunate that the trend that is going on is that we have very serious issues that are being requested for and very little being brought to this House by the Chairpersons of the committees. And I urge our counterparts from the Jubilee side who are mostly the Chairpersons of various committees to take their work very seriously. I remember when we came into this House at the beginning of our term; JamboPay was suggested to have its contract with Nairobi County cancelled through a motion. Was it cancelled? If it was cancelled, we need to know how much has been stolen and how much has been misappropriated.

It is wrong for a Chairperson of a committee to come here and tell us that they cannot know what is in the banks. The banks can give us the statements so that we are aware of how much has been collected by the Jambo group and how much has been misappropriated. So, it is very important that we take things seriously because Nairobians are depending on us. Hon. Akama was here within this week and he was given a very shoddy answer. It looks like we are here as Members who keep asking for two weeks all the time. Two weeks is such a long time because the CECs that we need are across, in fact within the same building.

When we take these things lightly, it is not good for Nairobians. Hon. Majiwa may say that he is withdrawing the word “lie” but I stand with him in that when you come and you have not called him to a committee--- If he had requested this and he had issues and he says that he had written information that would help us to know if there was misappropriation of funds, then you don’t call him to a committee and then you come and bring for us a report, it means you have not done your research, it means you didn’t look into what he was saying and you are coming here, it means you are actually lying to the House. So, he is not wrong to say that it is a lie. We stand to be corrected if we are not able to use the right English words for the actions that are being extended to us.

**Hon. Deputy Speaker:** Hon. Majiwa, before I make a ruling, I still insist that “lie” is not a parliamentary word. I beg that you withdraw after which I will make a ruling.

**Hon. Geophrey Majiwa:** I withdraw but the Chairman has to withdraw first his own statement that misled the House.

**Hon. Deputy Speaker:** Hon. Majiwa, the Chair has ordered you to withdraw first. Then I make a ruling.

**Hon. Geophrey Majiwa:** Mr. Speaker, which one came first? Why are you defending him first and you are defending me first?

**Hon. Deputy Speaker:** Hon. Majiwa, you never know when I am protecting you. Can you withdraw the un-parliamentary word “lie”, and then we proceed from there? Hon. Majiwa, order! Please withdraw the word “lies”. We proceed from there.

**Hon. Geophrey Majiwa:** Mr. Speaker, I find it quite unfair that you can gag me to satisfy a Member who is misleading the House.

**Hon. Deputy Speaker:** Hon. Majiwa, for the second time, I am asking you to use parliamentary language. Please withdraw the word "lies".

**Hon. Geophrey Majiwa:** Mr. Speaker, in fact, apology is not in my vocabulary. I can withdraw the word "lie" and say he misled the House but apology is not in my vocabulary. He is the one who should apologize, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Majiwa, for the third time I am requesting you humbly...

**Hon. Geophrey Majiwa:** But Mr. Speaker, I have said I have withdrawn and said he misled the House, what else can I say? Mr. Speaker, he is the one who should apologize, can you guide him to apologize. Is he so special?

**Hon. Deputy Speaker:** You may sit if you have withdrawn. Hon. Members, Hon. Mbatia, as I have heard members complaining, it is not right for you to respond to a statement that you have never brought, especially this one for Hon. Majiwa that you never called him for. You only gave him a paper, I now order that you bring another subjective response, you still have time. Call him and let him understand and whether his question has been answered. Clerk, please proceed.

### MOTION

#### ADJOURNMENT IN ACCORDANCE WITH THE COUNTY ASSEMBLY REGULAR SESSIONS

**Hon. Deputy Speaker:** Hon. Kurario? Now that Hon. Kurario is not here I would request the Majority Leader to go to Order number 9.

**Hon. Millicent Jagero:** Thank you Hon. Speaker. I beg to move the Motion that pursuant to the provision of Standing Order 29(1) this Assembly adjourns until Tuesday 6<sup>th</sup> November 2018 in accordance with the County Assembly regular sessions. Mr. Speaker sir, one of the mandates of the House Business Committee is to prepare and adjust the County Assembly calendar, of course with the approval of the County Assembly. So, we therefore according to the current calendar request that this Assembly adjourns until Tuesday 6<sup>th</sup> November, 2018. I beg to move the Motion.

**Hon. Deputy Speaker:** I propose that pursuant to provisions of Standing Order 29(1) the Assembly adjourns until Tuesday 6<sup>th</sup> November 2018 in accordance with the calendar of the County Assembly.

*(Question proposed)*

**Hon. Millicent Jagero:** Thank you, Mr. Speaker. I think that for procedure purposes you have jumped the seconder. Can the Chair of Budget Committee second the Motion?

**Hon. Deputy Speaker:** Hon. Mbatia.

**Hon. Robert Mbatia:** Thank you, Mr. Speaker. I second the Motion to adjourn and as I second I will say that it is important as we move to rest, but I know the business of the committees will be ongoing and this is also a chance to meet our residents, the people that we represent. Mr. Speaker, it is also worth noting that this is a period of the preparation of the Annual Development Plan and the Finance Bill and we are going for public participation of the Finance Bill so I would like to request that even the members that are present, take note that on Monday 29<sup>th</sup> October, we shall be having a public participation in Waitthaka on the Finance Bill and then on Tuesday 30<sup>th</sup> October we shall be having another one at Jericho Social Hall on public

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*



participation and they are starting at 10 a.m. so they can mobilize the members of the public such that they can come and ventilate on the Finance Bill and also decide and give their input on the fees and charges and the taxes that are being proposed by the Executive.

However, Mr. Speaker, on the previous issue though you never ruled you just moved on, Mr. Speaker I thought... I actually thought and I want it to go on record – that it was not fair on me. Mr. Speaker, one of us has been misleading this House about appearance to the committee.

I have members that come from the other side of the opposition, even one is sitting close to Hon. Majiwa and he can ascertain whether Hon. Majiwa came to our committee. So, when I am being accused by members who are not even aware about what actually happened I feel aggrieved and I had a chance and I requested for a response. I had a right of reply Mr. Speaker. I want to urge members that let us be truthful and respectful Mr. Speaker, that is my request and we as the Finance Budget and Appropriation Committee will continue to serve.

Mr. Speaker, yesterday there was a complaint from a Hon. Member on this floor about a response. I stood Mr. Speaker and asked the Hon. Member to appear today in the committee meeting and the member did not appear. We had his response, I have a copy with me here and I can even give it to him. We can disagree whether it is satisfactory according to their request or not but a response has been given. I wish to support, thank you Mr. Speaker.

**Hon. Geophrey Majiwa:** Mr. Speaker...

#### ADJOURNMENT

**Hon. Deputy Speaker:** I think I have made a ruling. Pursuant to the provision of Standing Order number 29(1), the Assembly adjourns until Tuesday 6<sup>th</sup> November 2018 in accordance with the calendar of the County Assembly regular session. Hon. Members there being no other business the House stand adjourned until 6<sup>th</sup> November 2018 at 2.30 p.m. May God bless you all. Thank you.

**(The House rose at 3.35 p.m.)**