



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Thursday 4th July 2019

The House met at 2.30 p.m.

[Hon. Acting Speaker (Mr Chege Mwaura) in the Chair]

PRAYERS

Hon. Acting Speaker: Have your seats, Hon. Members. Clerk, confirm quorum. We are properly constituted, let us go to the first order.

COMMUNICATION FROM THE CHAIR

CONCLUSION OF BUSINESS COMMITTED TO THE COMMITTEES

Hon. Acting Speaker: Hon. Members, I have a communication to make with regards to the conclusion of business committed to the committees within the statutory time and other recommended timelines.

Hon. Members, you will recall that in the past the Chair has on several occasion directed that the committees expedite their consideration of matters pending before them for purposes of carrying forward expeditiously the work of the Assembly. You will similarly recall that indeed some of you have personally raised concerns regarding delay in conclusion of business committed to the Committees in the set timelines. Be it Bills, petitions, statements, policy and other related documents regulations and indeed progress reports on motions adopted for the implementation.

Hon. Members, you will also further notice that in the past the Chair had directed the Select Committee on Liaison to heighten its oversight of Assembly committees pursuant to the provision of Standing Order 204 which I now produce for purpose of emphasis particularly Standing Order 204 (a) (d) and (g) which reads as follows: The Liaison Committee shall:

- (a) Guide and coordinate the operations, policies and mandates of all committees;
- (d) Ensure that committees submit reports as required by these Standing Orders; and
- (g) Give such advice relating to the work and mandate of select committees, as it may consider necessary.

However, as it is today Hon. Members, the Chair was made aware earlier this week and has indeed been briefed that the status of matters committed to the committees and the processing delays in the committees, some of the matters lasting in the committees as long as six months. The Chair takes great exception that the House should be held at ransom in its consideration of matters tabled before it despite Standing Orders having been put in place a mechanism to dispense with the bottlenecks.

Hon. Members, you remember on Tuesday I had said that you give a comprehensive report on the issue of pending businesses from the committees. I want to make directions but I want to allow some deliberations. I also allow other members to talk about it and then we make a direction. So, if there is anyone who wants to discuss on the issue of pending committees, I will allow two members on each side and then I conclude by giving a direction.

I know there are Members who are complaining that there have been delays.

(Loud Consultations)

Order! Escort out Hon. Member from Waithaka, he is not properly dressed. Remove the headgear.

(Hon. Anthony Karanja removed the headgear)

Hon. Kiragu, hold on until I finish up and then you can have your seat. Therefore, I direct that:

- (1) The Clerk prepares a comprehensive tracker for the business pending before committees, detailing clearly the dates of the committal, when they were due, the status before the committees where the matters shall be committed.
- (2) The Select Committee on Liaison considers the comprehensive tracker as above in its next meeting as per the mandate- I know they are now out on a retreat- so that the Bills, petitions, statements policy and implementation status of various motions thus far and other matter referred to the committee's consideration.
- (3) The Select Committee on Liaison subsequently ensures that the findings of the report constitute substantive business to be transacted by the Assembly upon resumption of the sitting from short recess scheduled to start from today.

The first week when we come back from recess will be to dispense with all the issues we have with committees for the last financial year so that we go to year 2019/2020 when we are clear. I think that is very clear to everyone. This report will be given to the Chairperson of Liaison. It is so ordered. Proceed.

PETITION

LAND GRABBING AND ENCROACHMENT OF THE ROAD RESERVE AND WALKWAYS WITHIN IMARA DAIMA

Hon. Acting Speaker: Hon Members, there was a public petition by residents of Imara Daima on land grabbing and encroachment of the road reserve and walkways within Imara Daima area in Nairobi City County.

It was tabled to my office and I committed to the committee on Planning. Next Order.

PAPERS

Hon. Acting Speaker Public Accounts Committee Chair or any member?

Hon. David Mberia: Thank you, Mr. Speaker. On behalf of the Chairman of Public Accounts Committee. Pursuant to Standing Order 191(6), I beg to lay the following Paper on the Table of the Assembly today, Thursday 4th July 2019: The Report of the select committee on Public Accounts on the consideration of the report of the Auditor General on the financial statements of Nairobi City County Executive for the year ended 30th June 2017.

(The Paper was laid on the Table)

Hon. Acting Speaker: Thank you. It will be committed to the House Business Committee for allocation of time. You have another one?

Hon. David Mberia: Hon Speaker, pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the Assembly today, Thursday 4th July 2019: The Report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on the financial statements of Nairobi City County Assembly for the year ended 30th June 2017.

(The Paper was laid on the Table)

Hon. Acting Speaker: Thank you. It will also be taken to the House Business Committee for directions. Next order.

NOTICES OF MOTION

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF NAIROBI CITY COUNTY
EXECUTIVE FOR THE YEAR ENDED 30TH JUNE 2017

Hon. David Mberia: I beg to give notice of the following motion: THAT, this Assembly adopts the report of the select committee on Public Accounts on the consideration of the report of the Auditor General on the financial statements of Nairobi City County Executive for the year ended 30th June 2017, laid on the Table of the Assembly today, Thursday 4th July 2019.

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF NAIROBI CITY COUNTY
ASSEMBLY FOR THE YEAR ENDED 30TH JUNE 2017

Hon. Speaker, in the same breath, I beg to give notice of the following Motion: THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor

General on the financial statements of Nairobi City County Assembly for the year ended 30th June 2017, laid on the Table of the Assembly today, Thursday 4th July 2019.

Thank you Mr. Speaker.

Hon. Acting Speaker: Thank you. It will be committed to the House Business Committee for directions.

The Hon. Joseph Wambugu you have a notice of Motion?

SETTING UP OF CANCER SCREENING AND PREVENTION CENTRES ACROSS MAJOR COUNTY HEALTH FACILITIES

Hon. Joseph Wambugu: Hon Speaker, I beg to give notice of the following Motion: THAT, aware that Article 26 of the Constitution of Kenya provides that every person has a right to life; further aware that paragraph 2 of part 2 of the Fourth Schedule of the Constitution gives the mandate of health services including County health facilities to the County governments; concerned that in Kenya cancer is estimated to be the third leading cause of deaths after infectious and cardiovascular disease; noting that the annual incidences of cancer according to the World Health Organization is close to 37,000 new cases and annual mortality of over 28,000 with the leading cancers in women being cervix uterine cancer, breast cancer and esophagus cancer and in men being prostate, pancreatic, melanoma, colorectal, esophagus being the most common cancers as per 2013; appreciating that cancer prevention according to WHO offers the most cost effective strategies for the control of cancer with evidence indicating that between 30% and 50% of cancer deaths could be prevented by modifying or avoiding a number of cancer key risk factors and through interventions which permit the early detection which includes screening and early diagnosis and effective treatment forms the most effective method of cancer control; disturbed that treatment and care of cancer patients still remains a great challenge due to the financial demands with inadequate treatment facilities, prevention and screening has proved to be the best long term strategy for cancer control; this Assembly urges the County Government to set up cancer screening and prevention centres across major county health facilities to help in early detection and mitigation of cancer for effective control. Thank you.

Hon. Acting Speaker: Thank you. That is a forward looking Bill, we will commit it to the House Business Committee so that it can be given a chance for us to debate it.

STATEMENTS

Hon. Acting Speaker: I am aware that we have enough statement responses and I have also given directions that when we come back the first week, we will deal with all of them.

Hon. Oyugi is expecting a response from Planning Committee, I can see it here. Hon. Pius Mbono, Hon. Patrick Karani and Hon. Elijah Mputhia, all of these statements are in Planning. I can see another one for David Okello from the Committee of Environment and Natural Resources and another one from the Water Committee by Hon. Redson, and another by the same member from Health Committee and also another one from Hon. Patrick Mbangula from Health Committee.

I have seen the Chairs of those committees here. We should dispense with all these statements the first week when we come back so that we can comprehensively deal with the backlog of all the statements in order for us move forward.

Hon. Peter Warutere: Hon. Speaker, I was ready by yesterday with all the statements for Health Committee but we had an issue with the Liaison Committee, so it was like I was not prepared because we were supposed to be in Mombasa. I will bring them the first week when we resume as guided.

Hon. Acting Speaker: I was consulting a bit and the ones that are ready, the Clerks' office should make sure that those who had requested for the statements have them so that if there are issues we can take time during recess to polish them up. We don't want to get to a time that we are reading statements and then members on the floor say that they are not comfortable. Let us know what is not working and we thrush it out before we read all of them.

I thank you very much. The one that we will allow to move is a report by the Chair of Budget. I will allow that because it was on this week and it was a bit heated so that you give us directions.

RESPONSE TO A STATEMENT REGARDING THE DELAY OF ISSUANCE OF BURSARIES

Hon. Robert Mbatia: Thank you, Mr. Speaker. On Thursday the 27th of June 2019, the Hon. Jeremiah Themendu popularly known as 'Mofire' rose on the floor of the Assembly pursuant to the provisions of Standing Order No. 34 and requested the Assembly to ventilate on the delay of issuance of bursaries as a matter of Definite County Importance.

In his submissions, he urged the Assembly to thoroughly discuss and find a way of addressing the delays in disbursement of bursaries as a way of guaranteeing the right to education for the majority of city residents who cannot afford to pay school fees for their kids.

The Hon. Member, Mofire reminded the Assembly that the provisions of Article 43 (1) of the Constitution 2010 guarantees the right to education. It was his submission that the County Government has been funding students from the informal settlements through bursaries issued by Members of the County Assembly each year since the year 2013.

The Hon. Member was concerned that the delay in issuance of bursary had locked most students from those settlements out of school, as they were dependent on continued funding by the County Government.

Hon. Speaker, the Members of the County Assembly ventilated on the matter of Definite County Importance and thereafter the Chair directed that the select committee on County Finance, Budget and Appropriations investigates the matter further and tables a report to this Assembly on the delay on this day, Thursday 4th July 2019.

Hon. Speaker, as part of the directions given, the Finance, Budget and Appropriations Committee was required to provide detailed response on the following issues:

1. Requisition requirements by the COB for issuance of bursaries;
2. The submissions of quarterly reports and other accountability documents to the Controller of Budget on issuance of bursaries;
3. The status of bursary funds regulation's and their legality or otherwise;

4. The cost of writing of bursary cheques by Cooperative bank of Kenya;
5. The disbursements schedule for bursaries including the beneficiaries;
6. The bursary expenditures against the allocated and requisitioned amount;
7. The measures put in place to ensure timely issuance of bursaries for the FY 2018/19; and
8. The way forward with regard to all these matters.

Hon. Speaker, in this regard, the Finance, Budget and Appropriations Committee invited officers from the Office of the Controller of Budget, County Education Department, the County Treasury and the officials of Cooperative Bank of Kenya to its meeting held on Wednesday 3rd July 2019 to respond to these matters.

Hon. Speaker, the Finance, Budget and Appropriations committee discussed with the officials and the following was agreed:

1. That the County Treasury, Education Sector and Cooperative Bank immediately work hand in hand to ensure that the bank statements on the bursary fund is accurate and reflects the true position of the operations of account;
2. That the County Treasury submits to the office of the Controller of Budget the certified statement together with a summary of the expenditures of Ksh.357 million disbursed not later than today Thursday 4th July 2019;
3. That the Controller of Budget fast-tracks the verification of the information provided and submit information to the County on the same not later than 8th July 2019;
4. That upon receipt of the verification report from the office of the Controller of Budget, the County Executive Committee Member for Finance shall ensure that issues raised are addressed, corrected and resubmitted to the office of the Controller of Budget within 24 hours; and
5. That the office of the Controller of Budget releases the amount requisitioned for bursaries not later than Wednesday 10th July 2019 and that the Finance, Budget and Appropriations Committee, the Controller of Budget, the County Treasury and the Education Sector shall hold a follow up meeting on Thursday 11th July 2019 to review the progress on all these matters.

Hon. Speaker, in addition, the committee resolved to review the following matters and report to the County Assembly in due course:

1. The validity and cost of writing cheques;
2. Status of bursary fund regulations;
3. The implementation of the resolutions of the County Assembly on management of the said funds; and
4. The role of the Controller of Budget in enforcing accountability for the amounts disbursed?

Hon. Speaker, it is therefore my utmost privilege and distinct honor on behalf of the Finance, Budget and Appropriation Committee to table this report and recommend to this Assembly for adoption.

Thank you, Mr. Speaker. I ask to table the report.

Hon. Acting Speaker: Thank you, Mr. Chairman. In summary, when are we scheduled to get the bursaries?

Hon. Robert Mbatia: We agreed with those parties that latest by Wednesday next week.

Hon. Acting Speaker: Thank you very much. Hon. Jeremiah, the Motion was yours, are you in concurrence?

Hon. Jeremiah Themendu: Mr. Speaker, I have heard my able Chairman of Finance. As you know, the matter is very weighty and sensitive. 10th is not very far, those are six days. We shall wait. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you very much. I am happy that at least we are getting some headway. Hon. Kiragu, do you have something to say?

Hon. Anthony Karanja: On the same issue, I was just requesting the Chair of Budget to at least make it latest by 9th of this month?

Hon. Acting Speaker: No, Wednesday is fine. Hon. Oyugi.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. I want to thank Chairman of Budget for the undertaking. However, while we are waiting for the day, I want to remind you, the chairperson, and all the stakeholders that indeed members were very irritated over the delay of the bursaries. Therefore, the motto is still there. Failure to deliver bursaries by Wednesday as promised, I think you saw it yourself, prepare for mass walkout bigger than what you saw the last two days. Otherwise, I welcome that.

Hon. Acting Speaker: Order! We have gotten directions and I do not know why you are preempting the debate. Let us give the process time. When is not done, we will proceed with other measures that can be taken to ensure that members have gotten their bursaries. Next order!

BILL

First Reading

NAIROBI CITY COUNTY FINANCE BILL (ASSEMBLY BILL NO.6 OF 2019)

(Order for First Reading read and ordered to be referred to the relevant Departmental Committee)

MOTION

Hon. Acting Speaker: Hon. Doris, I again seek your indulgence. I promise that I will schedule you the first Tuesday when we come back. Are you in agreement that we push it to the first business when come back?

Hon. Doris Kanario: Thank you, Hon. Speaker. I am okay with that.

Hon. Acting Speaker: Thank you. Next order?

PROCEDURAL MOTION

ADJOURNMENT OF THE ASSEMBLY REGULAR SESSIONS

Hon. Acting Speaker: The Leader of Majority.

Hon. Abdi Hassan: Thank you, Mr. Speaker sir. That, pursuant to the provision of Standing Order No. 29 (3), this Assembly adjourns until Tuesday, 16th July 2019 in the accordance with the calendar of the County Assembly.

Mr. Speaker, we need one week so that we can deal with other matters. I also want to tell my good friend Hon. Oyugi who was saying that there would be a mass walkout, that there will be no mass walkout in the Assembly. We will deal with the matter of bursary and we are going to make sure that members get their bursary and Hon. Oyugi will not get a reason to whip people to move out of the Chambers. What transpired yesterday here was very embarrassing and we don't want to see such embarrassments.

Hon. Speaker, I want to ask my good friend and Whip of Minority side to second the Motion. Thank you.

Hon. Acting Speaker: Minority Whip?

Hon. Peter Imwatok: Mr. Speaker, I beg to second the Motion.

(Question proposed)

Hon. Acting Speaker: Hon. Members, you are aware that this Motion is not debated on. So, there is no question that is put, but I will allow maybe one person to say something. If there is none, we will proceed and adopt it.

Hon. Acting Speaker: Hon. Mbugua Kabiro.

Hon. Mbugua Kabiro: Thank you Mr. Speaker. I support this Motion and hope that we will come back when we are cool, calm and collected to conduct the order of the House. I also want to pray that the bursary issue will be resolved once and for all. I still request that my Commonwealth trip has not come---

Hon. Acting Speaker: Order! You are out of order, but I hear you. The Hon. Deputy Minority Whip?

Hon. Moses Ogeto: Thank you, Hon. Speaker. Today seems to be a good day. This is the day when the Hon. Members could have gone with the Mace. As we adjourn, we want to remind the government, which is led by the Leader of Majority, that the business will not be usual until we have these bursaries. The only way these Hon. Members will exercise their representation and their rights under the Constitution is by ensuring this bursary issue is solved. While on recess, we would be very happy to issue cheques to the residents of Nairobi especially the needy students.

I also want to remind the members to follow due process so that we frustrate the government to ensure that rights things have been done. As we go for recess, I believe that we will not come back to discuss the issues of bursary. I beg to support.

ADJOURNMENT

Hon. Acting Speaker: Thank you very much. I ask that you have a pleasant time with your electorates and families during the short recess so that you reenergize and come back to proceed with business on the 16th of July. Having said that, the House is adjourned until Tuesday, 16th at 2:30 p.m. Thank you.

(The House rose at 3:50 p.m.)