



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – First Session

Wednesday 26<sup>th</sup> October 2022

The House met at 2.30 p.m.

*[Hon. Speaker (Mr. Kennedy Ng'ondi) in the Chair]*

PRAYER

#### PETITION

**Hon. Speaker:** Hon. Ogeto.

PETITION BY RESIDENTS OF KILIMANI REGARDING PUBLIC NUISANCE BY OYSTER BAY RESTAURANT

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. I have a Public Petition pursuant to Standing Order No. 218 by the residents of Kilimani regarding public nuisance by Oyster Bay Restaurant in Nairobi City County.

THAT, we, the undersigned citizens of Kenya, who are the owners and residents within Nairobi City County, draw the attention of the Nairobi City County Assembly to the following:

THAT, aware that Article 188 of the Constitution, 2010 vests the legislative authority, oversight and representation in the County Assembly;

THAT, Oyster Bay Restaurant is an entertainment establishment located along Kilungu Road in Kilimani, within a close proximity of Cozy Gardens Apartments, Millers Court, Westfield 34, Sananta Court, Prit Lane Court, Refugee Consortium of Kenya, Muringa Groove, Town Houses along Kilungu Road and Cavina School, where most of your humble petitioners reside with their families;

THAT, whereas this establishment has become a public nuisance in the residential ----- through noise pollution, mostly in form of loud music, with little to no regard for inconvenience to and/or discomfort of the petitioners;

THAT, aware that Article 42 of the Constitution further provides every person has a right to a clean and health environment, which includes the rights to have environment protected for the benefit of the present and future generations through legislative and other measures, particularly those contemplated in Article 69 (2) (b) to have obligation relating to the environment fulfilled under Article 70;

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THAT, aware that Article 28 of the Constitution states that every person has an inherent dignity and right to have that dignity respected and protected;

THAT, Oyster Bay Restaurant is equally a public nuisance by attracting revelers from all over the county, and every night hereby causing unnecessary traffic along Kilimani Groove, Ndemi Road and Kilungu Road;

THAT, Oyster Bay Restaurant brings intoxicated strangers into the neighbourhood on night basis, who pose security threat to the residents;

THAT, the noise from revelers who shout, scream and hurl all sorts of vulgar words;

THAT, the restaurant was peddling drugs and other harmful substances, which is unconstitutional;

THAT, it is belief of the petitioners that their constitutional rights have been violated and infringed as several complaints have been launched with no satisfactory response;

THAT, all matters in respect to which the petitioners raised is not pending before any court of law or constitutional body;

THEREOF, your humble petitioners pray that the Nairobi City County Assembly intervenes and ensure that the Nairobi County Environment and Natural Resources Sector to exercises oversight role by ensuring that noise pollution emanating from Oyster Bay and Restaurant and any other such lounge establishments around affected residents. In the alternative, the Oyster Bay Restaurant to be shut down or removed from the premises wherein is currently operating its business, which is within a residential area and close proximity to residents or the petitioners herein, Cavinus School

Your petitioners will forever pray.

Hon. Speaker, I want to present this petition on behalf of the residents of Kilungu and Ndemi Roads. There are over a thousand residents residing in that area. I remember during the brief of the Governor, he said that children can't sleep. I believe this Petition will be taken seriously by this House. I beg to lay the Petition.

**Hon. Speaker:** I commit the said Petition to the Committee on Environment and Natural Resources.

## PAPER

### CONSTITUTION OF MEMBERSHIP OF COMMITTEE ON ASSEMBLY PROCEDURE AND RULES

**Hon. Peter Imwatok:** Hon. Speaker, pursuant to Standing Order No.166, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 6<sup>th</sup> October 2022:

The Report of the Select Committee on Selection on Constitution of the Membership of the Select Committee on Assembly Procedure and Rules.

I beg to lay.

*The Paper was laid on the Table)*

### DRAFT COUNTY ANNUAL DEVELOPMENT PLAN (CADP) 2022/2024

**Hon. Peter Imwatok:** Hon. Speaker, pursuant to provisions Section 126(3) of the Public Finance Management Act, 2012, I am pleased to submit the Draft County Annual Development Plan (CADP) 2022/2024, for your consideration and approval by the County Assembly.

*(The Paper was laid on the Table)*

**PROCEDURAL MOTION**

## APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON PROCEDURE AND RULES

**Hon. Speaker:** Hon. Members, on Order No. 8, the Majority Leader is expected to move the Procedural Motion to appoint Members to the Select Committee on Procedure and Rules, but now we have realized there are hitches. There are some disparities. For this reason, I will give the Hon. Majority Leader time to do this later or in our sitting tomorrow.

*(Procedural Motion deferred)*

Under Order No. 9, the Leader of Majority is also supposed to move Procedural Motion to resolve to sit on Thursday at 9:00 a.m.

## RESOLUTION TO SIT ON THURSDAY 27TH OCTOBER 2022 AT 9.00 A.M

**Hon. Peter Imwatok:** THAT, pursuant to the provision of Standing Order 33(3) (b), this Assembly resolves to sit on tomorrow, Thursday, 27th October, 2022 at 9.00 a.m. I beg to move and call upon Hon. Roro to second.

**Hon. Mark Mugambi:** Thank you, Hon. Speaker, I beg to second.

*(Question proposed)*

*(Point of Order)*

**Hon. Speaker:** Hon. Alai.

**Hon. Robert Alai:** Hon. Speaker, thank you so much for the opportunity. I am rising on a Point of Order under Standing Order No.41 on the Order of Business in this House. I think the Standing is very clear, if you check on No. 41 (2) ---

*(Technical hitches)*

**Hon. Speaker:** Hon. Member, please, switch off your mic. Or who is that Member?

**Hon. Robert Alai:** Hon. Speaker, if you check on Standing Order No. 41 (2), it is clear that the Order Paper shall be published in the County Assembly Website and shall be made available to Members, at least 12 hours before the Assembly meets. The Standing Order is clear that we need to have access to the Order Paper twelve hours before the sitting the County Assembly, unless it is a Supplementary Order Paper which should be availed to us at least one hour in advance. What we are seeing in this House is a lot of illegalities.

We seek your guidance on this, if it is in order for us to be having access to the Order Paper just five minutes to the start of the sitting of this Assembly. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Alai. I will make a communication in regard to this concern. Any other Member who wants to contribute on this? Hon. Kennedy Swaka.

**Hon. Kennedy Swaka:** I rise on the same Point of Order. The Order Paper was availed to us when we were entering the plenary and we were not in a position to understand the business that we were going to transact today, and also digest and deliberate on them before we make a decision in this House. Unless there is blackmail, I think we need to be given an opportunity to go through what we need we to make decision on before making that decision. Thank you, Mr. Speaker.

**Hon. Moses Ogeto:** Hon. Speaker, it is true Standing Order No. 41 gives direction on the issuance of Order Paper twelve hours prior to the Assembly sitting, but it is good to remind ourselves that the House Business was constituted yesterday---

**Hon. Speaker:** Order, Hon. Majority Whip! The question was directed to the Chair. May be if you have contribution to make, you can do so.

*(Hon. Moses Ogeto spoke off the record)*

**Hon. Speaker:** Order, Hon. Member! The question was directed to the Speaker.

Hon. Members, on the concern of Hon. Alai on the circulation of the Order Paper in conformity with the Standing Orders, you may be aware that it is only some hours ago when we had the opportunity for the Select Committee to sit and approve the business. So, the administration was not able to print the same Order Paper in the website in good time. It will not repeat again; you will be sufficiently supplied in good time.

May the mover reply.

**Hon. Peter Imwatok:** Hon. Speaker, I beg to reply.

*(Question proposed)*

### MOTION

**Hon. Speaker:** Majority Leader.

**Hon. Peter Imwatok:** Hon. Speaker, is it a continuation from yesterday?

**Hon. Speaker:** Hon. Member, we are in Order No.10, you need to move the Motion.

**Hon. Peter Imwatok:** Hon. Speaker, eating ugali at lunch is dangerous!

*(Laughter)*

### DEBATE ON THE ADDRESS BY THE GOVERNOR'S ADDRESS

**Hon. Peter Imwatok:** THAT, the thanks of the House be recorded for the exposition of public policy contained in the Address of the Governor, laid on the Table of the Assembly, today, Wednesday 19<sup>th</sup> October 2022.

Hon. Speaker, I think I did my submissions yesterday. May I ask my brother, Hon. Chege Mwaura to second this Motion.

**Hon. Chege Mwaura:** Thank you, Mr. Speaker and the Leader of Majority. I second the Motion so that it is open for debate. I will make my remarks later, if I will catch your eye. Thank you so much.

**Hon. Speaker:** Thank you, Hon. Chege Mwaura, you will have a lot of time to contribute.

*(Question proposed)*

Hon. Members, we are now in the plenary. Hon. Moses Ogeto.

**Hon. Moses Ogeto:** Thank you, Hon. Speaker. First and foremost, I sincerely thank the Governor for his brief before this Assembly. Looking at the serious contents which he has raised, this House needs to help the Governor. The NMS, which was brought in place, accumulated a debt of Kshs.16 billion. The Governor said that the County itself can raise around Kshs.67 billion per year. Now that I have been elected for the third time, I remember the first Governor, Hon. Evans Kidero was able to collect around Kshs.12 billion. But the NMS was unable even to collect Kshs.10 billion.

Hon. Speaker, the Governor emphasized on how he will ensure that the feeding program, especially to children in informal settlement and of low income earners, will be effected. I believe this House will give him ample time and appropriate the amount towards the same feeding program.

Hon. Speaker, the Governor also promised that he will ensure residents, especially of places like Kilimani and Kileleshwa will sleep well after shutting down joints who make noise. If the Governor will ensure the same, I believe the children of Kilimani, where I represent, and of other areas, will sleep peacefully.

Also, on his address, he said that he will make this city will be 'a Green City in the Sun'. That will be great. He said that every sub county will have designated places where garbage will be collected. I hope he will bring an Appropriation Bill so that we can appropriate amount of money which will ensure garbage is collected.

Hon. Speaker, he also said that the residents, especially from informal settlements, are in dire need of water. Nairobi County receives around 500-600 million liters of water from various dams. In conjunction with the National Government, they will increase the number of dams and also dig more boreholes in various informal settlements, as the NMS did.

The Governor also emphasized on health. As much as the NMS has taken a bill of Kshs.19 billion, General Badi did a good thing by ensuring that he built Level One hospitals in various wards; that is around 28-30 health institutions. I believe he will bring a budget which will align with this manifesto. This will ensure needy Nairobians will be in a position to access the health facilities. This is the principal goal which we promised the residents of Nairobi when we were doing campaigns.

As I conclude, Hon. Speaker, he insisted that the Ward Development Fund (WDF) will be increased from Kshs.15 million to at least Kshs. 40 million per ward. This will ensure ward projects will be done effectively.

Hon. Speaker, with those few remarks, I sincerely thank the Governor. At 37 years of age, he has made a milestone in this county. I think he is among the youngest governors in Kenya. I hope that he will ensure that the Nairobi County becomes the best county. The previous government had serious issues, let us hope this one will ensure that things work. I give my submissions and support the Motion. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Members of the House, you can make your maiden speeches as you contribute to the Motion. Hon. Nanda.

**Hon. Nasra Nanda:** Hon. Speaker, it is with humility and excitement in equal measure, that I rise to contribute to this Motion and also make my maiden speech before this Hon. Assembly.

Hon. Speaker, my name is Hon. Nasra Nanda, a special elect Member of this Third Assembly of Nairobi City County. By training, I am an advocate of the High Court of Kenya, with a specialized focus on Real Estate and Environmental Law, and a passion for environmental issues, social and community issues and governance, popularly known as ESG.

Hon. Speaker, for avoidance of doubt, I would like to remind this Assembly that the oath we took on 29<sup>th</sup> of September 2022, was an oath to God and the people of this great county and not to party of faction. I intent to uphold this oath before this honorable Assembly at all times.

Hon. Speaker, allow me also to pay tribute to honorable Members of this honorable Assembly who served in the Second Assembly, First Assembly and defunct Nairobi City Council. I sincerely applaud all of you and I look forward to learning from you as we start this journey. In particular, Hon. Speaker, I extend my tributes to the Hon. Deputy Speaker, Hon Paul Kiguathi Kados, a ranking Member for Mihango Ward, who

was sworn in for the first time to the defunct Nairobi City Council in 1997, as I understand from our Governor's speech, when the Governor was in class seven. For me, however, I was shy of turning seven years old. I look forward to working with and learning from Hon. Paul Kados for the great interest of the residents of Nairobi.

Hon. Speaker, with sovereign trust comes constitutional responsibilities and expected accountability to the people of Nairobi. Indeed, you will agree with me, Hon. Speaker, that to whom much is given, much is expected. As such, we as the people's servants, have much expected from us. And in highlighting my focus, I will do my best to support this Assembly and the county at large in making Nairobi City County a green and sustainable county supporting not only the affordable housing agenda, but climate change and being environmentally conscious in ensuring that we can access and unlock sustainable capital.

Allow me now to register and submit my tribute to His Excellency the Governor, Johnson Arthur Sakaja, the fourth Governor of Nairobi City County.

Hon. Speaker, in his speech, the Governor emphasized the following; a clean and green Nairobi, the rule of law, a county of opportunities for people to thrive, an establishment of Liaison Office as an interlink between the County Assembly and the Executive, the Ward Development Fund, the provision of bursary in a timely manner, introduction of school feeding programme and effective solid waste management.

Hon. Speaker, I trust that this honorable Assembly through its committee systems shall endeavor to ensure that these projects and programmes as proposed by the Governor are considered in the next County Integrated Development Plan (CIDP) and the subsequent plans for their budgeting and implementation.

Hon. Speaker, I assure you that I will work with every Member of this honorable Assembly ensure on my part that the voices of the marginalized, women and youth are represented adequately. I will also extend specialized knowledge to environmental, social and governance issues and work with key stakeholders to deliver our mandate.

In Closing, I would like to emphasize that is our right not a privilege, for the people of Nairobi to live in a clean and health environment. It is also a right and not a privilege for the residents of Nairobi to access clean water, access healthcare, dignity in their living conditions and for traders to be treated with dignity.

In conclusion I would like to thank, my party leader H.E the Rtd Hon. Raila Amollo Odinga, Her Excellency Martha Karua, the entire ODM party and the Azimio la Umoja Coalition and family by extension for this opportunity and platform which I assure this assembly once more that I will utilize to the best of my ability to serve the people of Nairobi County, so help me God. Thank you Hon. Speaker and the assembly, God bless you and may God forever bless Kenya.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Member.

**Hon. Jeremiah Themendu:** Thank you Hon. Speaker for giving me this chance. My name is Hon. Jeremiah Karani Themendu aka Mofire, I represent Kayole Central Ward. First let me thank voters from my ward for giving me another term of five years to serve them. I also thank God for the same.

On the Governor's Speech, H.E Johnson Sakaja, I remember him recognizing our role in this assembly that is oversighting, legislation and representation which are very important and other roles like

passing Bills. I remember the Governor mentioning about 'a green city in the sun', a city where water was regular in our taps and a city where there are good roads.

He also mentioned about most of the youths in the city being jobless. I think for us to put back our county where it was, we need to work as a team as the Nairobi County Assembly and make sure that the projects that we pass here are implemented, for example, Ward Development Projects. These projects have not been completed by the Executive because only a few projects have been paid. Most of the pending bills are from the Ward Development Fund. If the wards are not developed, then our county cannot revert back to its former state, a green city in the sun.

Hon. Speaker, we need to have CEO in the Ward Development Fund who is not a joker, who cannot come and tell us that the money from that account has been diverted to pay other pending bills like lawyers and other hot air services.

*(Applause)*

The Ward Development Fund is the heartbeat of these Hon. Members in this assembly.

Hon. Speaker, for this assembly to move on, each Member of this assembly should wake up and make sure that all officers in procurement and other departments are being thoroughly oversighted with open eyes. It takes about five years for the officers to procure those projects and when the projects are being awarded to contractors, you find that the money that has been passed for the job has already being diverted.

As I conclude Hon. Speaker, we have the county assembly leadership some of whom were in the previous assembly and they know the challenges that we faced. I hope that now they know how to handle the challenges that we faced then. Some of those challenges were human created, that confusion was brought by somebody for his or her own interests.

Hon. Speaker, we have known you for a long time and we will give you the chance to demonstrate to us that you shall work better than the previous assembly. I beg to support the Governor's Address and I think you shall--

**Hon. Speaker:** Hon. Member, your time is up.

**Hon. Jeremiah Themendu:** Thank you.

**Hon. Chege Mwaura:** Thank you. Mr. Speaker for giving me this chance. First, let me start by congratulating you for being sworn in because this is the first formal address that I am having. I would like to inform the House that the honorable good Speaker was a Member of the First Assembly and also very eager of pushing the agenda of making this assembly great. I thank you and wish you all the best.

I would like also to congratulate all the Members who are here irrespective of their parties, gender, age and any other considerations that we have. I want to tell them that in the next five years you will spend most of your time either in the assembly or in a committee or a retreat, the Members will be your family for the next five years. I hope you make the best out of it and enjoy working here, a resourceful place for you to build your career wherever you will go after this. May be this is the first and the last, or may you will come back again. Let this be your chance to express yourself and stand for what you believe in.

I have seen my good friend Hon. Jateso, I hope he listens; there is a common friend of ours who called and told me that they would wish that the vibrancy of this assembly returns. I am happy that the new Members have shown a good attendance. Our common friend told me together with Hon. Kiragu to tell you

that we ensure that the vibrancy, the energy, the vigor returns. Let the House be felt in all its power, let us build it to be a House of debate, of procedure and a House where people feel that Nairobi is speaking when you are speaking. I am saying this because I know what you have been able to achieve together with our leadership and I congratulate the leadership of both sides and I know they have a lot of competence. I wish you well and Godspeed as you tackle the issues of Nairobi and this House.

On the Governor's speech Mr. Speaker, the speech was very brief and I know Members will have the contents of the good side. I will dwell on the very not good side so that we see that it is not always good and glowing and this House is supposed to check. I was rechecking with the Leader of majority and I have asked my Whip here, the Governor promised a cabinet within or less than a week. I am told that they have just been announced and I hope we will move with speed to work very fast.

Mr. Speaker, on the issue of pending bills, the speech talked about pending bill totaling to Kshs.99 billion, Kshs.16 billion from NMS. I didn't hear the Governor telling us how much he has been able to raise in the first 55 days. We have been told that the garbage is about 80,000 tonnes that have been collected; what is the strategy to ensure that better services are accorded to the people of Nairobi?

Mr. Speaker I know Members will contribute and that is why I don't want to speak a lot so that they will have content and that is why I decided to dwell on the not good side, the good side can be spoken to by others.

Finally, the Governor made a call for us to work together and I think that is a good thing. We will give him the necessary support that is required. However, good friends tell you the truth. If at any time we feel that he will be naked at any point, we will be very honest to tell him as much. If the cabinet has members who are not up to task, let us not be confined with party positions or friendship but let us say the truth because Nairobi is going to go forward when we remove the grey areas; let white be white and black be black. I thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Member. For purposes of balancing the debate, I only see one lady on the screen, Hon. Diana Katile.

**Hon. Diana Katile:** Thank you Mr. Speaker. I start with a brief intro of myself which will double up as my maiden speech. My name is Diana Katile Mwangangi, an advocate of the High Court of Kenya. I am glad that I have been joined to this assembly by my colleague in the profession Hon. Nasra who has just made her maiden speech. I pass a message of gratitude to my party, the UDA and the Kenya Kwanza Coalition in general for giving me this opportunity and deeming it fit that I should sit in this House to represent the party.

I also pass a message of gratitude to the Kenya Kwanza leadership in the assembly led by Hon. Anthony Kiragu and Hon. Mugambi. In the same wavelength, I congratulate the entire leadership that is, the Majority side being led by Hon. Jateso Imwato, I would like to make a commitment in this address that I will use my skills, expertise and knowledge to ensure that mine becomes a voice of reason in this assembly. A voice that will ensure that this assembly stands out in matters legislation, oversight and representation. I will now—sorry, I forgot to congratulate you Mr. Speaker on your election and the Deputy Speaker.



Now I will move to the Governor's Speech in the interest of time. I will basically highlight the issues that he pointed that are close to his heart. One, is healthcare. It is indeed true as a resident of Nairobi and we all know that this is an ailing sector.

Mr. Speaker, I come from a ward that is near mama Lucy Hospital and the malpractices cases there are beyond. In this regard, we will be supporting the Governor and ensure that he brings on board plans to ensure that there is expansion of infrastructure, addition of man power if that is the problem, operationalization of the recently launched healthcare facilities by NMS to ensure that Nairobians are able to access adequate healthcare. Even if they are poor, you do not have to sign a death sentence because you cannot pay for your medication at a private facility. This will be very key and we will follow up the recommendations of the task force to ensure that indeed the residents of Nairobi access quality and affordable health care.

Secondly, is the issue of water. This is not a foreign problem to any resident of Nairobi. Indeed, it has become the order of the day, that jerricans have be lined outside our gates selling water. This is not a state that depicts a city of order and dignity. This should be a city where a basic need like water should be easily available and not only accessible, but it should be clean, usable water.

Thirdly, is the feeding programme. As far as it might sound cliché, it is true that children here wake up and go to school without taking anything. This hampers their education because they are not able to concentrate in class. As an assembly, we should take up this matter seriously and not for granted because we can afford because there are many people who cannot afford food. We should support this feeding programme as an assembly to ensure that we keep our children in school and ensure that no child misses school because of hunger as every child is able to concentrate in school. Being poor should not be a crime.

The other thing is on bursary; my highlights basically are aligned to the poverty levels of this city. Bursary has been a god idea that has been supporting children go to school. We should support the Governor in increasing the allocation and making sure that the allocation is timely to ensure that our children are in school at the right time and they are able to pay their school fees. This will in turn assist the elected leaders to fulfill their mandate and their manifestos. I believe the bursary idea was one of the issues that your residents have been asking for.

For all this to be done, we need revenue. The Governor pointed out on the need to raise the revenue through the automation of county services. This is an idea that we need to support because the revenue is what will actualize everything else that has been said and without it there is nothing that can be done.

Finally, I would like to conclude by noting that the Governor is fully aware of our roles, therefore, it will be our role to ensure that we legislate, represent and we have to put the Executive on check through our oversight mandate. This will ensure that there is value for money and that the revenue that is collected is used well. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Thank you Hon. Member.

**Hon. Stazo Omung'ala:** Thank you Mr. Speaker. I am rising to request that with your wisdom that you give two members a chance to contribute to the Governor's Speech for now so that at least we can go to the next business which is procedural motion because the committee might have to sit today.

**Hon. Speaker:** Thank you for the concern. We have no option honorable Members because the Standing Order requires that the Committee on Rules and Procedures must sit before 5 p.m. Therefore, I direct that we have two contributors from one side and two contributors from the other side. Just to juggle your mind a bit, this Motion has been slated for three sittings; we have a lot of time to debate on the Governor's Speech.

If you will not be able to contribute today, we have tomorrow and may be on Tuesday next week. Let us proceed. Hon. Member what is your name?

**Hon. Davidson Ngibuini:** Thanks so much Hon. Speaker. First, it is an honour to be here in this House with a title of honorable member of the county assembly. Mine is to say thank you to the people of Woodley/ Kenyatta Golf Course Ward for giving me this opportunity and privilege to represent them in this House.

On the Governor's Speech, Hon. Speaker, the work ahead of us is great as our wards are having massive challenges. We have lot of challenges as Hon. Katile has mentioned which has been caused by inadequate water distribution in many places. We have garbage management challenges; litter is all over the place. Today I had a conversation with the environment officer for my sub-county and they are saying that they do not have any vehicles. I hope these are the kind of budgets that we will be debating upon when the time comes.

We are also experiencing lighting challenges. I have had a conversation with the director in charge of lighting at Highways and they said that they do not have enough lights; I hope that too will be factored in. There are challenges of drainage and sewerage and bad roads in our wards. I know that some of these roads are county roads and some of the contractors are doing extremely shoddy jobs, they just put stones and leave it at that. Their pace is also too slow and the executive need to look at this.

One of the biggest challenges and the Governor alluded to this, is the harassment of traders by the County Askaris and the enforcement officers. They extort our traders on a daily basis. You can imagine a person who owns a kibanda having to pay Kshs. 30,000 or face demolition, it is absolute extortion and we will be tabling that when we come to the committee stage. What we are saying is, as a county assembly we have a duty and a mandate to defend the voiceless and to ensure that the errant and the corrupt officers are expunged from the service. We need to check the Executive and support them to do their role because we have absolutely no option but to deliver to those who elected us.

Further, Hon. Speaker, we must work to promote the welfare of our people. I would like to applaud the Governor for striving to ensure a clean city, a city of order and a city of dignity. That also speaks to the fact that we have a lot of vulnerable traders in our midst. We have the mama *mbogas* in our markets, the *nduthi* guys in our estates, we have youth, women and people living with disabilities hassling to earn a living on a daily basis and they need to be empowered. I start thinking about the *vibandas*, those who are using *ngunias* you can imagine a woman trying to sell *nyanyas* and it is raining and she is being rained on or she is being scorched by the sun; we are talking about modern kiosks in the ward development projects and it is not a mere suggestion but need to be a reality in our wards. We need to do good to our people.

Further, as a party you know we have talked about the Hustler Fund which I hope will be able to operationalize in this House to ensure that our traders get support in terms of capital to uplift their businesses whatever they may be.

Finally, the Governor in his speech and in his manifesto talked about completing stalled capital projects. I would like to talk about one in my ward - the Woodley Stadium. This project has stalled since the time when H.E Governor Kidero was the Governor of this great city, from 2014 up to date it has never been completed. I hope that when we come to the capital projects in the CIDP, these stadiums will be looked at.

There is a reason for this Hon. Speaker, we need to show our people commitment, and we are serious about development. This is because these stadiums are resource centers in the vicinity and can play a critical role in empowering our youth, developing skills and talents and also getting rid of social vices such as crime lawlessness, and drug abuse.

Hon. Speaker, my background is in music, entertainment, media and events. I understand what talent can do in terms of social economic empowerment of our young people. We are talking about creating jobs, as I do not believe Nairobi County can employ every young person. We have honorable Members who are called daily by these young people *niaje nitafutie kazi*, please assist me to get work; we cannot afford to do it. However, if we can come and be resolute in the Assembly to ensure that capital projects are captured in CIDP, budgeted for and fenced to ensure that they are not diverted and not delayed we will be able to achieve our mandate. Thank you.

**Hon. Absalom Onyango:** *Asante sana Bwana Spika kwa kunipatia hii nafasi. Kwanza ningependa kurudisha shukurani watu wa Korogocho kwa kuniamini kama MCA wao. Historia yangu imetoka chini hadi wakati nimefika hapa. Kwa maswala ya Gavana tulisikia akiongea hapa kwa mambo ya chakula shuleni. Mnajuwa mimi nimetoka kitongoni duni cha Korongocho na mtoto usipo mpatia chakula masomo haitaingia. Kwa hivyo Gavana alisema atashungulikia mambo ya watoto kupata chakula shuleni na tunashukuru hayo.*

*Ya pili Bwana Spika, ni kwa mambo ya miradi Gavana alisema. Mimi nataka niongelee kiwanja cha Dandora imesimama kwa miaka tano tangu ianzwe kutengenezwa, na Gavana alisema kwa miezi mbili contactor ata kuwa pale kumaliza hiyo kiwanja. Viwanja ya Woodley na Dandora ndio tunaweza kupatia vijana wetu nafasi wapate mahali ya kuchezea muzuri na kukuza talanta muzuri.*

*Kwa hivyo nitarudisha shukurani kwa bunge hili la Nairobi, na kuna kitu ningependa kuomba. Tusilete mchezo; wacha tuende kazi na kwa wale mawaziri ambao Gavana ameteua tunataka wachape kazi na wasipo chapa kazi tutawapeleka nyumbani. Hii masaa ni ya kazi asanti Bwana Spika.*

*(Applause)*

**Hon. Perpetua Mponjiwa:** Thank you, Hon. Speaker, I would want to start with my maiden speech because I think this week to me is a momentous week. I happen to share history with the newly United Kingdom Prime Minister, born of a Tanzanian mother and a Kenyan father. That is a momentous week for me.

To that, I say thank you to Lord Almighty because they say education is the equalizer and I believe that God is the ultimate equalizer. From the street and shanty houses of Shauri yako in Homa Bay, I have finally made it to City Hall, beyond the red carpet.

Hon. Speaker, I am happy to be here and my maiden speech will be to thank my almighty God because I give him ultimately and 100% thank you. Therefore, I read many thanks to you, Lord Almighty...

**Hon. Speaker:** Hon. Member, you are not supposed to read the speech. You can just highlight

**Hon. Perpetua Mponjiwa:** Pursuant to Standing Order 1, it is up to your discretion if you allow me to go through it.

**Hon. Speaker:** Maybe you highlight the areas.

*(Hon. Member spoke off the mic)*

*(Laughter)*

*(Hon. Hamisi rose on point of information)*

**Hon. Speaker:** Order Hon. Member which Standing Order do you want to inform? Order, Hon. Hamisi, order! I do not want to be informed. Please get seated. Hon. Perpetua you may proceed.

**Hon. Perpetua Mponjiwa:** Yes Hon. Speaker, sorry for that but I thought it is at your discretion to give...

**Hon. Speaker:** Hon. Member can you proceed without reading the speech?

**Hon. Perpetua Mponjiwa:** Okay! Therefore, I say I want to thank Lord Almighty for giving me this opportunity to be here, from the streets of Shauri yako in Homa Bay for those who know to pass beyond the red carpet. For many of you who understand and know my struggle – [Hon]Jateso, [Hon]Odalo and now our good whip here, they all understand my journey and my party Members all understand my ten years' journey in our beloved party.

However, all said and done I want to thank my beloved party for looking around, for the last time and saying, Hon. Perpetua Mponjiwa deserves to be a Special- Elect. I say thank you to my all-time beloved Baba Raila Amolo Odinga that he would pick a daughter of a peasant from the street of Shauri Yako to become an honorable Member in the Nairobi City County Assembly. Thank you, Lord, for that.

While at it, I ask you Lord to teach me to be patient and to be a good listener, because there is no one who has a hundred per cent knowledge. Let me be one who listens to the ignorant, as they also have something to say.

To the Governor's speech Mr. Speaker, am I allowed to read in my point form to interrogate the Governor's Speech?

**Hon. Speaker:** You are supposed to make to the terms references.

**Hon. Perpetua Mponjiwa:** Hon. Speaker, also allow me to take this opportunity to applaud the Excellency Governor Johnson Sakaja in his opening speech for his commitment that he shall work with all of us, despite party affiliation. He was very positive and had weighty opening remarks.

The Governor in his wise wisdom, states and commits, to mention but just a few to have a feeding programme for public primary schools. I am passionate about education because when I was growing up in Shauri Yako upcountry, a small stadium in Homa Bay County, we did not have a feeding programme but the then President Moi, may his soul rest in peace, gave us milk that sustained us in school. For some of us, we would not have been here. Therefore, I thank the Governor that this a well-thought programme and I pray for him that he succeeds in this.

To increase the capacity of ECD centers in primary schools and refurbish existing ECD centers, factor in ECD in the upcoming residential zones and while at it enforce a requirement for playgrounds and children's places in residential areas to offer free ECD basic education; to have 17 centers for children with special needs; to ensure 100% transition to secondary schools through a fair identification and disbursement of bursaries.

Hon. Speaker, just to emphasize on this, some of us when we were growing up in the shanty areas of Shauri Yakop in Homa Bay did not have bursaries. It is good that in this era children have bursaries but need to be equitable and spread to the people who are real in need and languishing in poverty. In his wisdom His Excellency, the Governor Johnson Sakaja said that he shall issue bursaries at the commencement of school terms. I truly and sincerely echo this in total.

He did mention that he will model and equip vocational training centers into technical and skills hub, ensure TVETs are adequately funded and have modern training equipment to establish community libraries. I am passionate about this so allow me to speak so that not all of us rush to the CBD MacMillan library because we will have the libraries where our children, sisters, and younger brothers go.

I was only speaking on education, Hon. Speaker, I am glad and pray to the Governor that we wish him all the best, we shall give him our hundred per cent support and we pray that he succeeds. Thank you so much, Mr. Speaker.

*(Applause)*

**Hon. Speaker:** Let us have the last Hon. Member.

**Hon. John Kwenya:** Thank you, Mr. Speaker. My names are Hon. Mwaniki Kwenya MCA for CBD. I want to thank you for this chance and I want to say to all Members that welcome to CBD but you must make sure that the CBD is clean for business.

I will go directly to the things that the Governor Hon. Johnson Sakaja highlighted and most of them touch the CBD because as we are aware it is a busy place, where most of us come every morning. We have most of the unfinished projects that are touching our wards and I would say it is good before we go to a new project we with the unfinished project and make sure they are complete for better services.

We have the bursaries; having been brought up by a grandmother where I faced many problems and had a poor background, I had a chance to get the bursaries and know this is one of the most important things. This is because most of my voters are struggling and suffering the same and I have the highest number of voters in the whole country at 52,400. This is an issue that needs to be looked, at a high level. Therefore, I welcome his remarks to increase the bursaries which will also support us in re-election.

The issue of a single business permit is urgent since most of our traders are struggling a lot, therefore, we welcome it and I hope this honorable Members will support the same.

Garbage collection in the new market is also a big issue. Therefore, I urge the honorable Members to support it but before even going to the new market, I will ask the Governor to look at the markets that we have, mostly the Muthuruwa market, which has no access roads. It is like the Dead Sea whereby people get in and businesses are stagnant because there is no access road and no way out for matatus. These are the issues that we are going to be looking at.

The feeding programme is also a good thing and I support it. I will urge Members to support the remarks of the Governor and urge this House to recognize the Member of CBD because I have a very big task to do. Most of the time some of these issues will be coming up and it is a burden to me and I know these Members will help me to keep the City clean. This will also show a good move for the city because most of the things that are here in CBD is what will reflect outside there and most of the people who come to CBD and the reflection of what the people will see here is what they will be carrying back home. Thank you, Hon. Members and we thank God for this opportunity.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Members and the House. Honorable Members Motion No. 10 is actually slated for debate for a record of three sittings. Therefore, I refer to Standing Order 27 (5) and suspend putting the question on the said motion to the full conclusion of the debate thereafter.

Honorable Members, as you are aware we bypassed Motion No. 8 on the Procedural Motion. We can handle it so that we may proceed to have a Committee sitting at the rise of the Assembly that is immediately. Hon. Majority Leader, please you may proceed with Order No. 8.

**Hon. Peter Imwatok:** Hon. Speaker, before I proceed to move this Motion before the Assembly, honorable Members it is important to encourage each other. The Standing Order allows you to use your foot or your hand to tap your desk at least to encourage each other while giving their maiden speeches because we all need to be encouraged to be able to stand.

*(Applause)*

As my counterpart Hon. Chege Mwaura has said we need to make this House a vibrant, a House where you will make a mistake but there is a brother or a sister to hold you up. If we can make a mistake today, you will correct it tomorrow and thereafter you will be perfect.

Therefore, let us encourage each other by show of clapping or stamping our foot. It makes the House vibrant, Hon. Speaker.

### PROCEDURAL MOTION

#### APPOINTMENT OF MEMBERS TO THE SELECT COMMITTEE ON PROCEDURE & RULES

**Hon. Peter Imwatok:** Pursuant to provision of Standing Order 206 (1), this Assembly approve the appointment of the following Members to the Select Committee on Procedure and Rules.

1. The Hon. Kennedy Okeyo Ngondi, MCA – Speaker (Chairperson)
2. The Hon. Paul Kiguathi Kados, MCA – Deputy Speaker
3. The Hon. Hon. Peter Imwatok, MCA, - Majority Leader
4. The Hon. Anthony Kiragu, MCA – Minority Leader
5. The Hon. Moses Ogeto, MCA – Majority Party Whip
6. The Hon. Esther Waithera Chege, MCA – Deputy Minority Leader
7. The Hon. Mark Mugambi, MCA - Minority Party Whip
8. The Hon. Perpertia Mponjiwa, MCA
9. The Hon. Jane Wanjiru, MCA
10. The Hon. Jane Muasya, MCA
11. The Hon. Paul Ndungu, MCA

Hon. Members, this Rules and Procedures Committee is very important to this House and it is the only Committee that can change our Standing Orders to conform to our numbers. Hon. Speaker, this Committee is Members is very important for instance if you look at the constitution of our committees and if you put our numbers together based on the Standing Order it stipulates that each Member of the County Assembly shall, in monetary terms and Wakili should understand this terms, shall have at least two Sectorial Committees and one Select Committee.

If you look at the Select Committee, they are five active one and Sectorial Committee which are active are 12 in number. If you put our numbers of 123, for every Member to get two Sectorial Committees, it is not enough because they will be about 19 Members of this House who are left without a committee to serve.

This Committee will sit and look at various provision of various committees so that each Member of this House is comfortable, as we had promised with my Counterpart Hon. Kirangu. That is the essence of this committee.

Therefore, Hon. Member, it is a seasonal committee and the Standing Order 249 stipulates that before we adjourn *sine dine* - after our five years - this committee must sit down to look at the entire Standing Order. Within our period there are things you may learn that were right and wrong in the Standing Order and this is the work of this committee. It is not a perpetual committee that sits on a daily basis. It will sit this afternoon and maybe again after the end of five years.

Therefore, Members, I urge you to support this Motion so that we quickly, adjust our Standing Order by tomorrow and latest Tuesday then we will all have our committee set and everybody start earning allowances through sitting in our committees. I therefore call upon Hon. Mugambi who is seated next to me to supports the Motion.

**Hon. Mark Mugambi:** Thank you Hon. Speaker and Majority Leader Hon. Jateso. Hon. Speaker as the leader was speaking and congratulating the members of the bar, my brother Hon. Omung'ala got a little confused about the kind of bar that the leader was talking about you know he is a member of wines.

Hon. Speaker, in the same wavelength there is a dire need for us to constitute and pass this Motion of this good committee so that we can move with speed and finalize the Sectorial and Select committees. We cannot waste time because we are well aware that Members who are seated here are already one month less since their swearing-in was delayed by a month and therefore we need to fast-track so that these Members can at least start earning their allowances and serving their residents. I am sure most of them have questions about their respective sectorial committees may be on Transport, Planning and other sectorial committees. They have a question from their residents and until we pass the committees so that they shall be able to get substantive answers to give to their bosses or rather the voters in their wards. I, therefore, second the Motion thank you.

*(Question proposed)*

**Hon. Peter Imwatok:** Hon. Speaker, I as I said before - sometime lunch is a challenge especially when you take on *Kobelo* which in our language means the brown ugali! It takes you on a different dimension.

Hon. Speaker, I am a proud man when my Member raised the question, when breaking in the morning, on the issue of gender. I believe now Mheshimiwa Alai is a bit comfortable when looking at this

committee; there are 11 in number but there are four ladies. I believe in ladies because I am a single mother raised son and I must say am proud. Kids who have been raised by mothers alone go through a lot and come out real iron-shaped by iron and a lot comes through us, viva.

*(Applause)*

*(Laughter)*

Hon. Speaker, I am happy man that my Member Alai is now smiling a bit that the gender rule is fully observed and I want to promise we will make sure all things work together for the good of this Assembly and God. Thank you, Hon. Speaker, I beg to reply.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Speaker:** Hon. Members the House stand adjourned to tomorrow 27<sup>th</sup> October 2022 at 9.30 a.m. in the morning. Thank you.

**The House rose at 3.23 p.m.**