



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 11th October 2023

The House met at 2.30 p.m.

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

PRAYER

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

QUORUM

Hon. Speaker: Clerk, kindly confirm whether we have quorum in the House. Hon. Member, please take your seat.

(Clerk-at-the-Table confirmed there was no quorum)

Hon. Members, the attention of the Chair has been raised for lack of quorum in the Assembly. Under Standing Order No. 37 (2), I direct the Serjeant-at-Arms to ring the Bell for a record of ten minutes.

(Quorum Bell was rung)

Hon. Members, we now have the quorum, we may proceed. Clerk!

NOTICE OF MOTION

MANDATORY MENTAL HEALTH ASSESSMENT FOR ALL COUNTY EMPLOYEES

Hon. Speaker: Hon Ami. Your mic is on.

Hon. Ami Ambala: Hon Speaker, I wish to give Notice of the following Motion:

AWARE that Paragraph 2 of Part II of the Fourth Schedule of the Constitution of Kenya, 2010 provides for primary health as one of the devolved County Government's function;

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CONCERNED that according to the Kenyan National Commission of Human Rights, an estimate of 25% and 40% of outpatients and inpatients suffer from mental health conditions, with most frequent diagnoses of mental illnesses made in general hospital settings being depression, substance abuse, stress, and anxiety disorders;

FURTHER CONCERNED that public service has not been an exception, as evident by the rising cases of mental health with alarming rate of alcohol and substance use, anxiety disorders suicides, occupational injuries, workplace conflicts and absenteeism, leading to a decline in quality of service delivered and productivity among public officers:

ACKNOWLEDGING that there is need of urgent prevention and mitigation measures by public and private sector employers that will enable timely sensitization, counselling and assessment of mental health cases without stigmatization;

THIS ASSEMBLY THEREFORE resolves that the County Executive conducts a mandatory mental health assessment of all its employees in the County with an aim of sensitizing, diagnosing and recommending treatment for any mental health case for the same and the exercise to be emulated by the private sector.

Thank you, Hon Speaker.

Hon. Speaker: Thank you, Hon Member.

STATEMENTS

REQUEST FOR STATEMENT REGARDING STATUS OF OUTSTANDING PAYMENTS TO CONTRACTORS UNDER THE DEFUNCT NMS

Hon. Speaker: Hon Samora Mwaura.

Hon. Samora Mwaura: Thank you, Mr. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Transport and Public Works regarding the status of outstanding payments to contractors under the defunct NMS who have completed their projects across the City, and in particular Clay City Ward.

Hon. Speaker, the County Executive under the defunct Nairobi Metropolitan Services (NMS) recently embarked on major renovation works to tarmac roads across the City. Whereas various projects have not been implemented, some areas of the County have completed road works. For instance, Maternity Estate Road in Clay City Ward was completed on 11 October, 2022. So far, M/S Davcon Limited Contractors who worked on the said road have never been paid their dues.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Whether the County Executive has set aside a budget to pay the said contractor;
- ii. When the said contractor will be paid their dues; and
- iii. Steps that the County is taking to ensure that all pending dues are paid to all contractors who worked under the defunct NMS and completed their projects.

Thank you very much.

Hon. Speaker: The Chairperson of Transport and Public Works to give an undertaking within which period of time you are comfortable to give response. Kindly put on your mic.

Hon. Musango Maithya: Hon Speaker, we request for 14 days for the Committee to do investigation and bring back the report.

Hon. Speaker: Hon Chair, have you taken into consideration of when the Assembly is supposed to go for short recess? Have you considered the Assembly Calendar?

Hon. Musango Maithya: We are requesting for...

Hon. Speaker: When are we supposed to go for recess?

Hon. Musango Maithya: I don't know, Hon Speaker.

Hon. Speaker: You just say confidently you don't know.

(Laughter)

Hon. Musango Maithya: Hon Speaker, you can...

Hon. Speaker: Are you a Member of this Assembly?

Hon. Musango Maithya: Yes, Hon Speaker.

Hon. Speaker: Are you a Chairman of a Committee?

Hon. Musango Maithya: Yes, Hon. Speaker.

Hon. Speaker: Then how do you give guidance to your Committee?

So, you might even call for a Committee meeting while the Assembly is on recess.

Hon. Musango Maithya: Hon Speaker, I am saying if given 14 working days...

Hon. Speaker: Then can you give us a substantive date on when you are supposed to give the response other than the quote of 14 days.

Hon. Musango Maithya: 14 working days, Hon Speaker.

Hon. Speaker: When is the specific day?

Hon. Musango Maithya: From tomorrow, Mr. Speaker.

(Laughter)

Point of Information

Hon. Speaker: Yes, Majority Leader. Hon Chair you may be seated as you do your math right.

Hon. Peter Imwatok: Hon Speaker, on a point of information to save my cabinet minister, he had a very difficult day over the weekend. During Liaison Committee meeting, it was decided that the short recess will start from next week 20th October 2023. So, he is requesting if 14 working days after the recess can be applicable.

Hon. Speaker: Hon Chairman, are you in concurrence that you need help from the Leader of Majority?

Hon. Musango Maithya: Yes, Mr. Speaker.

Hon. Speaker: So, what is your position?

Hon. Musango Maithya: 14 days after the recess.

Hon. Speaker: Hon Samora, please.

Hon. Samora Mwaura: Thank you, Mr. Speaker I hope that the Chairman, Transport did not just agree with the Majority Leader because he rescued him from a situation, but he knows the date that I am supposed to get response to this statement because this is a grave matter. Mr. Speaker, somebody's money has not been paid for almost two financial years, and he is being auctioned. Let me agree and hope that the Chairman, Transport means business when he says two weeks after recess. Thank you.

Hon. Speaker: That calls for the attention of each and every Member that you need to align your agenda with our Assembly Calendar. Without that, you may not even know when you are supposed to be where. Hon. Members, the Assembly Calendar is quite critical when it comes to organizing your diary. Thank you.

Point of Order

Yes, Hon Majority Leader.

Hon. Peter Imwatok: Hon Speaker, allow me to request your able Chairmanship to change the sequence of the Order Paper.

Hon. Speaker: Under which Standing Order, Hon Majority Leader?

Hon. Peter Imwatok: Hon Speaker, as I look for the Order No on the change of sequence...

Hon. Speaker: The sequence of business as it appears in Order Paper?

Hon. Peter Imwatok: Yes, Hon Speaker. You know the situation I am in; my mind is not even working well. If you allow me to proceed...

Hon. Speaker: Clerk, can you assist the Hon. Majority Leader, please?

Hon. Peter Imwatok: Hon Speaker, 43 (1). Sorry the mind is not okay but the business of the Assembly has to proceed. If you may through your indulgence, Hon Speaker.

Hon. Speaker: By leave of Chair, you are in order. You may proceed.

Hon Peter Imwatok: Thank you. Hon Speaker allow me to move the following Motion on establishment of another committee to investigate the County local revenue collection system and administration...

Hon. Speaker: Order, please! Sorry for the interruption. It needs to go on record that the Clerk calls out the Order. Clerk Proceed.

MOTION

ESTABLISHMENT OF AD HOC COMMITTEE TO INVESTIGATE COUNTY
LOCAL REVENUE COLLECTION SYSTEM(S) AND ADMINISTRATION

Point of Order

Hon. Speaker: Hon. Waithera Chege.

Hon. Peter Imwatok: My apologies, Hon Speaker...

Hon. Speaker: Hon. Majority Leader, a Member is on a point of Order. Which Standing Order, Hon. Waithera Chege.

Hon. Waithera Chege: Thank you, Mr. Speaker. I am on a point of Order 45 (2) (c), you forgot we were on the Order on Statements.

Hon. Speaker: We have just altered the sequence of the Order Paper. May be you were not keen.

Hon. Waithera Chege: If the Majority Leader can allow, Hon Speaker, I am rushing to the hospital to... I am seeking leave.

Hon. Speaker: But we have already granted the first request. Yours came later.

Hon. Waithera Chege: Most obliged.

Hon. Speaker: Thank you. We will consider that.

Hon. Peter Imwatok: Hon Speaker, once again, sorry for the inconvenience to the entire House, including my able Deputy Leader of Minority, Hon. Esther Waithera Chege.

WHEREAS Article 209 and 210 of the Constitution grants powers to County Governments to impose, vary or waiver taxes, fees, levies and other charges in order to raise revenues to fund their programs;

AND WHEREAS Nairobi City County boasts of several revenue streams yet there has been gross underperformance as regards to the County's annual revenue collection vis-à-vis its annual County expenditure;

NOTING that an effective revenue collection system is one of the foundations needed to buttress sustainable economic growth;

FURTHER NOTING that underperformance in revenue collection by the County is attributed to challenges in collection and administration of revenue;

COGNIZANT that attempts to improve revenue collection have seen the County Government adopt various strategies, including adoption of automated revenue collection systems such as Jambo Pay, Noveta, the Nairobi Revenue system by the Kenya Revenue Authority (KRA), the Nairobi Pay System and the recent establishment of the Nairobi Revenue Authority;

CONCERNED that despite the adoption of the aforementioned strategies, the County's internal revenues have continued to decline;

FURTHER CONCERNED that failure to properly manage local revenue collection could lead to the County Government failing to fund its recurrent and development programs since relying on the National Equitable Share is currently unsustainable;

NOW THEREFORE, the County Assembly resolves to establish an Ad Hoc Committee comprising of 13 Hon. Members to inquire into the revenue collection system(s) adopted by the County Government and report to the Assembly within 60 days after the adoption of this Motion on:

- i. Reasons why local revenues have been declining;
- ii. The nature, strengths and weaknesses of the revenue collection system(s) currently being used by the County Government; and

- iii. Propose legal, policy and administrative interventions on improvement of local revenue collection.

AND FURTHER that the Majority and Minority coalitions represented in the County Assembly proposes names of Members to the said Ad Hoc Committee based on their strengths in the Assembly within seven sitting days of adoption of this Motion.

Hon. Speaker, this Motion is premise on the interest of the County. Since I moved this notice of Motion, there have been a lot of issues in the corridors. The Motion is for the good of the County. We want to know as an Assembly if we have a system and if we do, is it working for the interest of the County Government and by extension the larger interest of Nairobians?

If you look at the history of our revenue collection, in 2014, we collected Kshs. 12.6 billion and to date, no successive Government has ever collected next to that figure. That is nine years down the line. When you look at the systematic development growth in Nairobi in terms of housing, businesses and advertising, even if we could have increased half a billion shillings every financial year, Nairobi County Government could be collecting comfortably not less than Kshs. 20 billion.

Hon. Speaker, it has also come to our attention that subsequent systems in play are always on a downgrade and are never accessible. There is information that as it is, some of the systems procured by the County Government cannot be audited because we do not know where the servers are, who owns and who operates them. Hon. Speaker, it is upon the Whips to give us men and women who are ready to sacrifice for the interests of Nairobians to get revenue collection systems properly audited and give recommendations to the Assembly.

Hon. Speaker, this Motion is not meant to accuse any staff, officer or leader in the Executive, it is premise on us knowing what is good for the County. The Ward Development Fund from the year 2013 has never gone up because we do not have money. If today Nairobi County could collect Kshs. 20 billion plus additional share of Kshs. 20 billion from the National Government, we will be talking about Kshs. 40 billion. As we speak now, Kshs. 42 billion which was read before this House is a wish list. We may end up collecting Kshs. 35 billion. What happens with the remaining Kshs. 10 billion? It means development in the wards will be stuck. If it becomes stuck, it is not Sakaja alone who has failed, but also us as Members of the County Assembly. I plead with Members to support this Motion knowing that it is not for an individual.

We are told that our system is being hosted by KRA. No! The system we are using to collect money is iTax. Who owns Nairobi Pay that has been collecting money for the last three years? Are they collecting money for us for free? Is it even possible? The best we can do as an Assembly without apportioning blame on any officer or leader, is to come together to know where our servers are. I am told they are in Manyani. Why are they there? Who took them there? Are they part of the security system apparatus that stay in Manyani? These are some of the issues that the Committee must delve into. We need to know where our servers are, who owns the logs and who audits them. At what point does the system declare that at the close of 30th June, the Nairobi County has collected Kshs. 10.3 billion or Kshs.7.5 billion?

There is an aspect of fear of intimidation. Whips, as you form this Committee, first ask the Members if they are prepared. A Member may want to sit on this Committee because it is a revenue committee hence translates into money. This is not about money. Are you prepared to sacrifice yourself on behalf of Nairobi because it will take a toll on you? I remember when I was arrested in the Industrial Area because of questioning the then Noveta. The entire Assembly came there. You may even be arrested because the forces that are stealing from the Nairobi County are too high. We are ready to face them and give the Sakaja Government an administrative policy that will not be taken advantage of.

Hon. Speaker, allow me to ask Hon. Paul Kados to support this Motion. He has been arrested more than ten times. He is 75 years and is not afraid of going to heaven.

(Applause)

Hon. Paul Kados: Thank you, Hon. Speaker. I stand to second this Motion. None of the officers from the Finance Department in the Executive knows where these servers are, their passwords and how much they collect on a daily basis. They never have physical figures on the collections. It is therefore a high time as a House that we stand for the right and justice for the people of Nairobi. We have seen old people queuing to be given passwords which they don't know how to use. We lost our City Courts.

Hon. Speaker, it is time that the House comes up with this Ad Hoc Committee to look deeply into what has been happening to the finances of this famous Nairobi City County. Thank you Hon. Speaker.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, plenary.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. First, I would like to thank the Majority Leader for this good Motion. As ICT Committee, we have called officers from the Executive to explain to us who owns the servers and where they are located. We found out that the CECM does not know the owners of the servers who are said to be collecting these monies. This is a serious matter that needs the intervention of this Assembly because we are trying to oversight the monies that have been collected from the voters and make sure that they are in good custody. I support the Motion.

Hon. Speaker: Thank you, Hon. Jeremiah. Hon. Majiwa

Hon. Geophrey Majiwa: *(Technical hitch)* Thank you, Hon. Speaker. It is worth noting that your address system in the House is kaput and something needs to be done.

As I rise to support the Motion, I would like to congratulate the Majority Leader for having thought of bringing this Motion. It is long overdue because from the time we were elected, we have had issues of revenue management challenges. A few of us who have had the opportunity to interact with international communities on matters of local government have seen a study that indicates that Nairobi as a County has a revenue capacity equivalent to Durban in South Africa yet

as we speak, we cannot match a quarter of their capacity. The truth remains that the money is here in Nairobi scattered to individuals who have created their own empires.

In Nairobi, you find areas where money is not allowed to get to the County coffers because a few greedy individuals are making sure that these monies does not get to the County as they have made it their own. It is important for us as people who have been given the mandate to do oversight to get out of our slumber and go for this money by all means to make sure that the residents of Nairobi get proper services. We are service providers and we have no business sitting in this House if we do not do so. We are here to represent the people of Nairobi, oversight and make sure that they get the services that they deserve. We got elected so that those services can reach the residents of Nairobi.

Hon. Speaker, we have a relationship with the County Executive to work together but sometimes they hide for us some cards under the table. It is important for all of us to bring all the cards on the table so that we can know the truth, who owns what in this town and how are residents of Nairobi benefiting from these.

Hon. Speaker, I think in Nairobi we have a system which is always inherited. Since we came here, I have not heard of a time when we discussed a company which has been contracted to do this type of business in revenue collection. There was one before elections but what we do not know is whether the Governor inherited or he engaged a new company. That is one thing that this Ad Hoc Committee will have to find out.

Hon. Speaker, as Members of this Assembly, it is important to be honest and accept the reality of the day that things are not looking so good in terms of revenue. We must ensure that there is revenue in the County coffers because we have just employed a big group of young men and women who are working so hard. If you drive along Nairobi, you will see them working and ask yourself where their salary will come from yet there is an individual who is going with all the money in a bag to his wife and children while others cannot get their salaries.

Thank you, Hon. Speaker, I support the Motion.

Hon. Speaker: Thank you. Hon. Chege Mwaura.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I rise to support this Motion. When the Majority Leader was asking me to support it, I was not prepared in my thoughts. This Assembly, as all other assemblies, work as an enabler to what a County Government or the National Government will do. Our business is to provide legislation that helps the government of the day perform and manage its issues.

Mr. Speaker, we have passed a budget of Kshs42 billion, and we are very sure we are going to get Kshs20 billion from the National Government. Based on the last revenue collection which was about Kshs10 billion, if we add may be 10% of that this financial year, we have a deficit of about Kshs10 billion, which we cannot be able to raise if we do not know where the problem of the revenue is. Revenue equals budget, and budget equals development. If you do not have proper revenue systems, then you do not budget and you are not able to develop.

If I take you back to 2012, the last City Council when Gakuo was the Town Clerk, they managed what we have not been able to do as a County Government. That is a fact. During

Governor Kidero's time, he managed to raise Kshs12 billion, which we have not been able to do. In his time, the Cash Office was operational. We need to rethink on how to bring systems that make sense because we are always told that the system is down. You will always be told the system is down even on simple things like parking. What happens to the payments done when the systems are down? Where does the money collected go? Is it remitted to the County?

Mr. Speaker, my proposal is that, this Ad Hoc Committee goes deep in order to understand what we ought to do with our revenue officers even if it means we go the cash way. We can even have a bank running the system to make sure that we raise more revenue than what we are getting.

Mr. Speaker, we have also been getting ourselves systematically out of the revenue picture. It started with parking, which we still have a challenge. It is now with the City Court. We should look at City Court as a revenue generation because the fines charged are not for the National Government but are charged on breach of County laws and they help us raise revenue that will help us get development. Whether the C.O. G agreed on it or not, we need to relook into it.

Finally, Mr. Speaker, I have no doubt that the Whips will be able to give us a team. But for me, with your team and the clerks, let us come up with a clear terms of reference so that we know to what extent. We now have the Nairobi Revenue Authority, what have we been able to achieve that the previous Budget offices were not able to?

Let us go deep into getting what is supposed to be done. Within the 60 days, hopefully the Governor and his team will benefit from the recommendations of this Ad Hoc Committee. With that, I beg to support. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Kimemia.

Hon. Antony Gathumbi: Thank you very much, Mr. Speaker for this opportunity to address the issue at hand. I will repeat what Mheshimiwa Chege has said about the City Court as an enabler of revenue collection, once you kill the court, you kill the City Inspectorate. How are we going to raise revenue if you kill the City Court? I would like the Ad Hoc Committee to take up this issue together with the Judiciary and address how they are going to ensure that we have a Resident Magistrate within our areas. This is an administrative issue and it can be done.

Secondly, I would also like the Ad Hoc Committee to address the issue of ICT, as Mheshimiwa Themendu has said. I am a Member of the ICT Committee and we do not know where the server is hosted and who owns it. This is another enabler and we must ensure that it is addressed deeply.

Without mincing words, I support the Motion. They should move with speed to ensure that we get our revenue as it is supposed to be. Thank you very much.

Hon. Speaker: Hon. Maragu.

Hon. Anthony Maragu: Thank you, Hon. Speaker for this opportunity. I rise to support the Motion and also say how lately I am proud of my Majority Leader. As he has indicated when he brought this Motion to the House, and palatable as it may be to some quarters, information is being peddled in corridors of a few individuals being targeted. I congratulate the Majority Leader. If indeed this is the route we are going to take, then by the time we conclude our term, we will leave a mark.

I get uncomfortable when I hear about server issues because some of us from this political divide know the term ‘servers’ are used when people want to evade the truth. So, when a Member of the ICT Committee stands in this House and tells us that they are not aware of where the County servers that help us collect revenue are, then this House is failing. Servers that are meant for the County are public property, it cannot be in somebody’s house. Especially those of us who are in this Assembly, we should know where they are and what they do so to provide oversight.

We realize from the Members who have been in the Assembly longer that the defunct City Council was able to collect more revenue than we do as a devolved function with more members of staff to pay and with even more powers. Our Assembly has more powers, instead of us being of value to the people of Nairobi, we are failing in our mandate. As the Majority Leader has indicated, more revenue is good for all of us. It will enable the Governor to deliver on his promises and even us as the peoples’ representatives so that projects can be done in our wards.

Hon. Speaker, every day we are creating quarters for people who are siphoning our money instead of it going to the kitty that is going to be divided to the people of Nairobi. Every day we hear of fancy names of boards being established and individuals being appointed, but we are aware that these people are enablers of siphoning of public money together with the people who are in our wards. The other day, my people arrested one of our officers in Karen who was soliciting money from the public.

Hon. Speaker, I implore our leadership from across the political divide that as you select Members of this Ad Hoc Committee, please consider integrity so that we do service to the people of Nairobi. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Redson.

Hon. Redson Onyango: Thank you very much, Hon. Speaker. I support this Motion on two things. Number one, Majority Leader, when you will be doing your investigations---

Hon. Speaker: On two grounds. Use parliamentary language.

Hon. Redson Onyango: On two grounds. Number one, Majority Leader when you will be doing your investigations, we want to know how much money was collected during the NMS tenure. Number two, how much money was collected during the His Excellency, Governor Sakaja’s administration, and if any money was transmitted to the County Executive, how much? We want to know because if you ask CECM for Finance, he will tell you he doesn’t know how much has been collected since they came into office. Thank you.

Hon. Speaker: Thank you. Hon. Matara, the last one.

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. I rise to support this Motion on few issues. Number one, when the Ad Hoc Committee is going to commence its work, there are a few pertinent questions that the current regime headed by the CECM for Finance should address the House. If at all they do not know where the server is, we believe that that current regime has been more digital in terms of collection of revenue and each and every stream has been

digitized. It beats logic that you can put more effort towards collection but accounting for the same becomes a problem.

The big question they need to answer is; if at all one year down the line you have been collecting the money and you have history and paperwork indicating that the previous regime failed in identifying where the servers are, why did they go on with the transactions until the issue of servers was taken care of? What communication did they do to the National Treasury, to the C.O.B or any other financial institution raising this concern, be it Central Bank? We believe that from our own source revenue, money is collected and deposited to our account. What measures have they taken in consideration, Hon. Speaker?

Number two, we believe that in the last regime we increased the enforcement capacity. It beats logic that we have been able to issue title deeds all over Nairobi but the revenue has not increased in the same measure. During the Nairobi Metropolitan Services (NMS) tenure, we thought that since it was headed by the military, whoever that houses these servers would be put into task. We need to understand who is this.

Before we went digital, we used to collect manually and in cash. The question that we need to ask ourselves is; was there a contract before commencement of the digitization of collection of revenue? Is that contract with the Executive? If there is no contract, how did they arrive because I believe it was at a particular time that they began these transactions? Was there any law that allowed the County Government of Nairobi to start collecting funds digitally and having these servers in place?

Hon. Speaker: Hon. Member, do not pre-empt the debate please.

Hon. Silas Matara: Hon. Speaker, these are the pertinent questions that I think the Committee will ask the Executive because they have to accept responsibility of their predecessors and tell the Committee what they did differently towards addressing these concerns. This is a legal institution and we have legal documents in place and regulations governing all these transactions.

I beseech the leadership of this House to appoint competent Members in that Committee in order to ensure that at the end of the 60 days or whichever time you are going to direct the committee, to have a concrete report. With those few remarks, I beg to support. Thank you.

Hon. Speaker: Hon. James Karis.

Hon. James Kariuki: Thank you, Mr. Speaker for giving me the opportunity to support this Motion. As a representative of Ruai Ward, establishment of this Ad Hoc Committee will be of much benefit to us because the ward is the most underdeveloped in Nairobi County. If revenue collection improves, it would benefit my ward as we would get improved infrastructure like more roads. As it is now, we got the first tarmac road. I support this Motion and hope that the Ad Hoc Committee would also be of much help to the Governor and his administration in identifying the loopholes so that wards that are underdeveloped like mine can develop. Thank you, Mr. Speaker.

Hon. Speaker: The Chair, Transport.

Hon. Musango Maithya: Thank you, Mr. Speaker. I stand to support this Motion brought by the Majority Leader. In the Transport Committee, we have received a lot of complaints from the matatu business people of some matatus which have been impounded for three weeks now,

and when you look at the matter, you find some of them have receipts and others statements from banks issued by the people from the cash office but the transactions have been reversed.

Mr. Speaker, if this Motion passes through and the Ad Hoc Committee is established, I think it will help put new systems which will help increase revenue collections and in turn help this County have money for development. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Wanyoike.

Hon. Fredrick Njogu: Thank you, Mr. Speaker for giving me this opportunity to support this important motion brought by our Majority Leader. As the Chairman of ICT Committee, I concur with the Majority Leader concerning the revenue system. My Committee has been following up on the issue. We summoned the former Chief Officer, CECM Finance and CECM ICT and they confirmed that they don't know where the server is and how much money has been collected in the tenure of the NMS. Finally, the Committee was told that the server is on Cloud. I quote what they said. "Server *iko huku tu kwa mawingu*" So, they have no access.

Mr. Speaker, we are losing a lot of revenue through the Nairobi Pay, formerly Jambo Pay. Nairobi County has the capacity to develop its own system but some people don't want because there is a lot of looting when private service provider is used. I support the Motion.

(Applause)

Hon. Speaker: Thank you. Hon. Members, allow me to call the mover to reply before I put the question.

Hon. Peter Imwatok: Hon. Speaker, and Hon. Members who have stood to speak and those who have been there to make sure we have a quorum, may I take this opportunity to thank you. What has come out, Hon. Speaker, from 2014 to date, revenue collection has been decreasing. This means someone somewhere or an institution somewhere has been pocketing more than Kshs2.3 billion every year. That translates averagely to Kshs14 billion.

Hon. Speaker: The Mover, please allow the formation of the Ad Hoc Committee to come up with...

Hon. Peter Imwatok: Hon. Speaker, I want to just appreciate the Chair of ICT for giving us insight that no one knows where the servers are. We want to assure this House that we will know where the servers are, who owns the logs and who has the passwords.

(Applause)

We will know how much was collected for the last 14 years and we will know whether it was for the County or a person's pockets. I challenge the Whips to give us a team that is ready for Nairobi. As Karis said, a team that respects Ruai Ward...

Hon. Speaker: Hon. Majority Leader, that is if the House approves the establishment of the Ad Hoc Committee.

Hon. Peter Imwatok: Hon. Speaker, by the look of the mood... *Wazee?* I beg to reply.

(Laughter)

Hon. Speaker: Thank you.

(Question put and agreed to)

Hon. Speaker: Clerk, kindly let us revert to the earlier sequence of the Order of the day.

STATEMENTS

REQUEST FOR STATEMENT REGARDING THE NUMBER OF DRIVERS IN THE DISASTER MANAGEMENT AND COORDINATION SECTOR

Hon. Paul Kados: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour & Social Welfare regarding the number of drivers in the County Public Service and the number of those who have been promoted in the Disaster Management and Coordination Sector in the County Executive.

Hon. Speaker, Article 41(1) of the Constitution of Kenya, 2010 provides that every person has a right to fair labor practices, Further, Section 10 (1) of the Public Service (Principles and Values) Act, 2015 stipulates that the public service, a public institution, or an authorized officer shall ensure that public officers are appointed and promoted on basis of fair competition and merit.

Hon. Speaker, during the defunct Nairobi City Council, several drivers were employed and attached to the now Disaster Management and Coordination Sector. In addition, at the onset of County Governments, the Nairobi City County Public Service Board recruited drivers to operate County fire engines. It is notable that several of the said drivers have served for many years without confirmation to permanent basis, salary increment, or promotion, which is against fair labor practices.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Number of drivers in the Disaster Management and Coordination Sector and their respective dates of employment;
- ii. Number of drivers who have been confirmed on permanent basis and respective scales;
- iii. Number of staff who have been driving the fire engines and have never been promoted to their respective scales with sufficient reasons; and
- iv. Measures the County Executive is taking to ensure implementation of the provisions of the Law on appointments and promotions in the public service.

Hon. Speaker: Chairperson Sectorial Committee on Labour and Social Welfare, kindly give an undertaking on the period you want to respond to the concern as raised by the Hon. Member. Labour and Social Welfare Chairperson? The Vice Chairperson? A Member of the Committee to give an undertaking on behalf of the Committee? We defer that to the House Business Committee for re-allocation. Hon. Waithera Chege.

Hon. Waithera Chege: Thank you...

Hon. Paul Kados: Hon. Speaker, is it right that the whole House doesn't have a Member of the Labour Committee. Hon. Speaker, it looks very...

Hon. Speaker: Hon. Deputy Speaker, as the Chairperson of the Liaison Committee, you should reprimand yourself and direct the same question to you as a person. You take up the responsibility as the Chair of the Liaison Committee.

Hon. Paul Kados: Mr. Speaker, that is why I wanted you to give direction...

Hon. Speaker: I give direction that you reprimand the Chair and the whole Committee to appear before the Liaison Committee.

Hon. Paul Kados: Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Waithera Chege.

REQUEST FOR STATEMENT REGARDING MANHANDLING
OF HAWKERS BY THE CITY INSPECTORATE OFFICERS

Hon. Waithera Chege: Thank you, Mr. Speaker, and thank you for that guidance.

Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the manhandling...

(Loud consultations)

Hon. Speaker, can we have an order right here?

Hon Speaker: Hon. Members, give the Member the opportunity to make her presentation, please. Let us be orderly.

Hon. Waithera Chege: Thank you, Mr. Speaker.

Hon. Speaker, Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the manhandling of hawkers by the City Inspectorate Officers in the County.

Hon. Speaker, the Constitution of Kenya, 2010 grants the citizens of this republic comprehensive rights and fundamental freedoms. However, there are increasing cases of arbitrary arrests, harassment and extortions of hawkers by the City Inspectorate thus infringing on rights and fundamental freedoms of the residents.

Hon. Speaker, there a video circulating on social media where a hawker was arguing with an officer of the City Inspectorate in uniform as some officers in civilian attire manhandle a hawker who appears to be disabled. In the modern civilized generation we are in, such heinous actions by Government officers should not be entertained.

Hon. Speaker. in the Statement, the Chairperson should inquire into and report on:

- i. Actions taken on the officers who did such heinous actions to the hawkers;
- ii. Whether an investigation into the conduct of the officers has been done, provide a report on the same; and

- iii. Measures the County Executive and the Nairobi Metropolitan Services are taking to cease the infamous, ruthless handling of residents and traders by the City Inspectorate officers.

Signed by myself, MCA, representing Nairobi South Ward. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Akama? The Vice Chair or any Member of the Committee on Justice and Legal Affairs? Hon. Emmy. Please put on your mic.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. This is a matter that we saw in most of the social media platforms. The Chair was keen on this matter. We are asking for 14 days after the recess to respond. Thank you.

Hon. Speaker: The Hon. Chairperson of Liaison Committee, you see the reason why your Members are supposed to be within the plenary. I hope at least you are taking stock of the effect of absenteeism of chairpersons of various committees. They are really doing a lot of disservice to this House.

Hon. Paul Kados: Hon. Speaker, I will take an undertaking.

Hon. Speaker: Yes, please do the necessary so that the said chairpersons could be reprimanded to make sure that they are up to the task. The Members of the committees, please make sure that the committees are effective. We cannot proceed like this.

Hon. Emmy, have you given an undertaking?

Hon. Emmy Isalambo: Yes, I did.

Hon. Speaker: How long?

Hon. Emmy Isalambo: We requested for 14 days after the recess.

Hon. Speaker: 14 days might be a bit long given that it is a weighty matter. Hon. Waithera, please.

Hon. Waithera Chege: Thank you, Mr. Speaker. Actually, I wanted to seek for your indulgence because this is an extensive agenda. By use of the powers...

Hon. Speaker: I concur with you because I do not see why you need 14 days after recess to investigate a matter that is in the public domain. Hon. Isalambo.

Hon. Emmy Isalambo: As I said earlier, the Chair is not with us here. I am just sitting in on behalf of him. It will take us 7 days to investigate...

Hon. Speaker: So, can I direct that you bring the report last day before we adjourn for recess?

Hon. Emmy Isalambo: Yes, we will try.

Hon. Speaker: Is that in order, Hon. Waithera?

Hon. Waithera Chege: Yes, that is in order. Hon. Speaker, the reason I was seeking for your indulgence is because this agenda is actually bigger than that Statement.

Hon. Speaker: Your interest is well taken care of.

Hon. Waithera Chege: I wanted to request if you could allow, through Standing Order No. 1, for them to have a joint sitting with the Committee on Trade because this is an issue that has been affecting hawkers.

Hon. Speaker: You did not indicate it in your earlier request as approved.

Hon. Waithera Chege: Yes, that is why I was seeking your guidance.

Hon. Speaker: It is not possible, Hon. Chege.

Hon. Waithera Chege: Thank you, Mr. Speaker.

Hon. Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING POLLUTION
FROM UNITED LEATHER TANNERS LIMITED

Hon. Speaker: Hon. Martin.

Hon. Martin Waithaka: Thank you, Mr. Speaker, for giving me this opportunity to exercise among the duties that I was mandated to...

Hon. Speaker: Be audible enough, be close to the mic.

Hon. Martin Waithaka: Thank you, Mr. Speaker, Sir, for giving me this opportunity to exercise among the duties that I was mandated by the great people of Mowlem Ward.

Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding pollution from industries and factories that allegedly discharge effluents to water bodies, sewer lines and drainages, especially United Leather Tanners Limited located along Dandora - Komarock Road in Mowlem Ward.

Hon. Speaker, Article 42 of the Constitution of Kenya, 2010 provides that every person has a right to clean and health environment, which include the right to have the environment protected for the benefit of present and future generations.

Hon. Speaker, it is alleged that a company named United Leather Tanners Limited located along Dandora - Komarock road in Mowlem Ward operates without a valid effluent discharge license that is issued by the National Environment Management Authority (NEMA). The said company discharges its effluents to the drainages along the company's wall hence the neighborhood residents are undergoing undue suffering due to the environment, water pollution and medical issues caused to the residents of Mowlem. The said pollution affects the operations of businesses and thousands of households in the area. This poses health hazard not only to the residents of Mowlem but also across the County and beyond.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. Steps that the County is taking to ensure that factories comply with County Legal Framework on pollution;
- ii. Reasons the United Leather Tanners Limited Company has continued to operate in total defiance of the requisite discharge licenses from NEMA;
- iii. Specific actions the County Executive is taking against the Company in light of strict compliance to Article 42 of the Constitution of Kenya, 2010;
- iv. The timelines the County Executive is taking to restore the damaged sewer line and ensure operating licenses are issued on compliance grounds; and

- v. Measures put in place by the County Government to strictly enforce environmental standards to prevent the dangerous pollution of the County Rivers and drainages by factories.

Thank you.

Hon. Speaker: Thank you. The Chairperson of the Sectoral Committee on Environment and Natural Resources, please.

Hon. Silas Matara: Thank you, Hon. Speaker. We are going to give a response on 1st of November to my able neighbour, Mheshimiwa Wairobi.

Hon. Speaker: The first week after the recess?

Hon. Silas Matara: The second day after the recess.

Hon. Speaker: Okay.

Point of Order

Hon. Speaker: Hon. Redson.

Hon. Redson Onyango: Hon. Speaker, I am standing under Standing Order No.47 (2) (c) regarding...

Hon. Speaker: Can you quote the Standing Order.

Hon. Redson Onyango: 47 (2) (c). I would like the Chairperson of Liaison...

Hon. Speaker: Make the reference; what does it say?

Hon. Redson Onyango: Regarding Statements.

Hon. Speaker: Do you have the Standing Order? Hon. Chege Mwaura, please read out Standing Order 47 (2) (c). Hon. Redson, please sit.

Hon. Chege Mwaura: Thank you. On behalf of the Chair of Water, Standing Order No. 47 (2) (C) says, "*A member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee.*"

Hon. Speaker: So, how is that related to the business we are transacting? Hon. Redson, please do not mislead the Assembly. You stand guided, be seated. Get the correct reference. Read again, Hon. Chege.

Hon. Chege Mwaura: Maybe you could have given him some indulgence. Just hear what he has to say then you rule on his request, kindly.

Hon. Speaker: Okay. Redson please.

Hon. Redson Onyango: Thank you very much, Hon. Chege. Since we started this Assembly, Hon. Speaker, as the Member of the County Assembly of Ngei Ward, I have asked for a total of ten statements, and out of those, I have only received two responses. I wanted the chairpersons of the various committees to tell me when they would respond to my requests because it is over five months down the line. I have the list here, if you will allow me to read it, Hon. Speaker.

Hon. Speaker: Hon. Member, before you read out the list, do we have the Hon. Chairperson of Liaison.

Hon. Redson Onyango: That is why I was requesting you not to allow Hon. Kados to step out.

Hon. Speaker: Serjeant-at-Arms, please find out whether the Liaison Committee Chair is in the Assembly.

Hon. Speaker: How many questions are pending?

Hon. Redson Onyango: Out of ten, eight are pending.

Hon. Speaker: Serjeant-at-Arms, can you report to the Assembly whether the Hon. Chairperson of Liaison Committee is within the precincts of the Assembly?

(It was confirmed Hon. Paul Kados was not in the Assembly)

(A Hon. Member spoke off the record)

That is why we want to bring this to the attention of the Hon. Chairperson of the Liaison Committee.

Hon. Chairperson of Water, I have been informed we don't have both the Chair of Liaison and Vice Chair present in the Assembly. As the Chair, I do take a commitment to relay the same information to the various committees. Through the formal communication, you will have to petition the Chair of the Liaison Committee, copied to the Speaker. Next week on Tuesday, we will be in a position to respond to your concerns. Is that in order?

Hon. Redson Onyango: It is in order, but can I tell you...

Hon. Speaker: You will raise them formally in your address.

Hon. Redson Onyango: Okay, thank you.

Hon. Speaker: Thank you.

MOTION

ADOPTION OF REPORT ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM KAMAU

Hon. Speaker: The Motion No. 8 stands deferred. I direct back to the House Business Committee for reallocation.

(Motion deferred)

MOTION

ADOPTION OF REPORT ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM KAMAU

Hon. Speaker: Order No. 9 also stands deferred. I direct back to the House Business Committee for reallocation.

(Motion deferred)

ADJOURNMENT

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Hon. Speaker: Hon. Members, the Assembly stand adjourned to tomorrow, 12th October 2023 at 2.30 p.m. I direct the House Business Committee to have a sitting at the rise of the Assembly.

The House rose at 4.20 p.m.