



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 18th October 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Antony Gathumbi) in the Chair]

PRAYER

QUORUM

Hon. Temporary Speaker: Hon. Members, going by the Standing Order No. 37 (2):

“If there is not a quorum present when the Chair is taken, at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayer, the Speaker shall order the bell to be rung for ten minutes.”

Serjeant-at-Arms, ring the bell for ten minutes.

(Quorum Bell was rung)

Hon. Members, there is still no quorum. The Standing Order No. 37 (2) further provides that the Speaker may... Sorry, there is quorum now.

PAPERS

REPORT ON AMENDMENTS OF STANDING ORDERS

Hon. Temporary Speaker: Chair of Procedures and Rules, you have a report.

Hon. Paul Kados: Hon. Speaker, pursuant to Standing Orders No. 196 and No. 258 (4), I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 18th October 2023:

The Second Report of the Select Committee on Procedure and Rules on amendments of Standing Orders.

(The Paper was laid on the Table)

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Hon. Temporary Speaker: Thank you, Chairman.

REPORT ON PETITION ON CONVERSION OF EXISTING NEW PUMWANI
SOCIAL RENTAL TENANTS FROM RENTAL TO TENANT PURCHASE SCHEME

Hon. Temporary Speaker: Chairman of Lands, Planning and Housing Committee.

Hon. Alvin Palapala: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 18th October 2023:

The Report of the Sectoral Committee on Lands, Planning and Housing on Petition by California Estate Residents on conversion of the existing New Pumwani Social Rental Tenants on Nairobi City County from Rental to a Tenant Purchase Scheme.

Thank you, Mr. Speaker.

(The Paper was laid on the Table)

Hon. Temporary Speaker: Thank you, Chairman.

REPORT OF SELECT COMMITTEE ON DELEGATED COUNTY
LEGISLATION ON WORKSHOP HELD IN MOMBASA COUNTY

Hon. Temporary Speaker: Chairperson of the Select Committee on Delegated Legislation, you have a report to lay.

Hon. Nasra Nanda: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 18th October 2023:

The Report of the Select Committee on Delegated County Legislation on the workshop held from 21st to 24th September 2023 in Mombasa County.

(The Paper was laid on the Table)

Hon. Temporary Speaker: Thank you very much, Chair. Clerk, proceed.

NOTICES OF MOTION

ADOPTION OF REPORT ON AMENDMENTS OF STANDING ORDERS

Hon. Temporary Speaker: The Chairman, Select Committee on Procedure and Rules, give your notice of motion.

Hon. Paul Kados: Thank you, Hon. Speaker. I beg to give notice of the following Motion: THAT, this Assembly adopts the Second Report of the Select Committee on Procedure and Rules on amendments of Standing Orders, laid on the Table of this Assembly, today, Wednesday 18th October 2023.

Hon. Temporary Speaker: Thank you very much, Chairman.

ADOPTION OF REPORT ON PETITION ON CONVERSION OF THE EXISTING NEW PUMWANI SOCIAL RENTAL TENANTS

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FROM RENTAL TO TENANT PURCHASE SCHEME

Hon. Temporary Speaker: Chairman, Lands, Planning and Housing, give your notice of Motion.

Hon. Alvin Palapala: Thank you, Mr. Speaker. I beg to give notice of the following Motion:

THAT, this Assembly adopts the Report of the Sectoral Committee on Lands, Planning and Housing on Petition by California Estate Residents on conversion of the existing New Pumwani Social Rental Tenants on Nairobi City County from Rental to a Tenant Purchase Scheme, laid on the Table of this Assembly, today, Wednesday 18th October 2023.

Hon. Temporary Speaker: Thank you, very much Chairman. Next Order!

STATEMENTS

Hon. Temporary Speaker: Chairman, Health Committee, you have a statement?

Hon. Maurice Onyango: Thank you, Hon. Speaker. I have a response to a Statement which was requested by Hon. Geophrey Majiwa, MCA, Baba Dogo Ward. I doubt if he is in the House. If he is around, I will proceed.

Hon. Temporary Speaker: Is he in? Let us call the next Statement and see whether he shall have come.

RESPONSE TO STATEMENT REGARDING COUNTY HEALTH FACILITIES CONSTRUCTED UNDER THE DEFUNCT NMS

Hon. Maurice Onyango: I also have a response for Hon. Redson Otieno, MCA, Ngei Ward, if he is in the House.

Hon. Temporary Speaker: Hon. Redson is in the House, you can go ahead.

Hon. Maurice Onyango: I proceed. Hon. Speaker, on Wednesday 19th April 2023, Hon. Redson Otieno, MCA, rose on the floor of the House pursuant to Standing Order No. 47 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the County health facilities constructed under the defunct Nairobi Metropolitan Services (NMS).

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. The data on the number of the County health facilities constructed under the defunct NMS particularly the facilities which are operational and the ones that have been abandoned; and
- ii. Measures that the County Executive is taking to ensure that all health facilities constructed by the defunct NMS are functioning as intended.

Hon. Speaker, the County Executive Committee Member for Health, Wellness and Nutrition appeared before the Committee on Tuesday 23rd May 2023 to respond to the Statement,

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and Hon. Redson Otieno was also in attendance. The Hon. Member was furnished with a copy of the response and confirmed to the Committee that he was satisfied with the same.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

The data on the number of the County health facilities constructed under the defunct NMS particularly the facilities which are operational and the ones that have been abandoned;

Hon. Speaker, the Committee was informed as follows: The construction of health facilities under the defunct NMS falls under two broad categories namely: -

- a) Implementation of the Presidential directive to construct 19 new health facilities i.e. Level II and Level III. Construction of 15 number of Level II and Level III health facilities were completed, equipped, commissioned and operationalized. One was completed and not equipped, currently the facility has been ear marked as a rehabilitation centre and the process of operationalization is at an advanced stage. Three are still under construction, the Executive Order of the President has since given the contractor up to 30th June 2023 to complete their construction
- b) Complete the construction of five storied facilities Level IIs and Level IIIs. Construction of three were completed, of which only one was operationalized, the other two are yet to be equipped. Construction of two was deferred after delay in receiving money from the exchequer.
- c) Complete the construction of the stalled Mathare North Ward and Nyayo Highrise Ward. The construction works were completed and the hospitals were equipped and handed over to the Kenyatta National Hospital for operationalization.

Hon. Speaker, partners supported construction works, which include:

- i. The construction of microwave incinerator at Mutuini Hospital; and
- ii. The construction of High Ridge/Parklands Health Centre.

Measures the County Executive is taking to ensure that all health facilities constructed by the defunct Nairobi metropolitan Services are functioning as intended;

Hon. Speaker, the Committee was informed as follows: The County Executive in ensuring that these health facilities are functioning, has: -

1. Supplied medical supplies to all the commissioned health centres;
2. Deployed the relevant staff to offer services to Nairobians; and
3. Factored in the financial year 2023-2024 budget.

Hon. Speaker, here attached are the submissions from the Executive. I beg to lay this response.

Hon. Temporary Speaker: Thank you very much, Chairman. Hon. Redson, can you confirm that you attended the meeting and agreed with the response?

Hon. Redson Onyango: Yes, I attended the meeting and was a 100% satisfied with the response.

Hon. Temporary Speaker: Thank you very much. Can you move to the next response, Chairman Health? Mheshimiwa Majiwa is around now.

RESPONSE TO STATEMENT REGARDING ALLEGED DIVERSION

OF USER FEE FORGONE FOR BABA DOGO HEALTH CENTER

Hon. Maurice Onyango: Thank you, Hon. Speaker. This is a response to a statement requested by Hon. Geophrey Majiwa, MCA, Baba Dogo Ward.

Hon. Speaker, on Wednesday 15th March 2023, Hon. Geophrey Majiwa, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the alleged diversion of user fee forgone for Baba Dogo Health Centre.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

1. The criteria used by the County Executive in disbursement and utilization of the user forgone fund;
2. Reasons why the initial intended purpose of the funds allocated to Baba Dogo Health Centre was allegedly abandoned; and
3. Reasons why the user forgone fund allocated and meant for Baba Dogo Health Centre are being diverted for other use, and why the monies are to be shared with other facilities.

Hon. Speaker, the County Executive Committee Member for Health, Wellness and Nutrition appeared before the Committee on Tuesday 23rd May 2023 to respond to the Statement, and Hon. Geophrey Majiwa was also in attendance. The Member was furnished with a copy of the response and confirmed to the Committee that he was satisfied with the same.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows:

Reasons why the initial intended purpose of the funds allocated to Baba Dogo Health Centre was allegedly abandoned;

Hon. Speaker, the Committee was informed as follows: -

User fee forgone funds are conditional grants that are stemmed from the removal of the user fee that Level II and Level III health facilities are charging for patient's registration to access services in these health facilities. The Medical Officer in charge in turn disburses these funds in lump sum to the counties based on the workload generated at Level II and Level III health facilities. The money is then distributed to the Level IIs and IIs health facilities where the ration on how to spend the funds is to be made by the health facility committees. This is followed by the development of the quarterly implementation plans that are forwarded to the County health facilities to enable the process of the authority to incur expenditure which allows the facilities to spend their funds.

In this instant, there was an anomaly since at the time of the disbursement of the funds to the facilities, a memo from the Acting Chief Officer for Health and the Director of Health directing on how to spend the funds contravened the decision making process on how the funds are to be spent.

Hon. Speaker, the procurement of the computers was done centrally at the County level but the payment was to be done using the User Forgone Fee Fund at the facility level, which is out of the line with the procurement process.

The facility health committees from many of the facilities raised concerns about the memo especially on the raising of audit queries for which specific procurement. The matter was also raised by the Chair of Health Committee and brought to the attention of the County Executive Committee Member for Wellness and Nutrition. This led to the generation of another memo by the current Chief Officer of Medical Services (attached) to counter the previous memo and instructed the health facilities to raise quarterly implementation plans based on the facility's needs. The above mentioned memos are attached in the response.

Reason why the user forgone fund allocated and meant for Baba Dogo Health Centre are being diverted for other use and why the monies are to be shared with other facilities;

Hon. Speaker, the Committee was informed as follows:

The user fee forgone funds are used by facilities based on their needs that are discussed by the Health Committee. The issue on sharing of the fund with other facilities are explained in the main response attached.

Hon. Speaker, herewith, you will find the attached submissions from the Executive. I beg to lay the response.

Hon. Temporary Speaker: Thank you very much, Chairman Health for the good job. Mheshimiwa Majiwa, confirm whether you are satisfied with the response or not.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. I can only confirm that the issue was sorted out on the ground but the report does not give the correct position because the issue of sharing of the fund was not justified and reversed. We used our funds as instructed. Thank you.

Hon. Temporary Speaker: Chairman Health, can you respond to Mheshimiwa's...

Hon. Maurice Onyango: Thank you, Hon. Speaker. What the Hon. Member has confirmed is that he attended the Committee meeting and he was satisfied with the Statement. But if he is not comfortable, he can come up with another Statement so that we do our due diligence and find out from the Executive. Thank you, Hon. Speaker.

Hon. Geophrey Majiwa: Hon. Speaker, I have just stated that my discomfort was as a result of the problem on the ground, which is the issue of sharing our money with other health facilities. That was stopped and we spent our money as was intended. That is why I said that I am comfortable but the story in the report is strange to me because we never agreed that there will be sharing. If I say that here today, the Chairman will tomorrow tell me that I accepted that we can share the next batch of that money. Every dispensary has their own disbursement and they are not supposed to share. It was never justified to me and that is why it was corrected at the ground, Hon. Speaker. Thank you.

Hon. Temporary Speaker: Mheshimiwa Majiwa, because it is very clear that there is a part of that response that you are not satisfied with, I would suggest that you do another Statement in regards to that particular segment that you feel that has not been satisfactorily been responded to. Or maybe what you are saying is that it was not part of your statement, that is what you are saying?

Hon. Geophrey Majiwa: Hon. Speaker, it is incumbent upon the Chairman to ensure that he gives the correct position. As for me, my problem was sorted on the ground by the CEC Health.

I do not see why I should come with another Statement because the problem was sorted. As for the Chairman, I do not know why they wrote that report which is different from what was happening on the ground. It is upon the Chairman to make sure that his secretariat gives him the right response to read in this House. Thank you.

Hon. Temporary Speaker: Chairman, for the good of Nairobians, I think you and Hon. Majiwa should have a sitting maybe after the plenary in one of your Committee meetings and sort out these issues because it is like we are having a debate, which is not allowed. A report is supposed to be laid, you either accept it or reject it. You have something to say?

Hon. Maurice Onyango: Thank you, Hon. Speaker. His concerns are also our concerns as a Committee, that the user forgone fee should not be shared by any other facility. We will liaise with him. Thank you.

Hon. Temporary Speaker: Thank you very much Chairman Health for your understanding. The Chairperson of the Committee of Justice and Legal Affairs, you have a response to give.

RESPONSE TO A STATEMENT REGARDING THE OPERATIONS OF THE CITY
MAGISTRATE COURT IN NAIROBI CITY COUNTY AND OFFENSES EXECUTED

Hon. Jared Ondieki: Thank you very much, Hon. Speaker. I have a response to a Statement requested by Hon. Nasra Nanda, MCA. On 28th September 2023, Hon. Nasra Nanda, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the operation...

Hon. Temporary Speaker: Excuse me, Chairman, I am sorry to interrupt. I am looking at your Statement and it is too long.

Hon. Jared Ondieki: I was going to shorten it.

Hon. Temporary Speaker: Make it brief, please.

Hon. Jared Ondieki: Yes, I will shorten it. Thank you, Mr. Speaker.

Hon. Speaker on 28th September 2023, Hon. Nasra Nanda, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the operations of the City Magistrate Court in Nairobi City County and offenses executed.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. The laws relied upon by the City Inspectorate to charge citizens of Nairobi City County at the Magistrate's court; and
- ii. The operations of the City Magistrate Court and the role of the County in the management and collection of fines.

Hon. Speaker, the Acting County Attorney appeared before the committee on 3rd October 2023 to respond to the Statement, and Hon. Nasra Nanda was present in the meeting. The

Committee did not receive a written response, nevertheless, the Acting County Attorney provided an undertaking to give a response at a later time during the day.

Hon. Nasra Nanda affirmed to the committee's contentment with the identical verbal representation put forth by the Acting County Attorney.

The laws relied upon by the City Inspectorate to charge citizens of Nairobi City County at the Magistrate's court;

Hon. Speaker, the Acting County Attorney presented the following:

There was the history to the legal framework within which the City Inspectorate operates. It is imperative to provide the historical perspective. However, just as you have requested, I will forgo the history because the Member was given the history properly and she understood.

Hon. Speaker, however, in the response to Hon. Nasra Nanda's inquiry, I hereby represent an enumeration of the laws relied upon by the City Inspectorate Department to prefer charges against offenders at the City Magistrate's Court. I will just peruse these laws, which are categorized as follows:

1. The public nuisance;
2. The Public health;
3. The Physical planning;
4. Environmental management; and
5. Miscellaneous supplications.

May be I can mention on the Miscellaneous supplications because the others are self-explanatory. In addition to the aforementioned categories, Hon. Speaker, it is worth noting that the court also handles various applications made by the Office of the County Attorney primarily on County health matters. These applications include:

- a. Prayers for disposal of animal carcasses declared unfit for human consumption;
- b. Prayers for orders for the isolation of individuals with communicable diseases;
- c. Prayers for children in need of protective custody; and
- d. Prayers for orders for disposal of unclaimed bodies in various public mortuaries within cities.

Hon. Speaker, the laws highlighted above provide the legal foundation upon which the Security and Compliance Sector relies while initiating charges against citizens of Nairobi City County at the City Magistrate's Court. These statutes encompass a wide spectrum of issues including those related to public nuisance, public health, physical planning, environment management and other categorized concerns, thus ensuring the maintenance of order and enforcement of compliance with the pertinent regulations within our City.

The operations of the City Magistrate Court and the role of the County in the management and collection of fines;

The County Attorney submitted as follows:

Recovery of rates. Hon. Speaker, the County has long sought the assistance of the Court by filing pleadings under the Valuation Rating Act for the purpose of recovering rates arrears. The

Court on numerous occasions has granted orders allowing the County to dispose of properties as a means to recover these standing rates.

Operation of the City Magistrate's Court. The City Hall service has four court rooms and served by five magistrates. The station is headed by the Chief Magistrate and three other magistrates seconded by the Judiciary, and preside over matters arising from breach of the County laws and criminal courts.

The Court has a registry within the court's premise which is dedicated to handle any matters arising from the breaches of County laws. This Court Registry operates under the purview of the County Attorney's Office and fulfills the following functions:

- i. Registration of charge sheets originating from the County's Prosecution Department and the opening of the court files;
- ii. Interpretation of charges to accused persons arraigned in court in a language they comprehend. Those who fail to pay fines are committed to jail until the fine is paid or the imposed sentence is versed. Those who plead not guilty are committed to the remand until such a time that the bond is paid. Offenders arraigned in court may plead guilty or not guilty. Those who plead guilty may face fines or be committed to community services. Those who plead not guilty may be released on cash bail or personal bond. If they fail to pay bond, they may remain in remand until the hearing and determination of their cases.

The form of punishment meted on each offender varies and it is imposed by the courts in accordance with the law. The fines collected are remitted to the County Revenue Fund while cash bails are deposited in the Trust Account held at the Kenya Commercial Bank (KCB). The collection and management of fines are overseen by the Finance and Economic Planning Sector.

Hon. Speaker, I am repeating that sentence owing to the fact that you are aware that there is a bone of contention between the Nairobi City County and the Judiciary. The way we see it is like these issues of revenue is part of the reason why we are having these tussles. I will expound more when I finish reading the response.

The status of the City Court. Hon. Speaker, the Nairobi City Law Courts have played pivotal role in maintaining law, order, hope and dignity for nearly a decade. Their strategic historical location and the unique circumstances surrounding Nairobi as the Capital City underscores their importance.

The Governor has taken an initiative to engage with the Chief Justice to ensure that pleas arising from breaches of County Laws are addressed at the Nairobi City Law Court.

In conclusion, Hon. Speaker, the Magistrate's Court plays a critical role in the enforcement of County Laws and justice system as a whole. It functions as a venue for the resolution of disputes and collection of fines is integral to the maintenance of order and compliance with the laws within Nairobi County.

Hon. Speaker, I beg to lay this response. To repeat myself, we have an issue – that is the Courts being relocated from within the precincts of City Hall to Milimani. My worry is, this Hon. House sits to make laws, so, if we are transferring these Law Courts fully to Judiciary, this Hon.

House and the laws we make here might be in vain. That is why the other time I requested the House to make noise over this matter and indeed, they have made noise.

(Applause)

Out of the noise that this Hon. House made, we have made progress in regards to securing our Courts. I want to report to this Hon. House that here is an intended meeting to deliberate on this.

Remember that some devolution and the national functions are concurrent. You are aware that water and health among others are concurrent. So, I do not see the reason why we cannot sit down and have an amicable solution towards this matter, owing to the uniqueness of Nairobi as a city.

The Hon. Member came before the Committee and she indicated that was satisfied, she can confirm that. Thank you, Hon. Speaker. I beg to lay.

Hon. Temporary Speaker: Thank you very much, Chairman. As the Member confirms that she was satisfied, I would like to know the position because you said that the Governor is engaging the Chief Justice to ensure that the pleas arising from the breach of County Laws are addressed at the Nairobi City Courts. But I am aware that already the magistrates have moved and the offices are being used for other purposes. *Karibu Mheshimiwa Nasra.*

Hon. Nasra Nanda: Thank you, Hon. Speaker and *Bwana* Chairman. I would like to confirm that I am satisfied with the response given by Hon. Chair, Akama. However, as a comment, I would like to emphasize that in the spirit of devolution which was championed by the Retired Hon. Raila Amolo Odinga, it was important...

(Applause)

Thank you. It was important in implementing devolution. The spirit of devolution ensures that regulations by the Executive must be in existence if we are to implement the Courts being at the County level. My only concern is that, if we are to ensure that the County is maintained as a place of adjudicating matters, that regulations support the implementation of these offences to avoid any abuse of power at the County level. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Yes, Chairman.

Hon. Jared Ondieki: Hon. Speaker, just as she has confirmed that she is satisfied – you know we come from the same coalition and I want to remind her that the Right Hon. Raila Odinga is not retired

(Applause)

Just as you have indicated, there is something crucial that you have asked, that one of the reasons why we are worried as legislators, especially with the laws we are making here, I am also informed that whenever our enforcement team arrests; that is for the last one week, they are required to go to the cyber cafes and download the charge sheets. These charge sheets are for the

Kenya Police. Once they have arrested people and filled the sheets, they hand over to the Police Stations. From there, we are told the County's work is finished. That is why I was saying that we are worried as legislators in terms of the full implementation of the laws we are making here.

It is important for us to continue fighting to ensure that the uniqueness which Nairobi faces especially with the number of offenders arrested, is that justice prevails within the shortest time possible. It will be important for us to continue pursuing the avenue of ensuring that the courts are within the precincts of Nairobi City County. Make noise.

Hon. Peter Imwatok: Hon. Speaker, allow us to make noise.

Hon. Temporary Speaker: I now allow the Majority Leader to make noise. *Karibu* Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, the Chair alluded that we make noise in reference to the 'President of another country.' Allow me to add my voice to this because I have been asked questions on why the Assembly was quiet on this issue, but I knew the Chair of Justice and Legal Affairs was handling it amicably.

Hon. Speaker, I want to condemn the Third tier of the National Government. The Constitution envisions the Executive to run the Executive Arm and the Legislative Arm to run a legislative process, and ultimately the Judiciary to arbitrate among the three Arms of Government. In the spirit of the Constitution, it delineates more and says that the County Government has two Arms of Government; that is the Executive and the Assembly.

In the spirit of the Intergovernmental Relations Act, which was the wisdom of Parliament after the inauguration of the Constitution of 2010, it says that governments can interrelate. This House legislated on Intergovernmental Relation Act during the defunct NMS where the National Government took functions of the County Government.

Hon. Speaker, the same House has passed a legislative item, which I moved as the Leader of Majority, allowing the National Government to co-own a process which is a function under the Fourth Schedule of the Constitution, namely; '*Dish na County*'. I don't understand why the Third Arm of the National Government, the Judiciary, is centralizing its operations.

I remember this same House passed a budget requesting the County Government to build a judiciary in Utawala, Mihango Ward. The reason why we passed that budget was because we wanted services of the judiciary to be near to our people.

Hon. Speaker, as the Chair said, if arresting officers in the Inspectorate to date cannot prosecute, that already raises an appeal before a judge because the lawyers will ask; who was the arresting officer? The police officers will not say that the City Inspectorate officers arrested and handed over to them to charge; that is not the law. There must be an arresting officer who turns to be an investigating officer.

Hon. Speaker, it is only Nairobi County which has a full Inspectorate School where the Inspectorate officers are trained to arrest and to arraign. The precedent set by our forefathers, the defunct City Council, cannot be erased during our time. I believe even before the 2010 Constitution, there were only three Arms of Government. At that particular moment, City Hall had

a City Court. A City Court has placed me as a Member of Executive of the County Assemblies Forum (CAF) because the judge ruled on my swearing in and it was binding.

Hon. Speaker I think the Executive and this Assembly led by the Speaker must now start to draft the deed of transfer with the Judiciary. When the National Government wants to perform our function, they do so easily but when we want them to assist us in their functions, they are distant. That is the noise the Chair is speaking.

(Applause)

Hon. Speaker, these charges and fines is one of the streams of revenue for the County. I wonder if the Judiciary has a KRA or a Central Bank upon which it will spend the money from the fines and other incidentals that are being charged on petty offenders. As I am aware, apart from bonds which are kept safely, fines ultimately go to the County coffers. The question that the Judiciary must answer us is; if indeed they are taking this role, are we going to receive our fines as a stream of revenue for the County? That is the noise that we must make. The Judiciary is taking our revenues and we don't know where they are taking it. They want now to raise as part of the revenue for the National Government, which is not the issue. The County Government has a role to raise revenue, and one of the revenue streams is through the City Court. It is historical. This is the noise we must make.

The Standing Orders disallows us that not to discuss the President and the Chief Justice of the Republic of Kenya, but Martha Koome should stand out because they cannot erase our history just by a stroke of a pen. Another question that begs that we must make noise; is the Judicial Service Commission aware of this? Because that is the highest echelon of the Judiciary that makes decisions. Did they remove all the Courts from other County Governments or only particular about Nairobi?

Chair, we also want to know how much are we raising on fines through these Courts that Nairobi City County will lose in terms of revenue. This is the noise we must make. Martha Koome must come out clear and explain to us where will our fines go to. If they say they will release money to us on a daily basis, then we can have a negotiation. But mine is to urge the Executive led by His Excellency the Governor and the Assembly led by the Speaker to engage now and draft a deed of transfer between the County Government of Nairobi and the Judiciary so that we agree that the only thing we need from them are trained judges and the prosecutors and we will pay their salaries. But all our fines should remain as our source of revenue. We want our magistrates back, our prosecutors back and our Courts back. Thank you, Hon. Speaker.

(Applause)

Hon. Temporary Speaker: This matter seems to be weighty and I have noticed that there are several Members who would like to weigh in on the issue. I call upon Hon. Silas Matara.

(Hon. Moses Ogeto spoke off the record)

Sorry, Hon. Matara, please excuse your senior. Welcome, Mheshimiwa Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker. I would like to thank the Chair of Environment for respecting seniors. In this Assembly, I have served under three Chief Justices of the Republic of Kenya, starting with Willy Mutunga, David Maraga then Martha Koome. So, you can understand the pecking order.

Hon. Speaker, we know that we should not be discussing about the Chief Justice. When the parking next to the Supreme Court meant for Members was taken, we kept quiet. That land belongs to the Nairobi City County under the evaluation role of the Nairobi City County. The Chairman then, the Hon. Leader of Minority can confirm to this House that the land belongs to the Nairobi City County.

Hon. Speaker, Chapter 11 of the Constitution of the Republic of Kenya talks about devolution. In the Intergovernmental Budget and Economic Council (IBEC) meeting which was held in 2016, it was explicit that the judges or the magistrates who serve under devolved functions should get remuneration from the County Government. There is nowhere in the world where there is a government without a judiciary. The role of judiciary is to arbitrate.

As the Chair of Justice has said, it is not noise but a Constitutional right. If the Constitutional rights under Article 195 of the Constitution are not adhered to, then there is no need of even us to be here. When we came to this Assembly, we were sworn in by a judge and we took oath of office before a judge who was sent from the Judiciary. Why? Because we cannot be sworn in by any other person other than a judicial officer. Even the Governor is being sworn in by a judge. But now, the Judiciary wants to take our courts. Independence of institutions should be respected. The Constitution is clear that we have independent institutions in this Republic. We have over ten independent institutions that work independently. There is a circular trying to mutilate our rights of not travelling out of the Country. Hon. Speaker, the Nairobi City County Assembly is an independent institution. If the independence of institutions is in limbo, then there is no need of us to be here.

Let it be made it clear that Judiciary is serving the people of the Republic of Kenya and not Nairobi City County Government. We are here elected to serve the people of the Republic of Kenya and we are not a subsidiary of the Judiciary. They Judiciary has been given a mandate to protect the people of the Republic of Kenya. Hon. Speaker, I didn't want to bring it here on the floor of the House, but I remember Judiciary said that we as Azimio Coalition Party were chasing a wild goose.

(Applause)

Hon. Speaker, we have heard that they wanted to arrest us. If fighting for our rights means we are arrested, then we are ready.

(Applause)

Now, they are scaring Governor Sakaja that they will take him to court. We want to tell the Governor to be firm as this will pass. He will remain as the Governor for five years. The Judiciary

cannot start now blackmailing and intimidating us as Nairobi City County Government. The Nairobi City County Government supports 67% of the GDP of this Republic of Kenya. Hon. Speaker, it is not a favour we are requesting, let the people get services. If they are not willing, then we will tell the County Executive not to arrest anyone so that this City can be ungovernable. That is the way.

(Applause)

We will bring *chokoras* to urinate next to the Parliament and the Judiciary. Hon. Speaker, with those remarks, I support Hon. Akama.

Hon. Temporary Speaker: Thank you very much for your input and it is well taken. Even the Speaker has felt it, but I want you to indulge yourself with the Standing Order No. 95(1) *baadaye* when you are seated alone there. It says:

“Neither the personal conduct of the Governor, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the County Assembly shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.”

That is just for noting.

Hon. Peter Imwatok: Allow me to bring Martha Koome next week.

(Laughter)

Hon. Speaker, I want to plead to this House that within the next 14 days if the Judiciary does not respect the people of Nairobi and more so us the representatives under Article 1 of the Constitution, I implore to invoke that Standing Order and bring a substantive Motion to discuss the conduct of one Martha Koome on her capabilities to lead the Judiciary and the people of Kenya.

Hon. Temporary Speaker: After the recess, you will do it in writing. Welcome, Mheshimiwa Matara.

Hon. Silas Matara: Thank you, Hon. Speaker. Before I give my comments on the Business before us, it is important that the Office of the Clerk adequately supplies the Members with the required documents in good time because I do not have the Business on my desk.

Secondly, on the Standing Order that you have read, it is my prayer that the message is home. Even if it needs that we change our Standing Orders to accommodate us to name and shame the people either from National Government or County Government, or whoever they may be when they use mechanisms to arm twist the County Government.

Hon. Speaker, I support the report of the Justice Committee. It is important that the Judiciary notes that it is utterly wrong, shameful and disrespectful to lay claim on proceeds of an institution that you do not make a provision for. The Judiciary does not even buy papers or a pen for our Courts. We use our own budget to pay the askaris who arrest these people and the cleaners

who clean the Courts. We also provision renovation of the same Courts. The tea that those magistrates drink, we make a budget for it. So, how can they lay claim if at all it is the financial incentive that they are bringing this issue towards claiming the funds that we collect from our courts? How can they without an iota of respect lay claim on anything on these Courts?

Hon. Speaker, we need to take cognizance of the fact that there is a trend by National Government to try and manipulate County Governments in their affairs. My colleague has mentioned the issue about the Chief of Staff of the National Government issuing instructions even to elected Governors. We have a budget that has been appropriated in this House for Members to travel but the National Government gives upon itself to try and direct County Governments, which is something that goes behind the principle of devolution.

If you look at an institution like Athi Water. It commits and make developments, but they get to build the Counties. That is a bad trend of National Government. There is an issue about even an institution like KRA, Hon. Speaker. They have not taxed the car reimbursement for the Members of the National Parliament. But when it comes to County Governments and the County Assemblies, the National Government institution uses different scope in terms of dealing with Hon. Members. That is why we are happy with the same Judiciary that gave a directive that whatever was deducted as tax for the Members... but it shows a clear line. This is manipulation by institutions of National Government, which we cannot accept as an Assembly.

On this issue about the Courts, Hon. Speaker, it is wrong that the Judiciary can purport to direct to take over our courts. When you look at the Auditor General's report, the Judiciary has been mentioned in terms of adequate use of its budget. They should use the budget that they have been given by the National Assembly, and if at all the funds are not adequate to cater for the service delivery of the Judiciary, they should focus on going to National Parliament or seeking support from the Executive towards having an increase in their budget.

We should be firm in our resolve as an Assembly. My colleague has mentioned about the parking that they took from us. So, if you allow this to happen, Hon. Speaker, we don't know what else the National Government is going to come and lay claim in this County.

With those, I submit to you, Hon. Speaker, that as a House we stand firm behind the report tabled by the Chair of Justice Committee. We shall not waver and we are going to stand strong as a County to ensure that status quo remains and the Judiciary focuses elsewhere. Thank you.

(Applause)

Hon. Temporary Speaker: Thank you, Chairman Environment. If you talk about status quo, the Courts are already not here. So, the status quo means that we stay without the Courts. Mheshimiwa Nanda you mentioned something about regulations, from where I sit, regulations become law. We have the Public Health Act and Food and Chemical Substance Act. These are things that need to be adjudicated within the courts around the City Court. That is my thinking, maybe I wanted to hear from you as a lawyer in the House what you have to say about that.

Hon. Nasra Nanda: Thank you, Hon. Speaker. First, I would like to say I stand guided. Thank you, Hon. Chair of the Justice and Legal Affairs Committee for correcting me and reminding me that indeed the right Hon. Raila Amolo Odinga is not retired. He is very much active and a champion for democracy in this country.

(Applause)

Mr. Speaker, I would like to echo the sentiments of the Majority Leader with regards to ensuring that when it comes to service delivery to the people, the County Assembly is more involved and engaged with communities. The City County would be the best place to start with better service delivery.

With respect to revenue, Hon. Speaker, I echo the sentiments of the Hon. Members before me including the Majority Whip. Revenue is one of the ways that the County can ensure service delivery. So, in this regard, I do support those sentiments.

Lastly, on your question on laws, in my capacity and my training as a lawyer, what I would like to emphasize is, if we do uphold that it is the City County and County laws that will be the place of adjudication, it will be important for us to support those laws with the regulations that will highlight and expound on how we intend to enforce the law. That would be my contribution in this regard. But in so far as Schedule 4 of the Constitution, I think there are a number of very clear roles that the County Government has, but in all things and in all ways, laws are meant to help society and communities move forward. Where laws are hurting the communities that they are meant to protect, then it is our role as legislators to ensure that those laws are either reviewed, debated or discussed in an Hon. House such as this. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you very much, Chairperson.

PAPER

REPORT ON PETITION ON RESETTLEMENT TO PUBLIC LAND LR NO. 18170 IN NAIROBI CITY COUNTY

Hon. Temporary Speaker: I call upon *Mheshimiwa* Palapala. You have a report. Serjeant-at-Arms, can you assist the Chairman?

Hon. Kennedy Oyugi: Thank you, Mr. Speaker for the opportunity...

Hon. Temporary Speaker: Hon. Oyugi, out of Order! How can you be standing while I have asked the Chairman here to do a report? Sit down please!

Hon. Alvin Palapala: Thank you, Mr. Speaker. I beg Hon. Oyugi to apologize, this is not a market place. You should respect seniors in this Assembly.

Hon. Temporary Speaker: Chairman, without further ado, please just continue.

Hon. Alvin Palapala: Thank you, Mr. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 18th October 2023:

The report of the Sectorial Committee on Lands, Planning and Housing on Petition by residents of Mathare 4A in Utalii Ward on resettlement to public land LR No. 18170 in Nairobi City County.

Thank you.

(The Paper was laid on the Table)

(The Clerk-at-the-Table consulted the Speaker)

Hon. Temporary Speaker: Chairman, Committee on Planning, there is a Notice of Motion you gave and you have to withdraw because it cannot stand because it cannot be debated.

Hon. Alvin Palapala: I was misguided I beg to withdraw the notice of Motion.

Hon. Temporary Speaker: Thank you very much. Clerk!

MOTION

ADOPTION OF REPORT ON AMENDMENTS OF STANDING ORDERS

Hon. Temporary Speaker: Chairman, Select Committee on Procedure and Rules.

Hon. Paul Kados: Thank you, Hon. Speaker. I beg to move:

THAT, this Assembly adopts the Report of the Procedure and Rules Committee on the proposed amendment of the Nairobi City County Assembly Standing Orders, laid on the Table of this Assembly, today, Wednesday 18th October 2023.

Hon. Speaker, it is notified that Hon. Silas Matara intended to move an amendment to the Standing Orders pursuant to the provisions of Standing Order No. 258 on 3rd October 2023.

Hon. Speaker, the below tabulated amendments to the Nairobi City County Assembly Standing Orders is in line with the provisions of Standing Order No. 258, which provides that:

“A Member may, with the support of at least a third of the total Members of the Assembly, request the Procedure and County Assembly Rules Committee to consider an amendment to the Standing Orders.”

Hon. Speaker, the Committee had its sitting held on Wednesday 18th October 2023 deliberated on the proposed amendment and adopted the same as follows:

Hon. Speaker, amendment of the Standing Order No. 189 (2) by replacing; *“out of the country on official County Assembly Business”* with the following; *“engaged in other County Assembly official Business, either within or outside the country.”*

(Hon. Nasra Nanda consulted loudly)

Hon. Speaker, protect me from Hon. Nasra.

Hon. Temporary Speaker: You are protected. Hon. Nasra, please discuss in low tone.

Hon. Paul Kados: Hon. Members, on how the amendment should read:

“A Member shall be considered absent or otherwise unable to attend a sitting in terms of paragraph (1) if the Member is engaged in other County Assembly official Business, either within or outside the country.”

Hon. Speaker, the justification in this is to permit party coalition Whips to appoint a Member to temporarily act in another Member’s place in Committee sittings, with approval of the Speaker. This will ensure full and effective utilization of Committee Budget and to benefit from knowledge and experience of other Members.

Hon. Speaker, on the foregoing, the Committee recommends as follows, that:

- a. Pursuant to provisions of Standing Order No. 258 (1), the Assembly approves the report of the Committee on the proposed amendment to the Nairobi City County Assembly Standing Orders as contained in Table 1; and
- b. The amendment of the Standing Order takes effect from time of adoption of this Motion.

Hon. Speaker, I urge Members to support this report. I beg to move and call upon Hon. Silas Matara to second this Motion.

Hon. Temporary Speaker: Mheshimiwa Matara.

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. I rise to support this Motion by the able Procedure and Rules Committee. I rise also to inform the House that the reason why I came up with this proposal to amend the Standing Orders, was to address a key concern, Hon. Speaker. The number of elected and special elect Members in the House remains the same since the inception of County Assembly. But under the current regime by able Governor Sakaja in the realignment of the offices, there are some committees which have up to five Chief Officers

Hon. Speaker, the scope of work has widened but the number of Members and the number of Committees has remained the same. Even the population has increased, which means the work of the respective Committees has increased. It is from that reason you realize that a Member has two or three important duties to attend to in the respective Committees.

According to our Standing Orders and our regulations, for Committee to commence in its programmes, they need to meet a requisite number of Members to form a quorum. So, to address that concern, Hon. Speaker, it is important that the Standing Order was amended to accommodate such that if a Member is committed on one important issue of the County, another Member can be able to adequately represent them in another County and engagement so that we don’t have a situation whereby a Committee that does not meet a quorum and it is not able to defray with its business. It is of benefit of the Members of this House that we approve this Standing Order so that in the forthcoming quota when we will be having retreats or whatever engagements, Members can be allowed. This will also give our Whips a legal framework to allow this through the Office of the Speaker to accommodate the interest of the Members towards serving Nairobians and making sure that Nairobi works.

With those few remarks, I beg to second the Motion. Thank you.

(Some Members walked out of the Chamber)

Hon. Temporary Speaker: Members, I am standing. You cannot be walking while the Speaker is standing. When our leadership brings up a Motion, the House at least should be with people to debate. I see Members leaving and Hon. Jateso, our Majority Leader has a Motion coming before us. I ask you to please stay put.

(Question proposed)

Hon. Members, this is a matter that concerns you. You are always asking the Leadership to place you somewhere and to move you from one point to hold brief for another person. Now you are all silent.

(Hon. Member spoke off the record)

Ati zimecolide? Nobody is going to talk? Mheshimiwa Lugonzo?

Hon. Joyce Lugonzo: I support.

Hon. Temporary Speaker: Mover?

Hon. Paul kados: Thank you, Hon. Speaker. I am very surprised to see Members not participating in this Motion...

(Hon. Member spoke off the record)

They are pressed? Since I am replying, let me presume that all of them are in concurrent with the Motion. I reply. Thank you, Hon. Speaker.

(Question put and agreed to)

Clerk!

MOTION

OPERATIONALIZATION OF THE SPORTS FUND

Hon. Temporary Speaker: Hon. Peter Imwatok, Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, before I move this Motion, my Whip and his counterpart had a request before the House because this Standing Order can only be varied by the Chair or given a discretion on its ambiguity and when it is written. Aware that I moved a Motion of an Ad Hoc Committee last week which has a timeline according to the Standing Orders, not the Constitution nor the County Governments Act, the Whip had something to request the Chair.

Point of Order

Hon. Temporary Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Hon. Speaker, I stand on a point of order under Standing Order No. 236 on Ad Hoc Committee. Hon. Speaker, this House had approved a motion of Ad Hoc Committee. I wish you could extend for us time because we are in consultation with my counterpart

over the same. So, Hon. Speaker, I am begging if you can extend because it has a timeline of seven days, so that we can bring after recess, if you may allow.

Hon. Temporary Speaker: Well, we will allow the extension of time, but again I call upon you to bring the names may be tomorrow because we are going on recess. It may be overtaken by time again and we must go for another 60 days.

(The Clerk-at-the-Table consulted the Speaker)

Hon. Temporary Speaker: Majority Leader, please carry on.

(Hon. Moses Ogeto spoke off the record)

Hon. Temporary Speaker: Mheshimiwa Jateso, please I am allowing the Whip to speak

Hon. Peter Imwatok: Allowed.

Hon. Moses Ogeto: Hon. Speaker, the Motion was magnanimous and it needs to get men and women of concrete substance, tomorrow might not be possible. I am requesting seven days immediately after recess and I will be in a position to bring the names after consultation with my counterpart.

Hon. Temporary Speaker: That will be overtaken by time because if we allow another seven days, it will mean after recess it will take another 60 days for it to mature.

Hon. Moses Ogeto: Just 7 days after recess, Mr. Speaker, is not hard to ask. I know we are going on recess for only 10 days.

Hon. Temporary Speaker: I am being cautioned that the Committee will have very limited time, so, you can bring three days after recess.

Hon. Moses Ogeto: Much obliged, Mr. Speaker.

Hon. Temporary Speaker: Thank you. Mheshimiwa Jateso.

Hon. Peter Imwatok: Hon. Speaker, if God grants me an opportunity to be an MCA beyond 2027, I will be ready to vote for you as my Speaker because of your wisdom.

Hon. Speaker allow me to move this Motion.

THAT, aware that Paragraph 4 (h) of Part II of the Fourth Schedule to the Constitution of Kenya, 2010 mandates County Governments with the responsibility of managing sports activities and facilities;

FURTHER AWARE that the Nairobi City County Assembly enacted the Nairobi City County Sports Management Act, 2017 to provide for the management, promotion and regulation of sports in the County;

NOTING that Section 11 of the said Act provides for the establishment of the Sports Fund whose purpose amongst others is to fund the training, research, development and capacity building of sports activities in accordance with the Sports Plan contemplated under Section 8 of the said Act;

CONCERNED that despite these clear provisions of the law, the County Executive is yet to establish the Sports Fund to support sporting activities in the County as envisioned in the Act thus hampering the development of sports;

FURTHER CONCERNED that sporting teams that represent the County in various national competitions have been turned into beggars depending on well-wishers, which is not only heartbreaking but humiliating as well;

THIS ASSEMBLY RESOLVES that the County Executive: -

- i. Operationalize the Sports Fund as envisioned under Sections 10 and 11 of the Nairobi City County Sports Management Act, 2017 and further that the funds be utilized in supporting sporting teams in the County;
- ii. Factors monies in the Budget Estimates for the FY 2024/25 for purposes of the Fund; and Develops and submit to the County Assembly Regulations contemplated under Section 16 of the said Act within three months of adoption of this Motion. The regulations should amongst other things provide for the management of the Sports Fund.

Hon. Speaker, on this, I must thank the Senator of this great County, Senator Sifuna who initiated this Motion on behalf of the people of Nairobi. I had even forgotten we had Sports Act that was enacted by this House. But having shared with me on a write up he sent to me via SMS, I felt it was important for all of us especially those who are elected.

In my ward, I have more than 20 football teams all playing in different divisions. I have the best handball team in East and Central Africa that comes from Kaloleni. The team is heading for Olympics. I can see Hon. Hamisi laughing.

Hon. Speaker, the essence of this Motion is to operationalize that Act. In the Act, it is stipulated that County Governments have to allocate funds to that specific board. Unfortunately, the preceding Governments introduced these boards into organizing football tournaments. That is not the spirit of the Act. The spirit of the Act envisions that these boards create a fund where well-wishers will deposit their grants to support sporting activities and the County Government must allocate money in every budget. Hon. Speaker, when my Black Mamba handball team in Kaloleni wants to travel to South Africa to represent Kenya, the County Government can pay their flights.

Just look at the UK, every City has a club. Manchester United comes from Manchester City. Same to Arsenal, Liverpool and others. When you go to other cities, teams are sponsored by those cities. Hon. Speaker, this was the spirit of this Act that one day one time, we will have another Gor Mahia sponsored by Nairobi City County. It is unfortunate even Nairobi County Fc has died, a team which ought to have been supported by this particular Act. Kampala City Fc, which is a top notch Premier league team in Uganda, is supported by Kampala City.

Hon. Speaker, I don't want to belabor a lot on this Act, but it is clear for us who are elected that we know what it means when every session begins, especially FKF. Those who are footballers like Hon. Hamisi and Hon. Dabar understand what it means. All teams, captains and coaches come to our doorsteps asking us to pay for them affiliation fees.

Hon. Speaker, if this parliament in the next budget will allocate every ward just Kshs.1 million to make sure we facilitate these teams, it is the best thing for us to do.

(Applause)

An MCA who is elected in his respective ward can present the first five or ten top teams to be facilitated under this fund. It will reduce the burden on elected Members of using their pockets to pay affiliations fees for their respective teams that are participating in different leagues.

Hon. Speaker, I call upon Hon. Majiwa, a long-term Member of this House, to second this Motion. Welcome, His Worship Emeritus.

Hon. Temporary Speaker: Mheshimiwa Majiwa, karibu.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. As I rise to support this Motion, first, I must congratulate our Majority Leader for having come up with a thoughtful Motion such as this. In sports, we have seen lately in the world that it is an area where young people have been able to make their ends meet. Talent has proved to be God-given employment which nobody can take away from you if you nurture it. So, it is upon us as leaders in Nairobi to ensure that we also learn about nature sports. We can only do that by creating an environment that identifies talent and nurtures it.

Hon. Speaker, you heard in the past that we had very strong teams. But because of the economic situation, most of these teams have been dying naturally. We have had very good players in this country. If you compare our good players in Kenya in the 1980s with the good players in Europe in the 1980s, you will realize that those who are in Kenya, Nairobi to be specific, God rest their souls, those who have left us, left as paupers as they had nothing. Those who are still living, are living like paupers. Those who are in Europe, even if they are brought on television, they come and give analysis of matches that are going on. They are still respected. They are people who still have means, as old as they are. They are still strong because their governments took care of them and their talents, and ensured that the talents they had could actually take care of them in their old age.

Hon. Speaker, I want to believe that this is a Motion that all of us need to support and ensure that it is implemented to the latter. If we pass it today and God allows us to stay longer in this world, we will be proud of it because we will see talent in this City that many will admire even from other cities. The way you can hear our Majority Leader admiring a team from Kampala. We need to set precedence because in East Africa, I think Nairobi is at the top and we need to be at the top in all sectors. I beg to second. Thank you.

(Applause)

Hon. Temporary Speaker: Ladies and gentlemen, I stand to propose, and as I do so, I want to say that this is a long overdue Motion. We know we have various funds like the Liquor Fund and other funds. The Liquor Fund dwells so much on rehabilitation centres but not sports.

(Question proposed)

Hon. Temporary Speaker: Hon. Members! Hon. Ogeto.

Hon. Moses Ogeto: Hon. Speaker, thank you so much. I was about to oppose the Motion, but unfortunately, as I read through your lips I thought that even if I oppose, you will say, “the AYES have it.”

Hon. Speaker, I support the Motion and thank the Leader of the Majority for bringing it at the right time. As I take your words, we have a Liquor Board which needs to ensure that these people are being funded.

Hon. Speaker, without sports, as His Worship Hon. Majiwa said, this country will not go far. We do shine internationally because of sports, but we also shine because of corruption. We would rather shine in sports because the other one is not good. So, we now have an opportunity to allocate funds to the Sports Fund.

Hon. Speaker, as you have heard, Kampala has the best team. I believe that in the next budget, money will be allocated to assist our people. With the able Chairman of the Budget Committee and also I as a member of the Committee, we will be in a position to allocate funds. Hon. Speaker, with those few remarks, I beg to support this Motion.

Hon. Temporary Speaker: Mheshimiwa Kennedy Oyugi.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Allow me to seek your indulgence and the indulgence of the House. The intention of this Motion is superb and I am not in contention with it. However, Mr. Speaker, the Sports Act, which was established in 2017, had a provision for these funds.

Mr. Speaker, I want to remind the House that we also have Implementation Committee that is being chaired by my uncle, Hon. Majiwa. This is an Act which is in existence. I have been asking myself; is it through the Motion or a Statement asking the Implementation Committee to compel members of the Executive in charge of Sports to operationalize these funds? It is a fund that is in existence and we have Implementation Committee in the House. What is the work of the Committee? It is to ask or compel the Executive that all the Motions and Bills that have been passed in this House are implemented. I think that is the work for the Committee.

For that matter, I shared it with both the Majority Leader and the Whip. In my understanding, this Motion ought not to have been there, instead, I strongly believe that it ought to have come as a Statement and not as a Motion because this is what is in existence. The Statement should have gone to the Implementation Committee, asking why the members of the Executive in charge of Sports not operationalized these funds.

Hon. Speaker, I stand to be guided on the same. The irony of it is that, the man whom I wanted to ask to compel members of the Executive to operationalize this Act is the same man who is seconding the Motion. Mr. Speaker, I would love to be guided on this. Do we have Implementation Committee, and if we do, what is its work?

(Hon. Peter Imwatok raised a Point of information)

Hon. Temporary Speaker: May be it is the same information I wanted to give. Anyway, go ahead.

Hon. Peter Imwatok: Proceed Chair.

Hon. Temporary Speaker: Thank you very much for your indulgence, Mr. Kennedy Odhiambo. The Motion is rightly in front of us because we are talking about an issue of operationalizing a particular Act. So, it does not stop any Member from bringing a Motion on to make it operational. That is the position I have through our Standing Order. Even Mheshimiwa Majiwa, who is the Chairman of the Implementation Committee, is right to second the Motion because he understands that the motion is rightly before the House. Thank you very much.

Can we get further information from the Majority Leader, please?

Point of Information

Hon. Peter Imwatok: Hon. Speaker, allow me to inform the entire House that precedence has it that any Motion that touches on finance must have prior preparation. As you are aware, we just closed the issue of the current budget. This Motion is asking for 2024/2025 budget. Secondly, this Motion is requesting the County Government to operationalize the Act, as ably said by the Speaker. More importantly, this Motion is asking what Nasra Nanda has been crying about, that we have passed Acts in this House but the Executive has failed to bring regulations upon which we can do oversight.

Hon. Speaker, in three months if they would not have brought the regulations, considered the operationalization of this Act, or not thought of through the Sector of Sports to put a budget line, then the Implementation Committee chaired by the able Chair who has seconded the Motion, will now take these people head-on backed up by the Assembly resolutions.

Hon. Speaker, I beg to inform the House. My brother, Hon. Oyugi is right. I must confess that he came to me and spoke to me on the same, but I also sought advice from the Clerks who are the technical, and they said the Motion is rightful before the House. Mheshimiwa Oyugi has a good intention and I know he is really for it. Thank you, Mheshimiwa Oyugi and may God grant you that wisdom forever.

Hon. Temporary Speaker: Thank you very much. Mheshimiwa *Oyugi*, do you still have something to say?

Hon. Kennedy Oyugi: Let me say something. Mr. Speaker, I have been properly guided by the Chair and the explanation from the Majority Leader. However, Mr. Speaker, I am made to understand that somehow deliberately, the members of the Executive have refused to do the regulations to operationalizing this fund. If this is the only way they can be compelled to bring the regulations, so be it. For that reason, I support the Motion 101%.

(Applause)

Hon. Temporary Speaker: Thank you very much. Madam Emmy.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. I thank the Majority Leader for bringing this beautiful Motion. I ask the committee in place to make it happen by completing most stadiums in the county. This will help our young people in sports. As we saw, one of our members was gazetted. If the fund is there to support them, it will greatly nurture their talents.

When we were in CASA Games in Nakuru, we were ashamed as Nairobi County because there was no branding yet we have one of us as the head of the CASA. When other counties were moving around in branded uniforms, we as Nairobi County, with all the monies and allocations in various sectors, did not have. So, with this Act being implemented, it will do a lot of justice to the County, which is a City in the sun and the mother of all counties. I support.

Hon. Temporary Speaker: Thank you very much. Mheshimiwa Athman.

Hon. Hashim Kamau: Thank you, Mr. Speaker. I rise to support this Motion. I know many Members don't know me by the name Athman; they know me as Hashim Kamau.

To support what Hon. Emmy said, there was a member who was gazetted last week. Sports matter. Let me take this opportunity to congratulate Hon. Shadrack Machanje on his appointment as County Representative in the World Professional Boxing Federation.

(Applause)

I know one of his responsibilities will be to oversee the affairs of the federation. I congratulate him as one of us, *na tunasema asante sana*.

Mr. Speaker, as it has been said by the Majority Leader, sports is now a devolved function. Management of support Activities and facilities is the responsibility of the County Government, in particular the running of stadia.

Mr. Speaker, as we are aware, in 2027 there will be a very big even second to the World Cup that Nairobi is going to host; the African Cup of Nations. We need to prepare in advance and adequately, and one way of preparing is to operationalize these Sports Fund and appoint boards as per the Act to start these activities.

In that regard, I support the Motion as a former Chairman of CASA, where I handed over to the Majority Leader. Thank you.

(Applause)

Hon. Temporary Speaker: Thank you, Mheshimiwa Jera.

Hon. Samson Ooko: Thank you, Mr. Speaker. I equally rise to support this Motion. Allow me to inform the House that the mover of this Motion, Hon. Majority Leader, is the top scorer of the County Assembly team. So, he means well for the teams in Nairobi because he knows what he is talking about.

Hon. Speaker, as I stand here, I seriously sympathize with the youths of Nairobi. Many of the talents are languishing in the estates because they are unable to register in various leagues, be it divisions 3, 2, 1, Super League, or Premier League because of a lack of resources. I am coming from a slum area, and when my leaders were talking about these issues I really felt it because in

my area, young boys decided not to play with balls but to play with guns. They are unable to pay fees to enable them to play in leagues.

Majority Leader, as you came up with this Motion, I was really touched. You talked about allocation of like Kshs.1 million shillings per ward. Let us also include uniforms. It is a shame that a team coming from Nairobi is wearing torn sportswear. If you go to rural areas today, you will find various teams neat. I don't know whether the leaders in the rural areas are the ones who are serious about sporting activities or not. This being the City in the Sun, I beg that we stand with our boys because this is the only place where their talents can help them. We cannot give them jobs because there are no jobs. So, let us support them in building the capacity in sporting activities, and by so doing, I am sure we will have helped our boys in a very special way.

I have heard Hon. Oyugi talk about implementing what you are saying here, Hon. Majority Leader, take it upon yourself to support the Chair of Implementation. We have Leadership which is able to push for the implementation by the Executive. Certainly, after all this shall come to pass, I am sure that Nairobi will have talents. And when we have talents, we have agents who will come and pick the best players for trials. If this is successful, some of them will go abroad to play for big teams like Manchester United.

In that regard, Mr. Speaker, I humbly and respectfully support this Motion. Thank you so much.

Hon. Temporary Speaker: Thank you, Mheshimiwa. I want to bestow the opportunity on Hon. Clarence Munga to call upon the mover as you make your contribution.

Hon. Clarence Munga: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this very important Motion before this House. I also take this opportunity to thank the Majority Leader for finding it fit to come up with this Motion.

Mr. Speaker, issues to do with sporting activities in the County have been neglected. If you look at the budget, very minimal amount of money has been allocated to cater for sporting activities across the County. Through sports, we can create employment for our youth. If we can nurture our youth through sporting activities, it can employ the majority of them who are in our wards.

I concur with the resolution that we come up with a Sports Fund that will not only support the sporting activities but also go a long way to support the sports clubs or any other activity that will come up to ensure that when they succeed at the ward level or County level, they can proceed and participate in the national and even represent the country internationally. This will expose them to the outside world.

On the resolution to factor money in the budget estimates for the financial year 2024–2025, I wish the Chairperson of Budget and Appropriations was here, but I know through the Majority Leader, we will be able to push further to ensure that in the coming financial year, money is factored in the budget to actualize this Sports Fund.

On the resolution to develop and submit to the County Assembly regulations, I think this will go to the Delegated Legislation Committee. They will petition the County Executive to ensure they come up with regulations to support the same. Therefore, I support my Leader in totality on this. The Senator had actually written a letter to us requesting that we ensure we support the

sporting activities through the fund. I urge the Executive to speed up to ensure that we support sporting activities within the County. Thank you very much, Mr. Speaker.

Hon. Temporary Speaker: Thank you very much, Chairman. Mover, please allow me to ask Mheshimiwa Hamisi Maleya to make a comment.

Hon. Hamisi Maleya: Thank you, Bwana Speaker. It would have been shameful of me not to have spoken on matters of sports. I am standing here as a product of sports, administrator and an active member in all spheres when it comes to sports. Majority Leader, I thank you greatly for coming up with this Motion. Even though it has been long overdue, having known that you have been in this Assembly for three terms, but something has touched you, which is a positive note.

Hon. Speaker, the Majority Leader has spoken of his team, the Black Mamba. These are teams that were formidable in the 1970s and 1980s, but they became weakened with time. I remember the Black Mamba football team which died because of a lack of sponsorship.

I have been impressed to see the Chairperson of Culture contributing to this. He is the custodian of a sector that holds money meant for nurturing talents. I would wish this fund is fully operationalized so that we could make our community teams or estate teams come up in a way that we assist them in buying football kits and paying for their participation fees. Tournaments don't nurture talents; they are meant for politicians to get votes. People just play for trophies and money. But as we invest in these estate teams, it will make our boys busy and deter them from other activities that are not helpful to the society. Talents pay even more than education.

The Chairman of Implementation is here; we would want to see your weight in pushing the Executive to implement this Motion. Thank you, Hon. Speaker for giving me this opportunity. I support.

Hon. Temporary Speaker: Mheshimiwa Redson Otieno.

Hon. Redson Onyango: Thank you, Hon. Speaker. I rise to support this Motion.

In my ward, there is a team called Huruma Sports. It is a very good team, but sometimes if they want to go and play some matches, getting transport is a serious headache. Sometimes they call me to request for Kshs. 5,000 or Kshs. 10,000 for facilitation, and maybe I don't have money at that moment. But if the fund is there, it will help them a lot. Some of these youths, due to lack of facilitation and support, they leave sports and that the next thing they will do is go and mug people in the streets. If this fund is operationalized, it will keep them busy.

Last time, we were told by Governor Sakaja on short notice to allocate money to support music festivals, and we passed that money through the budget. In the next financial year budget, the Majority Leader, we need to allocate money to this fund, even if it is a minimum of Kshs.2 million per ward. It will really help us. I support this Motion. Thank you.

Hon. Temporary Speaker: Thank you very much. I call upon the Mover to reply.

Hon. Peter Imwatok: Hon. Speaker, allow me to start by thanking my Chair. For those who don't know, Hon. Hashim Kamau is the pioneer of CASA games. He was the Chair whom I took over from. He really made a mark in the history of sport and nurtured me in that line.

Hon. Speaker, allow me to thank the Chair of Culture, we shared this. I want to assure this House that this will be a reality. As I was seated, I was contemplating how we could raise this money. Last week, I was invited to the Budget Committee meeting where the Liquor Board Act was to be mutilated for the interest of the County Finance Sector. I implore, through the Chair of Culture, that I will be moving an amendment on the Liquor Board Act, that 15% to 20% of the Kshs. 300 million they collect annually will be decentralized to the 85 wards through a Sport Fund Act.

(Applause)

Hon. Speaker, you will also allow me with time, to move an amendment on the Sports Act to decentralize the Board from the County Board to the ward level so that when these funds come to the wards, there will be a specific sporting board to manage the fund at the ward level. Together with the Chair of Culture, we will amend the Act on the interest of the sporting activities for the County.

Hon. Speaker, with those two amendments plus now the budget line, I want to assure this House that in the next financial year we will not get less than Kshs. 2 million per ward for sporting activities.

(Applause)

I know Governor Sakaja is also keen on it. The more we centralize, the more we help our people. The era of buying uniforms from the central unit and MCAS running to City Stadium looking for balls and uniforms will come to an end next year. We will decentralize these funds, and the committee will make decisions on how many teams are in that ward and file the returns by respective federation so that we know which are formidable teams that will be participating in different affiliations and federations.

Hon. Speaker, another thing that I will bring to this House soon is a Motion constituting the establishment of Nairobi the Nairobi City County Football Club (NCCFC) like KCCA Kampala, whereby the County Government will be sponsoring the men and women's football teams, handball teams and volleyball teams on behalf of the County so that we can pick the best talents and make our own City team like Liverpool and Manchester.

Hon. Speaker, I believe with the sportsmen here like Hon. Hamisi, Hon. Hashim Kamau and all the Members present – The Deputy Speaker has just told me how he established a team in the 1990s and he made sure more than five members of the team were employed to this County. They are now current staff of the County Government

Hon. Speaker, it is time we make the sporting activities vibrant. I might be retiring as a CASA President, but I want to be KFF President. It will only come after making this mark. Hon. Hashim will be my Secretary General, Hon. Hamisi will be my Treasurer because he knows how to keep money, and the Chair of Culture will be the Organizing Secretary. We will be taken care of with or without politics. But only if we make sporting activities in Nairobi work.

Hon. Speaker, after building the most cherished big grounds – I want Hashim Kamau to support us to bring a Motion here that will initiate the seven-aside fields across the wards or sub counties. If you go to Netherlands, that is the order of the day from morning to evening when schools are closed, children are busy with cones. Imagine a team here playing division three has no cones for training. They train using coloured stones in a capital city. It is not adding up.

Hon. Jera, thank you. I want to assure you that all disciplines in Lindi Ward in the next financial year will have something to smile about. I know our Governor will support us fully. He supported the music festival, he cannot fail to support football, netball, handball, volleyball, choir, tug of war and badminton.

Hon. Speaker, I beg to reply.

Hon. Temporary Speaker: Thank you very much, Majority Leader for that reply. Looking at the mood of the House and the faces of Waheshimiwa like Hon. Lily Kidenda, Madam Lugonzo, and Hon. Rose Masita, they are very happy, and they are looking forward to those myriad amendments you have suggested to be brought to the House. They will be very helpful to this Assembly.

(Question put and agreed to.)

Hon. Temporary Speaker: Hon. Members, after the rise of the House, there will House Business Committee meeting.

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, the House stands adjourned until tomorrow, Thursday 19th October 2023 at 2.30 p.m.

The House rose at 5.01 p.m.