



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Wednesday 19th April 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: Hon. Members, the attention of the Chair has been raised on lack of quorum in the House. I direct the Serjeant-at-Arms under Standing Order 37 (2) to ring for the bell for a period of ten minutes.

(Quorum bell was rung)

Hon. Speaker: Order, Hon. Members! Serjeant-at-Arms, ring the bell for a further five minutes.

(Quorum bell was rung)

Hon. Speaker: We have quorum. Clerk, proceed.

COMMUNICATION FROM THE CHAIR

BUSINESS FOR TODAY'S AFTERNOON SITTING

Hon. Speaker: Good afternoon, Hon. Members. I have a communication under subject matter on the business we are just about to undertake this afternoon.

Hon. Members, without appearing to pre-empt debate on the business appearing in today's Order Paper, it is important that I inform the House that we have received two requests from the County Executive vide letters Ref. NCC/CS/PAA/297 and Ref. NCC/CS/PAA/300 all dated 18th April, 2023 seeking the County

Assembly's approval of certain aspects on the financing of Urban-Renewal projects and the School feeding programme.

Hon. Members, due to the significance of the urban renewal projects and the school feeding programme to the County Government, the National Government and the residents of this great city, both requests were placed before the Assembly Business Committee during the Committee's today's meeting. The Committee resolved that the matters be placed before the House this afternoon for consideration. Accordingly, I will be expecting the Leader of the Majority to move Motions seeking the concurrence or otherwise of the Assembly on the County Executive's requests. I therefore, encourage all Hon. Members to take a keen interest in both Motion when they shall be moved for deliberations. You stand guided, Hon. Members.

NOTICES OF MOTION

OPENING OF SCHOOL FEEDING PROGRAM FUND ACCOUNT

Hon. Speaker: Hon. Leader of Majority.

Hon. Peter Imwatok: Hon. Speaker, I beg to give notice of the following Motion:

WHEREAS, the Nairobi City County Government intends to initiate a school feeding program; and whereas, in order to fund the program, the County Government will require financing both from the exchequer and development partners; now therefore, pursuant to the provisions of Sections 116 and 119 of the Public Finance Management Act, 2012, this Assembly resolves to authorize the request by the County Executive Committee vide a letter Ref. NCC/CS/PAA/300 dated 18th April, 2023, to open a School Feeding Fund Bank Account and further urges the County Executive Committee Member for Finance to develop and submit to the County Assembly regulations to govern the School Feeding program for approval.

I beg to lay Hon. Speaker.

Hon. Speaker: Thank you. Proceed.

FINANCING OF URBAN RENEWAL PROJECTS

Hon. Peter Imwatok: Hon. Speaker, once again, I beg to lay the notice of the following Motion:

WHEREAS, Paragraph 8 (d) of the Second Part of the Fourth Schedule to the Constitution of Kenya bestows County Governments with the mandate of County Planning and Development, which includes provision of housing; whereas, the Nairobi City County Government, in its bid to provide decent and affordable housing to the city residents, is implementing Urban Renewal projects under a joint venture arrangement with development partners; and whereas, under the joint venture arrangement, the Nairobi City County Government and private developers formed a Special Purpose Vehicle (SPV) to implement the projects where the County Government holds the majority shares of ninety-nine (99) while the private developers holds one (1) share; noting, that under the joint venture arrangement, the Nairobi City County Government is expected to provide land for the projects while the developers are to raise funds and implement the projects; further noting, that in order to raise the required funds, financial institutions have required the private developers to provide collateral in order to provide the finances; recognizing that, at its sitting held on 18th April, 2023, the County Executive Committee resolved that Nairobi City County Government title deeds for the Urban Renewal project sites be deposited with financial institutions to act as

simple non-collateral deposits in order to enable the joint venture development partners to raise finances necessary to implement the Urban Renewal projects; acknowledging that, vide a letter Ref. NCC/CS/PAA/297 dated 18th April, 2023 by the Ag. County Secretary, the County Executive requests this County Assembly to approve the aforementioned resolution of 18th April, 2023 with respect to the Pangani Estate project site; now therefore, taking into account the significance of the Urban Renewal Project to the residents of Nairobi City County, the resolution of the County Executive of 18th April, 2023 and the subsequent request to the Assembly and the conditions set out for the implementing of the joint venture, and pursuant to Section 8 of the County Governments Act, 2012, this County Assembly resolves to approve the resolution of the County Executive of 18th April, 2023, that Nairobi City County Government title deed for the Pangani Estate Urban Renewal Project site be deposited with the requesting financial institution, as simple non-collateral deposit, to facilitate the Joint Venture Development partner to raise the necessary finances for the projects to be accomplished.

I beg to lay, Hon. Speaker.

ALLOCATION AND MANAGEMENT OF LOADING ZONES

Hon. Speaker: Deputy Speaker.

Hon. Paul Kados: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, aware that Articles 209 and 210 of the Constitution, 2010 grants powers to County Governments to impose, vary or waiver taxes, fees, levies and other charges in order to raise revenues to fund both their recurrent and development programs; further aware that, Nairobi City County boasts of several revenue streams key among them being parking fees which include loading zones yet there has been gross underperformance as regards the county's annual revenue collection vis a vis its annual expenditure; noting that, in successive Financial Years, the County Government has continuously lost revenue from loading zones due to non-payment by entities using them i.e. both private and government institutions; further noting that, the County Treasury does not have information on the number, location and the designated users/beneficiaries of all loading zones in the City; concerned that, the responsible County Government Officers fail to enforce measures aimed at collecting revenue from the loading zones due to compromise, corruption, negligence and a weak legal framework on loading zones; recognizing that maximum revenue collection is one of the foundations needed to buttress sustainable economic growth; this Assembly resolves that the County Government: -

- i. Identifies, automate and clearly mark all loading zones within the City and submit a comprehensive report on the identified loading zones to this Assembly within sixty (60) days of adoption of this Motion;
- ii. Repossess all loading zones with outstanding balances until the balances are cleared by concerned parties/beneficiaries;
- iii. Develops a legal frame work either in form of a legislative proposal or regulations on allocation and management of loading zones and submit the same to this Assembly for approval within sixty (60) days of adoption of this Motion; and
- iv. Suspend any allocation or renewal of allocated loading zones until the aforementioned legal framework is enacted and/or operationalized.

Thank you, Hon. Speaker.

Hon. Speaker: Clerk!

STATEMENTS

REQUEST FOR STATEMENT REGARDING TRANSFER OF HEALTH WORKERS FROM MAMA LUCY HOSPITAL TO PUMWANI AND MBAGATHI HOSPITALS

Hon. Speaker: Hon. Deputy Whip.

Hon. Stazo Omung'ala: Thank you, Mr. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the transfer of health workers from Mama Lucy---

(Hon. Peter Imwatok raised a point of Order)

Hon. Speaker: The Standing Orders does not allow you to rise on a point of Order when a Member is making a Statement. Please, Majority Leader.

Hon. Stazo Omung'ala: ---transfer of health workers from Mama Lucy Kibaki Hospital to Pumwani Hospital and Mbagathi Hospital.

Hon. Speaker, there is a viral video clip on social media whereby an expectant mother was captured wreathing in pain on the floor of Mama Lucy Kibaki Hospital and eventually lost her baby. It was reported that the mother delivered on the floor at the public hospital after she was denied entry to the maternity ward by a security guard who had locked the gate, forcing members of the public to intervene and force their way into the facility. Hon. Speaker, following the incident, several officers have been transferred from the facility to Pumwani Hospital.

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

- i. Reason for transfer of the purported incompetent officers from Mama Lucy Kibaki Hospital to Pumwani Hospital;
- ii. Criteria used in the transfer of the said officers; and
- iii. Measures the County Executive is taking to curb such incidences which have become rampant in the County public health facilities and especially at Mama Lucy Kibaki and Pumwani hospitals.

Thank you, Mr. Speaker.

Hon. Speaker: The Chairperson for Health Services, kindly give an undertaking on the Statement requested.

Hon. Lily Kidenda: Thank you, Hon. Speaker. On behalf of the Health Committee and our Chair who has traveled and is not in Nairobi, I want to state that action has been taken by our Governor as a result of that very unfortunate incident and I know that other actions are being taken. However, I would like to say that within 21 days given the massive nature of what has happened, we will be able to bring to the Assembly a comprehensive report on what has been done and what shall be done.

Hon. Stazo Omung'ala: Obligated, Mr. Speaker

Hon. Speaker: Noted with thanks. We may proceed. Hon. Anthony Maragu Muthoni.

REQUEST FOR STATEMENT REGARDING THE CONSTRUCTION OF THE CENTRE FOR
PARLIAMENTARY STUDIES AND TRAINING IN KAREN WARD

Hon. Antony Maragu: Thank you, Hon. Speaker. Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the construction of the Centre for Parliamentary Studies and Training in Karen Ward.

Hon. Speaker, in 2017, the County Government allegedly signed an agreement with the Karen and Langata District Association under Section 6 of the Nairobi City County Community and Neighborhood Association Engagement Act of 2016, on collaboration in development control within the KLDA area.

Hon. Speaker, following the approval of the aforementioned construction, KLDA went to court where a ruling was given on 21st October 2021 prohibiting the County Government from approving physical development or issuing development permissions or change of user in the zone without the approval of the KLDA.

Hon. Speaker, the County Government violated the provisions of the agreement when it granted the approval of the aforementioned construction without involving KLDA and in utter disregard of the court orders in place.

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

- i. Whether the County Executive is aware of the agreement with the Karen and Langata District Association and its contents;
- ii. The approval for the construction of the proposed 13 or 14 storey building for the Centre for Parliamentary Studies Training;
- iii. Who authorized the approval of the construction of the aforementioned building;
- iv. Whether the County Executive is aware of the court order and its response to the same; and
- v. Measures the County Executive is taking to protect residential areas from encroachment by commercial developments that are against the regulations on zoning within the County.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Chairperson, Planning and Housing!

Hon. Member: Thank you, Mr. Speaker. 14 days will do.

Hon. Speaker: 40 days?

Hon. Member: 14 days.

Hon. Speaker: Hon. Maragu?

Hon. Antony Maragu: Much obliged, Hon. Speaker.

REQUEST FOR STATEMENT REGARDING COUNTY HEALTH FACILITIES CONSTRUCTED UNDER THE NMS

Hon. Speaker: Hon. Redson.

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request 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.

Hon. Speaker, during its lifespan, the Nairobi Metropolitan Services constructed various health facilities across the County especially in the informal settlements. These facilities were meant to offer quality health services to the residents across the County.

Hon. Speaker, some of these facilities have been abandoned by the county and some have no necessary equipment to provide the required services to the residents across the County.

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

- i. Data on number of County health facilities constructed under the Nairobi Metropolitan Services, functioning facilities and the abandoned ones; and
- ii. Measures the County Executive is taking to ensure all facilities constructed by the Nairobi Metropolitan Services function as intended.

Hon. Speaker: The Chairperson, Health Services. Hon. Lily Kidenda

Hon. Lily Kidenda: Hon. Speaker, it has just come to my mind that the Assembly will go on recess the coming week. The Health Committee is evidently dealing with a lot of very important things, however, at this particular moment--

Hon. Speaker: Hon. Stazo, before you walk out, note that I had made a communication.

(Hon. Stazo resumed his seat)

Hon. Lily Kidenda: In view of the load that is on our table at this particular moment, I would like to ask for 21 days after resumption of the Assembly from recess. I plead with the mover that it be accepted. Thank you Hon. Speaker.

Hon. Speaker: Give an undertaking of the first week after recess.

Hon. Lily Kidenda: I would like to request for 14 days after the recess, Hon. Speaker.

Hon. Speaker: How many days are left before we proceed for recess?

Hon. Lily Kidenda: We have about 7 days before we proceed.

Hon. Speaker: Is the House sitting next week?

Hon. Lily Kidenda: Yes, Hon. Speaker.

Hon. Speaker: Can the House give you next week and the first week after recess.

Hon. Lily Kidenda: In that event, may I request for 21 days. I seek the indulgence of the gentleman because I also recognize that this will involve a lot of research and paperwork.

Hon. Speaker: Hon. Redson, please.

Hon. Redson Onyango: It is okay, Hon. Speaker.

Hon. Speaker: Is it okay with you?

Hon. Redson Onyango: Yes.

Hon. Speaker: Noted. You have another Statement, Hon. Redson?

Hon. Redson Onyango: I had two statements but the other one had issues. I request that I read it tomorrow.

Hon. Speaker: Are you requesting the Statement to be deferred?

Hon. Redson Onyango: Yes, Hon. Speaker.

Hon. Speaker: Thank you. Clerk, we may proceed.

MOTION

FINANCING OF URBAN RENEWAL PROJECTS

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Hon. Peter Imwatok: Hon. Speaker, WHEREAS, Paragraph 8 (d) of the Second Part of the Fourth Schedule to the Constitution of Kenya bestows County Governments with the mandate of County Planning and Development, which includes provision of housing; whereas, the Nairobi City County Government, in its bid to provide decent and affordable housing to the city residents, is implementing Urban Renewal projects under a joint venture arrangement with development partners; and whereas, under the joint venture arrangement, the Nairobi City County Government and private developers formed a Special Purpose Vehicle (SPV) to implement the projects where the County Government holds the majority shares of ninety-nine (99) while the private developers holds one (1) share; noting, that under the joint venture arrangement, the Nairobi City County Government is expected to provide land for the projects while the developers are to raise funds and implement the projects; further noting, that in order to raise the required funds, financial institutions have required the private developers to provide collateral in order to provide the finances; recognizing that, at its sitting held on 18th April, 2023, the County Executive Committee resolved that Nairobi City County Government title deeds for the Urban Renewal project sites be deposited with financial institutions to act as simple non-collateral deposits in order to enable the joint venture development partners to raise finances necessary to implement the Urban Renewal projects; acknowledging that, vide a letter Ref. NCC/CS/PAA/297 dated 18th April, 2023 by the Ag. County Secretary, the County Executive requests this County Assembly to approve the aforementioned resolution of 18th April, 2023 with respect to the Pangani Estate project site; now therefore, taking into account the significance of the Urban Renewal Project to the residents of Nairobi City County, the resolution of the County Executive of 18th April, 2023 and the subsequent request to the Assembly and the conditions set out for the implementing of the joint venture, and pursuant to Section 8 of the County Governments Act, 2012, this County Assembly resolves to approve the resolution of the County Executive of 18th April, 2023, that Nairobi City County Government title deed for the Pangani Estate Urban Renewal Project site be deposited with the requesting financial institution, as simple non-collateral deposit, to facilitate the Joint Venture Development partner to raise the necessary finances for the projects to be accomplished.

Hon. Speaker, this Motion is so pertinent to the citizens of Nairobi and I am proud that the County Executive in its wisdom understands the law. As an Assembly, we have tried to ensure that everything that happens within this County must be premise within the parameters of the law. Therefore, for this House to make its name known, we will not allow anything to go contrary to the law. This Assembly approves that Pangani project is so important, especially to the former MCAs who are seated here. Those who put their loans in these houses are still paying rent to date. It is upon this House to unlock this standoff so that the Hon. Members and staff who bought houses see that the project is completed.

Without much more ado, allow me to introduce my able counterpart, Hon Kiragu to second the Motion and inform Members that this is important in the development of this City, as envisioned by the Governor and the entire CEC members of the County Government of Nairobi. Thank you.

Hon. Speaker: Hon. Kiragu.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I rise to second this Motion and bring to speed the Members of this House that we did a housing policy and designed it as envisioned in this document. Hon. Speaker, key words are; joint venture, special purpose vehicle that is owned by the County and the

developers with a majority of shareholding of 99% shares by the county and 1% share by the developers. It is also important to note that what they are asking for is non-collateral deposits. When we sat down with the likes of Hon. Redson Otieno, Hon. Kados, Hon. Palapala and other people who were in the Second Assembly, we remember that we put a clause that required that this Assembly will approve any financing of these projects. This is the time that this Assembly has an opportunity to do what the former council did in the 1960's and 1970's when they changed the faces of the city in Woodley, Jericho, Makongeni by building County houses. This is our time. I second and support this Motion. Thank you.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Members, we are at the plenary.

Hon. Members: Mover!

Hon. Speaker: Hon. Members, I have several requests here.

Hon. Silas Matara: Thank you, Hon. Speaker for this opportunity. This is a House of debate, so let it be. For us who have an input on any business that is tabled on the floor, let the Members give us time to do so. In the interest of time, I am going to go straight to the Motion. I support because, as you realize, the country or Nairobi at large suffers 75% to 80% housing deficit. Such programmes, with others that are being done and executed by private partners and the National Government, will help augment the need of affordable housing to the residents of Nairobi.

Secondly, Hon. Speaker, when this project sees the light of the day, it is going to be able to offer dignity to the occupants of these houses because 70% of the population live in the Eastlands where water is a problem, sewer is a problem and security is a problem. The basic amenities required for comfortable living are lacking. So, if this project succeeds, then we are going to have Nairobian live with dignity.

In terms of the achievements or the plans of the County Government of Nairobi since the last regime and this one, if this one succeeds, then we will have something to write about. If we support this Motion, which I beg my colleagues to do so, we will have achieved one aspect of importance. While we were campaigning, this is what we promised Nairobian. I only have one reservation in terms of the financing. I hope measures will be put in place by the Executive to ensure that it does not end up being a white elephant.

Thirdly, since the land is going to be offered as collateral, if the project fails, then there is a risk of the County being auctioned and losing its land. I urge the Executive to put measures in place to ensure that these projects succeed and that they avoid situations where we acquire a loan and then there are incidences of pilferage of these funds. As Members of this House, we are going to be held to account because we will have approved and given our authority for the commencement of these projects,

Hon. Speaker, in support of this Motion, the Executive should also put measures in place to ensure equity and fairness in terms of distribution so that we do not have a situation whereby, as Members of this Assembly, we approve funds to be appropriated by a developer but when they finish the project, the distribution on the location is skewed in favor of some people, be it in government, from political affiliation or from business interests.

Fourthly, because we are the ones who are allowing them to seek this finance, I propose that the Executive, by the time they are agreeing with this private developer, ensure that the interests of the people

who are going to work in those projects and people who are going to do the supplies are people who come from our respective wards. That should be captured from the onset of this project.

Lastly, Hon. Speaker, it is important that while they make these plans, they ensure that in percentages, the County benefits and will have a say in terms of distribution and the allocation of these houses. Through the Planning Committee, we will have an input as a House when it gets to that point. With those few remarks, I beg to support the Motion. Thank you.

Hon. Speaker: Hon. Themendu, your mic is on.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. From the word go, I support Affordable Housing because it is going to benefit the Nairobians. I also support the Executive Committee which resolved that they needed to deposit their title deeds with financial institutions so that they can get money to develop them. Hon. Speaker, without much ado, I ask the mover to reply. Thank you.

Hon. Robert Alai: Hon. Speaker, thank you so much for the opportunity. A noble idea is destroyed by the illegalities that are in there. I stand before this Hon. House to oppose this Motion because the seconder has mentioned clearly that this House passed a housing policy. I don't know if the Implementation Committee or this House leadership has ever asked if that housing policy has been operationalized.

The special purpose vehicle which has been created for this project, when was this thing passed by this House? Was it an initiative that was decided and passed by the Executive without the involvement of the House and now we are being called upon because the financier has refused to finance the Housing Project because they need collateral?

When we allow the assets of this great country to be deposited in financial institutions without clearly mentioning the specific asset, we are creating a blank check for rogue elements. I ask that we follow the law. The law requires that we be accountable. The House is not aware if the County has an asset register. Without an asset register, we don't even know how many assets are in Pangani belonging to the County of Nairobi.

This very good and noble initiative, I would support it without even blinking an eye. However, because of the corners being cut here to ensure that we provide avenues for corruption without clarity on the law, I ask that we oppose this Motion until the Executive clears the grey areas on the issues mentioned.

Hon. Speaker: Hon. Member, for the consumption of the Assembly, the question before us is Pangani Estate, which is at the stage of 90% completion. It is not about Pangani Estate open space or so, but it is a specific project. Kindly, go through the Order Paper.

Point of Order

Hon. Anthony Karanja: Hon. Speaker, for the benefit of the Member, the request on this document is for the charging of the subleases. The title deed will be deposited on non-collateral deposit arrangement. There is zero risk of any County asset being misappropriated or mishandled.

Hon. Speaker, we passed this policy in 2018, it is within the law. So, for the benefit of the Member and anybody else, it is very clear that it is for the Pangani Estate Urban Renewal Project, which is at 90% completion. Thank you.

Hon. Speaker: Hon. Ogeto.

Hon. Moses Ogeto: Thank you, Hon. Speaker. My good friend, Hon. Bishop has explained very well. By then, he was the Chairperson of Planning, and I believe that he was able to guide the Committee well.

Hon. Speaker, I stand here to support this Motion. If you look at what happened at Jeevanjee and Pangani estates projects, the houses were affordable. I believe that the private developers and County Government will ensure they will facilitate that. There are also slum-upgrading programmes in Mukuru and in Kibra Constituency. This is the only way that will encourage our people to move from mabati to these comfortable houses with fresh water.

Hon. Speaker, Lastly, I want to congratulate my colleagues from Azimio la Umoja because, as you can see, we are a full house. I hope you will buy them tea today.

(Applause)

I want to challenge my counterpart, Hon. Ronaldo, I don't know if your Members have gone to do business because I can see your rows are empty.

Hon. Speaker: Majority Whip, do we you have a Hon. Member by the name Ronaldo?

Hon. Moses Ogeto: Hon. Mark Mugambi, my counterpart, the Minority Whip. I hope next time he will encourage his Members to come to this Assembly to serve as per Article 1 of the Constitution. Hon. Speaker, tomorrow, give Members of Azimio a break so that the other side can make a quorum. We can exchange every sitting day. Thank you, Hon. Speaker.

(Applause)

Hon. Mark Mugambi: Thank you, Hon. Speaker. As I stand to support this Motion, allow me to correct the Hon. Member for Dandora Ward, the Chairman of Environment. We cannot put strict measures in place to make sure that only residents of certain wards benefit as casual or unskilled laborers in this project. My ward, Umoja 1 will not have a single urban housing project, I would like the voters of Umoja to also benefit as unskilled labourers in these Pangani, Shauri Moyo, or Makongeni projects.

Hon. Speaker, as I conclude, if the Pangani project fails, then all the other urban housing projects will make the target market lose hope in investing in these houses. Therefore, I beseech this House to pass this Motion overwhelmingly so that we can see the completion of these houses the go to the next projects.

Hon. Speaker, in most developed countries like Singapore, most of the middle class residents live in affordable houses. If you look at those countries that have had successful projects, they do not have slums or shanty areas. Therefore, if we see these projects to fruition, this will be the end of dingy and slum houses in this city and in this country. In the end, we shall have given our residents a decent home where a mother can take a shower in a dignified way. A mother can sleep in a different room from her boy child.


With these few remarks, Hon. Speaker, I beg that you call the mover to reply. Thank you.

(Applause)

(Hon. Antony Gathumbi spoke off the record)

Hon. Speaker: Hon. Antony, get your card correctly. Kindly proceed.

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Hon. Antony Gathumbi: Hello, my mic is on.

Hon. Speaker: Hon. Antony, please wait for your turn.

Hon. Member: I rise in support of this Motion, Mr. Speaker. It is important as a House we start looking at things in a different paradigm. By that, I mean we stop looking at the structural aspects like the building. Let us look at how these houses will help our people. In essence, what we are saying is that these houses are creating employment. That is economic development for our people. Like what my brother, the Minority Whip, has said, it will help us move from the slums to dignified households. This will help in reducing crime rates because people will have dignified houses. Also, health naturally improves in such situations because if you live in a good housing neighborhood and in a good house, cases of cholera and other diseases will be limited. So, let us look at this aspect holistically, not only the structural aspect of it. This is just like a start. Once Pangani succeeds, it will inform how other projects will go about and how best to improve, as we will take notes of what has transpired, revise and interrogate the whole situation. We take notes and see in other areas that are marked for the same projects. Thank you.

Hon. Antony Gathumbi: May I?

Hon. Member: Gender!

Hon. Speaker: I have given you the mic.

Hon. Antony Gathumbi: You want turn me into a woman? I am speaking; why is he talking about gender?

Hon. Speaker: Member, can you address the Chair, please.

Hon. Antony Gathumbi: Thank you very much, Mr. Speaker, for allowing me to speak on this Motion. As my colleague has mentioned, we will learn so much from Pangani on how it has transpired. Mr. Speaker, you will realize that I had a Motion here speaking on issues of public participation. I spoke about this issue of urban renewal and how it has been an issue in Eastlands, specifically Jericho where up to date, public participation has not been done.

Mr. Speaker, this Motion talks of a policy. Recognizing that at its sitting held on 23rd, the County Executive Committee resolved the Nairobi City County Government title deeds for the urban renewal project sites be deposited with financial institution to act as a simple non-collateral deposit. Now, as a layman, I want to know and understand, what is non-collateral deposit? How do I get to understand that? I will understand through public participation. That is why I am eager to speak on this Motion. Yes, I will support Pangani, but as a layman, what is non-collateral? I cannot even pronounce the sentence. My people on the ground are much less educated than I am. They want to understand what is non-collateral.

Therefore, I beg the House to support the Motion and also follow up on the issue of public in wards where urban renewal projects will be done. It is an issue in my ward that has to be spoken about. I urge your office, Mr. Speaker, to follow up on the Motion that I brought here on matters of public participation. Thank you, Mr. Speaker, and if I sounded rude, I beg to be forgiven.

(Applause)

Hon. Speaker: The last speaker, Hon. Brian.

Hon. Brian Itenya: Thank you, Mr. Speaker, I rise to support this Motion. It will be so wrong for the Chair Youth Caucus not to support a Motion that benefits the people of Kibra. For those Members opposing

this Motion, like the Hon. Member from Kileleshwa Ward, doesn't know how Hon. Jeckoniah and I are living in Kibra. We want to have affordable housing. It is not all about you becoming a member of the cartel. It is wrong for one to oppose a Motion that benefits the people of Kibra. Thank you.

(Applause)

Hon. Speaker: Thank you. May the move reply please.

Hon. Peter Imwatok: Hon. Speaker, let me start by thanking the last born for speaking authoritatively that the business of the government, by the government and for the government, has to be executed by the Leader of the Majority in conjunction with the Leader of the Minority at any given time. We will not bring anything here that jeopardizes the standing of this Assembly. That is why we are very specific on the resolution of this Motion, that this particular resolution of 18th March 2023 will only be pegged on Pangani. For those who do not know Pangani, this particular project encompasses about 1,600 units which is at 90% completion. The reason why the developers and the County Government have come to us is because of the inflation rate that affected their financial standings, not because they did not have the money. The dollar went beyond the expectations.

Secondly, Hon. Speaker, allow me to appreciate Hon. Matara for raising the issue of non-collateral. It is a sponge upon which other subleases stand on because these houses already have subleases. Because the houses are not yet complete, you cannot have a lease that is standing on itself, it has to stand on a mother title. That is what non-collateral means, in layman's language.

Thirdly, allow me to appreciate the entire House. History is not written by those who dare not to dream. The First Assembly tried to dream but never dreamt. The Second Assembly tried, we put it somewhere. Let us dare to dream as the Third Assembly. This is phase one of this development. Phase two is within the same development. There are other phases across the City. That is why in our wisdom as the leaders of this House, we said that any developer who would wish one day to do this way, must be passed in this Chamber. You will not just execute this through the Executive alone but must be passed in this Chamber and we will scrutinize why you need the support of non-collateral commitment by the County Government.

Therefore, Hon. Speaker, allow me to say thank you so much for Hon Members across the political divide. We are a House that is determined to make things right and to make sure that the County Government operates. Personally, I would not want to be blamed in history that the Leader of the Majority made Nairobi County not to achieve the target of housing. Housing is key, as Mhesimiwa from Kibra has said. For those who live in Kileleshwa like Hon. Ogeto and my brother, the tallest man around us, know. Some us from Makongeni studied using nyangile. I know Alai understand what nyangile means; it means kerosene lamp. I believe Hon. Ogeto has never studied with that light. So, Hon. Brian, Hon. Jeckoniah, Hon. Catherine, Hon. Lawi, my deputy Hon. Odalo and I have used it. Hon. Kidenda has never. If you live in an affluent area, please give a child of a poor man also somewhere he can go as a toilet with privacy.

Hon. Speaker, I believe this House is up to the task, kindly, let us do what is right for the people of Nairobi. Thank you, Azimio team for coming in full swing. I expect such to continue in all the Assembly sittings. My Whip and I today met our all our Special Elect Members and agreed that every Tuesday, Wednesday and

Thursday at 2:30 p.m., we will all be in this Chamber. Thank you, the Special Elect from Azimio. All the elected Azimio leaders, we are also going to meet to make a decision.

Thank you so much, Minority side for coming though you are in a Kamukunji. I appreciate your coming. May God bless you and may He make Nairobi a great city. Urban renewal also coming up in Makongeni, we will make sure that our people are protected, but at least we develop the City. Thank you and God bless you.

(Applause)

Hon. Speaker: Thank you very much, the mover. Hon. Members, I know put the Question.

(Question put and greed to)

(Applause)

MOTION

OPENING OF SCHOOL FEEDING PROGRAM FUND ACCOUNT

Hon. Speaker: Hon. Majority Leader, please.

Hon. Peter Imwatok: Hon. Speaker, WHEREAS, the Nairobi City County Government intends to initiate a school feeding program; and whereas, in order to fund the program, the County Government will require financing both from the exchequer and development partners; now therefore, pursuant to the provisions of Sections 116 and 119 of the Public Finance Management Act, 2012, this Assembly resolves to authorize the request by the County Executive Committee vide a letter Ref. NCC/CS/PAA/300 dated 18th April 2023, to open a School Feeding Fund Bank Account and further urges the County Executive Committee Member for Finance to develop and submit to the County Assembly regulations to govern the school feeding program for approval.

Hon. Speaker, I may not have much to say on this, but one I can say is that, our core mandate as a County Government under the Fourth Schedule, is to deal with the ECDEs. I think the County Government has decided to open the scoop that the school feeding program is very vital for our kids, especially where we come from. I want to restrict myself to speak about where I come from, not where my brother Hon. Alai or Hon, Ogeto come from. I will speak about those who live on the other world where Hon. Brian and I come from. There is no difference between a kid in the ECDE and the one in the primary school because they go to school without breakfast and come back home during lunchtime but there is no food.

The Governor and his Executive Committee, in their wisdom, have decided to bring this important issue before us so that partners and other interested people can come and add into this kitty some money or food so that our kids in primary schools can get something to put in their stomach. Our kids need this food more than those from Waithaka and surrounding areas. So, it is just an issue of opening a fund account just like the Ward Development Fund and the Bursary Fund so that these partners can come in and put some money.

On the same note, let me also invite my counterpart to second the same in concurrence. Are we in concurrence? The late Otieno Kajwang said the word 'concurrence' is a big word. Mheshimiwa, kindly welcome.

Hon. Anthony Karanja: Thank you. Hon. Speaker, I rise to second this Motion. School feeding is not just any other project, it is about food and children. I believe that it is also an opportunity where we are asking the CEC for Finance to furnish this Assembly with the regulations they will use to disburse and manage this account. This is another opportunity for this great House and the Committee on Delegated Legislation to look at the regulations, as they have done before and as they will be doing in future, to make sure our children will not go hungry because money has been diverted to other things. The Majority Leader, Hon. Lawi and anybody who was here in the last Assembly know even bursary money used to be diverted. This is a great initiative that will ensure that this money is ring-fenced so that there will be no interruptions of the feeding programme during the school calendar. Hon. Speaker, I second.

(Question proposed)

Hon. Speaker: Hon. Stazo.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker---

Hon. Speaker: Order, Hon. Member! Please, I have given the opportunity to the Deputy Whip.

Hon. Stazo Omung'ala: Thank you, Hon. Speaker. Allow me to thank the Majority Leader for such a well-thought Motion of the fund. Having schooled at Mukuru Kayaba Primary School, I am a beneficiary of the school feeding program through the Sisters of Mercy; it was a private school then. Currently, it is a public school with no feeding program. So, having such a fund, it will encourage more kids to come to school as many in the slums don't go to school because they are busy begging for food in the streets. Partners that are not in government will be able to chip in to help this system. Thank you, Hon. Speaker, I beg to support.

Hon. Joyce Lugonzo: Thank you, Mr. Speaker Sir, I stand to support the Motion. Feeding program is a good idea, and I thank Majority Leader and Governor Sakaja for that idea. Our children in the slums are dying because hunger. I support the Motion.

(Applause)

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. May I begin by congratulating the mover, it is a well-thought Motion. I stand to support this Motion because of the benefits that will come with the implementation of the feeding program. One, in terms of the retention of our children in school. Two, it also acts as an incentive which goes a further to encourage behavior change among the children. Three, once the children are retained in class, they will improve in terms of academic performance. Four, this project again will go a long way in improving the health of the children because there are those children who are malnourished.

With regards to the account, I want to support this very much because again the success of this project lies solely on how it is going to be founded. The independence of this project is very critical because we understand even in the Assembly we have had issues with regard to administrative cost of the Assembly, and we have been seeking to have our independence in terms of our account. For every institution to run, it requires that independence. I feel that is why this Motion is critical.

Number two, we are looking forward to bring in partners on board to support this project. I want to give an example of the Wings to Fly project that is being run by Equity, the success of that project has strings attached to the external support that has been given by various partners. So, I understand that as a County, we don't have enough financial muscles to run this project independently. That is why the mover of this Motion is seeking or encouraging the Assembly to support the Executive to establish the independence of that account.

With that much, I want to support and say this is a well thought idea and we look forward to seeing it realize its fruits. Thank you very much, Hon. Speaker.

Hon. Eric Murigu: Asante sana, Mwenyekiti kwa kunipa nafasi hii niweze kuchangia Mjadala huu. Bwana Spika, nilikuwa naomba kubadilishwa kwa jina ambalo limeandikwa hapa; 'Subject: Opening of the school feeding program fund account' to 'Opening of the school meals program fund account'. Kama Mwenyekiti, tukizungumzia mambo ya maankuli--- Wacha tu nitumie tu Kizungu, Bwana Spika—

Hon. Speaker: Hon. Member, you are not allowed to mix up languages.

Hon. Eric Murigu Okay, Mr. Speaker, let me use English for now.

(Laughter)

Hon. Speaker: You can't divert.

Hon. Eric Murigu: Bwana Spika, tukisema 'feeding program' inamaanisha tunawapa chakula cha asubuhi, chakula cha mchana na chakula cha jioni. Kwa hivyo, ningepomba Bunge hili liweze kubadilisha hili jina liwe 'School meals program'. Asante.

(Makofi)

Hon. Hellen Okello: Asante sana, Bwana Spika kwa nafasi hii ambayo umenipa. Kwanza, ningependa kumshukuru Kiongozi wa Wengi kwa Mjadala huu ambao ameuleta. Nikikukurudisha nyuma kidogo, Bwana Spika, unakumbuka enzi za Nyayo; watoto walikuwa wakienda shuleni wakijua kuna maziwa. Kwa hivyo, watoto hawangeweza kukosa kwenda shuleni. Kwa hivi sasa, sisi sote tunajua vyenye uchumi imepanda, bei ya unga iko juu na si wazazi wengi wanaweza kununua. Tulikuwa tunanunua unga shilingi hamsini lakini sasa, umerudishwa chini hadi shilingi mia moja na sitini. Si watu wote wanaweza kununua unga kila siku. Watoto wakilishwa shuleni, itawafanya waende shule kwa wingi bila wasiwasi. Tunaelewa kuwa mtu akihisi njaa hawezi kusoma darasani. Naunga mkono Mjadala huu na naomba wawakilishi wadi wenzangu tushikane mkono tuunge mjadala huu. Asante.

(Makofi)

Hon. Diana Katile: Asante, Bwana Spika. Naungana na wenzangu katika kutumia Lugha yetu ya Taifa ambayo ni Kiswahili. Ningependa kuunga Mswada huu mkono maanake itasaidia watoto kupata chakula chamcha kila siku watapokuwa wakienda shuleni. Pia, ni hoja ambayo inasaidia kuhakikisha ya kwamba haki ya watoto kwenda shule inafanikishwa. Kwa maana kunakuwa na hitilafu katika kuhakikisha haki ya masomo inafanikishwa wakati ambapo mtoto hana chakula. Wakati huo, atabaki nyumbani ashindwe aende shuleni kufanya nini na hakuna chakula na pia nguvu ya kusoma.

Kwa hivyo, ningependa kuunga mswada huu mkono lakini pia nimeona hapa ya kwamba, *regulations* ambazo zinafaa kuhakikisha mswada unatekelezwa kwa ufasaha au kwa hali itakikanavyo unafaa kuwakilishwa katika Bunge hili. Wakati ambapo *regulations* hizi zitafikikishwa hapa Waziri anayesimamia maswala ya Fedha katika Kaunti hii ambaye ni Kerich, tutaziunga mkono. Kwa hayo machache, naunga mkono mswada wa kuhakikisha kwamba watoto wanapata chakula shuleni. Asante.

(Makofi)

Hon. Speaker: Switch on your microphone.

Hon. Gerald Mukuru: Thank you, Hon. Speaker for this opportunity. I stand to support the Motion on the floor of the House because it benefits the children. Yesterday and today, we had the committee meeting of Education somewhere and we were all discussing about the issues and articulating the problems and the challenges that are faced by our children. One of the challenges was about the feeding program. Through this feeding program, the food, I know it would be nutritious, will help our children not to be getting sick often and thus leading to improved attendance. Many at times children fail to school because of hunger. When given this opportunity of having a meal provided by the County Government of Nairobi, it will be of beneficial to those children and even the teachers because the children will always be present

Equally, I would like that we consider the issue of our children who usually have worn out uniforms. I think they should also be helped. As much as we feed the children, there are those who don't feel comfortable when going to school with tattered clothes. Therefore, I beg to support this Motion. Thank you Hon. Speaker.

(Applause)

Hon. Deonysias Mwangi: Thank you, Mr. Speaker, Sir for this moment.

Hon. Speaker: You may proceed in under one minute.

Hon. Deonysias Mwangi: Thank you. I just want to support this Motion and congratulate Majority Leader in House and also the super Governor for this Motion. Personally, I have been on the forefront to make sure that in my ward there are no roaming children, but I have been getting some challenges because when we take kids to school, they only report there for maybe one week or two weeks and then they drop out. If you follow up to know the reason, you will find that the mother or the guardian is saying that the kid didn't have something to eat. So, with this Motion, all I can urge this Assembly is to make sure that we have enough budget to sustain this project. Thank you, Mr. Speaker.

Hon. Speaker: The last one, Hon. Emmy

Hon. Emmy Isalambo: Thank you, Hon. Speaker, I beg to support this Motion. This is one of the promise the Governor made during his address to the Assembly. A hungry child is an angry child. By feeding them, they will be friendlier and brighter in classes. There are some churches which feed kids during Sunday schools. Like in our church, we try to lure them to come to church and to know the word of God by feeding them every Sunday. So, they look forward to coming every Sunday. I am very sure if we give them food in schools, especially in those areas which are less fortunate, like in slum areas, many children will attend school. If you play with education, then you will know how expensive it is. It will breed a lot of inferiorities and

goons in an area. So, let us make it a priority. I hope the Governor is going to implement this thing immediately so that it will help our children. Thank you so much.

Hon. Speaker: May the Mover reply.

Hon. Peter Imwatok: Hon. Speaker, I have just been informed by the Executive that, on the launch of this programme, the first 'dish na Sakaja' will be launched officially by the Members of the County Assembly of Nairobi. I am happy that these Members are also in concurrence. If you can get food, there is a kid somewhere who cannot get food yet we lose billions of money through cartels. Let us allow our kids to be 'cartels' by eating the money which is supposed to be lost in this County. Let's by our children be cartels by feeding them well with good nutrition.

Hon. Speaker: Majority Leader, can you withdraw, 'cartels' is not parliamentary.

Hon. Peter Imwatok: Hon. Speaker, let me replace it by 'unscrupulous business men', dubious ones, unwanted, limpomoos--- (*Laughter*) ---so that our kids can get food.

Hon. Speaker, I know where you come from, at least you can have a bacon, an egg and butter in the morning, but there is a kid who can't have a breakfast; seeing bread is like seeing heaven. Thank you, Hon. Members for accepting this Motion. I believe The Speaker's and the Clerk's offices must transmit these Motions as quick as possible to the Executive so that we launch these program.

Donors, we also welcome you to come in and support. As much as we say Nairobi has a 60% of the GDP, but if you go to Mukuru Kwa Njenga and other places like where Hon Odalo, Hon Majiwa and Hon Matara come from – There is a Member who went for public participation in Dandora, she even failed to sit. She said what she has seen in Dandora is another life because she comes from this side of Lavington.

So, Hon. Speaker, let us do something for these kids. Let a poor man's child and a single mother's child eat a decent food because the County Assembly of Nairobi made it possible. Thank you, Hon. Speaker and God bless you.

Hon. Speaker. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, the Assembly stands adjourned to tomorrow, Thursday, 20th April 2023 at 2:30 p.m. Thank You.

The House rose at 4:37 p.m.