



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 1st August 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

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

QUORUM

Hon. Temporary Speaker: Clerk, confirm whether we have quorum.

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

Serjeant-at-Arms, please ring the Bell for ten minutes.

(Quorum bell was rung)

Serjeant-at-Arms, please ring the Bell for another minutes.

(Quorum bell was rung)

Hon. Members, the House is fully constituted. Now, we are back to business. Clerk!

COMMUNICATION FROM THE CHAIR

HON. MEMBERS' WELFARE

Hon. Temporary Speaker: Hon. Members, I have the following communication to convey regarding Hon. Members' welfare: -

- i. Access to Medical Services at the Nairobi Hospital

Hon. Members, the Nairobi Hospital has expressed its willingness to offer preferential treatment of Hon. Members who may wish to seek services at the facility. As you may be aware, the hospital is one of the facilities listed on the panel of hospitals of the medical insurance cover currently covering all Hon. Members. In order to access this preferential treatment, the Hospital has issued access cards to all Hon. Members of

the County Assembly. Accordingly, the said access cards can be collected from the office of the Director, Security Services, with effect from tomorrow Wednesday, 2nd August, 2023.

ii. July, 2023 salary

Hon. Members, the State Department for Public Service under the Ministry of Public Service, Gender and Affirmative Action, who are the system administrators of the Public Service Payroll Management, are currently finalizing the upgrading and migration of the payroll from the Integrated Personal Payroll Data (IPPD) of Government Information Human Resource System (GHRIS) to the Universal Human Resource Management (UHR) system.

Further, as you may be aware, we are in the process of transitioning to the FY 2023/2024 following the approval of the County Government Budget by the County Assembly. These two processes have a net effect of delaying the processing and payment of the July, 2023 salary for both Hon. Members and staff of the County Assembly. In this regard, Hon. Members, while the Office of the Clerk is engaging all relevant stakeholders to urgently address this issue, Hon. Members are hereby informed of this likely delay and are hereby requested to remain patient as the matter is being resolved. Any inconvenience that shall be caused is highly regretted.

Thank you, Hon. Members.

PAPERS

Hon. Temporary Speaker: The Chair, Sectoral Committee on Transport and Public Works? Any Member of the Transport Committee who will lay the Paper?

Hon. Anthony Karanja: We agreed that the chairmen must and should be in the Assembly at all times. So, I am requesting that you direct the Majority Leader to do what he is supposed to do about the attendance of the Liaison Committee.

Hon. Mark Mugambi: Hon. Speaker, I am a Member of the Transport Committee.

Hon. Temporary Speaker: The Minority Whip, we are giving chance to the Majority Leader, please. The Majority Leader is on the floor to at least take note of what the Minority has addressed.

Hon. Peter Imwatok: Madam Speaker, I wish to concur with the Leader of Minority that there is some laxity from specific chairs' performance. We are going to have a leadership meeting very soon to deliberate on this then come with a way forward. As I said in the last Session, everyone can be a chair in this House, now that we are all seniors. I want to assure the House that we will have a leadership meeting with all the chairs and all the vice chairs so that they can take this House seriously. I beg to support and also urge for patience as we solve this.


Hon. Temporary Speaker: Thank you. Also on Papers, Chair, Trade, Tourism and Cooperatives? Any Member of the Committee?

REPORT ON THE INSPECTION VISIT TO CITY PARK AND POP IN MARKETS

Hon. Emmy Isalambo: Thank you, Hon Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 1st August 2023:

The report of the Sectoral Committee on Trade, Tourism and Cooperatives on the inspection visit to City Park and Pop In markets, conducted on Wednesday 25th February 2023.

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I beg to lay.

(The Paper was laid on the Table)

Point of Order

Hon. Temporary Speaker: Leader of Majority.

Hon. Peter Imwatok: Thank you, Madam Speaker. Allow me to thank all the Hon Members across the political divide, and more so those who cried most, the Azimio Party side, during my incarceration in Lari Police Station. It is an experience that is worthy to taste in the fight for democracy and liberation, and more so when the conviction is there the body can follow.

Hon Speaker, while I was away, I have just shared with the Leader of Minority because he was present throughout, including the 'black seal members'. I have just found a new name called the 'black seal', which is very good name in a movie.

Hon Speaker, based on your communication, it is indeed an issue that Hon Members cannot get their allowances on time. As the leadership of the House, we must take the welfare of the Members seriously. This will go directly to the Office of the Clerk, that going forward, let the Assembly have a reservoir in terms of cash. Whether with the approval of the Controller of the Budget (COB) or not, there is money standby for the operations of the Hon Members in this House.

(Applause)

Based on that, the Clerk of the County Assembly, the leadership, the Speaker and the Board have agreed to engage Cooperative Bank, which is a holding bank for us. We will not wait our salaries from the COB, let them take a cue from the Executive, have an MOU between the County Assembly, the Service Board, the Clerk's Office and the banks so that 28th of every month the banks will release our salaries as they await clearance from the COB and other organizations. Therefore, Hon Speaker, I am happy to report on behalf of the leadership that so far the MOU has been signed and this morning the Cooperative Bank has assured the Clerk's Office that in the next 48 hours or so, they will be ready to release the Members' salary as we wait those bureaucracies happening in the IPPD and everything. So, Hon Members, let us be patient, I believe by Friday latest we will be seeing the light at the end of the tunnel.

On the issue of the allowances of the Members, Hon Speaker, I am aware that we are owed about Kshs.25 million. The leadership and the Members of the Loans Committee discussed that all these funds belong to us; it is for our welfare. As the Chair of the Loans and Mortgage Committee, deputized by the Minority Leader, I have organized for a meeting tomorrow in the morning. By afternoon, you will see some reactions towards your welfare in terms of allowances which are pending. I believe that we will all be patient. I am not feeling well as such, but we are here to make sure things work in the right direction.

Subsequently, we implore the Office of the Speaker to have a Member's Kamukunji as quick as possible in the few weeks to come so that we align the administrative part on how we can go forward in the new financial year. Aware that now we have our budget of about Kshs.3 billion, we want an increment of about Kshs.400 million. We need to understand how we will be moving smoothly. No Committee should travel without its allowance so that we stop this issue of pending bills.

(Applause)

At that point, we will know who is sleeping on his job. I want to assure this House that we will smoke out who is sleeping on his job because we have schedule of all the committees on how they are supposed to travel. All the requests must go to the COB and the CEC Member for Finance as early as possible before the travel and that money be available to the Hon Members.

That is what I wanted to say on behalf of the leadership. Maybe the Leader of Minority can add one or two so that we can go on the same page. But I want to assure you that after the Loans and Mortgage Committee sits tomorrow morning, something is going to happen on the issue of allowances by tomorrow afternoon and latest Thursday morning. Other things will follow up. Thank you, Hon Speaker.

(Applause)

Hon. Mark Mugambi: Thank you, Hon Speaker. First, let me give my sincere apologies to the Leader of Majority for what he has gone through during the last one week, and also to my counterpart who went to hide in the villages of Kisii and left his phone roaming around in a car. I also take this chance to thank the President and the right Hon. Raila Amolo Odinga for finding that indeed Kenya is bigger than individuals. By both extending hands, the issues the Majority Leader, the Whip and their team were pushing through *maandamano* are resolved amicably and peacefully without loss of lives or damage to properties of the people we represent.

Hon Speaker, allow me to echo his sentiments, more so the issue about the welfare of Members. The President said categorically that he supports the county assemblies' push for financial autonomy, which in return is going to strengthen our oversight roles. Before we get that done, I think as the House leadership, being led by the Speaker, the Majority Leader, the Minority Leader, the Deputy Speaker, we as Whips and our deputies, it is our prerogative to now say enough is enough and make sure that the Assembly staff, led by the Clerk and the Accounts, are put to task. We have a tendency of one office blaming the other office. I think this House is no longer working in sync.

Hon Speaker, when I came here in 2017, we used to be paid our per diems on time, yet we had the system that we have today. It is a high time either these staffs shape in or we force them to ship out. I have asked for a statement of all the retreats that we went, but up to date, Hon. Speaker, I am not certain if there is any Member that has been given their statement. We need to know how many retreats we went and how many are pending. Using these statements, we shall ask for bank statements so that we crosscheck because I am certain we end up losing money without our knowledge. You will find that you have been paid Kshs 36,000 or Kshs. 62,000 and you don't know which Committee you have been paid. When they accumulate, you don't know how much the County Assembly owes you, so you just continue enjoying because today you have been paid something, but tomorrow there is nothing. The Majority and the Minority leaders need to be very strict on this, going forward.

We would rather push the quarterly retreats that are supposed to start until such a time we shall be able to pay either before they go or while they are attending. I think that is the best way we can assist our fellow Hon Members that bestowed their trust on us. If we don't do that, then we are failing. I believe as leadership, we have some offices that are failing us and the fights of the staff are affecting our welfare. It is the high time each person knows the reason as to why they are in these offices.

With those few remarks, I beg to put a rider on the Majority Leader's sentiments. Thank you, Madam Speaker.

Hon. Temporary Speaker: Thank you. Hon. Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, I think I having nothing to add but just to assure Members that we are committed to having their things done. I want to echo what the Minority Whip has said, we were being given our allowances before the trip because part of the allowances is meant for transport. Even the Majority Leader who was here during the First Assembly can attest to that. We do not expect people to be paying transport money with their own money from other sources. I beg that we return to those days so that we can facilitate Members to be able to execute their functions very clearly and effectively. I want to assure them that I am with them and also recognize that the movement has gained a name; congratulations, the 'black seal Movement'. Thank you.

STATEMENTS

Hon. Temporary Speaker: You also have a statement.

REQUEST FOR STATEMENT REGARDING UNPROCEDURAL REAPPOINTMENT OF MS. JANET MUTHONI OUKO AFTER HER RESIGNATION

Hon. Anthony Karanja: Further to that, Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Labour and Social welfare regarding the unprocedural reappointment of the then County Executive Committee Member in charge of Education and Sports Sector, Ms. Janet Muthoni Ouko during the Second administration of the County Government of Nairobi after her resignation from the said position.

Hon. Speaker, the said officer, having served in the Second administration under His Excellency Mike Mbuvi Sonko, tendered her resignation as the then CEC Member in charge of Education and Sports with effect from 31st January 2019 to pursue other opportunities. The said public officer was thereafter reappointed by the then Acting Governor, Hon. Benson Mutura on the same position after the removal of Mike Mbuvi Sonko, in unclear manner that might have contravened the provisions of Section 30 (2) (d) of the County Governments Act, 2012 and the Public Appointments (County Assemblies Approval) Act, 2017.

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

1. Whether the reappointment of Ms. Janet Muthoni Ouko complied with provisions of Section 30 (2) (d) of the of the County Governments Act, 2012 which requires the Governor to appoint, with the approval of the County Assembly, the County Executive Committee Member in accordance with Article 179 (2) (b) of the Constitution;
2. Whether the reappointment of the said public officer was vetted in line with the requirements of the Public Appointment (County Assembly's Approval) Act, 2017 and Chapter Six of the Constitution of Kenya, 2010. In particular, where reasons for resignation and/or allegations of abuse of office if any, might have been presented;
3. The accumulative of all remunerations and allowances paid to the said officer since her reappointment on 6th January 2021 to the afore stated position to the date of her appointment of her successor, which I highly suspect was unprocedural;

4. Procedures used by the then Office of the Governor as it were, in the appointment of Ms. Janet Ouko to the said position, and;
5. What measures the County Executive has put in place or intend to deploy to avert such unprocedural appointments and recovery of lost public funds as a result.

Signed by myself.

Hon. Speaker, this is a very weighty matter because we have seen a lot of appointments coming along and we would like to give this Assembly a lot of weight to do what they are supposed to do, which is to vet. We cannot allow senior officers like it happened in the last Assembly, to appoint people from the streets and they come and earn public money.

Hon. Speaker, this is a serious Assembly by the look of things than the last Assembly which I sat in. I hope the Chairman of Labour Committee will be able to answer this very quickly because this information can take only a few days. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chairperson, Labour and Social Welfare.

Hon. Allan Gathuku: Madam Speaker, I beg for seven days to bring the report. Thank you.

Hon. Temporary Speaker: Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, I would have requested for 48 hours, but let me go with the seven days, that is Tuesday next week. Thank you.

Point of Order

Hon. Temporary Speaker: What is your point of Order?

Hon. Jeremiah Themendu: Thank you, Hon. Speaker. I need a clarification from the Majority Leader. It is a good idea to resolve a problem, but you cannot resolve it by creating another one. My question is; what is going to happen to those that have applied loans? Is it going to be pending or what? Hon. Majority Leader, please?

Hon. Peter Imwatok: Hon. Speaker, I will be very honest. God is very gracious to me because most of the times these things happen when I am not feeling well. Last time when we were all gathered in the Office of the Speaker for the car reimbursement, I was not feeling well. The fight was fierce that I had to climb the stairs almost falling down just for the Hon. Members to get the Car Reimbursement.

The Loans and Mortgage Committee today has less than 27 Members who have complied with the Car Reimbursement. We all know very well what was the antidote for us to realize the car reimbursement, Mheshimiwa Themendu. We agreed to extend it to Members so that you can return back and we recoup that funding to the Loans Account for us to extend the loans. As we are speaking, our Loans Account is depleted. What we have in the account cannot be enough for every applicant, Madam Speaker. That is why I said we need a Kamukunji.

If the Loans Committee today makes a decision that you have surcharged what we agreed in three months, it means that we will not get the salaries we are asking as Hon. Members. All of us signed an undertaking that within three months, we will have brought the log book, the valuation report for the car and all what is required in order for the car reimbursement monies to be recovered from the COB. So far, only 27 Members have submitted the returns for the car reimbursement. If the Loans Committee moves to the

administration expressly to say that it should be deducted directly from your salaries, it means the member will not get salaries.

Hon. Themendu, let us solve our problems amicably and not open a bigger pandora box to each other. Let us have a Speaker's Kamukunji and see who are these Members who have not brought their car reimbursements. It is a shame that if I am applying for a loan today and I have not returned the car reimbursement, where am I getting the loan from? That is why I am saying things should not be in such a situation. Let us do short term, but next week I still implore the Speaker's Office to hold a candid Kamukunji. I may be hiding behind Hon. Ogeto telling him I have not gotten the loan and I have no salary, while I know very well that we said that after the three months' ultimatum, we will start deducting your salary for not returning your car reimbursements. Hon. Themendu, let us handle our things behind the camera, in a Speaker's Kamukunji. But for now, let us do short-term measures.

There are Members here, I do not want to speak on camera, who have come to the leadership. We have challenges as children are closing schools on Friday. We need to solve these small things and then we can solve the major problem. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Majority Leader. Hon. Paul Ndung'u, you have a statement. He is not around?

Hon. Moses Ogeto: Madam Speaker, I want to sincerely thank the Chair for Labour Committee and my senior Member, the Leader of Minority for asking such a question. I believe the Chair will bring a report before this House. I want to remind the Leader of Minority---

Hon. Temporary Speaker: Order! Hon. Minority Leader, the Majority Whip is on the floor.

Hon. Moses Ogeto: --that government eats its own people. I do not want to speak on behalf of former CEC, Janet Ouko but I am fearing that the government eats its own people. I am saying this because in the last regime, the Minority Party were the Majority Party then. But because Janet Ouko was trying to exercise her right on the issues of kitchens, this has caused her name to be brought in the floor of the House. Let me believe that this House will not be used to blackmail, mudsling---

Point of Order

Hon. Anthony Karanja: Hon. Speaker, I think it is wrong to allow an experienced member like Hon. Ogeto to prematurely discuss my statement. It is not fair. Otherwise, I have all my facts and I would like to remind him that it doesn't matter who does the wrong thing, if it is a wrong thing, it is a wrong thing. Hon. Majority Whip is aware that I am one of the victims who was eaten by my government that time.

(Laughter)

Hon. Speaker, I am speaking now because I can; I could not speak then. It was not fashionable at that time and it was dangerous. But if a public appointment was done unprocedurally, kindly let him wait for the report from the Labour Committee so that we can discuss and execute this. I have many other examples, which I will be bringing a statement every day, of what the Majority Whip who invaded my government last Assembly did with the previous four Governors. That is just one and he knows that. I would like that you stop him from discussing it until the report is brought.

Hon. Temporary Speaker: Thank you, Hon. Minority Leader. Majority Whip, let us wait for a comprehensive report from the Chair. Please, let us go on.

Hon. Moses Ogeto: Madam Speaker, I was reading my statement---

Hon. Temporary Speaker: You cannot discuss a statement that has already been assigned to the Chair, it is the mandate of the Chair.

Hon. Moses Ogeto: I was seeking your direction, Madam Speaker, on the principle that the former CEC is [not] in court over the same issue. I have said that governments eat their own people. If she has been brought before a court of law, then such discussions cannot proceed. Because, Madam Speaker---

Hon. Temporary Speaker: Hon. Majority Whip, let us wait for the Chair to come up with that subject, please.

Hon. Moses Ogeto: Madam Speaker, I want your direction.

Hon. Temporary Speaker: We are waiting for the Chair to bring the direction

Hon. Moses Ogeto: When this thing is still in court. If that is the case, then I will sit down and I will be guided, Madam Speaker. I want to say this, because I have been in *communicado* for seven days, the same government will start eating you people. Madam Speaker, if---

Hon. Temporary Speaker: Hon. Majority Whip, please let us wait for the Chair to bring the report and then I will give directions on the matter.

Hon. Moses Ogeto: Madam Speaker, the one who has asked for the statement has gone---

Hon. Temporary Speaker: Order, Hon. Member! We want to lay this matter to rest.

(Loud consultations)

Order, Hon. Members! I will give directions immediately I get a comprehensive report from the Chair.

Hon. Kamau Fiunifiu: It is not that matter, Hon. Speaker. Hon. Bishop has used---

Hon. Temporary Speaker: I have not given you any direction for now. Please take your seat. Hon. Mark Thiga?

Point of Order

Hon. Peter Imwatok: Point of Order on dress code, please. Hon. Speaker, you are the custodian of the Speaker's Rules. If you look at Hon. Thuo's hair style, is it allowed under parliamentary practice and he is not a woman? We need your guidance, Hon. Speaker. If not, can Hon. Thuo decide whether he is member of a society so that we know that he is allowed to have such hair in this Chamber.

Hon. Temporary Speaker: Hon. Thuo?

Hon. Kamau Fiunifiu: Thank you so much, Madam Speaker. I don't know whether you want me to respond on that matter, but I was rising to say that Hon. Bishop has used unparliamentary language here by alluding that, 'he was eaten'. From where I come from, that statement has negative connotation. Can Hon. Kiragu make it clear to this House how he was eaten. Thank you.

(Laughter)

Hon. Temporary Speaker: Order, Hon. Members! You have said it is a tradition?

Hon. Kamau Fiunifiu: I have said Hon. Bishop has used unparliamentary language because we do not eat human beings here.

Hon. Temporary Speaker: I want you to explain to the House about your hair. Is it a tradition or?

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. I am an African and I am very proud of my heritage. I have allowed my hair to grow long. I would like to take you back to the pioneer Assembly of 2013 where a

positive precedent was set in this House and this matter was brought to a rest. This is a House of tradition and precedence; and a precedent was set.

Lastly, Hon. Speaker, there is nothing wrong Majority Leader in being a woman. We have women here, so you do not demean me in any way when you say that I have fashioned my hair like a woman. If it makes me one, so be it. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you.

Hon. Peter Imwatok: Hon. Speaker, I like that the Hon. Thuo has confirmed where he belongs despite belonging on our side. Hon. Speaker precedence was set in this House in 2013, but the Speaker's rules requires what? It speaks about the African attire. Three weeks ago, Mheshimiwa Lawi and Mheshimiwa Jeckoniah were sent out of this House while having an African attire not on the final day of the week of the Assembly. In the Speaker's rules, it says short hair for men. It does not say long hair for men. So, if Hon. Thuo believes there is precedent set, he needs to notify the Speaker. The Speaker to give such a communicate that he allows it in this House. You cannot bring sin from the other session to this Assembly.

Hon. Kamau Fiunifiu: Hon. Speaker, I would want to---

Hon. Temporary Speaker: Hon. Thuo, I did not even give you the permission to respond to the Majority Leader. Please observe some respect.

Hon. Moses Ogeto: Madam Speaker, I want to defend the Member. In the First Assembly, I remember even the Member was wearing high heels before this House.

(Laughter)

It is God's grace that we are here again as third timers. So, Madam Speaker, maybe he needs to inform the Leader of Majority if he has changed his movements.

Hon. Temporary Speaker: Thank you for noting, Hon. Majority Whip. I will do the ruling next week the same time. Thank you.

Hon. Mark Thiga.

REQUEST FOR STATEMENT REGARDING ALLEGED GRABBING
OF PARCEL LR 209/7383 IN MARINGO/HAMZA WARD

Hon. Mark Thiga: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding alleged grabbing of County lands, especially the parcel LR 209/7383 in Maringo/Hamza Ward.

Hon. Speaker in a special gazette notice published on July 17th 2017, the National Lands Commission revoked ownership of various title deeds acquired illegally in various parts of the country, including Nairobi City County. Among the title deeds whose ownership was revoked was parcel LR209/7383, which was ordered to be returned to the County Government to hold in trust for the residents of Kimathi Estate for public use.

Hon. Speaker, currently, the land is a host to a public Early Childhood Development and Education Centre. However, Kimathi Welfare Association has placed a notice for the removal of the school with the alleged approval of the eviction notice from the National Land Commission and a memo from the County Government purported to support the eviction notice.

Hon. Speaker, in his statement, the Chairperson should enquire and report on:

1. Whether the County Executive is aware of the alleged eviction notice from the National Land Commission and the said County memo purporting to support the eviction notice;
2. Who authorized the memo from the County Executive purporting to support the eviction notice;
3. Whether the parcel LR209/7383 is legally under the County Government or private individuals; and
4. Measures the County Government has put in place to curb the increasing grabbing of land in the County and specifically on parcel LR209/7383 in Maringo/Hamza Ward.

Thank you.

Hon. Temporary Speaker: Chairperson, Lands and Planning.

Hon. Alvin Palapala: Thank you, Madam Speaker. Can you give us three weeks, Hon. Member?

Hon. Temporary Speaker: Hon. Mark?

Hon. Mark Thiga: Three weeks is quite a long time considering the hastiness of this matter. We are talking about our children in school. In three weeks, they could be out there loitering. Thank you.

Hon. Temporary Speaker: The Chairperson?

Hon. Alvin Palapala: Hon. Speaker, I think he will be comfortable with two weeks.

Hon. Mark Thiga: That is very much in order, Madam Speaker.

Point of Order

Hon. Temporary Speaker: Yes, Hon. Chege.

Hon. Waithera Chege: Thank you, Madam Speaker. I am on Standing Order No 45 (2) (c). I wish to remind your desk that the Chair of Environment Committee gave an undertaking just a few weeks before we went for short recess. I am therefore demanding answers for my statement.

On top of that, Madam Speaker, I have also noticed that the Speaker's Rules are not followed on the floor of this Assembly because Hon. Kamau Thuo has continuously addressed Hon. Minority Leader as Hon. Bishop. There is no such Member in this House. Therefore, it is important that we keep on following the Speaker's Rules. Madam Speaker, I beg for your indulgence.

Hon. Temporary Speaker: Hon. Waithera Chege, I will consult and come back with a report the next sitting. Thank you.

MOTION

DEVELOPMENT OF NAIROBI CITY COUNTY BROADCAST SERVICES POLICY FOR ACCESS TO INFORMATION

Hon. Temporary Speaker: Hon. Kamau Joyce Muthoni.

Hon. Joyce Kamau: AWARE that Article 35 of the Constitution of Kenya, 2010 provides that every person has a right of access to information held by the State; further aware that Section 95 of the County Governments Act, 2012 dictates that a County Government shall establish mechanisms to facilitate public communication and access to information in the form of media with the widest public outreach in the County, which may include; television stations, information communication technology centres, websites, community radio stations, public meetings and traditional media; acknowledging that the County Government is required to use media to amongst others create awareness on devolution and governance, undertake advocacy on core development issues such as agriculture, education, health, security, economics and sustainable

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environment among others; further acknowledging that from such robust means of mass media communication, the County Government would be able to ensure and coordinate the participation of communities and locations in governance at the local level as contemplated in Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution on county government's function; now therefore, this Assembly urges that the County Executive develops a Nairobi City County Broadcast Service Policy that shall seek to establish the Gubernatorial Digital Press Unit; the County Television and Radio Broadcast Directorate; and, Customer service & Complaint Directorate for effective dissemination of information, civic education and public participation for the residents in the County.

Madam Speaker, the key objective of information should be for promoting democratic processes, social progress and intercultural understanding. Radio and television broadcast has a tremendous impact on public opinion and the society at large.

Hon. Speaker, the Communications Authority of Kenya offers licenses to companies, individuals and even institutions that qualify to have the stations at a fee and it is more affordable to use your own platform as an institution as compared to what we are using now in other platforms.

Madam Speaker, I did a small research on what the County Government is currently using on advertisements. According to the itemized budget for the financial year 2022/2023, the Nairobi City County proposes to use the estimates on advertisement as follows:

1. The County Public Service Board proposes to use more than Kshs.4.7 million for advertisement only.
2. The Executive Communications Headquarters proposed to use more than Kshs.15 million on advertisements.
3. The Inspectorate proposed Kshs.4 million.
4. The Procurement proposed around Kshs.2.5 million.
5. The Revenue Department proposed more than Kshs.44 million.
6. The Administration Unit proposed Kshs.2 million.
7. The Urban Renewal proposed Kshs.1 million.
8. Public Participation and Citizen Engagement proposed around Kshs.25 million, among others.

Those are just the items that I picked from the proposed budget. The total amount projected to be used in advertisements alone in one financial year was summing up to Kshs. 141 million. Opening our own broadcasting station will cost the County around Kshs. 30 million, compared to the Kshs. 141 million that will be used in one financial year.

Madam Speaker, again if we have our own broadcasting station, we can also use it as a source of revenue. We can commercialize it and incorporate other institutions to use our broadcasting stations and that will be a good source of revenue instead of us taking more money outside. That money can come in as a source of revenue and we can divert the other money for developments in our wards.

Madam Speaker, I am also proposing for us to have the Gubernatorial Press Unit. I think it is high time it is established. I was privileged to be here in the last Assembly, and from my experience, every Governor who comes in, comes with his own press unit. I think it is not good because we have seen in the

past that some of the Governors in that office use their personal platforms to communicate official matters concerning the County. The same platform which is their personal platform is then again used sometimes to give people misinformation and other times even contents which are not good in those pages. So, we cannot use a personal platform to convey public information. My suggestion is that we create a Gubernatorial Press Unit so that every Governor who comes, will leave that office as it is just the same way as the National Government has done in the Presidential Unit. They have a specific body that handles the Presidential Press and not private people. That is my suggestion so that we can handle the confusion of Governor's Press once and for all.

Madam Speaker, if we have a broadcasting stations and the Gubernatorial Press, I was looking at it as a platform for as an Assembly of showing Nairobians of what we are doing. We will have a free platform of giving information and sensitizing Nairobians. For example, right now, the Budget Committee is handling the Finance Bill. I think that is a crucial matter that people need to be sensitized in a broad way and we cannot do it in a single sitting of public participation. Normally in public participation, the numbers that come in those meetings are very few compared if we can just share the information digitally. By broadcast information, it will reach millions of Nairobians at the same time. I think it will also be a political advantage for us because if the MCAs get a platform of showing their electorates the projects like roads they are constructing in their wards. If we can have a platform of showing Nairobians, then it will be so easy for us who have ambition to vie in the next elections. It will be so easy because the records will be out there speaking for itself. So, I am urging the all the Members of this House to support this motion because it will be a big win for us.

Madam Speaker, I was also suggesting we have a Customer Service and Complaint Directorate Unit. This one will benefit the wananchi directly. I was picking it from the way other companies like Safaricom have done. If you need anything from Safaricom or if you need anything from any bank, you don't have to go there and queue the whole day. We can have a customer service where Nairobians can call maybe to enquire on things they can follow up like their licenses digitally. We will save a lot of time for Nairobians by doing that.

Basically, this motion will solve many situations at once. Our political side will be handled here starting from the Governor. Our CECs will have their records there and the mwananchi will also benefit from there. All of us will benefit from this motion. We have a young Governor who wants to digitize everything in Nairobi, and by having this broadcast, I think it is one way of digitizing Nairobi *na Nairobi lazima iwork*. Thank you so much, Madam Speaker. I would like to ask Hon. Katile Diana to second the motion.

Hon. Diana Mwangangi: Thank you Madam Speaker. As Member of ICT Committee and the Assembly, I must admit if this motion is passed, it will be in stride as far as our mandate is concerned.

Madam Speaker, without deliberating much and repeating what has been said by the mover of the motion, I would like to state that this is a win for the residents for this Nairobi City County. It is a win because what I can see here is the enforcement of the right to information.

Madam Speaker, that right should not just be a right in the Constitution just for the sake of being in paper. If this motion is passed, it will ensure that the residents of this County, after accessing the right to information, to be able to hold the government of the day to account by critiquing and commending the Government of the Nairobi County, led by Hon Governor Arthur Sakaja.

I am also looking at the aspect of civic education, which is very important because it will be able to inform the residents of Nairobi County what is it that is in for them as far as the mandate of the County Government and the Fourth Schedule of the Constitution is concerned. Therefore, they will be able to gain from the services that are being offered by the County, because at times they might also be over expecting from the members of this Assembly. Probably, whatever they are expecting is something that should be upheld by--- Madam Speaker, do I have your attention now? Probably the residents are over expecting from our elected MCAs for a function that should be done by the National Government. But how will they know if we do not provide ample access to information platforms? Therefore, this policy covers many things. If we are also talking about customer service, Complaints Directorate and the aspect of public participation, which is a right that is guaranteed in our Constitution.

Madam Speaker, the Gubernatorial Digital Press Unit is an important aspect to this Government as far as communicating to everyone in Nairobi is concerned and communicating to the country at large. But without proper guidance, then each governor will come with their own form of communication and press because there is no form of guidance.

Therefore, Madam Speaker I am elated by this motion and I hope that everyone in this Assembly sees the importance of having the Nairobi City County Broadcast Service Policy. With those few words, Madam Speaker, I beg to second the Motion.

(Question proposed)

Hon. Temporary Speaker: Hon. Jeremiah Themendu

Hon. Jeremiah Themendu: Thank you, Madam Speaker. I thank Hon. Joyce Kamau for the good motion. All of us know that information is power, and for us to continue developing our County, our residents needs to have information. It is good for the County to find a way of how we can get a medium of communication through having a center that can provide information and a policy from the County Executive. It is also good to emulate the National Government by having a press unit like theirs. When the President assumes power, he does not just go to search for people who will be taking photos and those in charge of communication. There is an established press unit that informs the people. For example, under the former President Moi, we had Lee Njiru, a very famous press communicator.

Therefore, if we have one here in the Nairobi County, every ward shall get information from the County. For example, people can get information on the days and venue of public participation, or when the Governor, CEC or chief officer is visiting the wards. Our work will be made easier. Thank you, Hon. Speaker. I support the motion.

Hon. Temporary Speaker: Hon. Ami Ambala.

Hon. Ami Ambala: Thank you, Madam Speaker. As a member of the ICT Committee, I rise to support this motion. Public participation, I believe is going to benefit greatly, which is a big part of our current Government. Our people usually do not know or do not get enough time to prepare for any public participation that is coming up. I think it will be of benefit if we have a broadcasting unit that can get to them either through TV or radio and give them ample time to prepare and know what kind of questions they need to ask.

We have also realized a lot of people do not actually know anything in terms of their rights as citizens of not just a country but also a county, that what is expected of the County Government in terms of how it is

supposed to take care of their needs. With those few words, I would like to support this Motion, Madam Speaker. Thank you.

Hon. Temporary Speaker: Hon. Peter Maina Mwangi.

Hon. Peter Mwangi: Thank you, Hon. Speaker. I congratulate my Colleague, Hon. Joyce for coming up with this Motion. It is important motion because it will solve many issues that affect us socially, economically and politically. We have the National broadcasting services but we do not access the space because of our lower political hierarchy. What we do in our wards is not covered nationally.

Socially, the press unit will bring families together, like the Patanisho show. We do not want separation of families. We will have our patanisho. We must be mindful of the social public of our residents.

We will also raise revenue through advertisements. The broadcasting services will also help in directions. Most people who come to Nairobi get lost, through the broadcasting unit, they will be able to get directions. Therefore, I support the motion as it has been long overdue. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Hamisi Maleya.

Hon. Hamisi Maleya: Thank you, Madam Speaker for giving me this chance to contribute to this issue. As a member of the ICT Committee, I fully support our Hon. Deputy Minority Whip for coming up with such a good motion.

First, by creating a press unit, it will bring a lot of professionalism in the mode of communication from the Executive. We have seen every Governor coming in with his own press unit, which has no professionalism other than carrying along the quacks who have been on their campaign teams.

Secondly, it will create employment opportunities in that we will have an established directorate with fully professional employees.

Thirdly, the dissemination of information will be accurate. As of now, if I would be asked who the Communication Director of the Nairobi County is, I won't know. I also don't know the spokesman. Many purport to be spokesman of the County as long as he is associated with the Governor. Therefore, I think this motion will bring a lot of order. I support. Thank you.

Hon. Temporary Speaker: Hon. Fathiya Abdilahi.

Hon. Fathiya Mohamed: Thank you, Madam Speaker for this opportunity. I rise to support this motion. Hon. Joyce has brought a motion that is timely, given that most of the functions of this County are now going digital and also the Governor has given direction that he would want us to go digital.

One of the many benefits of this motion is the public participation. The Governor, His Excellency Governor Sakaja is the first Governor of Nairobi to put a whole department of Public Participation. Public participation is one of the mandatory functions that we should do when we are doing budgets or doing finance bills or any other bills. But that alone is not sufficient. So, Hon. Joyce has brought this motion that we need a Gubernatorial Digital Press that is going to complement what is in place now. It is one of the aspirations of the Governor. I support this good motion. Thank you.

Hon. Temporary Speaker: The mover to reply.

Hon. Member: Madam Speaker, thank you. I would like to thank Madam Joyce for bringing this motion, I believe it is time we have---

(A Hon. Member spoke off the record)

Hon. Temporary Speaker: I have asked the mover to reply. The Hon. Member, you did not press. I think my garget has an issue but I have not been notified by anybody. The mover, go on and reply.

Hon. Joyce Kamau: Thank you so much, Madam Speaker. I would like to thank all the Members who have supported me, Hon. Katile who have seconded, the ICT Members and all the other Members. Thank you so much as we make Nairobi work. Asante.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, there being no other business, the House is adjourned until tomorrow, Wednesday 2nd August 2023 at 2.30 p.m. The House Business Committee to meet at the boardroom at the rise of the Assembly. Thank you.

The House rose at 4.09 p.m.