



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 26th September 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. Clerk, proceed.

PETITION

REMOVAL OF STRUCTURES ON NAIROBI/BLOCK 891/889 AND REPOSSESSION OF THE LAND

Hon. Speaker: Hon Mark Mugambi.

Hon. Mark Mugambi: Thank you, Hon. Speaker. This is a public Petition pursuant to Standing Order 214 by Umoja I – Tena Residents Association in Nairobi City County.

We, the undersigned citizens of Kenya, who are property developers and residents of the two neighboring estates of Umoja I and Tena, do hereby draw the attention of the Nairobi City County Assembly to the following:

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the county governments in the county assembly;

AWARE THAT, Article 62 of the Constitution mandates the county governments to hold in trust public land on behalf of the county residents;

AWARE THAT, Article 43 of the Constitution provides that the state shall not deprive a person of property of any description unless the deprivation: -

- a. Results from an acquisition of land, an interest in land, or title to land in accordance with Chapter 5; or
- b. Is for public purpose, or in the public interest and is carried out in accordance with the constitution and Act of Parliament, that: -

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- i. Require prompt payment in full of just compensation to the person; and
- ii. Allows any person who has an interest in or right over that property, a right of access to a court of law.

THAT AWARE, Article 42 of the Constitution further provides that every person has a right to clean and healthy environment, which includes the rights: -

- a. To have the environment protected for the benefit of the present and future generations through legislative and other measures particularly those contemplated in Article 69 of the Constitution; and
- b. To have obligations relating to environment fulfilled under Article 70 of the Constitution.

THAT, for the last 26 years, that is from 3rd December 1997, property developers and residents of Umoja I and Tena estates have protested developments on a public space, the buffer zone between the two estates tangent to Outer Ring Road at Stella from Jeska, Moi Drive;

THAT AWARE, the space remained open until 1997 when one Charles Kaniaru, a former employee of the Survey Department of the defunct Nairobi City County took advantage of his position in office and illegally acquired it in the name of his wife, Mrs. Veronica Njeri Mwangi, to whom was issued a title described as NAIROBI/BLOCK 891/889, measuring approximately 0.2848 hectares;

THAT, immediately the duo began to put up structures outside in defiance of the then City Planning Bylaws and which steadily increased with time despite incessant protests by residents within the neighborhood;

THAT, increased cluster of wooden and iron sheets, open and enclosed structures mushroomed and attracted unprecedented occupiers carrying out various informal businesses ranging from food kiosks, furniture, workshops, hardware shops, wines and spirits outlets etc.;

THAT, the many structures put up by the duo have led to myriad of loathsome experiences by the residents, such as:

1. Insecurity. Since the occupiers of the structures are largely strangers to the neighborhood, there have been incidences of thugs and robbers jumping over the walls unnoticed pretending to be working in the structures;
2. Flooding. Since there is no drainage channel planned for the area, the many roofs collect their rain water only to channel them towards our homes thus causing abnormal flooding in the neighboring homes. This also a danger to the foundation of our homes; and
3. Discomfort. Coming from the variety of activities from the said plots is smoke from food kiosks, smell from improper public health observances thus careless disposal of waste, denied privacy and exit from our backyards and longer hours of human activity adjacent to our houses, just to mention but a few.

THAT, the development in this space has subjected the neighborhood to life threatening fire outbreaks, which have caused massive destruction of property and untold loss of investment, as indicated. On 10th April 2010, a fire outbreak emanating from one of the structures consumed

three of the adjacent permanent buildings belonging to property owners on the Tena Estate side. On 29th January 2011, a fire broke out from almost the same previous spot within the same area but luckily, we put it out before destroying five permanent houses in the Tena Estate side. On 26th March 2021, Hon Speaker, I was the MCA then and witnessed the same. An inferno swept across the structures destroying everything in its way. When the fire was finally extinguished, a total of 15 houses, eight on the Tena side and seven on the Umoja side were destroyed, including the famous Jam Rescue Bar in Tena;

THAT, we have never tired in pursuing the cause of justice vide several letters of complaint and petitions to the relevant authorities from the County Government, the Kenya Anti-Corruption Commission, the Ndungu Commission, the then Ministry of Local Governments, the Ministry of Lands and Settlements, and the defunct Nairobi County City Commission, with no success;

THAT, all our complaints have returned favorable determinations which have never been implemented to correct the wrongs visited upon us by Mr. and Mrs. Kaniaru. A Nairobi City Council internal memo in our possession conveyed by the then Town Clerk's order to the Director of the Enforcements to stop the progress of constructions. However, it was not acted upon. Further, the Ndungu Commission of Enquiry Report page 81 recommended for revocation of the said tittle held by the couple;

THAT, the value of the residents' investments is greatly affected by the developments in this space;

THAT AWARE, we confirm that efforts have been made to have the matter addressed by a relevant body, it failed to give a satisfactory response. And that all the matters in respect of which the petition is raised is not pending before any court or constitutional body;

HEREFORE, our humble prayer is that the County Assembly of Nairobi intervenes and ensures that:

- a. There is immediate order to remove all structures on the said public space, including perimeter fences; and
- b. Nairobi City County reposes and plans for the space to create a public clinic with a road connecting Moi Drive with the Outer Ring Road within the said space.

And we will forever pray.

The Hon Mark Mugambi, MCA, on behalf of the residents of Umoja I –Tena Residents Association in Umoja I Ward, Nairobi County and all residents of Nairobi County by extension.

Hon Speaker, with me are attached documents going back to the City Council, the Ndungu Report, and letters written to the EACC going way back in the 1990s.

Hon Speaker, I have also been subject to illegal targeting by the owner of this land. He has taken me to court and I had to part with legal fees for not allowing him to reconstruct the said informal structures that were once there after the fire inferno.

Hon Speaker, I beg to lay.

Hon. Speaker: Thank you, Hon Mark Mugambi. Hon Members, under Standing Order No. 221, it dictates that the Chair of Planning do take an undertaking on the period of time he is supposedly report to the petitioner. Chair, Planning.

Hon. Alvin Palapala: Thank you, Mr. Speaker---

Hon. Speaker: Hon Munga, please don't distract the Chairman. Kindly proceed.

Hon. Alvin Palapala: Give us two weeks.

Hon. Speaker: Two weeks is appropriate. Thank you.

Hon. Alvin Palapala: But, Hon. Speaker, I am made to understand that the matter is in court.

Hon. Speaker: That does not stop the Assembly from dispensing the businesses.

Hon. Alvin Palapala: Okay.

Hon. Speaker: Hon Mark Mugambi, please.

Hon. Mark Mugambi: For clarity, the said contention of the plot is not in court or any constitutional body. I am the one that was taken to court for refusing the person to reconstruct.

Hon. Speaker: Hon Mugambi, let the Committee do the due diligence.

Hon. Mark Mugambi: I am just making it clear, it is not a matter that is in court.

Hon. Speaker: It will form part of the report of the Committee. Are you comfortable with the period?

Hon. Mark Mugambi: Much obliged, Mr. Speaker.

Hon. Speaker: Thank you. The petition is supposed to be within the 45 days, so you are within the time frame. Clerk proceed.

PAPER

NAIROBI CITY COUNTY REVENUE AND EXPENDITURE REPORT

Hon. Speaker: Hon. Majority Leader.

Hon. Peter Imwatok: Hon Speaker, allow me to lay the following Paper:

Pursuant to Section 166 of the Public Finance Management Act, 2012, I beg to lay the following Paper to the Table of this Assembly, today, Tuesday 26th September 2023:

Nairobi City County Revenue and Expenditure Report for the period ended 30th September 2023.

I beg to lay, Hon Speaker.

(The Paper was laid on the Table)

Hon. Peter Imwatok: Hon Speaker, the Leader of the Majority has a concern: The Clerk's Office ought to bring this document to my Office before I come here.

Hon. Speaker: To verify it?

Hon. Peter Imwatok: Yes. We are even fighting with my Whip whether this is a report or a Paper.

Hon. Speaker: That is actually noted, Hon Majority Leader. Clerk, I think you need to take this seriously. You need to share the copies especially on procedural Motion and Papers Laid so that there is some concurrence. You just don't ambush the Hon Majority Leader with Papers on the floor of the House and expect him to expedite the same process. It is not in order.

NOTICE OF MOTION**PUBLICATION OF PROGRAMMES AND PROJECTS UNDERTAKEN
BY NGOS IN THE COUNTY FOR ACCOUNTABILITY.**

Hon. Speaker: Hon Perpetua.

Hon. Perpetua Mponjiwa: Thank you, Hon Speaker. I beg to give a notice of the following Motion:

THAT, aware that Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions of the county governments, which include ensuring and coordinating the participation of communities and locations in the governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the function, powers and participation in governance at the local level;

FURTHER AWARE that the Nairobi City County is host to various regional, national and international non-governmental organizations that champion the key values of probity, transparency, accountability, justice and good governance, climate change, health, gender and development, children's rights...

(Hon. Anthony Karanja spoke off the record)

Hon. Speaker: Hon. Minority Leader, it's not appropriate. It is unparliamentary, please. She is moving a Notice of Motion. It is under Order No. 6. Hon Perpetua, you may proceed.

Hon. Perpetua Mponjiwa: Yes. But I started by saying it is a Notice of Motion.

(Hon. Geophrey Majiwa consulted loudly)

Hon. Speaker: Hon Majiwa, Order! Hon Perpetua is protected. You may proceed.

Hon. Perpetua Mponjiwa: Thank you, Hon Speaker. ---poverty alleviation, peace population, training, counseling, small scale enterprisers, disability, and any other issues that affect the society at large;

ACKNOWLEDGING that pursuant to Section 3 and 7 of the Non-Governmental Organization Coordination Act, 1990 which established the Non-Governmental Organizations Coordination Board with the responsibility of regulating and enabling the non-governmental organizations sector in Kenya;

NOTING that non-governmental organizations operating within the County play a complimentary role in providing services and essential facilities thereby contributing to the County's development through the realization of the social and economic pillars of Vision 2030;

FURTHER NOTING that the established Non-Governmental Organization Council that provide self-regulation of NGOs and assist then to realize the potential in improving services that advance the socioeconomic status of Kenyan society in pursuit of sustainable development;

NOW THEREFORE, this Assembly urges the County Executive in conjunction with the Non-Governmental Organization Coordination Board to develop guidelines that provides for non-

governmental organizations to publish and publicize programmes and projects undertaken in the wards within the County of Nairobi for accountability.

Thank you, Hon Speaker.

Hon. Speaker: Thank you, Hon. Perpetua. You may proceed to the next one.

(An Hon. Member raised a point of Order)

Hon. Speaker: Declined.

POLICY ON PROMOTION OF SUSTAINABLE SOLUTIONS
TO CHILD HEADED HOUSEHOLDS

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I have another Notice of Motion on the following:

THAT, aware that the United Nations Convention of the Rights of the Child is the most complete statement of children rights ever produced and is the most widely ratified International Human Rights Treaty in history, ratification which Kenya is party to;

NOTING that the Convention has 54 articles that covers all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children are entitled to and also explains how adults and governments must work together to make sure all children enjoy all their rights;

CONCERNED that ensuring child's rights in Kenya is still a challenge, 31 years after ratification of the treaty, the efforts by the State to enforce these rights have not been sufficient, as evidenced by rampant cases of abuse and neglect.

FURTHER CONCERNED that there are many children heading households in urban informal settlements facing specific vulnerabilities shaped by limitations on their opportunities and capabilities within the context of urban inequalities, which affects their well-being;

NOTING that Section 62 of the Children Act, 2022 provides for the County Government to establish welfare schemes to provide or facilitate the provision of childcare facilities and programmes for children, including children with disabilities;

RECOGNIZING that if county governments do not supplement efforts to address child's rights by National Government, the implementation of United Nations High Commissioner for Refugees (UNHCR) charter will remain a mirage considering the huge mandate that the Nairobi City County has in respect to the children;

ACKNOWLEDGING that the County is in the process of enacting a policy and legislation on children welfare;

NOW THEREFORE, this Assembly urges that the County Government;

1. Develop a comprehensive policy that will promote sustainable solutions to child headed households and develop programmes that will create awareness and address needs of child headed households, skills training on issues of reproductive health, children's

rights, drug abuse, home management and conflict resolution for children in child headed households within the Nairobi City County.

Thank you, Hon. Speaker.

Point of Order

(Hon. Alvin Palapala spoke off the record)

Hon. Speaker: Hon. Member, can you please present yourself properly. Do you want to notify the Speaker of a Member who is inappropriately dressed?

Hon. Alvin Palapala: Yes.

Hon. Speaker: Who is the Member?

Hon. Alvin Palapala: Hon. Thuo. This is not a market.

Hon. Speaker: Please withdraw the word 'market'.

Hon. Alvin Palapala: I withdraw.

Hon. Speaker: It is not within your powers to decide how Members dress. Hon. Thuo, can you be up standing?

(Hon. Kamau Fiunifiu stood in his seat)

Hon. Speaker: That is being disrespectful to this House, and for that reason, Hon. Member, you have been suspended for three sittings. Serjeant-at-Arms, please escort the Member.

(Hon. Kamau Fiunifiu was escorted out of the Chamber by the Serjeant-at-Arms)

Point of Order

Hon. Speaker: Granted.

Hon. Peter Imwatok: Hon. Speaker, this is a House of rules and procedure. The Speaker cannot be disrespected before us. You have just directed the Serjeant-at-Arms to escort a Hon Member who is indecent in the House and then a fellow Member walks off with him. It therefore calls on the Speaker to make a decision whether it is right if the Deputy Speaker is sent out by the Speaker and I escort him.

Hon. Speaker: Hon. Majority Leader, it is normally not to escort but in solidarity.

(Laughter)

Hon. Speaker: Clerk, proceed.

STATEMENTS

Hon. Speaker: I would request the Hon. Fuad to step forward as we proceed to Order No. 7. Statement from Hon. Clement Kamaru. Is the Hon. Member in the House? Hon. Perpetua.

REQUEST FOR STATEMENT REGARDING STATUS OF
THE DRAFT NAIROBI CITY COUNTY YOUTH POLICY

Hon. Perpetua Mponjiwa: Pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding the status of the draft Nairobi City County Youth Policy.

Hon. Speaker, on 8th February 2022, the then Governor, Her Excellency Anne Kananu launched the draft County Youth Policy which seeks to provide an opportunity for improving the quality of life for Nairobi youth by encouraging their participation in economic and democratic processes as well as in community and civil affairs.

The policy will also advocate for the creation of a supportive social, cultural, economic and political environment that will empower the youth to be partners of County development.

Hon. Speaker, the draft policy was supposed to be submitted to the County Assembly for consideration and approval. However, the Assembly is yet to receive the draft policy two years after it was launched.

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

- i. Reasons for the delay in submitting the draft policy to the County Assembly for consideration;
- ii. Status of the draft Nairobi City County Youth Policy; and
- iii. Measures the County Executive is taking to ensure that the draft policy is submitted to the County Assembly for approval within the shortest time possible.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Chairperson of the Committee on Labour and Social Welfare to give a commitment. Is Hon. Clarence Munga in the House?

Hon. Clarence Munga: Hon. Speaker, I am the Chair of Culture and Community Services Committee.

Hon. Speaker: I stand guided. Chair of Labour and Social Welfare, Hon. Allan? Vice Chair, Labour? Any Member of the Committee who is in a position to do an undertaking? Hon. Oscar Lore, please you may proceed. The mic behind you is on.

Hon. Oscar Lore: Mr. Speaker, I am standing in for the Chairman, Hon. Allan. I beg for two weeks.

Hon. Speaker: Hon. Perpetua, are you comfortable with that time period?

Hon. Perpetua Mponjiwa: No objection.

Hon. Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING ILLEGAL RELEASE OF VEHICLES FROM THE CAR IMPOUND YARD

Hon. Speaker: On No. iii, Hon. Nicholas Juma. Your mic is off.

(Hon. Nicholas Juma spoke off the record)

Hon. Speaker: You do not have your statement with you?

Hon. Nicholas Juma: Yes.

Hon. Speaker: Clerk, confirm on that. Are you able to proceed Hon. Nicholas?

Hon. Nicholas Juma: Yes, I am able.

Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the illegal release of various vehicles from the car impound yard leading to immense loss of County revenue collection.

Hon. Speaker, it is alleged that the County officials deployed at various County impounding yards engage in illegal release of impounded vehicles without adhering to the laid down procedures. More so at yards at Industrial area, Eastleigh, Ngara, Kombo Munyiri, Ngong Road, South B and South C, and Nairobi West area, where impounded vehicles are released in unclear circumstances.

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

- i. Whether the Sector has a clear and transparent procedure for releasing impounded motor vehicles;
- ii. Circumstances that lead to release of impounded motor vehicles without payment of fines and penalties as required;
- iii. Plans in place by the Sector to automate payment of fines and penalties in order to avert revenue leakage; and
- iv. Measures put by the County Executive to address the current situation.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Speaker. The Chair of Justice and Legal Affairs, please. The mic is on.

Hon. Jared Ondieki: Thank you very much, Hon. Speaker. While I want to appreciate that question, I wish to seek guidance because I am not sure as to whether issues of parking is under Justice Committee. I am rightfully informed and ready for the question, but I wanted your guidance on the same.

Hon. Speaker: It is touching on investigation.

Hon. Jared Ondieki: Much obliged, Hon. Speaker. We will break the tradition of 14 days to 12 days.

Hon. Speaker: Why not seven days?

Hon. Jared Ondieki: You are aware that by the time we communicate, the other side requires...

Hon. Speaker: Hon. Nickson, are you contented?

Hon. Nicholas Juma: Hon. Speaker, the Clerks directed me that the Statement request should be directed to Justice and legal Affairs Committee instead of the Committee of Budget.

Hon. Speaker: It is in order. You are in safe hands.

Hon. Nicholas Juma: Thank you, Mr. Speaker.

REQUEST FOR STATEMENT REGARDING RECENTLY LAUNCHED SCHOOL FEEDING PROGRAM

Hon. Speaker: On No. iv, Hon. Kennedy Swaka.

Hon. Kennedy Swaka: Thank you, Mr. Speaker. Pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on Health Services regarding the recent launched school feeding...

Hon. Speaker: Kindly be audible.

Hon. Kennedy Swaka: Pursuant to Standing Order No.47 (2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on Health Services regarding the recently launched school feeding program dubbed “Dishi na County”.

Hon. Speaker, on 19th April 2023, this County Assembly passed a Motion approving the opening of School Feeding Fund Bank Account to support the implementation of the school feeding program. In the said Motion, the County Executive Committee Member of Finance was urged to develop and submit to the County Assembly, regulations to govern the School Feeding Program. Further, the County Assembly passed the Appropriations Bill, now an Act, for the financial year 2023/2024 in which Kshs.1 billion was allocated for the School Feeding Program.

Hon. Speaker, the said program was recently launched by his Excellency the Governor and subsequently operations begun with construction of kitchens, cooking and delivery to public schools and early childhood development centers in the county. However, there are allegations that the County Executive has been charging Kshs.5 per meal served to each child per day. This is a matter of great concern with respect to accountability for the funds collected since such collections are not backed by any known policy or legal framework.

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

- i. Comprehensive report on the management and operations of the School Feeding Program;
- ii. Whether the County Executive has put in place any guidelines, legal or policy framework to legitimize the collections of Kshs.5 per child per day;
- iii. Whether the said School Feeding Fund Bank Account was opened and who are the accounts signatories;
- iv. Whether there are any private partners who are supporting the County in the implementation of the School Feeding Program, and if there are, furnish the Committee with a memorandum of understanding and a report on how much has been donated this far and how the donations have been utilized;
- v. The role of the Food for Education Organization in the implementation of the School Feeding Program;
- vi. Reasons for delayed delivery of food to various schools leading to children taking lunch past 1 p.m.; and
- vii. Measures the County Executive has put in place to ensure that the school feeding program regulations or policy is submitted to the County Assembly for ratification to ensure structured and legally supported rolling out of the program.

Thank you.

Hon. Speaker: The Chair, Health Committee.

Hon. Maurice Onyango: Thank you, Hon. Speaker. Give us two weeks.

Hon. Speaker: Hon. Swaka. Kindly put on your mic.

Hon. Kennedy Swaka: Hon. Speaker, as you know, air has been saturated a lot over this issue of Feeding Program. For the public to understand and for people not to use this as a political tool, the two weeks is too much since these things have already been rolled out.

Hon. Speaker: Hon. Member, you understand there is that window of notices which normally takes seven days. I think it is within the required time.

Hon. Kennedy Swaka: Hon. Speaker, I believe eight days will be okay because the seven days is for requisition and the eighth day---

Hon. Speaker: Chairman, please.

Hon. Maurice Onyango: Thank you, Hon. Speaker. I know this issue needs urgency. As a Committee we have our role of going for a site visit to ascertain the allegations if they are true; that pupils are taking late lunch. I think two weeks is good for the Committee.

Hon. Speaker: Noted. Please, you will have to bear with the Chairman. Hon. Minority Leader.

Hon. Anthony Karanja: Hon. Speaker, I do not see the reason why the Committee and the Member who has asked the question want to go and oversight a project that has not kicked off. The Feeding Program has not even started. So, I do not understand what kind of...

Hon. Speaker: Hon. Member, this is one of the areas they will rely on when they will be doing their report, so don't be worried.

Hon. Anthony Karanja: I agree, Hon. Speaker, but the Member who has asked the question has said that he does not want people to use it as a campaign or political tool. This is a project initiated by politicians.

Hon. Speaker: You will get all the opportunity to articulate all these issues based on the findings of the Committee on report.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I will be attending the meeting that day. So, I have given him notice.

Hon. Speaker: Thank you. Can we proceed?

(Hon. Peter Imwatok spoke off the record)

Hon Speaker: Majority Leader, take your seat please. I know when a political circus is brought in, then it attracts you because that is the river that you swim in.

(Laughter)

REQUEST FOR STATEMENT REGARDING PROVISION OF MEDICAL
INSURANCE TO THE OFFICERS OF THE COUNTY EXECUTIVE

Hon Speaker: Hon. Maurice Ochieng, you may proceed.

Hon. Maurice Onyango: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour

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and Social Welfare regarding the provision of medical insurance to the officers of the County Executive.

Hon. Speaker, Article 41 of the Constitution of Kenya, 2010 provides for the right to fair labour practices, which include reasonable working conditions. The County Executive has procured a service provider to provide medical insurance to its staff. However, there are allegations of discrepancies in the number of the staff covered under the medical insurance vis-à-vis the total number of staff.

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

- i. Total number of staff of the County Executive;
- ii. Total number of staff under the medical insurance;
- iii. Number of staff who are permanent and pensionable, and those on contract;
- iv. Number of staff employed by the County Executive in the last one year;
- v. Reasons for the failure by the County Executive to provide medical cover to all its employees; and
- vi. Measures the County Executive is taking to ensure all of its employees have medical cover as required by the law.

Thank you, Hon. Speaker.

Hon. Speaker: I hope we will still extend the gesture by doing the right thing to salvage the Committee which both the Chair and the Vice-Chair are not present today. Hon. Oscar Lore, please.

Hon. Oscar Lore: To my fellow Chair, will two weeks be okay with you?

Hon. Speaker: Kindly address the Chair.

(Laughter)

Hon. Oscar Lore: Two weeks, Mr. Speaker.

Hon. Speaker: Hon. Maurice, you may proceed.

Hon. Maurice Onyango: Thank you, Chair. I think two weeks will be okay because there are employees who are really suffering.

Hon. Speaker: Thank you.

GENERAL STATEMENT

PROGRESS OF IMPLEMENTATION OF ASSEMBLY RESOLUTIONS

Hon. Speaker: Hon. Members, I know you are used to requests of Statements by Hon. Members. Today, we are privileged to have the general statement by Hon. Majiwa, our former Mayor, who happens to be the Implementation Committee Chairman. The mic is on.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. Pursuant to Standing Order No. 46 under the General Statement, I wish to inform this House on the progress of the Implementation of the Assembly resolutions. Hon. Speaker, as you are aware, the mandate of the Implementation Committee is to scrutinize the resolutions of the Assembly and follow up on whether such

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decisions and undertakings have been implemented. Where implemented, the extent to which they have been implemented with the minimum necessary time.

Hon. Speaker, since the inception of this Third Assembly, we have passed a series of Motions and reports. And during the previous Assembly, many acts were passed. The Committee took up its mandate very seriously and embarked on following up the implementation of the passed resolutions. Despite constant reminders to the County Executive, a number of sectors are yet to respond to our letters of House resolutions in line with the Standing Orders.

Hon. Speaker, the committee resolves to have a joint sitting with the County Executive Committee Members and Chief Officers so that we can have a comprehensive overview of the resolutions passed in this August House. It is however regrettable to note that majority of the County Executive Committee Members did not attend the said workshop but instead sent junior officers to represent their respective sectors. It is instrumental to note that the Assembly vets CECs and Chief Officers and approves their appointments so that they become answerable for the oversight of this House.

Hon. Speaker, it is important to note that these junior officers barely responded to issues raised by the Hon. Members, which was disappointing. Therefore, the Committee wishes to inform this respectable House of the same for action and noting. Thank you.

Hon. Speaker: Thank you, Hon. Majiwa for the general statement and the concern raised by the Implementation Committee. As the Chair, on behalf of the Assembly, I take the responsibility to make available the status of your request and concern as raised by the Implementation Committee in a record of 14 days. Thank you. Hon. Majority Leader.

Hon. Peter Imwatok: First, on the General Statement, Hon. Speaker, indeed I am a Member of Implementation Committee and I am aware that you have given a ruling. But our plea as Members of the Committee which oversees all resolutions by this House, Hon. Speaker, if you could direct all the officers who failed to honour the Committee to appear before the Committee as soon as possible because we have a lot to expedite on this. We are kindly asking for your humble guidance and direction.

(Applause)

If the Implementation Committee fails, it means that the Assembly has failed. Because we pass all resolutions, we need to expedite a follow up on them after a specific period of time.

Hon. Speaker, I went to Kisumu as a Member of the Implementation Committee and what I saw was a disregard, disrespect and inhuman handling of the Assembly's Committee. You cannot bring a messenger to represent a Chief Officer. Hon. Speaker, it is your Office which is being punched in a way. Kindly, before I make my General Statement.

Hon. Speaker: Thank you, Hon. Majority Leader. That is indeed a pertinent issue which need to be addressed as a matter of urgency. You will allow the Chair, through the Office of the Clerk, to make a communication in good time and then we will communicate back tomorrow at 2.30 p.m.

Hon. Peter Imwatok: Thank you, Hon. Speaker. On the general statement, allow me to first thank those who have been praying for my sister Benter who came today---

Hon. Speaker: Majority Leader, please we are still within Order No. 7 on Statements.

Hon. Peter Imwatok: Yes. It is a general statement, Hon. Speaker. I wanted to appreciate our friends who visited our sister Benter who was not feeling well. Today, she has come to the Assembly. We wish her quick recovery and more strength.

STATE OF THE COUNTY ASSEMBLY AFFAIRS ON
CAR LOAN AND MORTGAGE SCHEME FUND

Hon. Peter Imwatok: I want to give the state of the County Assembly affairs as the Chair of the Loans and Mortgage Committee.

Hon. Speaker: I hope on that note, the Hon. House will take this seriously because this report has been a concern to the members, especially those of us who have branded themselves as the members of the Black Seat. You need to take stock of what is going to be presented before the plenary. Please take it seriously. Hon. Majority Leader, you may proceed.

Hon. Peter Imwatok: Hon. Speaker, allow me first to appreciate the entire House and the Office of the Clerk for availing the information that we wanted as a committee this morning. I understand that the Salaries and Remuneration Commission (SRC) had given us different benefits as the County Assembly Members. I am speaking before my boss in County Assemblies Forum (CAF), Hon. Chege Mwaura. I hope he is here. Sometimes some people are very busy, I hope they are making enough even for us.

Hon. Speaker, the SRC grants us benefits and one of them is mortgage that is capped at Kshs.3 million per Member of the County Assembly, excluding the Speaker who is entitled more than Kshs.20 million.

Hon. Speaker: Must you say, Hon. Majority Leader?

Hon. Peter Imwatok: You said that today I must speak the truth by mentioning names so that we do not hide and assist each other to cry when you know very well you don't have tears in your eyes.

Hon. Speaker: You are in order, you may proceed.

Hon. Peter Imwatok: From the onset, I want to start with the Hon. Speaker of the Nairobi City County Assembly who the SRC allows him to take a mortgage and a car equivalent to Kshs.20 million. As the Chair of the Loans Committee, I have extended to him a loan after compliance.

Hon. Speaker, out of the 123 Members of the County Assembly of Nairobi, let it be recorded in HANSARD that from the onset, it is only the Nairobi City County Assembly that has extended the 123 Members the Car Reimbursement of Kshs.2.2 million in the entire republic of Kenya. You can attest to this. This morning, you are aware that it took a painful decision by the Loans Committee to extend this money to Members without the requirements as per the law. Out of the 123 Members, so far only 29 Members have successively applied for a mortgage of Kshs.3

million amalgamated with a car loan of Kshs.4.5 million, apart from the Speaker. If is okay for this House, I can read the names.

Hon. Speaker: Hon. Members, are you okay with the reading of the names by the Majority Leader and the money you have acquired?

Hon. Members: Yes!

Hon. Speaker: Is it in order?

Hon. Members: Yes!

(Question put and agreed to)

Hon. Speaker: Majority Leader, you may proceed.

Hon. Peter Imwatok: If it was the former President Moi's time, by tomorrow 1 p.m., there could be an announcement to change the cabinet because the cabinet cannot oppose the President. So, Chair of Education, watch your steps. Be advised.

Hon. Speaker, as the Chair of the Loans Committee, I am privileged to extend to you a mortgage: Hon. Kennedy Okeyo Ng'ondi, Kshs.6 million; Hon. Paul Kiguathi Kados, Kshs.4.5 million; Hon. Stazo Elijah Omung'ala, Kshs.4.5 million; Hon. Hellen Awour Okello, Kshs.1.9 million; Hon. Samora Mwaura, Kshs.4.5 million; Hon. Suleiman Maleya Hamisi, Kshs.4.5 million; Hon. Stephen Mugo Kimani, Kshs.4.5 million; Hon. Eutyclus Mukiri Muriuki, Kshs.4.5 million; Hon. Patrick Mwangi Macharia, Kshs.4.5 million; Hon. Susan Makungu Kavaya, 4.5 million; Hon. Geophrey Odhiambo Majiwa, His Worship, 4.5 million; Hon. Perpetua Mponjiwa, from Homa Bay, Kshs.4.5 million; Hon. Jane Wanjiru Muiruri, Kshs.4.5 million; Hon. Moses Mutinda Kitema, Kshs.4.5 million; Hon. Agnes Wambui Njeri, Kshs.4.5 million; Hon. Patrick Karani, Kshs.4.5 million; Hon. Mark Mugambi Macharia, Kshs.4.5 million; Hon. Diana Katile Mwangangi, Kshs.4.5 million; Hon. Abel Osumba Atito, Kshs.4.5 million; Hon. Emily Ondeje Oduor, Kshs.3.5 million; Hon. Lilly Akoth Kidenda, Kshs.4.5 million; Hon. Jateso Peter Imwatok, Kshs.4.5 million; Hon. Benter Juma Obiero, Kshs.4.5 million; Hon. Jane Muasya, Kshs.4.5 million; Hon. Anthony Ngaruiya, Kshs.4.5 million; Hon. Peter Wahinya Njau, Kshs.4.5 million; Hon. Lydia Akoth Otieno, Kshs.4.5 million; and Hon. Naomi Kerubo Bosire, Kshs.4.5 million

A total of 29 Members have received mortgage equivalent to Kshs.127.6 million.

On the same, Hon. Speaker, the following members have received a car loan: Hon. Daniel Oria Odhiambo, Kshs.4.5 million; Hon. Kennedy Okeyo Ng'ondi, Kshs.4 million. Remember the Speaker still has a balance, that is only Kshs.10 million. He is still left with Kshs.10. million. In fact, we refused to give the Speaker Kshs.20 million because Members were still applying and we had to depend on the money that was coming. Hon. Speaker, we apologize, we still owe you Kshs.10 million as the Loans and Mortgage Committee.

Hon. Clarence Munga, Kshs.4.28 million; Hon. Catherine Opiyo Akoth, Commissioner, Kshs.4 million; Hon. Nasra Shehan Nanda, Kshs.4.5 million; Hon. Joyce Kamau, Kshs.3.81million; Hon. Doreen Mugambi, Kshs.4.5 million; Hon. Ciciliah Njathi, Kshs.3 million; and Hon. Peter Owera Oluoch, Operation, Kshs.4 million. A total of Kshs.36, 590,000. So far, the money that has been issued as of today is Kshs.162.1 million to the Hon. Members.

This morning, we approved an additional of Kshs.39.6 million for those who have complied. The total issued to Hon. Members is Kshs.201 million in terms of mortgage and loans.

Hon. Speaker, for those who have applied and have not been given the loan – Remember the Loans and Mortgage is an Act and not Hon. Ogeto, the Speaker or the Minority Leader, it is a law. The following Members have applied for mortgage but so far they have not completed the process and the money is available: Hon. Aaron Kang'ara. He is waiting for the charging of his land by the lawyer. Hon. Jeremiah Karani Themendu. The Committee has approved, he is waiting for the lawyer to charge the land and he gets his money. Hon. Emmy Isalambo, same thing, charge the land and you get your money. I have spoken to my sister in my office. My mum, Hon. Joyce Lugonzo, same thing. It is for the lawyer to hasten the process to charge the land and you will receive your Kshs.4.5 million. Hon. Stephen Gitau Ndegwa, same. Charge the land and come for your money. Hon. Sospeter Gathahu Mumbi, charge the land and come for your money. Hon. Brian Itenya, my young brother from Kibra, charge the land and come for your money. Hon. Mark Thiga, the man from Nigeria, charge the land and come for your money, Hon. Alvin Olando Palapala, the Chair of Planning. With all these buildings, that shows how much he is frustrated. In history of this County, we have never heard him applying for loans I am sorry my brother, take heart. God is there. He applied for Kshs.4 million. Charge the land and come for your money. Hon. Rosemary Masitsa, my mum, charge the land and come for the money. Hon. Musango Maithya, charge the land and come for the money tomorrow. Hon. Joel Munuve, charge the land and come for the money tomorrow.

For those who had applied for the Car Loan which we issued among the Kshs.39 million as of today, are cars for three people; Hon. Winnie Wandai, Hon. Jeckoniah Junga Onyango and Hon. Paul Wachira. They applied a total Kshs.12.5 million and will be issued with their money tomorrow. The chief blogger, Hon. Hellen Awuor applied for Kshs.2.1 million. She will be issued with her money.

Hon. Speaker: Hon. Majority Leader, please just be kind to the Hon. Member.

Hon. Peter Imwatok: Hon. Speaker, when war comes---

Hon. Speaker: Please, when you make such reference, it is taken seriously.

Hon. Peter Imwatok: Hon. Speaker, it is serious because some of us also have children somewhere.

Hon. Speaker: Hon. Majority Leader, please can you withdraw the word 'chief blogger.'

Hon. Peter Imwatok: I withdraw and say Hon. Helen Awuor. She will receive Kshs.2.1 million tomorrow because she has complied with what is required by my Committee. Hon. Martin Mbugua Mwangi, you have to comply with the reimbursement. Approval given for Hon. Martin Mbugua. Approval of Kshs.4.5 million not yet given to Hon. Mwaniki Kwenya for noncompliance. Give us the logbook for car reimbursement and receive your money. Hon. Gerald Irungu Mukuru, awaiting compliance. Give us what is required by the Committee. Hon. Samuel Kago Kanyi, approval issued. You will receive your money. Hon. Kennedy Odhiambo Oyugi, bring us the logbook for the car reimbursement so that you can receive your money. Hon. Scolastica Mande, not complied. Hon. Anthony Kiragu Karanja, approved. He has complied today. We wouldn't have

given him the money because its public money despite being the Minority Leader and a Member of the Committee. The Committee refused...

Hon. Members: How much?

Hon. Peter Imwatok: Hon. Anthony Kiragu took Kshs.4 million. *Kuanzia kesho atakuwa na pesa.* Go for your money from the Leader.

Hon. Anthony Kimemia Gathumbi, approved. Hon. Evans Nyangicha, approved. He has complied. Hon. Redson Otieno all the way from the USA, the Chairman of the Water Company which produces less water. He got Kshs.4 million. He will land with the money.

Hon. Speaker: Hon. Majority Leader, please don't undermine the work of the Committee of Water. When you make such reference to production of less water, please can you substantiate.

(Laughter)

Hon. Peter Imwatok: Hon. Speaker, a good Samaritan woman went to the brook at the middle of the day, she was asked "what are you doing here at this time." Jesus Christ told her the He will give her enough water that will quench her thirst forever. I am still contemplating which water does my Chair of Water produces that does not quench.

(Laughter)

I am waiting for him to land from the US so that we will ask each other questions as men. Thank you, Hon. Speaker for your guidance.

Hon. Speaker: Proceed, Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, allow me to go to the second level having expounded. Hon. Samson Ochieng Jera, already approved. Hon. Allan Maina. already approved.

We will dispense Kshs.39 million tomorrow. We will have given our Hon. Members Kshs.201 million in terms of mortgages and car loans. That puts to rest the question that the Loans Committee has stepped on people without giving them loans. I will be issuing a report every week. If you have an issue, verify with the Whips and forward to the Committee of Loans, and we will expedite the process as quickly as possible.

Hon. Speaker, you are aware that after we had acquired the Kshs.376 million for this particular scheme, our Car Loan and Mortgage loan portfolio now rests now at Kshs.1 billion. The staffs have more than 590 million with them. We have now contractual staffs. Our portfolio rests at Kshs.1.1 billion. So long as you comply with the law, we have money to give you.

Hon. Speaker, we agreed in a *Kamukunji* in this Chamber. You communicated and allow the Members to access the Car Reimbursement. The law requires that you produce a logbook within the year you were elected for you to get the Kshs.2.2 million as a reimbursement.

Hon. Speaker, the following Members have complied so far: Hon. John Ndile Musili, Hon. Davidson Ngibuini, Woodley Ward, Hon. Malyun Ali Abdi, Hon. Agnes Wambui Njeri, Hon. Fatuma Abdiwahid Abey, Hon. Nasra Nanda, Hon. Patrick Karani, Hon. Martin Waithaka Wairobi, Hon. Kamau Thuo Fiunifiu, Rasta man, Hon. Catherine Opiyo Okoth, Commissioner, Hon. Anthony Kiragu Karanja, he complied today, that is why he got a loan. Leader, thank you.

Hon. Doreen Wanja Mugambi, Hon. Fathiya Abdilahi, Hon. Peter Owera Oluoch, Hon. Ciciliah Wairimu Njati, Hon. Emily Ondeje Oduor, Hon. Joseph Karanja Ndung'u, Hon. Nancy Nyambura Mwaura, Hon. Perpetua Mponjiwa, Hon. Dabar Ahmedqadar Mohamed, Hon. Fredrick Njogu Njoroge, Hon. Eutyclus Mukiri Muriuki, Hon. Asli Muhamud Mohamed, Hon. Joyce Muthoni Kamau, Hon. Beatrice Wandai Ichungwa, Hon. Paul Mathu Njambi, Hon. Martin Mbugua Mwangi, Hon. Jane Muasya, Hon. Brian Itenya, Hon. Aaron Kang'ara, Hon. Francis Kimondo, Hon. Nicholas Okwacho Juma, Hon. Rosemary Masitsa, Hon. Stephen Mugo Kimani, Hon. Geophrey Odhiambo Majiwa, Hon. Samson Ochieng Jera, Hon. Redson Otieno Onyango, Hon. Sospeter Gathahu Mumbi, Hon. Simon Maina Mugo, Hon. Scolastica Muthoni Mande, Hon. Lydia Akoth Otieno, Hon. Paul Wachira Kariuki, Hon. John Rex Omolleh, Hon. Rachel Wanjiru Maina, Hon. Paul Kados Kiguathi, Hon. Helen Awuor, Hon. Tricer Jeptoo Ayabei, Hon. Evans Nyangicha, Hon. David Odhiambo Magoba, Hon. Robert Mbatia, Hon. Mary Wanjiru Kariuki, Hon. Ricardo Billy Nyantika, the only billionaire around. I respect my elder. Where is he? I saw him today. He is my church elder. As the Leader of Majority, I know the capacity of everyone. Now, he is now in a Jacuzzi.

Hon. Agnes Njeri Muthoni, Hon. Peter Imwatok, Makongeni Ward, complied, Hon. Mark Mugambi Macharia complied, Hon. Moses Ogeto, complied, Hon. Stazo Elijah Omung'ala, complied, Hon. Wilfred Oluoch Odalo, complied, and Hon. Waithera Chege, complied.

Out of the 123 Members of the County Assembly, only 59 have complied. The list of those who have not complied; Hon. Gerald Irungu Mukuru--- You will clarify with the Whip. This is the report I have. Hon. Clement Ng'ang'a Kamau, Hon. Lily Akoth Kidenda, Hon. Naomi Bosire Kerubo, Hon. Jeckoniah Onyango, he has complied today, Hon. Patrick Mwangi Macharia, Hon. Emmy Khatemeshi Isalambo, Hon. Hamisi Maleya Suleiman, Hon. Jane Musangi Muthembwa, Hon. Fredrick Njogu, Chair of ICT, Hon. Collins Omondi Ogenga, Vice Chair of Planning, Hon. Benter Juma Obiero. We can excuse her because she has been down but she has not complied. Hon. Diana Katile Mwangangi, the secretary general, Hon. Mwaura Samora Wacira, Hon. Jeremiah Karani Themendu. He says he has complied pursuant to verification. He hasn't complied so far as per this report but he has come here. He has gone to the toilet when I was about to read his name. I showed him he is number 16. When I reached reading number 10, he walked out.

Hon. Chris Wanjohi, Hon. Joel Mwaniki Kwenya, Hon. Allan Maina Gathuku, Hon. Susan Makungu, Sorry, this a mistake for Susan. She has complied. Hon. Paul Ndung'u Irungu, Hon. Karis James Kariuki Karanja, Hon. Omuro Kame Adano, Hon. Silas Matara Ongwae, Chairman of Environment, Hon. Samuel Kago Kanyi, Hon. Shadrack Machanje Namunyu, the only boxer in this Assembly. Quiet, *jaribu*. Hon. Dan Oria is an amateur. Hon. Musango Maithya, Hon. Hannah Wanjiru Muriuki, Hon. Lawrence Otieno Odhiambo, Hon. Peter Maina Mwangi, Hon. Deonysias Mwangi Waithera, Hon. Paul Mathu, Hon. Jared Akama Ondieki, Chair of Justice Legal Affairs, Hon. Clarence Munga, Chair of Culture, Hon. Jane Wanjiru Muiruri, Hon. James Koria Karanja, Hon. Jane Waruguru Kanyi, Hon. Cyrus Mugo Mubea, Vice Chair of Environment. The Chair and that Vice Chair of Environment have not complied. Whip, take note. Hon. Kennedy Swaka, Vice Chair of Education, not complied. Hon. Antony Kimemia Gathumbi. Corrected, he has complied.

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Hon. Abass Ibrahim Khalif, Hon. Joy Muthoni Mwangi, Hon. Chege Mwaura, SG of CAF, not complied. Hon. Joyce Jamosa Lugonzo. Mum, you know what we discussed. She has not complied yet. Hon. Mark Thiga Ruyi, the Nigerian man, not complied. A very good man. My friend. Hon. Abel Osumba Atito, Hon. David Odhiambo Magoba, Chair of Powers and Privileges. He has no powers here. Hon. Grace Kaheti Mungai, Hon. Oscar Otieno Lore, Hon. Nicholas Okwacho Juma, Hon. Emily Odenge Oduor. Corrected that.

(Hon. Emily Oduor spoke off the record)

Sorry, I Corrected. Hon. Kennedy Odhiambo Oyugi, Hon. Joel Munuve Kimanzi---

(Hon. Hon. Nicholas Juma spoke off the record)

Hon. Speaker: Order, Hon. Nickson! You are supposed to address the Chair, please. Can you sit down!

Hon. Peter Imwatok: Hon. Victor Omondi Ochola, Hon. Maurice Ochieng Onyango, co-Chair Planning---

(Hon. Hon. Nicholas Juma spoke off the record)

Hon. Speaker: Order, Hon Nick! Let him finalize then I will give you.

Hon. Peter Imwatok: It is a point of order, Hon. Speaker. let me sit as I take water.

Point of Order

Hon. Nicholas Juma: Hon. Speaker, I have been mentioned in both sides, compliance and non-compliance.

Hon. Peter Imwatok: I removed you from compliance and return you where---

(Laughter)

Hon. Nicholas Juma: Remove me from non-compliance list.

Hon. Speaker: Hon. Nickson, you have actually invited trouble for yourself.

Hon. Peter Imwatok: I officially remove him from compliance to non-compliance.

Hon. Speaker: So where does he belong?

Hon. Peter Imwatok: Non-compliance.

Hon. Speaker: So, you need to comply.

Hon. Nicholas Juma: Hon. Speaker, I am compliant.

Hon. Speaker: You need to verify that with the Office of the Clerk.

Hon. Nicholas Juma: So, I stand in between non-compliant and compliant.

Hon. Speaker: Whatever side you choose.

Hon. Nicholas Juma: I choose compliant.

(Laughter)

Hon. Speaker: Thank you.

Hon. Peter Imwatok: We will verify on the same. Hon. Hashim Kamau, non-compliant, Hon. Alvin Palapala Olando is complying because he has applied now. He has brought a logbook for the same. Hon. Absalom Odhiambo Onyango, Hon. Peter Wahinya Njau, Hon. Fuad Hussein Mohamed, Hon. Robert Alai Onyango, Hon. Virginia Waitherero Kang'ethe, Hon. Moses Mutinda Kitema, Hon. Stephen Gitau Ndegwa.

Hon. Members, a total of 65 Members are not compliant, pursuant to a few amendments like for Hon. Nicholas Juma and Emily Ondeje, which was erroneously placed there. Even Hon. Mugo. At least a total of 61 Members have not complied. What does it mean, Hon. Speaker? I remember vividly well when we made a decision on the Car and Reimbursement, it was so emotive. Therefore, for the Committee of Loans and Mortgage to recover this money that is a revolving fund, from next month, we are given a one month to comply. Failure to which, the Committee on Loans and Mortgage will instruct the Clerk to convert this particular money into a loan to your cheque because we must recover this money for the public.

Hon. Speaker, having said that, the Loans and Mortgage Committee has no interest whatsoever to deny any Member his/her right. It is your right. In the history of Parliament, and my brother Anthony can attest to this, we have tried to give the highest loan ever within a year. It has never passed Kshs.150 million. Now, we are at Kshs.201 million within a year.

Hon. Speaker, lastly, I understand as the Leader of Majority and my counterpart and other Leaders here, the Clerk's officers in this new financial year tried. The only pending bill for the Members in terms of imprest are the six Committees which travelled last week. I have been informed that by tomorrow, they will be sorted out. Meaning now the Assembly has no debt with a Member of the County Assembly. Therefore, where the problem is, I understand the Assembly pays Members three committees and they spend the same money going nine committees for Executive. Am I wrong? At the end of the day, what you receive from the Assembly you spend going to 9 committees. I told the Chair of Budget to kindly not put me in the Budget Committee again. The Members of a committee that does a budget for this County has so far not been paid nine committee retreats including CIDP, ADP and CFSP Paper. The Chair seated here has not paid these Members allowances. If the Chair of Budget Committee has not been paid, what about Chair of Implementation?

Therefore, Hon. Speaker we must know how to chisel our arguments whether you are a Member of the Black Seat or not. I have consulted with my counterpart and the Chair of Budget. I would have given direction to the Executive that by the end of next week, we want to see all payments for Members of the County Assembly expedited and paid or else, Hon. Speaker, I will come to you as a father of this House.

(Applause)

Do you want your kids to sleep without food? Do you want us to start using *nduthis* to town? We need to drive to town and our kids need to be paid school fees. Aware that the current

regime has made school fees hell on earth, we must pay our school fees. Therefore, the Executive has a duty within the next 14 days to clear the pending arrears with our Members.

With those few remarks, Hon. Speaker, I beg to say thank you for listening to me. And in any way or in any case, tighten the belt. Three years ago I said here, the plane must land. I want to say this statement today, tighten your belt. As an Assembly, we must work in unison.

I instruct all the chairs, the accountants in your sectors who are saying they have no budget while the budget is still virgin and it has not been poured water – Some accountants are saying they have no vote to invoice specific trips that the Assembly did with the Executive for their own benefit. Kindly all chairs and vice chairs, we are having a Liaison Committee meeting on Thursday at 9.30 a.m. so that we can take stock on who is cheating who. There is no need you earn little money in Assembly, run to an Executive Committee meeting in Kisumu and another one in Mombasa and end up spending the little you've gotten from here and then you come back here and say, "war must come". We will take the war where it belongs. If it is the Chair who is the problem-

--

Hon. Speaker: Majority Leader, are you threatening Members?

Hon. Peter Imwatok: I am saying in a soft way that the war should be directed to the right place. The war is the Chair of the Committee, the Chief Officer of the Committee, the CEC of the Committee and the entire--- *Si huwa hivo? Mahindi ikikuwa moto kwa mkono unafanya nini? Unaachilia. Kama Majority Leader, imefika mahali nafanya nini? Na tunashikana wote, si ni kweli?* Thank you, Hon. Speaker, God bless you.

Hon. Speaker: Thank you very much.

(Applause)

Hon. Speaker: Under Order No. 7, we have Hon. Alvin Olando, Chair Planning Committee.

Hon. Alvin Palapala: Thank you, Mr. Speaker---

(Hon. Anthony Karanja spoke off the record)

Hon. Speaker: It is not a subject for debate, please. May be just a point of information, Minority Leader.

Hon. Anthony Karanja: Yes. Maybe to thank the Majority Leader a lot for sharing that report in this House. I was in that meeting. However, he forgot to say that for those who have applied for mortgage, the Committee came alive to the fact that we have an issue where people are not able to charge their title deeds. So, what the Committee has done is that we have advised Members, through the advice of the Clerk, to go and talk to your *wakili* to write an undertaking to the County Assembly and you will be compliant. That is exactly what I did. So, for those who have mortgage, I think that is easy.

On the issue of compliance with the Car Grant, if you owned the same car before the elections, it does not comply according to the law. It is bitter but that is the truth that if you owned the same car before the elections, it does not apply unless you sell it and then rebuy it. That is the

short cut. There has to be evidence that there was a transaction and there is an agreement relating to this term. Kindly go to that office, it is open. They have all the information and they will be happy to advise you accordingly. I believe now the issues of loan will be behind us.

Thank you, Hon. Speaker as you consider how you are going to add us money, I don't know from where but please consider adding us some money.

Hon. Speaker: Hon. Minority Leader, you are very much alive to the fact the Hon. Majority Leader has actually given a commitment before the Plenary that the Car Loan and Mortgage Account boasts of about Kshs.1 billion. I am certain what is actively available at the Member's disposal is Kshs.112 million. You can confirm that. So, money is there.

(Hon. Anthony Karanja spoke off the record)

Hon. Speaker: You can consult behind the tent by the warlords, then at least you are now able to understand on which level of ground we are standing. Hon. Olando, please.

RESPONSE TO STATEMENT REGARDING STALLED PROJECTS ON PUBLIC LAND IN KIBRA SUB-COUNTY

Hon. Alvin Palapala: Thank you, Hon. Speaker. This is a response to a Statement requested by Hon. Samson Jera, MCA. I have the response but I stand guided if I can respond when the Member is not in the House.

Hon. Speaker: It is not proper; it is un-parliamentary practice to proceed when the Member is not around because it was for his own consumption. But now it is a public document, I would request the House that we defer this to the next sitting, that is tomorrow at 2.30 p.m. You will just have to bear with the House. Is that in order, Hon. Member?

Hon. Alvin Palapala: Thank you, it is in order.

Hon. Speaker: Thank you.

(Statement deferred)

Hon. Speaker: Clerk!

MOTION

CONTROL OF AIR POLLUTION

Hon. Moses Ogeto: Thank you, Hon. Speaker. I really want to thank the Leader of the Majority for giving a very comprehensive report. Hon. Speaker, the men and women in the Loans and Mortgage Committee have done a wonderful job, and I really want to commend them.

Hon. Speaker, I want to move the following Motion:

THAT, aware that Paragraph 3 of Part 2 of the Fourth Schedule to the Constitution of Kenya gives County Governments the mandate of controlling air pollution;

CONCERNED that according to the United Nations Environment Program (UNEP), Nairobi City's air quality breaches all limits set by the World Health Organization (WHO);

FURTHER CONCERNED that air pollution represents the largest environmental risk to public health in the City and contributes to the increase in the number of cases of respiratory diseases such as asthma, lung and throat cancer and damage to vital body organs such as blood vessels, liver and kidneys;

ACKNOWLEDGING that the City's air pollution is particularly attributed to emissions from old vehicles, including cars, buses, motorbikes and trucks;

NOTING that the area along Landhies Road has been identified as the most polluted area in terms of air quality due to the high number of pollutant emitting vehicles using the said road;

FURTHER NOTING that the County Government has failed or refused to take any remedial measures to address this public health threat in the City;

NOW THEREFORE, the County Assembly resolves that the County Executive: -

1. Imposes a ban on all vehicles and motorbikes emitting pollutants particularly those discharging fumes and smoke to the environment from using all roads in the City; and
2. Invests in infrastructure that promotes the use of other greener forms of transportation such as bicycles and electric cars across the entire City.

Hon. Speaker, I came up with this Motion not knowing that Africa Climate Summit will be held in the Republic of Kenya, which ended two weeks ago. You remember what happened there. The defunct Nairobi Metropolitan Services (NMS) created walkways for people in town. In the Netherlands, I saw even the Prime Minister using a bicycle to work.

Hon. Speaker, I thought the Leader of the Minority would support me on this, but I don't know where he is heading to. With those few remarks, I request Hon. Diana Katile to second me in this Motion.

Hon. Diana Katile: Thank you, Mr. Speaker. I beg to second.

(Question proposed)

Hon. Speaker: Hon. Members, plenary. Hon. Eutyclus.

Hon. Eutyclus Muriuki: Thank you, Hon. Speaker. First, I would like to congratulate the mover of the Motion, the Majority Whip, as this Motion is timely. We know matters of pollution are serious. It is timely because we have just held the Climate Summit here. We know that once we take care of the environment and pollution matters, it is going to go a long way in looking into our children's future. I beg to support this Motion. Thank you.

Hon. Speaker: Hon. Joyce Muthoni.

Hon. Joyce Kamau: Thank you, Mr. Speaker. I support this Motion, but then again it means that we will have to do away with most of our vehicles in Nairobi because they pollute the air, especially the PSVs. If you go to Kileleshwa, all the matatus there are outdated. Maybe such vehicles can be sold to other counties. The Government needs to review the taxes in the clearing and forwarding field so that Nairobians will be able to import newer cars. Currently, we use old cars because the levy charged in importing newer cars is very high. So, we will have to look at it

in a bigger picture by I urging the Government to reduce taxes so that we can import newer cars. Otherwise, I support this good Motion.

Hon. Speaker: Thank you. Hon. Majiwa.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker. I have to bring to your attention that I have just read a Statement about the delay on the part of the Executive in implementing resolutions of this House. Unfortunately, Hon. Speaker, one of the Bills that we were pursuing to be implemented urgently, was the Air Quality Bill. You can see that when they don't implement our resolutions, it gives Members an opportunity to bring similar Motions because the problem is still there as it is not sorted, yet we have passed the Bill. For them to implement, it takes ages. So, Members will still see the gap and come up with similar Motions.

It is like this House has been taken for granted, whatever we are doing here is exercise in futility. So, Hon. Speaker, I would like to plead with you to ensure that our resolutions are implemented urgently. I am aware and I am sure even your officers are aware that the Air Quality Bill is pending implementation. It is one of the Bills that we were discussing with the Green Nairobi Department. These are the things they are forcing us to do, redoing the things we did before. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Yes, Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, allow me also to rise and support my Whip. This is a very thoughtful Motion. On behalf of the people of Nairobi, we say thank you. A rider to what Hon. Majiwa has said, if we do not put our foot down on what we pass, then there is no need of even pushing the Clerk for our salaries because we will be doing injustice to the people of Nairobi to earn without working for them.

Hon. Speaker, why we always push you for allowances and salaries is because we know we have cracked our heads in committees. The Whip has cracked his head to draft a Motion that has to be implemented for the interest of the people of Nairobi. We must empower our committees and we do not need to be empowered by someone. It is us to empower ourselves through your seat. So, the direction you will give us in terms of how the implementation process takes place matters a lot.

Lastly, we must appreciate things as they are on record, and I want the fourth estate to note this. That on behalf of the County Assembly and County Government of Nairobi, we want to applaud the Supreme Court of Kenya. For the first time after this Climate Change Conference, the Supreme Court of Kenya has returned what belongs to Kenyans. The Mathare 4A land in Utawala, many are not updated on this, I am aware the Planning Committee was handling this. Now, the Supreme Court has said the land belongs to the County Government of Nairobi. I hope no one will play the Ping-Pong games with it. We request the Governor that time has come for the Mathare 4A people to get what is rightfully theirs under this climate change so that everyone can be comfortable.

(Applause)

Therefore, Hon. Speaker, this is to inform the Chair that from next week, we want to see movement taking place. I beg to support the Motion, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Martin Mwangi.

Hon. Martin Mwangi: Thank you, Speaker. I want to thank the Whip for bringing this timely Motion. I rise to support it. We have seen that Kenya has joined the rest of the world in talking and taking action about climate change because it is a big problem not only in Nairobi but the entire globe.

Nairobi has been known as the Green City in the Sun, but with pollutants from smoke and fumes from vehicles, we are no longer as green as we would want to be. We have also seen the Government and the City County working on cleaning the environment and ensuring that we grow enough trees. When we have enough tree cover, we are assured of a clean environment and clean air. But with these pollutants, we are not guaranteed that our air is going to be clean even with any amount of trees that we are going to plant.

On the issue that Hon. Joyce has raised on matatus, if they are to be removed, none of them would be compliant. I think it will be in order to give maybe a six months' period and a notice to warn the matatu and other vehicle owners whose vehicles emit fumes that after six months, the vehicles will not be allowed. I support the Motion.

Hon. Martin Mwangi: Mheshimiwa Isalambo.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. I stand in support of this Motion. As we know, there is a lot of pollution in the air, especially in Nairobi. It does not matter how much we will clean the environment through tree planting or whatever, but as long as vehicles still emit fumes, the environment will still be polluted. The Government has to be pushed to regulate the products that the petroleum companies are giving us. For example, most cars that use diesel emit more smoke therefore polluting the environment. We need to get rid of these second hand products sold in our country. I stand to support the Motion.

Hon. Speaker: Thank you. The last, Hon. Sospeter.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. I stand to support this Motion on the grounds that I see to be among the major steps in ensuring that we have a clean environment. The three I consider to be the most important is the tree planting, second is this Motion, and third is control the burning of rubbish. They will go a long way in promoting a clean environment. Thank you.

Hon. Speaker: May I now call the mover to reply?

Hon. Moses Ogeto: Thank you, Hon. Speaker. I thank all the Hon. Members who have supported this Motion, starting from the seconder, Hon. Diana Katile, Hon. Martin Mbugua, Hon. Eutyclus, Hon. Geophrey Majiwa, Hon. Joyce Kamau, Hon. Isalambo, and lastly, Hon. Sospeter Mumbi.

Hon. Speaker, in the spirit of this Motion, you have heard what the Members have said. I want to take into consideration what Hon. Joyce has said, for us to reduce the older generation going to the hospital, we need the environment to be clean. Yesterday, the Governor launched

preventive community health volunteers to prevent people from going to the hospital. As they say, "Prevention is better than cure".

Hon. Speaker, serious countries in the world like Finland, Estonia and Australia are the cleanest and their air quality is very good. If we deter business people from operating vehicles which are dilapidated and emit smoke, our environment will be clean. Vehicles that are supposed to be imported should not be more than 8 years. Why do we need to have a matatu that has more than 20 years and emit fumes to the public causing diseases? In the bigger picture, we will prevent more people from going to hospitals.

The Governor launched the 'green army' to clean the City. Why do we need 'green army' when we do not want to prevent emissions? With those few remarks, I beg to reply.

Hon. Speaker: Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, at the rise of the Assembly, we will have the House Business Committee meeting at the Board Room on the right of the entrance of the Assembly Plenary.

Hon. Members, the Assembly stands adjourned until tomorrow, Wednesday 27th September 2023 at 2.30 p.m.

The House rose at 4.53 p.m.