



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 29th June 2023

The House met at 9.30 a.m.

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

PRAYER

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

(Loud consultations)

Order, Hon. Members! Please consult in low tones. We have quorum, Clerk, proceed.

MOTION

**ADOPTION OF REPORT ON THE CONSIDERATION OF THE REVENUE
AND EXPENDITURE ESTIMATES FOR THE FY 2023-2024**

Hon. Speaker: Chairperson of the Select Committee on Budget, Finance and Appropriations? Hon. Whip, kindly look for the Chair of Budget and Appropriations

(Hon. Wilfred entered the Chamber)

(Applause)

Hon. Speaker: Thank you. Chairperson for Budget, we are in Order No 8.

Hon. Wilfred Odalo: Thank you, Mr. Speaker.

THAT, this Assembly adopts the 10th Report of the Select Committee on Finance, Budget and Appropriations on the consideration of the revenue and expenditure estimates for the Nairobi City County Government and the County Assembly for the year 2023-2024, laid on the Table of this Assembly on Tuesday 27th June 2023.

Hon. Speaker: Chairman, it is a Motion.

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Hon. Wilfred Odalo: There is some serious sabotage here, I need protection because the interference from Mheshimiwa Ogeto is too much.

Hon. Speaker: Serjeant-at-Arms, kindly assist him.

Hon. Wilfred Odalo: Thank you, Hon. Speaker.

Hon. Speaker: I hope it is not about the display of the suit.

Hon. Wilfred Odalo: Protect me.

Hon. Speaker: You are protected. Proceed.

Hon. Wilfred Odalo: Hon. Speaker, I beg to move:

THAT, this Assembly adopts the 10th Report of the Select Committee on County Finance, Budget Appropriations on the consideration of the revenue and expenditure estimates for the Nairobi City County Government and the County Assembly for the financial year 2023-2024.

Mr. Speaker, on the 9th day of August 2022 Nairobians went to the ballot to among others elect their Governor to steward the operations of the Nairobi City County Government. By popular suffrage the majority chose H.E Governor Johnson Sakaja as the best fit to lead the line in addressing the contemporary challenges that tend to slow down the growth of most cities, Nairobi included. With the support of the third County Assembly, the Nairobi City County is focused on realizing the aspirations put to Nairobians before their choice at the polls. That is the Governor's manifesto.

Therefore, Mr. Speaker the Committee has considered the submitted budget estimates for the FY 2023-24 with the hindsight of what the administration intended to achieve and held the Executive officers accountable on areas where there are inadvertent attempts to derail the plan.

Mr. Speaker Sir, the Budget Committee has scrutinized the submitted Budget Estimates and is contented that by and large most of the allocations as proposed were well intentioned and aligned to the over anchoring theme of 'Making Nairobi Work.' However, the Committee shall be proposing amendments in areas where it was convinced that the fiscal rope required a little bit of tightening to make the budget address the dynamic needs of the County Government.

On the specific Sectoral allocations, Mr. Speaker, the Committee appreciates the critical role played by the Health Sector in provision of quality health services during the hour of need. The Committee has enhanced the development allocation for the Health Sector by Kshs.104 million implying that in the next financial year, the Sector shall spend about Kshs. 1.1 billion on development. This is in addition to Kshs.7.1billion set aside for recurrent expenses to among other enable purchase of medical drugs and non-pharmaceuticals. Other areas that the Committee has considered as critical towards realization of the transformation agenda by His Excellency Governor Johnson Sakaja include allocations for construction of ECDEs that has been allocated Kshs. 90 million, construction of stadia, construction of markets that has been allocated Kshs. 730 million and rolling out industrial markets at Kshs. 250 million. These shall provide employment to the youth in the County thereby reducing idleness and crime.

Hon. Speaker, protect me. Hon. Hashim Kamau is consulting in a high tone.

Hon. Speaker: You are protected. Proceed.

Hon. Wilfred Odalo: Mr. Speaker Sir, the objective of devolution is to decentralize power and resources to the smallest unit of governance so that the people at that level can be able to take charge and

decide on their destinies. The wards represented at this sitting by elected Members is the unit of administration against which all development projects should be undertaken. In review of the submitted budget estimates the Committee was taken aback that about thirty wards had no sectoral projects planned in them. If you review the budget estimates before you, you will realize that several wards including those represented by the Leader of the Majority Party and the Leader of the Minority Party had no development projects apart from the uniform Wards Development Fund. The committee took time and called the Hon Members whose projects were not captured to submit their project details that have been included in this report.

Is it true that we called Members?

Hon. Members: Yes!

Hon. Wilfred Odalo: Thank you. In the report of the Committee submitted today, each ward has a project. So, Hon. Members if you consider the WDF project, every elected MCA should at very least have development projects worth Kshs. 50 million in their wards starting next month. Mr. Speaker Sir, you will note that this Committee increased the allocation for WDF to Kshs. 23 million per ward.

(Applause)

Hon. Speaker, the face of the City relies on how well we shall be able to manage our garbage and take care of our environment. The increase in the day population in Nairobi demands that we rethink on how to take care of our waste. There is a direct link between waste management and environmental preservation hence any effort in solid waste management contributes directly to the global efforts on tackling climate change. The Committee has taken the first step by allocating additional Kshs. 200million for garbage related activities, and we hope this will go a long way in making our streets cleaner and our people healthier.

Hon. Speaker, during the deliberations in the County Fiscal Strategy Paper 2023, the Budget Committee informed this House that the role of the women leaders in bridging the gender divide at critical times of decision making cannot be ignored. The Committee has through this budget set aside Kshs. 40million for the elected and nominated women Members of the County Assembly to caucus and engage in activities that promote gender equality.

(Applause)

The Budget Committee expects that with this allocation our women MCAs would be able to visit other countries all over the world to bring home ideas. That is not all, the Committee has allocated additional Kshs. 50 million for purchase of sanitary pads.

(Applause)

Mr. Speaker, also on the gender based related activities, the Committee decided to have a gender based violence victims' safe houses in the 17 sub counties to safeguard the ladies.

Mr. Speaker, the Budget Committee informed this House during the consideration of the County Fiscal Strategy Paper 2023 that as a County, we must converge at the pending bills table to develop a workable roadmap that would ensure that the County improves her creditworthiness by religiously allocating money for pending bills, and most importantly, ensure that the allocated amounts are used for that purpose.

The Committee has remained faithful to this commitment by authorizing additional amounts of about Kshs. 1.5 billion for settlement of various categories of pending bills.

Mr. Speaker Sir, the ward bursaries are meant to support the most vulnerable in society to access education and so far it has done well to achieve that objective. The Committee supports that the bursary fund allocation be enhanced to bring on board more kids who have previously not been covered due to available budgetary allocation. In this regard, the Committee has through this report proposed that allocation for bursaries be increased by Kshs. 1 million per ward. That means that every elected Member will be able to distribute Kshs. 7 million. We got it at Kshs.3 million.

(Applause)

Hon. Speaker, HE the Governor has been consistent in emphasizing that the backbone of the County Government is the workforce that we have. The Committee agrees that deliberate efforts must be made to make the County employees prepared for the huge task of service delivery. During the deliberations on these estimates, the Committee was taken through the sorrow status of the dormitories used by our firemen and women at the Tom Mboya Fire Station. The Committee was informed how the County employees who put their lives in the line to protect all of us against the risks associated with disasters are forced to share dilapidated sanitation facilities and dormitories. Taking care of the County employees is not an option but an obligation and it is for this reason that the Committee has allocated Kshs. 20 million for renovation of dormitories and sanitation and Tom Mboya fire station. In addition, the Committee has enhanced the allocation for purchase of uniforms under Inspectorate by Kshs. 50 million to ensure that our brand ambassadors portray our best image nationally. Also to support staff welfare, the Committee has enhanced the allocation for medical insurance to Kshs. 1.5 billion, approved an allocation of Kshs. 100 million for renovation of City Hall and boosted the allocation for training across all Sectors to guarantee that County staff are prepared for the challenges ahead.

Based on the above, Hon. Speaker, having reviewed the Budget Estimates for the FY 2023-24, the Committee recommends that: -

- That the policy recommendations contained in the tabled report be approved.
- That the recommendation on policy issues, budget classification, budget rationalization, revenue framework, budget reductions and budget increases be approved.

Mr. Speaker Sir, in conclusion and pursuant to the provisions of Section 131 of the Public Finance Management Act, 2012 and Standing Order 228, the Select Committee on County Finance, Budget and Appropriations recommends that; This County Assembly adopts the 10th Report of the Select Committee on County Finance, Budget and Appropriations on the Budget Estimates for the Nairobi City County Government and County Assembly for the FY 2023-24.

I now request the Minority Leader to second the Motion. Thank you.

Hon. Speaker: Minority Leader, please.

Hon. Anthony Karanja: Hon. Speaker, let me delegate to the Minority Whip to second the report.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I would like to thank the Chair, Budget, Hon. Wilfred Oluoch Odalo and confirm his sentiments that we indeed called Members from both sides of the divide that had zero projects in their wards to share the same with the Budget Office. Therefore, Hon. Speaker, I beg to second.

Hon. Speaker: Thank you, Hon. Minority Whip.

(Question proposed)

Hon. Speaker: Majority Whip, please.

Hon. Moses Ogeto: Thank you Hon. Speaker. I would like to thank the Hon Members for being here today for the presentation of budget so that we can see how far we will go in the financial year 2023/2024. I also thank the Chair of Budget and its Members for ensuring that they present a document before the House and that will bring equity in development of all wards across the city. We also thank him for ensuring that every elected Member has received an increase of Kshs. 50 million per ward. I also sincerely thank the secretariat for ensuring that all that has been captured here is from the presentations from the public participation in various constituencies

Hon. Speaker, I want to give my sincere gratitude to the Chairman, Budget for heeding to our plea and allocating Toi Market Kshs. 100 million. You remember the Leader of Majority recently moved a Motion ensuring that most markets have been captured. Kshs. 150 million has been for Maji Mazuri Market, Kshs. 120 million in Mutuini Market, Kshs. 30million in Karen Market, Kshs. 20 milion in Ngumba Market and, Kshs. 20 million in Baba Dogo Market. The analysis of the report has captured the aspirations of the motion that was tabled before this Assembly.

Hon. Speaker, I wish to also take Members to page 13 on Public Works and how roads have been spread equally per ward. Members of the Budget Committee ensured no ward went without development. That is the spirit

In conclusion, Hon speaker, I wish to thank your office for ensuring that Members of the Budget Committee sat outside the precincts of the Assembly to panel beat this document. I know that the School Feeding Programme is the pillar of the Governor and a collective responsibility for us. The National Government has given more funds for it because as other counties, there are so many students in Nairobi who don't go to school because of lack of food. We want to ensure that pupils going to school will be able to be professors, engineers and change the narrative of this country. The future of this Country belongs to those who have gone to school, and ideas and talents will make this economy go far. I support this Motion.

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

Hon. Sospeter Mumbi: Thank you, Hon. Speaker for the opportunity. May I begin by congratulating the Budget Committee for taking their time and consolidating what we are reading today. I appreciate the work put forth in coming up with the Budget and also appreciate that Roysambu Ward will benefit from the items and blanket figures that we have in terms of feeding programs, supply of medical drugs and many items.

Allow me to draw your attention, Hon. Speaker, that apart from the Ward Development Fund projects, which is Kshs. 23 million, I have not been able to track any other activity that will be undertaken within

Roysambu Ward despite having a programme on roads that was allocated Kshs. 20 million. We also had a perimeter wall in Marurui Health Centre that had been allocated Kshs. 5 million. In short, what I am saying is that I understand and do not wish to complain a lot when it comes to markets because we do not have space currently, so does ECDs and playgrounds. That is why I was not able to lobby for such like projects. It is my humble request through the Budget Chair that roads and health centres within my ward be take care of. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Robert Alai.

Hon. Robert Alai: Thank you, Hon. Speaker. While I want to support the Motion, I would like to also raise the attention of the Speaker to the existence of nuisance in the House in form of bubblegum in our seats. Hon. Speaker, I have sat on two seats in this House today and both of them have, so I ask that attention be paid under the seats whenever cleaning is being done in the House.

I support this Motion by the Budget Committee and highlight that as new Members, we have experienced a period where there is a bit of consultations by the House Leadership from both sides of the divide. The Budget Committee reached out to some of us who were not aware that their wards were not effectively allocated resources in the upcoming budget.

Hon. Speaker, I have seen the allocations done in the various sectors from Education, ICT to Health and I can say that the Committee has ensured that at least resources have been allocated to those who have never experienced the allocation.

Hon. Speaker, on engaging some of the Members like Mheshimiwa Heho from Njiru, you realize that the wards had previously been neglected and this is the first time they are getting proper allocation of resources and development in the wards. This shows that there is at least some goodwill on the part of the Executive in ensuring that there is equal or equitable distribution of resources in the whole County.

I have seen the allocation done towards women on sanitary pads. I expected much to be done on ICT, and this being the first budget, a lot more needs to be done to win the support of the Hon Members and the leadership of the County to ensure that more resources are allocated to the ICT and Energy sectors. With those few remarks, Hon. Speaker, I wish to support the Motion. Thank you.

Hon. Speaker: Hon. Akama, please.

Hon. Jared Ondieki: Thank you very much, Hon. Speaker. I equally rise to support this Motion, but before that, Hon. Speaker, this is a House of rules and procedures and I wanted to seek your indulgence on the two Members I see dressed uniquely namely, Hon. Lawi and the Youth Leader, Hon. Jeckoniah. I wanted to bring to your attention so that you can guide this House.

Hon. Speaker: Thank you. You may be seated. Hon. Members, under the Speaker's Rules on etiquette, interpretation roman 301 on the appropriate dress, "*A Member of the Assembly, a member of staff or public dressed in contemporary business or office attire for both guidance being as follows: - male; long trousers, long sleeved shirts, a tie, jacket, closed and polished leather shoes.*" For that reason, the Hon. Member Lawi and Hon. Jeckoniah, please rise on your feet and move forward.

(Hon. Lawrence Odhiambo and Hon. Jeckoniah Onyango rose on feet)

Hon Speaker: Serjeant-at-Arms, please escort the Hon. Members out of the House.

(Loud consultations)

Order, Hon. Members! I don't know anything like African attire,

(Loud consultations)

Order! Serjeant-at-Arms, the Members have been given leave by their fellow Members and can continue with the session. However, they will have to be properly dressed in the afternoon sitting.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Hon. Chege, you cannot address the Speaker, I am on my feet. The Speaker's Rules so directs that you be escorted out. Serjeant-at-Arms, please escort them out.

(Hon. Lawrence Odhiambo and Hon. Jeckoniah Onyango escorted out of the Chamber by Serjeant-at-Arms)

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

(Hon. Chege Mwaura rose on a Point of Order)

Hon. Speaker: Declined!

(Loud consultations)

Hon. Speaker: Hon. Chege Mwaura, please sit down.

Hon Jared Ondieki: Thank you Speaker. Hon. Chege is a ranking Member who understands that for some things to be incorporated, then the Standing Orders must be changed.

I rise to support this Motion, in particular to what we have seen in the process of making this budget. In the history of budget making in this Assembly, this budget has expressed fairness. I want to thank the Chair, Budget for ensuring that every ward is captured in this budget. We have never seen in the history of this Assembly a budget where Members have been consulted. We really want to thank the Hon. Speaker.

I can see that we have an increment in bursary allocation, meaning that our children will have an opportunity to go to school. The WDF budget has also increased, meaning that we are going to have more projects. There are so many good things captured in this budget. With those remarks, I support. Thank you.

Hon. Speaker: The Minority Whip.

Hon. Members: Gender!

Hon. Speaker: The Minority Whip is on the floor, please,

Hon. Mark Mugambi: Thank you, Hon. Speaker. As I support this Motion---

(Several Members raised Point of Order)

Hon. Speaker: Declined. The Standing Orders allow him to make a contribution.

Hon. Mark Mugambi: Seconding the Motion is not debating the Motion.

Hon. Speaker: You may proceed, Minority Whip.

Hon. Mark Mugambi: Hon. Oyugi is used to heckling.

Hon. Speaker: Withdraw the word “heckling” please. Kindly withdraw and proceed.

Hon. Mark Mugambi: I withdraw, Hon. Speaker.

(Hon. Moses Ogeto spoke off the record)

Hon. Speaker: Hon. Whip, please take your seat.

(Loud consultations)

Give the Hon. Member an opportunity to contribute. Please, get seated. Declined.

Hon. Mark Mugambi: Kindly protect me, Hon. Speaker.

Hon. Speaker: You are protected.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I stand on behalf of the majority elected leaders that are consulting with the Chair, to bring to your attention that this is a report of the changes that might have occurred in the budget. The estimates that are in the budget document still stands. If you had a project that was captured in the 2023-2024 programme itemized as budget, yours is still there. This report has only the changes that have been done by the Budget Committee. This is where the wards that did not have a project have been considered and where the projects from various sectors have either been reduced or added. Therefore, there is no need for alarm or worry. If your project had been captured, be guaranteed that it is well taken care of by the Budget Committee and this House.

(Applause)

I have seen some Members asking if their projects were removed. Stand guided that your projects are safe as per how you lobbied.

Hon. Speaker, I wish also to thank the Hon. Members, especially the Budget Committee Members for the feeding Programme, just as my counterpart said. We have seen critics questioning whether it is our role to feed the school children. I have also heard some Members of this House questioning the same. Is giving bursary to high schools and tertiary colleges part of our function? It is not. But we do give because it is a leadership quest.

(Applause)

Therefore, let us not burry our heads in the sand and lie to ourselves. If you are fighting the feeding programme, you should also fight the bursary in equal measure. If you support the increment of bursary, you should also support the feeding programme by the Governor in equal measure.

Hon. Speaker, urban poverty is higher than what is recorded by the media or by other people outside there because in the slums, we find children who cannot even afford a single meal. The percentage of school going children over the years has gone down because children have not been getting food hence not able to go to school. The programme it marks the end of children carrying lunch in their bags together with their books and their books getting spoilt by the soup of the food.

Hon. Speaker, I used to carry food during my primary school days and I know what this feeding programme means to the hundreds of thousands of children that are going to benefit from this initiative. I also wish to thank the Governor for the increment of the WDF projects. Capital projects cannot be distributed across the 85 wards equally, therefore, the WDF serves as the equalization fund that makes sure that each financial year every ward has at least a project worth Kshs.23 million.

Hen. Speaker, we are so lucky that we now have a Governor who honors payment to contractors for the WDF projects. I can confirm that in this financial year, each ward not only has Kshs.23 million worth project but also has Kshs.17 million pending projects. We are going to another financial year with each ward having not less than Kshs.40 million WDF projects. It is from this great wisdom from the Governor cascading down to the Budget Committee and the leadership of this House. I also wish to thank the Majority Leader and the Minority Leader for the guidance they have given to this House concerning these projects.

Finally, Hon. Speaker, I remember the former President Arap Moi with his *Maziwa ya Nyayo*. Going forward, the children of this great city will remember our Governor by *Chakula ya Sakaja*; *Dishi na Kaunti katika shule*. With these remarks, I support.

Hon. Speaker: Hon. Perpetua.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I rise to support this Motion. Much gratitude goes to the leadership of the Assembly, led by the Hon. Speaker, the Majority Leader, the Chairman of Finance, Budget and Appropriations Committee, and the entire Assembly.

Hon. Speaker I am glad to state that as representatives of Nairobians, what has been brought before us has the face of Nairobi. I have seen parity, equity and equality because all wards have been catered for. This means that we are working for Nairobians and they are watching us.

I would also like to talk about Education Committee where ECD and Vocational; Training Centers (VTC) falls, we are grateful that we have Kshs.1 million more for this term. The Kshs.7 million can be split to Kshs.2.5 million each term, which is a plus for the Education Department.

We are also grateful for the school feeding programme, though we would like to bring to the attention of all Members and Nairobians that as we do the school feeding programme, we should make sure that we increase the absorption rate in the ECD centers. We need to expand them because as we speak, we only have 28,000 pupils in the ECD centers yet the census says that the children who are two to five years old are 300,000. What we have right now is only 10% that we will be feeding. We also have eight wards that do not have primary schools and ECD centers. Hon. Speaker, as we embrace the school feeding programme, we pray that we should keep in our minds that we need to absorb at least 70%. It is through the ECD centers that children will go to school.

Hon. Speaker, let me speak on behalf of women, we are the women of this generation. There is what we call generational transition; there were women who went to Beijing led by Phoebe Asiyo. We are the current Phoebe Asiyo. We want to thank H.E the Governor Johnson Sakaja because what he has seen in us, we will never forget.

(Applause)

We need to go out there and bring new ideas to the Assembly, to Nairobians and even to Kenyans at large. We need to go around Nairobi and sensitize women and girls about sex education and supply them with sanitary pads. That is a plus, and we really appreciate.

Lastly, Mr. Speaker, let me leave you with a saying that says, '*The budget is not just a collection of numbers but an expression of our values and aspirations*' We hope to maintain the values and aspirations of Nairobians. Thank you very much.

Hon. Speaker: Hon. Samora Mwaura.

Hon. Samora Mwaura: Thank you, Mr. Speaker for the opportunity to support this very important document. First, I would like to congratulate the Budget Committee led by the able Chairman for giving a very well balanced budget that has taken care of a lot of issues. I would like to identify a few of them. As the Vice-Chair of the WDF, I congratulate the Chair and his team for increasing the WDF allocation for the next financial year to Kshs.23 million. As the Minority Whip has said, WDF is the equalization fund, even if a Member does not have a capital project, this is a consolation because you have the Kshs.23 million plus the Kshs.17 million for the pending projects.

Secondly, on behalf of Clay City Ward and the Kasarani Constituency, I would like to congratulate the team for awarding the first public market to Kasarani Constituency. Kasarani Constituency has never had a public market since the world was created, now we have one. For that Daktari and your team, Kasarani Constituency will forever be grateful.

(Applause)

Finally, I want to comment on the bursary issue. We appreciate the additional Kshs.1 million per ward, although we had requested for Kshs.3 million. I know it is a journey that we started and eventually we will get there. I support the Motion.

Hon. Speaker: Hon. Catherine.

Hon. Catherine Opiyo: Asante sana, Bwana Spika kwa kunipatia fursa hii ya kupongeza na kuunga mkono bajeti ya Nairobi. Nawashukuru sana viongozi wetu wa Bunge letu, wakiongozwa na Mheshimiwa Imwatok na Mheshimiwa Kiragu kwa kazi nzuri waliyofanya, na pia amani tuliyo nayo hapa.

Pili, nashukuru Gavana wetu wa Nairobi Mheshimiwa Sakaja kwa bajeti yake ya kwanza kwa hii Kaunti yetu. Yale nimeona sijawahi kuona kwa Nyumba hii. Kama kina mama, tunapitia shida nyingi, mtoto akitoka shuleni mchana, anapata hakuna chakula na anarudi shuleni akiwa na njaa. Tumefurahia hii bajeti hasa huu mpango wa kuwapatia watoto chakula shuleni. Tunampongeza Gavana Sakaja, Mwenyekiti wa Kamati ya Bajetii na wale wote walifanikisha kutengeneza hii bajeti. Wamefanya kazi nzito na hata hawakulala.

Hon. Speaker: Hon. Abbas, do not leave the House because we are talking of matters concerning South C Ward. You may proceed, Hon. Member.

Hon. Catherine Opiyo: Ya mwisho, Bwana Spika, kama kiongozi wa kina mama wa ODM Nairobi, nimefurahi kuona Gavana ametuwekea pesa nyingi ya kina mama. Hii pesa tutatumia kutembelea nchi zingine kutafuta manufaa na pia kukutana na kina mama wengine ili kuongezana maarifa pote nchini. Naunga mkono huu mswada. Asante.

(Applause)

Hon. Speaker: Asante sana. Hon. Ochieng Jera.

Hon. Samson Ooko: Hon. Speaker, I rise to support his Motion. I am here to confirm that my ward Lindi was amongst the wards that did not have a project during the public participation. I went to see the Chair, Budget and informed him of this. The Committee sat down and invited Members whose wards did not get anything. I want to confirm to the House that after the invitation, I got the opportunity to represent my ward. I thank the Hon. Chair, Hon. Odalo for the wonderful thing he has to the people of Lindi.

(Applause)

I also wish to thank the entire Budget Committee because they sat down and thought it wise that every ward in Nairobi should get something, this was a wonderful move. This is my first term to be in this Assembly and the history is not so pleasing. But, today, every Member can attest that he has something for his ward. Lindi is the poorest ward in Nairobi and has nothing even a public school. For the feeding programme, I do not have a public school. I really thank the Budget Committee most sincerely for this project.

Lastly, the only thing that is between us and development is our able Governor Sakaja. I must appreciate him for coming forth, he is a development conscious leader. I want to tell the Governor now that he has the money, we will support him so that he can be able to deliver services to our people. Thank you so much, Mr. Speaker.

Hon. Speaker: Hon. Peter Maina.

Hon. Peter Mwangi: Thank you Hon. Speaker. I congratulate the Budget and Appropriations Committee for a job well done. I want to thank them for minding about the Special Elect and Women Caucus.

(Applause)

As a Member of the Women Caucus--- *(Laughter)*

(The lights in the Chamber went off)

(Loud consultations)

Hon. Peter Mwangi: Hon. Speaker, protect me from the Members.

Hon. Speaker: You may proceed.

(A Hon. Member raised a Point of Order)

Hon. Speaker: Hon. Member, please get seated. Order declined. Hon. Member, reserve that to yourself.

(The lights in the Chamber came on)

Hon. Peter Mwangi: I am a Member of the Women Caucus and I am here to fight for their rights. I appreciate the work done by the Budget and Appropriation Committee for considering our Special Elect and providing the girls of Nairobi with sanitary towels. Many girls who come from the slums have been suffering

and they do not live in dignity. They are our daughters and we have to mind about them. I thank the Governor and the Budget Committee for considering our children.

The other issue is for all Members and the Budget Committee to go round the county so that they can equalize wards in terms of infrastructure. Nairobi is not just an ordinary county; it is city yet there are wards that do not have roads. We need to think about this. We need to think about every resident of Nairobi County in terms of education, water, sewer and roads. A resident can live anywhere within the County and get provision of every service required, be it school, road, sewer and any other services offered by the County.

With these few remarks, I once again congratulate the Chairman of Budget Committee and every Member of this Assembly for minding about the residents of Nairobi County. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Majority Leader. Put on your mic on, please.

Hon. Peter Imwatok: Hon. Speaker, allow me to intone my voice on this particular inaugural budget of Governor Johnson Arthur Sakaja. I thank Hon. Members for coming in large numbers on a Thursday morning on a short notice. I also laud your office, Hon. Speaker and the office of the Clerk for facilitating the Committee of Budget. I call it 'inaugural' because this is the first budget presented by Hon. Odalo on behalf of the Azimio Party, the majority party in the House.

(Applause)

The initial budget was not part of our budget, but this is now our budget and must guarded with all the jealousy it deserves. Thank you, Hon. Members for coming this early and great to see the UDA side in good numbers. I must also thank you that on Wednesday when we were welcoming His Excellency Raila Amollo Odinga, the UDA side filled the House and made sure that the budget was tabled. Congratulations.

(Applause)

Hon. Speaker, allow me to talk about one or two issues before I give a communication on behalf of my majority party. It is documented in history that once you are elected, you have a responsibility not only for your ward but to the entire County. That is the premise upon which this budget is envisioned. I must commend the 23-Member Budget Committee, led by its able Chair, Hon. Wilfred Oluoch Odalo and the Vice-Chair, Hon. Emily Oduor. You have made us proud as Azimio Party that you have not made this budget premise on our majority but on 'we are the people of Nairobi'. Congratulations.

(Applause)

Hon. Speaker, I must point out to the Executive that the chairpersons and the vice-chairs of the respective committees' matter. If you do not feel like they matter, this is the moment that you will feel it. I am taking an example of the Legal Affairs Committee; the Chair is fighting so much for the department but they are not giving him recognition. I must applaud the Chair of the Budget Committee for reducing the allocation of Legal Department by Kshs.600 million. It has been a thorn in this County and it is all over social media.

(Applause)

Hon. Chair of Budget and the entire Committee, you have done us proud by reducing this money. This is a challenge to the Executive to recruit internal lawyers to handle our legal issues. I think bloggers will blog that today; we want them to say that the Budget Committee and the entire leadership and the Chair, Legal Affairs Committee agreed that Kshs.600 million be removed from the budget.

On the issue of bursary, I thank Mheshimiwa Samora and the entire Budget Committee, the Chair of Children, Early Childhood Education, and Vocational Training Committee, Hon. Perpetua Mponjiwa and the Vice-Chair, Hon. Swaka for your great efforts to ensure Members receive what is good for their people. I know it might not have gone the way you want but I promise as the Leader of Majority in this House that for the next three and a half years, we will reach there. We must get what we want for our people, every term we must reach our target of Kshs.3 million per ward.

(Applause)

Hon. Speaker I must also point out on the issue of roads. I want to thank the Chair Budget that at least every ward has something to smile about. The budget for roads was Kshs.2.1 billion, it has now been increased to Kshs.4.5 billion. It is only in this parliament that you do not clap even when issues touching your ward are concerned. The Chair was reading, unless you were not listening. The budget for roads has now been increased to Kshs.4.5 billion.

(Applause)

These are our affairs. Hon. Speaker, Hon. Mugambi has said that he carried food while going to school. Unfortunately, the son of Teso never had that privilege and used to roast cassava during lunch time and boil maize in the morning, put in the bag and walk about 17 km to school. When he moved to Nairobi, he was at Eastleigh High School for four years eating half rotten avocados. Today, he is the Leader of Majority.

(Applause)

Hon. Speaker, on the feeding programme, let us not take it as Kenya Kwanza versus Azimio, it is about our people and we must guard it jealously. I have overheard somebody say that for this Kshs.1 billion, there is somebody who want to supply eggs to this programme. He has already taken a business perspective that out of 250,000 children to be fed in a day, he needs to supply 250,000 eggs per day with each going for Kshs. 15; he has done his arithmetic. Kindly I want to implore the Executive on this programme not to bring arithmetic of business in this, it is about our children.

(Applause)

The scavengers who feel that this is their time to supply eggs or tomatoes, kindly be warned that we have a special account for this programme and this Assembly has a duty of watching over it. If you have to supply eggs, please do not supply rotten eggs from Uganda. I have been told that there are those who are scavenging eggs in Uganda to supply to Nairobi, please do not supply eggs that will affect our children.

Hon. Speaker, on the issue of Ward Development Fund, when we were in Naivasha, the Governor did not question why we increased the WDF from Kshs.17 million to Kshs.23 million. It is historical and an

added advantage to elected leaders. We must work. This is a caution to the Executive staff especially those who are running the affairs of WDF, it is premised on the version of CDF. I am happy to serve with the members who gave birth to this fund; Hon. Chege Mwaura, Hon. Moses Ogeto and the founder, Hon. Maich, the former MCA where Hon. Mugambi is representing. We gave birth to this fund at the Chester House swimming pool in our first term.

Hon. Speaker, the Ward Development Committee must summon all the people working in the WDF Office from the CEO. We want to know them because there are a lot of jokes in that office. Thanks to the Almighty God, we presented some proposals in Naivasha but they were opposed. Today, I am happy that about 90% of elected leaders are saying we were right in Naivasha, including the Executive. They have felt how the Zakayos have also operating with them. We have a budget and the Chair Budget has appropriated properly but the question is; do we have the money? I am told that most of the staff take from the site; '*tunachukua kwa site*'. The revenue must be collected and this is a collective responsibility between us as elected leaders and the County Executive.

Therefore, the new NCCRA has a task and we need an evaluation report through the Chair of Budget quarterly to see if there is progress in revenue collection or not. If there is none, we disband the board and we go back to our normal collection. This is a challenge for the Chair and the entire Budget Committee, for us to oversight we cannot have a budget without money. Let us make sure that NCCRA collects money and give the totals.

Lastly, Hon. Speaker, the most touching thing that this House and the entire Budget Committee has done to us is the issue of Toi Market. We will sing about it until the grabbers run away. The Chair has given us Kshs.100 Million for the Market.

(Applause)

This is a challenge to the Executive that they should commence advertising this project as quick as possible. I know the grabbers will run to court but we will build it in-house because we have engineers and interns here from engineering department. We will build Toi Market without contract until we secure it. Thank you Chair for that.

The City Stadium for me as a footballer player, Hon Hashim Kamau, Hon. Roro and the rest know how it feels for it to be forgotten yet it is a historical ground. I have never owned a wallet for the last 30 years because of City Stadium. One day I went to City Stadium and I had only two hundred shillings. There was a hole where we used to enter the stadium. When I was being pushed by my colleagues from Makongeni to enter inside, someone grabbed my wallet and I ended up sleeping hungry from Saturday to Monday when I went back to Eastleigh High School to eat githeri. Since that day, I have never owned a wallet. To me, City Stadium is historical that is why I want it done properly so that the Joe Kadenge Ground now can be in good condition. I want to thank the Executive and the entire Budget Committee for allocating funds for this particular venture.

Hon. Speaker, it is a norm that some traditions are to be observed. I am informed through a phone call that the budget has been read in the afternoon, we will be having a briefing with His Excellency and his team at Windsor Hotel because of other matters. I will communicate further. Importantly, the Azimio Party we

have a challenge and Saba Saba is close, we will have a joint venture in the afternoon session in my office so that we plan further on the issue of Saba Saba.

Hon. Speaker: Order, Majority Leader! You are out of order!

Hon. Peter Imwatok: I withdraw that. Lastly, Mr. Speaker I commend the Budget Chair and the Committee for remembering women on sanitary towels.

(Applause)

Our mothers and our sisters you have something to smile about. Chair, remember it is give and take, next time remember men for making allocation for condoms in Nairobi. We are leaders, how do we teach about sex without having alternatives. Let us encourage people in the wards to take care of themselves.

I thank the Leader of Minority, the Whip for the support in the Budget Committee, and the entire House. The Clerk's Office, you have very bright young people led by Eric, Manyi and the rest. The Executive wanted to poach them but we refused. Good job, Clerk and the entire team. Good job, Mr. Speaker, as humble as you, continue that way. It is ten months now and this House has been peaceful. Please, let us maintain the peace.

(Applause)

Hon. Speaker, chase anyone who will want to destabilize peace in this House. What you do out there is none of our business, but when we are here let us observe peace and tranquility for our House to move forward. Thank you, Hon. Speaker and God bless you

Hon. Speaker: Thank you. Hon. Jeremiah. One on this side and the last on the other side.

Hon. Jeremiah Themendu: Thank you Hon. Speaker for giving me this chance to contribute. I congratulate the Committee on the Budget and the Chair, Hon. Dr. Odalo for the good work.

I had lobbied for level three hospital in my ward. I enquired from the Chair of Health and he told me that it is captured. I wonder where it is because I do not see it here. It was about Kshs.35 million project but I have seen Kshs.10 million project captured here. Because you promised it is there let me believe.

This is now our own budget, the budget that we were using was from the former Governor Kananu. I think with our able Governor Johnson Sakaja, development will happen in all wards in our County. We have a good President, Dr. William Ruto, who is also helping Nairobi develop as we have witnessed in Roysambu when he came support us on the feeding programme. He means well for Nairobians and Kenyans at large.

(Applause)

Hon. Majority Leader, although you are moving out, you should note that we have only one President and that is Dr. William Samoei Ruto.

(Applause)

(Loud consultations)

Now that you have been touched somewhere, you are coming back. Welcome, Majority Leader.

Hon. Speaker: Hon. Majority Leader, please take your seat!

(Loud consultations)

Order, Hon. Members! Please take your seat, Majority Leader. You may proceed.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker. The interest of this House is development in our wards. We cannot achieve that without money. The reason why we have a full House today is because of development. I don't think you will be happy as an elected leader if what you promised your people is not achieved. In the future---

Point of Order

Hon. Speaker: Permission granted. Hon. Clement, get seated please.

Hon. Peter Imwatok: I want to inform Hon. Themendu that as far I am concerned as the Leader of Majority of this House, my president will not, has not and will never recognize William Samoei Ruto as the President. So do I.

(Applause)

Therefore, the peculiarity between me and you is very clear, the estimates are there but you don't understand whether it is there or not. I know it is there. So, our worlds are different. In terms of understanding who is the President, I don't have for now. Thank you.

(Loud consultations)

Hon. Speaker: Hon. Members, please! I think we have Motion No.8 for dispensation and I would really want to guide the House that you stand to account for whatever you contribute on the floor of this Assembly. Kindly restrict yourself to the Motion, it is the good for this County. Hon. Themendu, you may proceed.

Hon. Jeremiah Themendu: I have heard from the Majority Leader---

Hon. Speaker: Please proceed on the Motion, kindly.

Hon. Jeremiah Themendu: As I was saying, now that we have our own budget and we are eager to pass it with the majority, I know Nairobi is going to develop. That is our wish. As Nairobi County, let us work as a team and make sure Nairobi is developed and nothing else. With those remarks, I beg to support.

Hon. Speaker: Hon. Oyugi, the last one.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Allow me to begin by saying that I support the Motion. To avoid repetition, a lot has been said about the document and I am in contention that this is a good report worth lauding and worth passing by the House. However, Mr. Speaker, my only area of concern is in one sector which I don't think Members of the Executive who gave out these proposals never gave a critical look, that is the Youth Department. Mr. Speaker, Nairobi has a population of over five million people, and out of this, 60% are youths. I have looked at the report and I am not seeing clear programmes meant for the youths of Nairobi. There are youth talents and sports social services like Joe Kadenge, Kabiro Social Hall etc. but there are no clear programmes meant for the youths. So, moving forward as we pass this budget, I want to urge the members of the Executive to put a lot of emphasis on the youths because you understand

the problems that we are facing as Nairobi, unemployment being one of them. We do not have innovative centers etc.

Otherwise, I want to join my colleagues in supporting this document. Thank you.

Hon. Speaker: The Vice Chair of Budget.

Hon. Emily Oduor: Thank you, Mr. Speaker. I will not waste time because as you have told us time has really gone. I support this Motion. I am a Member of the Committee and I think we have done a good job. For once, I think this is the best budget we are going to have. With time, we have realized our revenue is going up and I guess with time, our 2024/2025 is going to be the best. I thank the Members of the Budget Committee and especially to our secretariat team led by Eric.

Hon. Oyugi, you said you have not seen anything for the youth. I think we have sanitary pads which are meant for the youth. It might not be programmes but it should be something that takes care of the youth. We have included safe houses, which mostly accommodate women who are battered or men. Gender Based Violence (GBV) is not only on women. We also have stadiums. I think we have given a lot of opportunities; we do not need to name them that this is for the youth. If I say sanitary pads, it benefits the youths because they are still experiencing the monthly periods. In that case the youths are taken care of. I think the only things we missed are the condoms but the Majority Leader has brought our attention to that. Probably when we do our supplementary budget, we will make sure that the boy child is also covered.

(Laughter)

I won't waste much time; I support the Motion.

Hon. Speaker: Let's get a few words of wisdom from our former Mayor in under one-minute Hon. Majiwa, please, then the mover to reply.

Hon. Geophrey Majiwa: Thank you, Hon. Speaker for noticing me as the last person. I realize you have a weird way of noticing those who want to speak, but I want to attribute it to the weakness---

Hon. Speaker: Hon. Mayor, withdraw that statement!

Hon. Geophrey Majiwa: I withdraw, Mr. Speaker. I want to attribute it to the weakness of the ICT Department. They have been allocated budget, I hope things will be better moving forward.

Mr. Speaker, I do not have much to say because time is not allowing us, but I must confirm as I support this Motion, that this is a Wanjiku Budget. My fear, and I would like the Chairman and the Vice Chair to hear, this is a Wanjiku budget and Wanjiku issues are hard to push forward. I have seen what is in this budget and I am praying that the energy that the Chairman has applied to bring this money to Wanjiku, he should apply the same energy to ensure that it is implemented to the latter. Passing it here and implementing this thing might be two different things.

We might be happy here today but I can tell you the Executive side might not be happy. So, implementing this must be able double effort. It is only important that we give the Chairman the support that he requires to ensure that this budget is implemented to the latter. It is a good budget but if you take it to the other side, it will not be their budget but it is our budget and you know the other side are always on a collision with us. When they realize this thing is favouring us, they will try to play some little games as they always do.

I congratulate the Chairman and his team for what they have done, it has never been done before and it is something new. It is their baby, please make sure you take care of your baby until the baby walk until you have seen it baby walks and grows to be an adult.

I am appealing to Members to give the Governor our support to collect the maximum money so that this budget can be realized because without the money, we cannot realize this budget. You know as it is now, we have issues with collection and everything. There is this Revenue Board that we have put in place, let them get our support so that we can get this money because it is not joke. This budget needs maximum support. Thank you, Mr. Speaker.

Hon. Mr. Speaker: Thank you, Hon. Majiwa. The Hon. House, the Chairperson for Health has got information to pass across in under ten seconds. Chair of Health, you may proceed.

Hon. Maurice Onyango: Thank you, Hon. Speaker. I join other Members to thank the Committee of Budget and more so the Chair. I just want to inform the House about the issue of the boy child. I think in the last supplementary budget under non pharmaceuticals, we budgeted Kshs.50 million for the condoms. So, the boy child should not be worried.

To add on the budget of Kshs.49 billion, the sector of Health has been allocated a huge junk of Kshs.8.1 billion. We have Kshs.200 million for the Public Health and Kshs.825 million for our facilities. So, Hon. Members, if your ward is not captured, it is not the end because budget is a process. We have the CIDP which runs for 5 years.

Hon. Members, we really fought for this 'child' called School Feeding Programme under Health Sector, but now that it has gone to Inclusivity, Public Participation and Customer Service Sector, we are urging the Executive to make sure that the food given to the children is nutritious. As it has been taken a special programme, we as Hon. Members should do our role of oversight where we will be calling the people who are in charge of the School Feeding Programme. Thank you, Mr. Speaker. I support the Motion.

Hon. Speaker: May the mover now reply.

Hon. Wilfred Odalo: Before I thank the whole House, there is some clarity which I have to make as the Chair. One, I know media usually picks the bad things in the Budget. They might capture that the condoms were budgeted Kshs.50 million. The fact is that it is among what the Health Committee presented to us. It is captured somewhere but on the amount, the sector will prescribe.

Two, I have to make clarity over the remarks of one of the Members who alluded that the youths are not taken care of. If you see stadiums, liquor, and purchase of uniforms, those are youths captured. Also, we said elected Members will have ten members per ward on the issues on environment. You can see allocations on environment. So, the youths are covered.

Let me take this opportunity to thank the Governor for being available for us as Budget Committee and also being a consultative Governor. When we did the Budget as the Budget Committee, we consulted him in several ways and he supported the move. I also relay thanks to the Office of the Speaker for the endless support. Whenever the Budget Committee were going out, he supported us. The secretariat team; Eric, Manyi and Alphonse, we are proud of you. I also thank the Leadership of the House. The Majority Leader is not a Member of the Budget Committee, but wherever we were going, I could request him to accompany us and he never let us down. We are proud of you.

Mr. Speaker, allow me to request all Members of the Budget Committee to stand. I am a Chair because of these great Members.

(Hon. Members of Finance, Budget and Appropriations Committee stood in their places)

In the Committee, we have our Whip, Hon. Petit, thank you for the great job. We usually call him Shemeji. The lady behind, you will have to consult your team so as to join us, you are not yet in the team. Mheshimiwa Jasho, although you were facing some challenges, but you were there for us, thank you. Mheshimiwa Jane, you joined us the other day but your support is felt. *Mheshimiwa* Muasya, thank you for the support. Mheshimiwa Colo, thank you for the support. Mheshimiwa Masitsa, we call her Makina, thank you for the support. My Vice Chair, thank you for the conducive environment that you have been giving to me. Mheshimiwa Chairlady, we usually call her the treasurer, commissioner and the Nakumatt, thank you for the support. Mheshimiwa Kago, this is one Member who does not value political division. He usually speaks his mind even in the Committee, we thank you for that. Even the sitting arrangement can dictate. Let me thank my secretary for the support. I also double up as Luo Ker, that is the elder of Luos.

Hon. Speaker, I also thank the whole House for the support. Let us keep on consulting. My predecessors never had such a spirit. We want to leave a legacy. For those who are speechless, their budget can be covered. I remember the issue of my neighbour, he never approached me but today he has come today to say thank you. I used to get treatment in Upendo Hospital when I was young. I realized Upendo Hospital was not captured anywhere, so we had to consult and give some meat where it deserved.

We will be consultative enough so that other chairs who will come after us can follow the route. I have been in this House for some time. The Chairs of Budget used to come with a paper, they present and you just say aye. If you oppose, the next day you are not a Member of a certain committee. Hon. Chege, you can bear witness. So, we want to be consultative enough so that Hon Atito who wasn't allocated a project in his ward, now can smile. Hon. Oyugi, who is saying that the youths are not captured, can now smile. Hon. Jera can now smile and can sit here. *Mheshimiwa* Owera can now smile and sit here. Even Mheshimiwa, the only Engineer, his ward was not there. We do not want to look at the political divide. Mheshimiwa Samora travelled all the way to Mombasa. Let us support the budget of the Governor so that we can move together. Thank you, Hon. Members.

(Applause)

Hon. Speaker: Thank you Hon. Chair and the entire House.

(Question put and agreed to)

(Applause)


MOTION

ADOPTION OF THE REPORT ON ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD

Hon. Speaker: Hon. Chairperson for PAC.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I beg to move the following Motion:

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THAT, this Assembly adopts the Report of the Auditor General on the Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30th June 2020, laid on the Table of this Assembly on Thursday 22nd June 2023.

Hon. Speaker, pursuant to the provisions of Standing Order 203, the primary mandate of the Committee is to oversight the expenditure of public funds by Nairobi City County entities, to ensure value for money and adherence to the Government financial regulations and procedures. The Committee further aims at ensuring that Nairobi City County public funds are prudently and efficiently utilized. The Committee executes its mandate on the basis of annual and audit reports prepared by the Office of the Auditor General (OAG).

Article 201 of the Constitution enacts fundamental principles aimed at guiding all aspects of public finance in the Republic. It states that the principles are, inter alia, openness and accountability, including public participation in financial matters; public money shall be used in a prudent and responsible way; financial management shall be responsible and fiscal reporting shall be clear. The Committee places high regard on these principles among others, and was been guided by them in the entire process that has led to this report.

Mr. Speaker, I would like to thank you for your good support that you have given this Committee. It is important to note that we have currently about 17 other reports other than the ones we tabled last week. Your Office and that of the Clerk have been very supportive in this regard. I also want to thank the House leadership led by the Leader of Majority and the Leader of Minority. My predecessor, who is the Chair of Budget had a very difficult time in the last term when he was the Chair of PAC because of interferences from the then leaders. I must confess that I have had very little interference. In fact, the only time I have been consulted by the leaders has been to ask me what's happening. They gave us the support that we required. I also want to thank the Whips for giving us very able Members in this Committee to move.

Mr. Speaker, I thank the Members of this House for being this patient and waiting until to hear the gist of this report. Once a committee has done its work, it is upon this House pass or reject so that it is owned by the House and it becomes active. On the same regard, I thank my colleagues in PAC. Please allow me ask them to stand because without them I would not be standing here to do this report. I will ask my colleagues in PAC who are in the House to stand.

(Hon. Members of Public Accounts Committee stood in their places)

Mr. Speaker, these Members have objectively never missed a quorum for the Committee since we started. Our quorum as we know from the Standing Orders is eight, but we are always ten and above. I thank the leadership for giving us these guys who really have been steadfast in this report.

(Applause)

Again, Mr. Speaker, this is a Committee that I cherish because we have managed to cross the party divide. We never looked at anything at partisan manner. Many of our Members are friends of the people we are investigating, but we have been able to withstand that pressure. That is why I thought it was important to request them to stand. Please, have your seats.

Mr. Speaker, oversight is a very difficult role. The three cardinal rules of a member of county assembly or any parliament for that matter is representation, legislation and oversight. For the benefit of the new Members, representation is the easiest because you talk to members all the time and you attend their funerals. Legislation is your ability to bring laws here. But oversight is very difficult because you are not overlooking strangers, you are overlooking people you are with in this City Hall, your friends, people you interact with, and it is a very difficult thing. But, Mr. Speaker, oversight must be done. For this Assembly to get the respect that we want to move this County forward, we must stand firm and be able to give corrective measures for posterity. I am happy that this report has come immediately after the Budget because budget and oversight go hand in hand. We were applauding my counterpart, good friend and elder doing the Budget bit. It is upon this House now to ensure that that money is used in the rightful manner, and if there is any discrepancy, be sure that the PAC will spring into action and bring those culprits to justice for the welfare of the people of Nairobi.

(Applause)

Mr. Speaker, it is imperative for me to say that once the Auditor General gives a report to this House, they are given about 90 days sitting days to ensure that it is tabled. We got this report at the tail end before Christmas break recess. We started serious business in February when we came back. If you look at the time lines just before May, the report was ready.

I want to thank the Committee and also the secretariat that has helped us move with that speed. We are able to table four reports. With this speed, I can assure you that by the time we are doing the first end of the first quarter of the next financial year, we will be ready with about four or five reports so that we move. Our strategy is to be very fast so that we stop dealing with the people who left. We want to take care of the people who are managing the current budget so that we are tabling and taking them with issues that they remember that are not 3 or 4 years back. This is report that is three or four years back. We want them to be very conversant with what is happening so that people are given the chance and Nairobians get value for their money.

Mr. Speaker, Article 226 (5) of the Constitution is unequivocal that:

“If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

Consequently, Section 203 (1) of the PFM Act, 2012 enacts that:

“A public Officer is personally liable for any loss sustained by a County Government that is attributable to-

- a) the fraudulent or corrupt conduct, or negligence, of the officer; or*
- b) the officer’s having done any act prohibited by sections 196, 197 and 198”*

The Committee considers this Constitutional and legal provisions as the basis for holding Accounting Officers and other Public Officers directly and personally liable for any loss of public funds that may occur under their watch.

Hon. Speaker, The audit involved auditing of the Financial Statements of Nairobi City County Alcoholic Drinks Control and Licensing Board Fund by the Auditor General, which comprise statement of Financial Position as at 30th June, 2020; Statement of Income and Expenditure; Statement of Changes in Equity; Statement of Cash Flows for the year ended 30th June, 2020; a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015.

The Chief Officer for Business and Hustler opportunities being the Accounting Officer of the Fund, is the administrator of the Fund. Section 167 of the Public Finance Management Act, 2012 therefore mandates the administrator of public funds with the preparation of Annual Financial Statements.

Hon. Speaker, the Committee held several sittings of which it interrogated the former Chief Officer for Trade, Tourism and Commerce, former Director and the Accountant for the Nairobi City County Alcoholic Drinks Control and Licensing Board who were in office during the audit period, on key findings raised by the Auditor General. Similarly, the Committee received written responses to the special audit findings.

While taking evidence, the Committee was guided by the existing procedures and modalities of operations of the Nairobi City County Assembly derived from the Constitution of the Republic of Kenya, Acts of National Parliament, Acts of Nairobi City County Assembly and Nairobi City County Assembly Standing Orders, conventions, usages, practices and rulings and directives of the Chairperson.

Hon. Speaker, the Committee identified issues it considered grave and subsequently made recommendations that require urgent attention. The issues include:

- The statement of financial performance indicate that the Alcoholic Drinks Control and Licensing Fund collected a total of Kshs. 427,267,499.30 and Kshs.515, 876,790.40 during the FY 2019/20 and FY 2018/19 respectively. However, the receipts were deposited into Co-operative Bank, account number 011412230914900. Evidence of remittance of these receipts to the Bank Account were not been submitted for audit review. Further, the figure is not supported by a ledger.
- In addition, the figure of revenue collected is not supported by a schedule of liquor license applicants, database lists of all liquor outlets within the County, Liquor Board deliberations/minutes of approvals and rejections in support of the reported revenue figure. The listing of licenses and their security numbers were not provided for audit verification.

Hon. Speaker, the Committee noted that the Board had not submitted financial statements for the year 2014/2015, 2015/2016, 2016/2017, 2017/2018 and 2018/2019 for audit. That madness, this Committee felt must stop. We made this recommendation, and I am looking for the Chairperson of Culture, and we agreed that moving forward, there must be a semblance of some accounts and reports that must be audited. otherwise, this shop is going to be closed.

Further, the financial statements for the year ended 30th June 2020 were submitted to the Auditor General for audit on 21st June 2022, one year and eight months after the statutory deadline of 30th September 2020. At least there is progress, so the first reports were tabled and taken to the Auditor General by June this year. So, we are moving somewhere.

The Public Finance Management Act, 2012, and any other legislation, states that the submission to the Auditor-General within three months after the end of the financial year to which the accounts relate.

Hon. Speaker, the Committee observed that during the period under review, the Fund paid a total of Kshs 96.5 million in respect of various allowances. However, the management of the fund failed to provide supporting documents such as authority and signed lists of recipients. In this case, the Committee noted that the allowances might have been subject to misuse, resulting in the loss of public funds.

The Committee further observed that during the period under review, the fund paid a total of Kshs 28.1 million in respect of the supply of various goods and services. However, the management of the fund has not provided supporting documents for the same.

Hon. Speaker, a review of various payment vouchers amounting to Kshs. 77.6 million was paid for the procurement of various services and goods. It was noted that the payments were approved by an unauthorized officer, and no evidence was provided with respect to the officer's appointment as an AIE holder. That, we find very alarming.

Hon. Speaker, the Committee therefore recommends that the Directorate of Criminal Investigation (DCI) and the Ethics and Anti-Corruption Commission (EACC) takes action to recover Kshs.96,586,552.50 from Mr. Allan Igambi (Former CECM for Trade, Tourism and Cooperatives), Dr. Jairus Musumba (Former Chief Officer for Trade, Tourism and Cooperatives), Mr. Mohamed Sahal (Former Chief Officer for Trade, Tourism and Cooperatives), Mr. Hesbon Agwena (Former Director, Nairobi City County Alcoholic Drinks Control and Licensing Board) and Mr. Julius Matekwa (Former Accountant, Nairobi City County Alcoholic Drinks Control and Licensing Board); and the same be apportioned according to the vouchers authorized by each officer during their tenure in office.

Hon. Speaker, the Committee also recommends that the DCI and the EACC takes action to recover Kshs. 77,684,054 from Mr. Allan Igambi, Dr. Jairus Musumba, Mr. Mohamed Sahal, Mr. Hesbon Agwena and Mr. Julius Matekwa and the same be apportioned according to the vouchers authorized by each officer during their tenure in office.

Hon. Speaker, the Committee further recommends that the DCI and the EACC moves quickly into action to recover Kshs. 2,190,656.50 from Mr. Allan Igambi, Dr. Jairus Musumba, Mr. Mohamed Sahal, Mr. Hesbon Agwena and Mr. Julius Matekwa and the same be apportioned according to the vouchers authorized by each officer during their tenure in office.

Finally, Hon. Speaker, the Committee recommends that the that the DCI and the EACC conduct an investigation on Mr. Allan Igambi, Dr. Jairus Musumba, Mr. Mohamed Sahal, Mr. Hesbon Agwena, and Mr. Julius Matekwa for prosecution in the courts of law.

Mr. Speaker, I want to end by saying it is a very difficult process to arrive at such harsh decisions. We have been under a lot of pressure because some of these fellows are our friends. However, the law is the law, and we have a duty to protect Nairobi tax payers. All the people here who have wards, liquor licenses are collected from those wards. The least the Liquor Board should do is show something that has been done in your ward from the money that they have collected. I have given you an average of Kshs.400 million every financial year. The only thing that we were able to remove was the money that was used to take care of the boxer, Conjestina Achieng.

Every other expenditure, and all my colleagues who were there in the last term will tell you, a lot of monkey business was happening. We wanted that money business to stop. The Committee recommends further restorative measures by the law that I have read. There are others that are corrective. I do not know the Members of the Delegated Legislation, which sometimes might think they do not have an agenda. The regulations should be passed for the Liquor Board so that they move and work within a certain framework. That Committee, this report becomes your basis for you to move to ensure regulations are made in that regard.

Culture Committee that does the actual oversight should also move with speed to ensure that activities for these Members are given priority.

Finally, Mr. Speaker, the price of freedom is internal vigilance. For this Assembly to earn respect, taken seriously, and walk head high in the Executive and they know we can crack the whip and action can be taken, I urge you to pass this report and take it further to the next step

(Applause)

I can give an undertaking on behalf of the Committee that with the other 17 reports that are coming, we want to finish them hopefully by the end of this year so that by 2024, we will be dealing with the officers who are in the office. If this budget will not have been handled, we tackle the people who are in the office and kick them out immediately. Here we are dealing with people who left. The saving grace has been, "please, do not be so hard on us, we are already out of work." We understand, but we must set a precedence, and setting a precedence is not easy. For you who are parents, disciplining your lovely children is very difficult. Reprimanding a friend in this Chamber is very difficult. Going to the Executive to ask for a favour yet you are overlooking them is very difficult. But we must set a standard so that at the end of the financial year we can ask ourselves how the budget was absorbed. We now move oversight from figures to absorption so that if there are people who are sleeping on the job and are not absorbing the budget as it is required, we are able to oversight and give them their due out of office so that other people who want to work for this great County can be given a chance and we progress. With those many remarks, Mr. Speaker, may I allow my very able Vice Chair to second. Thank you.

(Applause)

Hon. Kennedy Oyugi: Thank you, Mr. Speaker for the opportunity to second this Motion. Indeed, at times it is difficult to speak before eloquent speakers like my Chairman. However, let me begin by saying that as a Committee, there was lot of pressure. In this entire report of the audit, what I have come to understand is one thing---

[Hon. Speaker left the Chair]

[Hon. Deputy Speaker (Mr. Paul Kados) took the Chair]

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Members.

Hon. Kennedy Oyugi: Welcome, Hon. Deputy Speaker.

Hon. Deputy Speaker: You can go on, Vice Chair.

Hon. Kennedy Oyugi Thank you, Mr. Speaker. What I realized about this report is one thing called 'personal responsibility.' I don't want to deliberate much on this report, but as the Chair has rightly put it, if we want as a House to have a name and earn respect in this County and in the country at large, I beseech you that we pass this report. I repeat, if we want to earn respect in this County and the country at large, I beseech as a House that we pass this report.

This report is devoid of malice. As a Committee, we interrogated some of the audit queries. For example, there was an audit query where the auditors were questioning how Conjestina Achieng, who was not a member of this County or the Liquor Board, was taken to the hospital using Liquor Board money. Going back to the Liquor Board and the establishment of the Act, we found that one of the best things they did in the entire period was taking Conjestina Achieng for rehabilitation. Therefore, this report is devoid of malice. With those few remarks, Mr. Speaker, I urge the House to pass their report. Thank you.

(Applause)

(Question proposed)

Hon. Deputy Speaker: Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I rise to support the report of the PAC. As well said by the Chair, we served on this Committee as the pioneers. For the purposes of records, I was the first Chair who served for only 48 hours. Chair, I must congratulate your Committee and the entire PAC. This Government that we serve must take from history; the history of Liquor Board is so chequered, it is like a kitchen without proper arrangement. I thank the Committee for instilling some arrangement in this Board.

Hon. Speaker, time has vindicated us as a House. When one Jairus Musumba was brought to this House, people cried and said the leadership and the entire Assembly were making a mistake. Now, we have been vindicated. This is person who has decided to employ his child to control the Liquor Board. Today, this Committee has proved that this House can work. My request to the Chair, and we did that in our first report of 2014, with your entire Committee that has stood here, get approval from our Speaker and take the report, with the fourth estate accompanying you to deliver to the director EACC. Also, take the same report to the DCI and deliver it there so that there is no ping pong around here.

People have stolen a lot from this Liquor Board. It was only during Kidero's time that we had a Nairobi cup, which was sensitizing people against drug abuse. From then, nothing has happened on this Liquor Board. Chair, a challenge you, don't wait for us to implement from here. You have quoted the DCI and the EACC, present these bundles of documents plus the report to them. The DCI should stop chasing us during riots and start chasing thieves.

(Applause)

They are chasing wrong things. They should not chase those who are demonstrating peacefully but chase Allan Igambi, Musumba, Sahal, and all the other goons and their masters. Lawyers were paid millions of money through Liquor Board, I don't know which drunkard was taken to court to be paid Kshs.80 million. They have their masters.

Those who are still in the County Executive, Chair, I think your recommendation is bit lean on them. They should step aside immediately after the passing of the report so that investigation could be clear to them. The accountants, those who were given tickets, those who were involved--- Anyway, Chair, congratulations for a good job done. In the next report, let us make it firmer. Thank you, Chair.

Hon. Deputy Speaker: Thank you. Hon. Davidson.

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker. I want to quickly do a rejoinder regarding the Committee on Delegated County Legislation, which has been mentioned by the Chairperson of PAC. I would like to bring to the attention of the Speaker and the Hon. House that this regulation comes from the Executive, and that is where the dillydallying has been taking place. In fact, the Office of the County Attorney has gone on record saying that they do not have a budget for publishing regulations. I am happy that in this financial year 2023-2024 budget, we can all see that the Legal Sector has been apportioned a budget. I look forward to seeing whether there will be any further excuse from the County Attorney to this Committee on Delegated County Legislation.

Hon. Speaker, the Committee on Delegated County Legislation has not looked at any regulations since we took our oath of office last year, and it is such a sad injustice that has been meted against this Committee. As a committee, we are ready to do our part, and I am happy that our vice chair is here, Hon. Petit. We call upon all the chairs to ensure that every bill that is tabled in this House comes tabled hand in hand with the supporting regulations so that they can be committed to our Committee. Thank you so much, Hon. Speaker. I also support.

Hon. Deputy Speaker: Hon. Alai.

Hon. Robert Alai: Thank you, Hon. Speaker. As a Member of this Committee, I would like to first thank the Committee for a job well done. However, this House should know that this is before things got worse. So, reports after these, Members should expect to see worse things that happened. One positive thing that came from the Liquor Board is the fact that they have rehabilitated Conjestina Achieng, and we saw from recent news reports that she is on her feet and she is doing something positive. We would like to appreciate not only the Liquor Board but also the Governor, Hon. Sonko, for the job well done in that regard.

(Applause)

Hon. Speaker, that is the only positive thing we have gotten from this report. There were even lack reports, and when you asked the Accountant, Board Chairperson, and the Director, they will tell you that they did not do it because the law did not require them to do it. These are professional accountants, and accountancy has its own standards. By the accounting standards, this was one of the worst things they did to this County. The PFM Act did not approve of anything they were doing.

Hon. Speaker, one very unfortunate thing that is still ongoing in the Liquor Board – I don't know if it changed recently – is that the accountant then who oversaw all this mess is now the Auditor of the same Board. He is the person who is cleaning up the mess.

We are going to pass the budget here. We have had a report that we have been represented by the Budget Committee, and we have passed and lauded it. For us to ensure that whatever we pass has been properly adhered to and that the standards and laws of this country have been respected, we have to ensure

that there is accountability. This accountability will not be taken seriously if on the first instance, you let people who have looted, ensured that the standards were not maintained, and ensured the laws were not respected are not going to be charged and the County money not recovered.

Hon. Speaker, as somebody who started the campaign to ensure that there was sanity in our residential areas despite being criticized harshly, I think the report will give Members an idea that we not against business or anybody doing legal business, but let us maintain sanity of our residential areas. This sanity means that everybody operating in his place of selling liquor must ensure that the respect of the law is very cardinal.

As I told you, things got worse in 2021 and 2022, which we will see from the subsequent report. Hon. Speaker, for us to send a clear message and support the campaign of the Governor – I am happy that when we started the campaign, the Governor took it on and he has closed most of the brothels that have been operating in our residential areas. He has also closed massage parlors disguised as brothels. The leadership of the enforcement units that the Governor appointed, are now on their toes. When they see our SMS, they act very first to ensure that the entertainment spots don't not turn into a menace and residential areas don't turn into nuisance spots.

Hon. Speaker, lastly, I would like to remind this House that Nairobi controls 60% of the GDP of this country. If you don't send a clear message and set precedence, then you know whatever we do here will affect the whole country. Thank you, Hon. Speaker. I support.

Hon. Deputy Speaker: Hon. Stephen Mugo.

Hon. Stephen Kimani: Hon. Speaker, I stand to support this report. As a Member of PAC, I can at least attest to the words that have been put on this report. It is good to note that those accountable for the loss of money during this period were so arrogant during the interrogation by this Committee. It is my plea to this Assembly to support this report in order to set a precedent for the other members of this Liquor Board to know that accountability cannot be escaped. I beg to support. Thank you so much.

(Applause)

Hon. Deputy Speaker: Thank you. Hon. Stazo Omung'ala

Hon. Stazo Omung'ala: Hon. Speaker, thank you for catching my eye. I stand to support this Motion. Financial hygiene is important for us to realize the vigorous work the Public Accounts Committee has done. Having been a Member of this Committee, it was emotional and hard to make some decisions, noting that we had friends who were implicated in this report. But, again, we are called to make decisions as leaders so that at the end of our term, we are also answerable to the people who brought us here.

Hon. Speaker, people using money that was meant to help Nairobian realize services such as rehabs, which are close to many of us. When an officer is called to the Committee, he behaves as if we are living in previous regimes whereby calls were being made to the committees for certain decisions to be diverted.

Hon. Speaker, this report should stand as an example that from today henceforth, if you are taking charge of public coffers, you have to at least follow the rules that have been kept. Hon. Speaker, I beg to support.

Hon. Deputy Speaker: Thank you, Omung'ala. Chairperson of Budget.

Hon. Wilfred Odalo: Chairperson of PAC, that is wonderful work. I was once the Chairperson of PAC. You have demonstrated the turbulence that I passed through. If it were not for you and the Majority Leader, I could not have managed to get that post. But thanks to the Almighty, I managed. I wanted to give an overview, Public Accounts Committee is an evidence based committee and there is no witch hunt. I must say thank you to the Committee for the hard work. I know what it takes to come out with such recommendations. Thank you, chair.

Hon. Deputy Speaker: Hon. Heho, then lastly Hon. Katemeshi because the Standing Orders do not allow us to go beyond 12.30 p.m., please.

Hon. Carrington Heho: Thank you, Mr. Speaker. Allow me to congratulate the committee for the good work they have done by upholding the trust bestowed to this house and making sure that we fumigate those street scammers that are out there. It ought to be known that when our youths are being deviled by the consumption of illicit brew, it was the liquor under the championship of our Chairperson and even the Majority Leader. If you read the Act well, it ought to control the consumption of liquor. But they left the main agenda of the Board and gave and delved into licensing and collection of money. Monies that were meant for rehabilitation became conduits for personal gains. A wise man by the name of Mutabaruka, who is a Rastafari philosopher, said, "*When a hunter kills a lion, he says he is hunting; it is a game, but when the lion kills the hunter, they call it a beast and a savage.*" I understand some of the accused perpetrators might go to court to sabotage the work of this House. It is upon you, the Speaker, to ensure you uphold the integrity of the House by ensuring there is separation of powers. We are doing so to save our children who have been deviled by the consumption of illicit brew, and the money meant for rehabilitation is used to rehabilitate those who have been bedeviled by the same act.

It is known that under the championship of the Majority Leader, the act calls for the consumption and even handling of liquor not to be done until it is packaged in bottles. However, in our wards, some of these people are consuming changaa in cups. Mr. Speaker, I beg to support the motion.

Hon. Deputy Speaker: Hon. Emmy.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. As a Member of the Committee, I would like to congratulate my Chair, Vice Chair and the Committee as a whole. As we wrote the report, we did not sleep as we did for very many hours. It was hectic but we managed. Some of these people didn't know we had members of ICPAK in the Committee, they were contradicting themselves. They spent at source, which was okay keeping in mind on what they do, but most of them were just collecting to spent inappropriately. They didn't mean well. The only thing they did well was to rehabilitate Conjestina, and we applauded that. But the rest of the money was used to even purchase tickets for people who were not members of the county, which was an offence.

The Executive has to act hard. Like the Majority Leader has said, we have to take action taking the report to the DCI for action so that it will serve as an example. It should be known that the committees are extension of the Assembly. With that, I beg to support. Thank you.

Hon. Deputy Speaker: Thank you. Mover.

Hon. Chege Mwaura: Thank you, Mr. Speaker, and I also thank Members for the support that we have gotten for this report. I assure them that the longest arm as far as oversight is concerned, is Public Accounts Committee. This Committee is not going to let you down in that regard. We must ensure that we are effective and you are respected. It is also important to note that this is the only Committee that summons even the Clerk on behalf of the Board for issues of Assembly usage of funds. If we show weakness and show we cannot deal with outsiders, how much harder would it be to deal with our own here? So, it is important that support is given and granted.

Some of my friends have been on my case because they went on a trip and feel that I am also implicating them, Article 226 says that, *“If a holder of public office directs or approves the use of public funds contrary to the law, that person is liable for the loss arising from that use and shall make good of the loss that has happened, whether he remains in the office or not.* Again, Mr. Speaker, so that my good friends are at peace, under Section 203 of the PFM Act, *“a public officer is liable for any loss sustained by a county government, if there was fraud or corrupt activity.”* So, the person the law goes for is the one who was an authorized officer, not the people who went or suppliers.

Mr. Speaker, I saw Mheshimiwa Alai schooling a Member of the National Assembly who had said that the county assemblies don't need to work, the Senate can work for us. Now you have a document to show them that we can bring county or government officials to account. We would also like the same to happen in other counties.

Finally, I will urge the leadership led by the Leader of the Majority, that there are other funds we are looking at like the Disaster and Emergency funds. The WDF and bursaries should also be funds, so that if there are any discrepancies, we are able to look into them and do the effectiveness that is required. Not everything is a *kipindi*, and certainly not this one. With that, I beg to reply, Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Chairman.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the House stands adjourned until 2.30 p.m.

The House rose at 12.29 p.m.