



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 31st October 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.

Hon. Hashim Kamau, the last time I checked, you were not holding any leadership position. Kindly find somewhere to sit.

(Hon. Hashim Kamau spoke off the record)

Please, have respect for the Chair!

(Several Hon. Members stood at the Bar)

Please, you can proceed and take your seats.

(The Hon. Members walked into the Chamber)

(Loud consultations)

Order, Hon. Members! We have quorum and we may proceed. The Hon. Deputy Speaker and other Members you may proceed.

(Hon. Members walked into the Chamber)

(Applause)

COMMUNICATION FROM THE CHAIR

WELCOMING MEMBERS BACK FROM THE SHORT RECESS

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Good afternoon, Hon. Members. As I welcome you back from the short recess, as the Chair, I have observations to make and reservations.

Hon. Minority Leader, you may proceed.

(Hon. Anthony Karanja walked into the Chamber)

(Applause)

Hon. Majority Leader and Whip, welcome back.

*(Hon. Peter Imwatok and Hon. Moses Ogeto
walked into the Chamber)*

(Applause and loud consultations)

Order, Hon. Members! Order! I am pleased out of the excitement from the Hon. Members. It is an indication that you are in full gear after coming from the short recess.

Today afternoon, Hon. Members, I want it to go down in history that we have one year behind us as the Third Assembly. We give glory to God that so far, He has kept us in good shape and health. But again, Hon. Members, the window for probation of our Members, especially new Members in the Assembly, is over. The House must now come to reality with the rules. There should not be any form of excuse from the Hon. Members anymore. You must be guided by the principle and fundamental as constituted in the Constitution. We can't act abnormally anymore. As the Speaker of the County Assembly and as the custodian of the constitution of this House, going forward I will have no any excuse at all to reprimand any individual for their actions. I will make a further Communication tomorrow.

Hon. Members, may I take this early opportunity to extend my warm welcome to you all as the Assembly resumes from the short recess. Indeed, the recess accorded us an important break and presented us the opportunity to join, listen to and interact with our electorate and to mingle with our families. It is therefore my belief that you also took advantage of the break to introspect about your role as a representative of the people and prayed for God's providence in the work that we do here collectively as an Assembly. Feel welcome and I want to wish you all fruitful discharge of your duties in this last part of the Second Session.

ABUSE OF ASSEMBLY RULES AND PROCEDURES ON ENGAGEMENT OF THE MEDIA

Hon. Members, my attention has been drawn to the events of Friday 27th October 2023 where a group of Members called the press and issued a statement regarding the alleged ownership and administration of Nairobi City County Revenue collection system. Indeed, Hon. Members, the County Assemblies Powers and Privileges Act, 2012 accords Hon. Members an array of privileges including freedom of speech. However, these privileges are not absolute. They are

subject to processes and procedures guided by the said Act, the Assembly Standing Orders and the Speaker's Rules.

Hon. Members, Houses of Parliament across the world adopt and adhere to rules of procedure in order to maintain decorum to facilitate the orderly transaction of business to Members. Therefore, this Assembly cannot be an exception unless we want to operate in anarchy. In as much as we share in your concerns, frustrations and drive to go out of your way in your quest to address issues that affect the people of Nairobi, the Constitution, Statutes and Standing Orders provide adequate structures and mechanisms of exercising oversight responsibilities.

Hon. Members, the import of these provisions is that while Members are free to engage the media, it is important that when engaging on issues related to the proceedings of this House and committees, the Speaker ought to be aware in order to ensure compliance with the law and for good order and security. It is not intended to gag Members or the media as some might think.

Hon. Members, in this regard, I am aware that the Sectoral Committee on ICT and Energy is conducting an inquiry into revenue and revenue collecting system in the County. Further, just before proceeding to recess, the Assembly passed a Motion for the establishment of an Ad Hoc Committee to investigate revenue issues in the County. The Committee is yet to conclude and table its report on the same.

At this juncture, Hon. Members, may I draw your attention to the provisions of Standing Order 94 which provides as follows, and I quote:

"A Member shall not refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly"

Hon. Members, I was therefore surprised to see a section of Members of the Sectoral Committee on ICT and Energy led by Hon. Robert Alai, the Vice Chair of the said Committee, issuing a presser on matter which clearly has not been concluded. To make matters worse, the Speaker was not even aware of the media briefing.

I therefore find that the conduct of the Members involved was in breach of the Standing Orders. It is also unfortunate that the Chair having raised these valid concerns with the Hon. Member, the said Hon. Member has proceeded to cast aspersion to the Office of the Speaker and throwing unprintable abuses in the social media. It therefore follows that the media proceedings by a section of Members of the Sectoral Committee on Energy and ICT on Friday 27th October 2023 were not privileged in terms of the provisions of the County Assemblies Powers and Privileges Act and our Standing Orders.

Hon. Members, I have also observed the unbecoming conduct of some Hon. Members who choose to abuse other Hon. Members on social media, especially the Members' WhatsApp groups. May I remind you that the law on Cyber Crimes is very explicit on the responsibilities and consequences of administrators of these WhatsApp groups and those who choose to abuse the platforms. Standing Orders 116 and 117 further prohibits such actions and prescribe various sanctions which the Chair will not hesitate to impose if this trend continues.

Accordingly, Hon. Members, in order to protect the integrity of the proceedings of this Assembly and its Committees, I wish to direct as follows on engagement with media:

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- i. That for purposes of dissemination of factual, authentic and timely information to the public, Members are required to observe and adhere to the laid down structured media engagement protocol. For avoidance of doubt, should a Member or a Committee wish to engage the media, you are required to liaise with the Assembly Public Communications and Media Relations Office who will escalate the same through the Office of the Clerk to the Office of the Speaker in accordance with their Standard Operating Procedures (SOPs). The said Department is the Assembly's authorized office that is charged with messaging for the Assembly.
- ii. That Pursuant to the provisions of Standing Order 94, Members should desist from discussing or addressing the media on any matter that is still under consideration or investigation before any Assembly Committee until the Committee concludes its investigation or consideration of the matter in question and tables its report. Committees are free to table progress reports; and
- iii. That Hon. Members are required to uphold decorum in terms of their conduct while within or outside the Assembly precincts. Members should desist from using vulgar language against fellow Members, be it physically or electronically on social media.

Hon. Members, the Chair will henceforth closely monitor the conduct of Hon. Members and will not hesitate to take any lawful action against any Member who is in breach of the issues raised herein. You stand guided and most welcome. Thank you.

(Applause)

PETITION

COMPENSATION OF GOROFANI ESTATE RESIDENTS FOR LOSS OF LIVES AND PROPERTIES INCURRED OVER THE YEARS DUE TO FIRE BREAKOUTS IN GIKOMBA MARKET

Hon. Speaker: Hon. Members, I have a Petition by residents of Gorofani Estate within Nairobi City County. I hereby act on their behalf.

We, the undersigned citizens of Kenya who are residents of Nairobi within Nairobi City County, draw the attention of the County Assembly of Nairobi 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;

THAT WHEREAS Article 42 of the Constitution further provides that every person has the right to a clean and healthy environment;

THAT the Nairobi County Government has ascribed to such human rights vide the Economic, Social and Political Pillars of Vision 2030 that are anchored on the foundations of macroeconomic stability, infrastructural development, science, technology and innovation;

THAT Part IV of the County Disaster Management Bill, the County Disaster Management Fund shall be used towards meeting the following expenses for emergency preparedness, response, mitigation, relief and reconstruction in the County after a disaster;

THAT, Gorofani Estate is located within Gikomba Open Air Market where for many years, incidences of fire breakouts have been experienced leaving the residents set backwards due to loss of their valuable properties, lives and others being displaced;

THAT the residents have never gotten any support from the Government to cater for the loss, displacement and /or cost to build houses and businesses ruined by fire despite the fact that they have been pleading with the County Government on compensation for the same;

THAT WHEREAS the petitioners confirm that efforts have been made to have the matter addressed by the relevant body, the same has failed to give a satisfactory response;

AND THAT all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body.

NOW THEREFORE, your humble Petitioners pray that the County Assembly of Nairobi County intervenes and ensures that:

1. The Gorofani Estate residents gets compensation for the loss of lives and properties incurred over the years.

And your Petitioners will forever pray.

Presented by the Hon. Speaker, on behalf of Gorofani Estate Residents and by extension all residents of Nairobi, through area MCA.

Hon. Members, it is committed to the Committee of Culture.

(Hon. Paul Ndung'u spoke off the record)

Hon. Member, please take your seat! You will be given an opportunity at the Committee stage. Please, just take your cool. Don't go against the will and wishes of the residents.

PAPER

Hon. Peter Imwatok: Hon. Speaker, it is not good manners for Hon. Petit after the Speaker has directed, to walk off the Speaker. That is gross misconduct and should not be entertained in this House. Hon. Speaker, you are aware that this morning we shared the same. This Assembly must be a House of order and decorum. Failure to which, history will judge us wrongly. I will speak on that on the Statement Hour.

THE NAIROBI CITY COUNTY BUDGET REVIEW AND OUTLOOK PAPER, 2023

Hon. Speaker, pursuant to Section 118 (4) of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 31st October 2023:

The Nairobi City County Budget Review and Outlook Paper, 2023.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Majority Leader, and thank you for the observation. Hon. Petit, please take your seat.

NOTICE OF MOTION

MULTI-AGENCY APPROACH TOWARDS MITIGATION OF RISING SUICIDE CASES AMONG THE YOUTH

Hon. Speaker: Do we have Hon. Peter Maina Mwangi?

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. I rise on a point of order and...

Hon. Speaker: The Hon. Member [Hon. Peter Mwangi] is on Notices of Motion, kindly accord him time and opportunity to proceed.

Hon. Peter Mwangi: Thank you, Hon. Speaker. I wish to give Notice of the following Motion:

AWARE that Section 226 of the Penal Code Cap. 63 of the Kenya Law provides that any person who attempts to kill himself/herself is guilty of a misdemeanour;

NOTING that according to the Kenya Ministry of Health Suicide Prevention Strategy 2021-2026, suicide has multifaceted causes as is often a result of a convergence of genetic, bio-physiological, psychological, socioeconomic, cultural and other risk factors;

ACKNOWLEDGING that with established links of suicide behaviours and mental health, many suicides happen impulsively in moments of crisis with a breakdown in the ability to deal with life stresses such as financial problems, relationship break-up or chronic pain and illness;

SYMPATHIZING that the World Health Organization (WHO) estimates that in Kenya, 1,408 people commit suicide annually, translating to four deaths daily;

FURTHER SYMPATHIZING that in every four deaths, three are male, constituting a male/female gender ratio of 3:1, with average age being 35 years, ranging from the ages of 17 to 73 years;

COGNIZANT that an intergovernmental and multiagency approach needs to be deployed with an aim of reducing deaths by suicide and suicidal behaviour by mitigating factors that increase suicide risk and increasing factors that promote resilience;

THIS ASSEMBLY THEREFORE urges the County Executive to:

- a. Engage the Ministry of Health and other relevant agencies towards implementing the National Policies and Guidelines on suicide prevention in the County; and
- b. Introduce programs and interventions for suicide prevention and management in the County for consideration in the subsequent Annual Development Plan for implementation.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member.

STATEMENTS***Point of Order***

Hon. Speaker: Hon. Oyugi, the Whip is on the floor. I will give you an opportunity.

Hon. Moses Ogeto: Thank you, Hon. Oyugi for respecting.

Hon. Speaker, I am on a Point of Order under Standing Order No. 117 (c) on gross misconduct. Together with Standing Order No. 118 and Section 27 of... (*Technical hitch*) Hon. Speaker, seemingly there is sabotage from IT, I don't know if it is because of cybercrime.

Hon. Speaker, I wish to name Hon. Fuad Hussein Mohamed, a Member of Airbase Ward. Around four weeks ago, he threatened...

(Hon. Fuad Mohamed spoke off the record)

I am on a point of Oder.

Hon. Speaker: The Whip is on the floor, he has the privilege.

Hon. Moses Ogeto: Hon. Speaker, around four weeks ago, he threatened the Hon. Speaker. I want to quote what he said: "*Wacha saa nane ifike, ngumi itaweza kufika kwako.*"

(Laughter)

Hon. Speaker, at around 2303hrs on Wednesday October 2023, the same Hon. Member wrote the following on Azimio WhatsApp group: "*Speaker ni space.*" Hon. Speaker, I find it derogatory and unfortunate for such a Member to threaten Hon. Speaker who ensures; that the toilets are clean, the Assembly is on, and the security of this Hon. Fuad Hussein is catered for.

Hon. Speaker, I name him for gross misconduct under Standing Order No.118 and 117 (3) for threatening the Speaker of the County Assembly of Nairobi. We don't know which *saa nane* he meant. If it is today, it means we may not be seeing you. You are an endangered species by this Hon. Member. I wish to name him over the same. Thank you, Hon. Speaker.

Hon. Speaker: Thank you.

Point of Order

Hon. Speaker: Hon. Oyugi.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Before I give out my Point of Order, allow me to weigh in on what the Majority Whip has just said. Mr. Speaker, one, as a Christian and two, as a defender of social justice, indeed Mheshimiwa Fuad said those words that Majority Whip has correctly stated...

Hon. Speaker: Hon. Oyugi, you were on a Point of Order long way before the Hon. Majority Whip had named the Hon. Member.

Hon. Kennedy Oyugi: True, Mr. Speaker, and I have stated that before I...

Hon. Speaker: What is your Point of Order?

Hon. Kennedy Oyugi: I am on a Point of Order under Standing Order No. 59 (h).

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

Hon. Speaker: Hon. Oyugi, please. I hope it is not a debate.

Hon. Kennedy Oyugi: Mr. Speaker, this is a House of debate, and as a representative of the people of Highrise Ward, if I am not debating in this House, then I am taking salary for no apparent reason.

Hon. Speaker: You are on a Point of Order. You raise a Point of Order when you want to make a correction or a contribution.

Hon. Kennedy Oyugi: I am on a Point of Order under Standing Order No. 59 (h). Can I read it or you have the Standing Orders?

Hon. Speaker: No! That does not give you privilege.

Hon. Kennedy Oyugi: Mr. Speaker, it is touching on my privilege as a Member of this House. The position I am in; I strongly feel that my privilege is being infringed on. That is why I am rising on that Standing Order.

Hon. Speaker: Can you proceed, Hon. Oyugi?

Hon. Kennedy Oyugi: Thank you, Mr. Speaker.

Hon. Speaker: But not on Standing Order No. 59 (h).

Hon. Kennedy Oyugi: Mr. Speaker 59 (h) clearly talks of...

Hon. Speaker: Those are Motions which can be moved without a Notice but by approval by the Speaker. I have not approved such.

Hon. Kennedy Oyugi: Alright. 59 (h) touches on my privilege. Mr. Speaker, at the beginning of this Third Assembly, the Government, through a government institution gave me as an Hon. Member representing Highrise Ward, car grant of over Kshs. 2 million, which I graciously took. On the same breath, another institution of the Government called the KRA found it fit to deduct a substantial amount out of the Kshs. 2 million plus, which was about Kshs. 660,000.

Mr. Speaker, I am happy that a few weeks ago, there was a determination by the Court barring the KRA from deducting this amount from my car grant. Up to date, as the head of institution, I have not heard from the institution called the Nairobi City County Assembly talking about the Kshs. 660,000 which was deducted by the KRA.

Mr. Speaker, for that reason, I am seeking for an explanation from the relevant office as to the position of my Kshs. 660,000. I do not know whether it is touching on other Members or if it is only touching Hon. Oyugi. I want to believe I deserve the Kshs. 660,000 that was erroneously deducted from my account by the KRA through the County as an agent.

Mr. Speaker, kindly and expeditiously furnish the House why I have not received the Kshs. 660,000 that I was deducted from my account.

(Applause)

Hon. Speaker: Thank you, Hon. Oyugi for raising such a pertinent issue. Indeed, matters to do with finances are quite pertinent because one of the major reasons why we are seated here is

to make a living. As the Chair of the Board, I commit to make a comprehensive statement and way forward on the concern tomorrow at 2.30 p.m. Thank you.

(Applause)

Hon. Members, I rise to bring to the attention of the Members on the reference made by the Hon. Whip under Standing Orders No. 117 on Grave Disorderly Conduct, and Standing Order No. 118 on the Naming of a Member. Under Standing Order No. 118, I quote;

“Member may be suspended after being named.”

“(1) Any Member may at any time, on a point of order, invite the Speaker or the Deputy Speaker to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

(2) Whenever a Member shall have been named by the Speaker or by the Chairperson, then:

(a) If the breach has been committed by such Member in the County Assembly, a Motion shall be made by any other Member present “That, such Member (naming the Member) be suspended from the service of the County Assembly,” and the Speaker shall forthwith put the question thereon, no amendment, adjournment, or debate being allowed;

(b) If the breach has been committed in a Committee of the whole County Assembly, the Chairperson shall forthwith leave the Chair and report the circumstances to the County Assembly; and the Speaker shall on a Motion as aforesaid being made, forthwith put the question, no amendment, adjournment or debate being allowed, as if the offence had been committed in the County Assembly itself.”

Hon. Members, I make a commitment to provide further direction on this before the end of the session today. We may proceed. Yes, Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, I believe we are on Statements Hour. As I had said from the onset, Hon colleagues, the Speaker had communicated that we are now one year down the line, and I appreciate the narrative that we are no longer *monos*. All of us must be our brothers’ and sisters’ keepers. We may defer in one way ideologically and politically but let us not take it physically or personally.

Hon. Speaker, as the Leader of this House, I want to categorically say that from where I sit, there are some decisions that have to be made to make sure things are done in the right direction. The reason as to why there is ineptitude in the way we act and characterize ourselves, it is because there is this one particular committee that we vested all our trust and confidence on to arbitrate when required to in an objective manner. This is the Powers and Privileges Committee.

I want to report to this House that my Office and all the Leadership across the divide, that we will reconstitute this Committee to be able to bring order and sanity to this House. Those who will be beyond reproach will be back in this Committee. Why am I saying this on HANSARD? It

is unfortunate that the punisher becomes a punished. The person who is supposed to arbitrate on conflict is the cause of conflict. I have about four Members of the Powers and Privileges Committee who are the cause of conflict in the Assembly and across the political divide. One of them is Hon. Hashim Kamau, who took this Assembly to court.

Hon. Speaker: Be audible enough.

Hon. Peter Imwatok: Hon. Speaker, I am just trying to give an example across the political aisle that the Committee of Powers and Privileges has to be reconstituted to have Members who are beyond reproach. The Vice Chair of the Committee fights the ordinary Member and wants to punish him because he is at an advantage point.

But when grievous matters are placed on the Table of this House, he gives a recommendation that the Committee reprimands a particular incident and does not give a further recommendation on the same. Who will reprimand? Once and for all, let us have sanity.

I direct all the Whips that by the close of this business, I want that Committee to be disbanded immediately and reconstituted afresh.

(Applause)

We cannot live like we are in a jungle. That is the directive that the Speaker has to do. We may defer but do not mention my family, deal with me. Do not mention the number of cars I am driving; you do not know how I got them. Please let us have sanity.

(Applause)

This is called the House of Debates. It is not a House of squabbles. If you are so big and you can fight so much, we can give you Hon. Shadrack, the President of the Boxing Association in East Africa. He is here. I can hire him; it is only Kshs. 250,000.

(Laughter)

Hon. Members, the people of Nairobi elected us to come and legislate in this House and not to show your biceps whether you go to the gym or not. You can show your biceps or six-packs to your girlfriend but not to your colleague. That is not what your party nominated you to come and do. There is something beyond humanity, that is God and nature. Nature equalizes all of us to be here. Therefore, let us learn to respect one another.

With all due respect, I must thank the UDA side on how you handle your issues especially here in the Chamber. You might have things outsider there, but here you have respect to that seat.

(Applause)

It is not about Kennedy Ng'ondi; it is about the seat of power of the County Assembly of Nairobi. His height, weight and how he walks may not please you – I hear that nowadays you describe how people walk as a weakness. I wonder if that is a scorecard beyond where we are today.

(Laughter)

One thing that I must assure everyone, for us to continue in harmony we will not victimize anyone in this Assembly. I hear people say, “you will be removed from a committee.” I am the Chairperson of the Selection Committee and no one will remove you from a committee because you spoke your heart and the truth.

(Applause)

Let us all have decorum and respect in the House. At your appointed time you will be the Leader of Majority and you will want to be respected the way you gave me respect. All these are given by the grace of God and we hold them in trust of our parties. So, Hon. Members, if you are at a vantage point, don't vandalize your colleague. The Chair of Powers and Privileges Committee now wants to finish the other person yet they fought together. It is not what this Assembly's Speaker is made of.

This is a challenge to you the Speaker respectfully. This House belongs to you, make your decisions as per the law. Not that I have induced you to make them, but as per the law. Everyone will feel the Assembly is balanced. On behalf of the Azimo Party, I will take responsibility on some issues. We are not only serving the Nairobi County Assembly; we are also serving a living God. *Tenda wema enda zako*. God bless you.

(Applause)

Hon. Speaker: Hon. Members, I am persuaded and convinced by the concern raised by the Leader of the Business in the Assembly, the Hon. Majority. But I would also like to point out to the Hon. Majority Leader that the Committee should be recalled and reconstituted but not disbanded. For that reason, I direct the Whips of both sides of the divide of the House to reconstitute the Committee on Powers and Privileges as so requested by the Hon. Majority Leader. You stand guided.

Clerk, proceed.

STATEMENT

REQUEST FOR STATEMENT REGARDING LATE NIGHT GARBAGE COLLECTION USING DONKEY HANDCARTS IN THE CBD AND ITS ENVIRONS

Hon. Speaker: Hon. Redson Onyango.

Hon. Redson Onyango: 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 Agriculture, Livestock and Fisheries regarding late night garbage collection using donkey handcarts in the CBD and its environs.

Hon. Speaker, Section 38 (d) of the Nairobi City County Solid Waste Management Act, 2015 provides that the County Executive Committee Member for Green Environment shall establish mechanisms for participation of the private sector in solid waste management.

Hon. Speaker, garbage collection in the CBD and its environs is currently being done very late in the night, and most notable is that the donkeys work until very late in the nights. The overworking of animals used to pull handcarts is a concerning issue that raises important ethical questions. While these animals can be strong and helpful in various work scenarios, it is essential to consider their welfare and ensure they are not subjected to excessive work or harsh conditions.

Hon. Speaker, it is also notable that the garbage collected at night is dumped in illegal areas since the handlers are not allowed to dump at the legal dumping sites, therefore causing a huge menace in creating small illegal dumping sites.

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

- i. Whether the County Executive has licensed the collection of garbage through donkey pushed handcarts; and
- ii. Measures the County Government has put in place to ensure that there is enforcement of laws to protect working animals and prevent cruelty to animals.

Hon. Speaker: Thank you, Hon. Member. The Chairperson, Transport and Public Works, kindly give an undertaking. Please proceed. You are on a different note from mine. *Umeanza na* No. (ii) and bypassed No. (i).

Hon. Redson Onyango: I have stated with No. (i)

Hon. Speaker: No. (i) is under Transport No. (ii) is under Agriculture. You still have a Statement, Hon. Redson.

Hon. Redson Onyango: Chair, I have been told the other Statement is not ready, so I have been advised that I will read it tomorrow.

Hon. Speaker: Thank you. Hon. Emmy give an undertaking on behalf of the Committee.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. I stand as the Vice Chairperson of Agriculture Committee. Since it touches on two issues, I request to be given two weeks to come up with a substantive answer. Thank you.

Hon. Speaker: Hon. Redson, are you in concurrence?

Hon. Redson Onyango: Yes, Sir.

Hon. Speaker: Thank you.

Point of Information

Hon. Speaker: You want to inform who, or the House?

Hon. Silas Matara: Hon. Speaker, in my understanding, there is ambiguity in terms of the import of that Statement. That is for the Clerk to advise the Members correctly. Is the issue transport means or inefficient garbage collection in the CBD? We seek clarity on that issue.

Hon. Speaker: Hon. Member, the fundamental issue here is the protection of the animals, which falls under livestock.

Hon. Silas Matara: Much obliged.

Hon. Speaker: Thank you. Hon. Joyce Muthoni? Is she in the House? Please proceed.

Hon. Joyce Kamau: Mr. Speaker, my Statement was not ready.

Hon. Speaker: Are you comfortable with that?

Hon. Joyce Muthoni: I will bring it tomorrow.

Hon. Speaker: So, it is a lapse on your side?

Hon. Joyce Muthoni: Yes.

Hon. Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING DILAPIDATED RUTHIMITU-KWALE LINKS ROAD UTHIRU/RUTHIMITU WARD

Hon. Speaker: Hon. Peter Maina

Hon. Peter Mwangi: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on Ward Development Fund regarding the dilapidated roads in the County, specifically on Ruthimitu Mixed-Kwale Links Road in Uthiru/Ruthimitu Ward.

Hon. Speaker, the Nairobi City County Government awarded a contract for the construction of Ruthimitu-Kwale Links Road in the financial year 2020/2021, but up to date, it has never kicked off. The project was to commence last year, but the contract was later cancelled for reasons best known by the Executive.

Hon. Speaker, most of the roads in Uthiru/Ruthimitu Ward are in dire state, having been neglected by the County Government for a long time now.

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

- i. Reasons as to why the contractor has never reported to the site since the year 2020/2021;
- ii. Reasons why the CEO of Ward Development Fund cancelled the contract but has never re-advertised it;
- iii. Plans the County Executive has to ensure that Ruthimitu-Kwale Links Road is done; and
- iv. Measures the County Executive is taking to ensure that all contracts awarded to contractors across the County are completed, especially in Uthiru/Ruthimitu Ward.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Peter Maina. Chairperson of the Ward Development Fund? Hon. Samora, please.

Hon. Samora Mwaura: Thank you, Mr. Speaker, Sir. On behalf of the Committee, I would like to ask the Member to give us at least 14 days to dig into the issue and come back with a comprehensive answer.

Hon. Speaker: Hon. Maina.

Hon. Peter Maina: Hon. Speaker, I am in a critical condition because the residents in that area are harassing me. In fact, I go to my ward between 2.00 a.m. to 3.00 a.m. 14 days is too long. It can take 4 days.

(Loud Consultations)

Hon. Speaker: Hon. Samora.

Hon. Samora Mwaura: Mr. Speaker, the Members needs to understand that we need time to call the Executive and the CEO, whom he has grossly mentioned. Actually, that is not an isolated case, we are dealing with the issue. I believe 14 days is adequate unless you want us to come back with lies.

Hon. Speaker: Hon. Maina, 14 days is appropriate, and you are guided.

Hon. Peter Maina: Yes.

REQUEST FOR STATEMENT REGARDING CONGESTION
CREATED BY DROPPING AND PICKING UP OF PASSENGERS
BY PSVS IN UNDESIGNATED POINTS

Hon. Speaker: Hon. Mwangi Deonysias.

Hon. Deonysias Mwangi: 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 Transport and Public Works regarding congestion created by dropping and picking up of passengers by public transport vehicles in undesignated points.

Hon. Speaker, aware that Section 27 of the Nairobi City County Transport Act,2020 provides that a public service vehicle shall only pick up or drop passengers at a designated bus stop. Unfortunately, this is not being adhered to by various matatu SACCOs in Githurai, namely Tikagi, KSMT and GKRR whereby they are picking and dropping passengers in undesignated areas.

Hon Speaker, these matatu SACCOs are alleged not to be registered by the Nairobi County Government and hence don't not generate revenue for the County despite the fact that they operate in Nairobi County.

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

- i. Why the said matatu SACCOs don't adhere to laid rules and regulations;
- ii. What Measures has the County Executive put in place to ease congestion created by public transport vehicles that drop and pick up passengers in undesignated places; and
- iii. When and whether the County Executive has plans to ensure that all matatus operating in Nairobi County adhere to the Nairobi County Transport Act with regard to licensing and payment of requisite fees and charges.

Hon. Speaker: Thank you, Hon. Member. The Chairperson of Transport and Public Works Committee, please.

Hon. Musango Maithya: Mr. Speaker, I am requesting for 14 days to do investigations and do a site visit so that we can come up with answers.

Hon. Deonysias Mwangi: Much okay with me, Mr. Speaker.

Hon. Speaker: That is in order. Let us proceed.

PERSONAL STATEMENT**GRATITUDE TO THE ASSEMBLY FOR SUPPORT
ACCORDED TO WESTLANDS SDA CHURCH**

Hon. Speaker: Madam Lilly Kidenda, I am made to understand you have a Statement to make.

Hon. Lilly Kidenda: Thank you very much, Hon. Speaker for this privilege that I have. Pursuant to Standing Order No. 92 under Personal Statements, I wish to stand before this Hon. House to express my deep gratitude to you the Leaders of this Assembly and to my colleagues, the Hon. Members of this Assembly for your amazing support that was accorded to Westlands SDA Church through me as one of your colleagues.

Hon. Speaker, it is with immense gratitude and a heart filled with joy that I extend my sincere thanks to the Leadership of this great House and Hon. Members for this generous contribution towards the fund raising.

Hon. Speaker, when I joined this Assembly, it was a new space but God held my hands. And not only God, the Hon. Members held my hands. In this House, I have found family, friendships, acceptance, tolerance, and support beyond my wildest imaginations.

Hon. Speaker, in the month of October, I reached out to the Leadership of this honorable House and to the Hon. Members to hold my hand as I did my responsibility as the Chair of the Church Development Committee in my church. As the time drew near, I saw the Hon. Members stand up, reach out and hold my hand.

I am proud to report to this Hon. House that together with my personal contribution of Kshs 100,000, this House is recorded as having achieved a contribution of over Kshs 450,000, and I am still counting. I had a huge responsibility that looked like a mountain, but because of the support of this House, I can confidently say the mountain was levelled. I saw God and I saw you come through for me. I am overly grateful.

Hon. Speaker, the unwavering support and dedication to my community will forever remain in my heart. I want to pledge to all Members of this House that I will stand, remain and truly support the Hon. Members. You can be confident of my support and prayers. Your kindness and commitment to our mission had a significant impact, and we are truly blessed to have your support.

Hon. Speaker, through this generosity, we are now better equipped to carry out our various initiatives to spread the message of love, hope and faith to our wider audience. I want all of us to understand that your contributions do not only represent money, they are a statement of faith, dedication and belief in the work of God in this space. Your selflessness is a shining example to everyone and we are inspired by your commitment to make a positive change in the lives of people. May these traditions be upheld in this great House.

Hon. Speaker and Hon. Members, once again, thank you and thank you again. May God bless you abundantly for your kindness and your generosity. May your lives be filled with joy, peace and love. I thank you.

(Applause)

Hon. Speaker: Thank you. Well received.

MOTION

REGULATIONS FOR ACCOUNTABILITY BY NON-GOVERNMENTAL ORGANIZATIONS OPERATING WITHIN THE COUNTY

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker.

THAT, aware that Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the functions of the County Governments which include ensuring--- Hon. Speaker, protect me from the Minority---

Hon. Speaker: You are protected, Hon. Member.

Hon. Perpetua Mponjiwa: Thank you. Let me start afresh.

THAT, aware that Part II of the Fourth Schedule to 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 governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions, powers and participation in governance at the local level;

FURTHER AWARE that Nairobi City County is host to various regional, national and international non-governmental organizations that champions the key values of probity, transparency, accountability, justice and good governance, climate change, health, gender and development, children's rights, poverty alleviation, peace, population, training, counselling small scale enterprises, disability and any other issues that affect society at large;

ACKNOWLEDGING that pursuant to Sections 3 and 7 of the Non-Governmental Organizations Co-ordination Act, 1990 which established the Non-Governmental Organizations Co-ordination Board with the responsibility of regulating and enabling the Non-Governmental Organization Sector in Kenya;

NOTING that non-governmental organizations operating within the County play a complementary 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 them to realize their potential in improving services that advance the socio-economic status of Kenyan society in pursuit of sustainable development;

THIS ASSEMBLY urges the County Executive in conjunction with the Non-Governmental Organizations Co-ordination Board to develop guidelines that provides for non-governmental organizations to publish and publicize programmes and projects undertaken in the wards within the County for accountability.

Hon. Speaker, it looks like a long story but in a nutshell, what we are asking the County Executive and the Non-Governmental Organizations Coordination Board is to give us information

of what they are doing in all the 85 wards. Let them publish and publicize programmes and projects that they do in the wards so that we do not have duplication of programmes. Maybe an NGO wants to build a certain project in the ward and we want to do the same project as the County Government. It is only fair if the NGOs through the Executive give us this information so that moving forward, we will be able to put money in the right places.

I call upon my good friend, Hon. Ami to second this Motion. Thank you.

Hon. Ami Ambala: Mr. Speaker, I rise to second the Motion. Indeed, we need some sort of regularization in the County. We have numerous NGOs in Kenya and there is a board that regularizes what they do. However, I feel that it is important for the County to know what is happening with the NGOs. We have had cases in the country where NGOs have abused their privileges and the rights of what they are supposed to do in the counties.

In Nairobi, we have the board and we can go and check what is happening. We should also have some sort of a register within the County that shows who these NGOs are and what they are doing. On that note, I second the Motion.

Hon. Speaker: Thank you, Hon. Ami.

(Question proposed)

Hon. Speaker: I have a request from Hon. Sospeter.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. I rise to support the Motion by Hon. Perpetua. What I see as the end result of this regularization is that we will have some sort of zoning because presently the County is not in a position to guide the said NGOs on where to do their projects.

(Hon. Fuad Mohamed walked out of the Chamber)

Hon. Speaker: Hon. Fuad, please remain behind.

(Hon. Fuad Mohamed returned to his seat)

Hon. Sospeter Mumbi: Hon. Speaker, what I was saying is that I am looking at a scenario where the County will be in a position to guide the respective NGOs on where they can implement their projects. Presently, any organization that is coming to the County, the County Executive does not have a hand in guiding where certain programmes should be implemented. For example, if it is a project on water in Roysambu Ward, the need may be in Kibra as opposed to Roysambu. If the County had a platform to guide on where such programmes should be implemented, that will go a long way in enabling our community to access the services that the NGOs do.

The NGOs also are supposed to submit a periodic report either quarterly, mid-year and annually. As a County, I don't know whether we receive those reports from the NGOs. This regularization will come in handy in ensuring that we receive those reports. Perhaps as the MCA for Roysambu, maybe I can get a pullout of the various organizations operating within my area of jurisdiction.

The other thing is the database. Do we have a collective database of all the organizations that are working within our County? I see an opportunity in our wards through this regularization to have the database. We have many organizations that are involved in rehabilitation of children, agri-business and provision of water. Where is this partnership? Are we seizing that opportunity as a County? As the Water Sector, which NGOs are we working with? Do we have the said NGOs on board? I see an opportunity through regularization for partnership.

The last one is the aspect of accountability. We have many organizations today who report on the output. For example, an NGO has trained hundred youth on agri-business. In terms of the outcome, what is the outcome of the said training? We are not able to monitor that. I see an avenue for accountability through regularization in terms of the funding by the various NGOs vis-à-vis their work and impact to our communities.

In that regard, I support the motion and say a big thank you to Hon. Perpetua. I know many Members might not be familiar with this Motion, but it is a critical and a very important for us. Thank you very much, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Minority Leader

Hon. Anthony Karanja: Hon. Speaker, I want you to protect me from the Chair, Budget who seems to be in a hurry to go somewhere.

I want to support this Motion and would have wished that the Hon. Member does not hold these NGOs with gloves when doing the guidelines. This is timely and important Motion. It is not a secret that some of these NGOs come with very sinister motives in this country. Amongst the many things that they do in the environment, poverty eradication, peace, population, training, counselling, I think that it is also worth noting that they encourage un-African and un-Kenyan stuff like abortion, homosexuality, lesbianism.

Hon. Speaker, I would like to ask Hon. Perpetua not to stop here, push this Motion to become a Bill, let it become law. They must have full disclosure of what they do especially for the few that want to advance other agendas that may be detrimental to our society, including extremism and such. I will help you walk step by step until we make this to be law. We will not allow them to operate in a vacuum and unclear of what they do. Thank you, Hon. Speaker.

Hon. Speaker: Thank you. The mover may reply. Use the mic that is adjacent to you.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker and Hon. Members. I appreciate your support. I beg to reply.

Hon. Speaker: Thank you.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

NAMING OF HON. FUAD MOHAMED

Hon. Speaker: Hon. Members, you are aware that I made a commitment from the request of the Hon. Majority Whip who rose on the floor of the Assembly under Standing Orders No. 118 on Naming of a Member and Standing Order No. 117. Both Standing Orders apply as guidelines on the proceedings and conduct of Members of the Assembly.

Standing Order No. 118 dictates that a Member to move a Motion after the Naming in case the Speaker finds it viable under Standing Order No. 117 on grave misconduct of the said Member.

The Hon. Speaker personally received a call from Hon. Fuad on subsequent date and I can confirm that he said, “*Leo ngumi itatembea.*” This was directed to the Speaker. Under Standing Order No. 117 (1) (e);

“Conduct is gravely disorderly if a Member threatens or uses violence against a Member or an officer of the Assembly.”

Hon. Members, I am a Member number one of this Assembly. The issue as raised by the Hon. Majority Whip amounts to gross disorderly conduct by Hon. Fuad.

For fair hearing, I give Hon. Fuad less than five minutes to exonerate himself on whether the allegations are true or not. If he bears the burden of proof, as the Chair and the custodian of the Constitution, I find it important to give Hon. Fuad a fair hearing. Hon. Fuad, please proceed.

Point of Order

Hon. Speaker: Hon. Minority Leader, you may proceed.

Hon. Anthony Karanja: Under Standing Order No.116, the Hon. Member can only be given an opportunity in an event that you are not sure so that you are convinced that he did not do it. But if indeed he called you, I do not think that you need any other convincing.

Hon. Speaker, if you indeed received a telephone call - I am not doubting you – and the “*ngumi zitatembea*” was addressed to you, I believe you do not need any other convincing. It is either action is taken or action is not taken. Let us save the time of this Hon. House and get your guidance on this issue.

Hon. Speaker: Thank you, Hon. Minority Leader, I stand guided. But because I had made a pronouncement, let me not take back my words. I take your words of wisdom positively. Allow me to grant the Hon. Member an opportunity. Hon. Fuad, please.

Hon. Fuad Mohamed: Thank you, Hon. Speaker. I stand under Standing Order No. 99 on Responsibility for Statement of Fact. Hon. Speaker, the Standing Order 99 (1) says;

“A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.”

Hon. Speaker, the Member is making wild allegations against me without any substantiation. He has nothing to prove. You should stop the Majority Whip; he cannot purport to abuse the House document through the---

Point of Order

Hon. Speaker: Granted. Hon. Member, you may be seated.

Hon. Moses Ogeto: Thank you, Hon. Speaker. I stand on the same Standing Order No. 99 on Statement of Fact. I want to align myself with the Minority Leader under Standing Order Nos. 116 and 117. As the Majority Whip of the Azimio la Umoja-One Kenya Coalition, I stood with facts. On Wednesday 25th October 2023 at 11.03 p.m. on the Azimio WhatsApp group where the administrator of the group is Hon. Redson Otieno Onyango, Hon. Fuad wrote those words. I can show you what he wrote and the time, Hon. Speaker. If it is not Hon. Fuad's number, then I will withdraw my statement under Standing Order Nos. 117 and 118.

Hon. Speaker, also you have confirmed that Hon. Fuad called and threatened you. Hon. Speaker you should recuse yourself from the position where you are sitting so that we can cross examine the said statement.

Hon. Speaker the words of wisdom say that; *"A child can play with its mother's breasts but not its father's testicles."* If we allow such things to continue, even our safety is not guaranteed. Threatening the life of a sitting Speaker is a serious offence. And he is lying before you and the Assembly in full glare of the cameras. You should not encourage it to happen in this Assembly. I may withdraw the said statement, but let me say that you cannot be threatened because we will not allow it. Our lives are not secure... *(Technical hitch)* If he thinks I am lying, give me two minutes to show you the screenshot.

Hon. Speaker: Hon. Minority Whip, you are not subjected to defend your position as earlier communicated. I think Hon. Fuad is out of order. Hon. Fuad, you did not get me correctly. I have confirmed to the House that you made a personal call to the Speaker and made statements that suggest violence.

Under Standing Order No. 117 (1) (e);

"Conduct is gravely disorderly if a Member threatens or uses violence against a Member or an officer of the Assembly."

Hon. Member, I have confirmed to the House that you personally called the Speaker and according to your own words; *"Leo kama hutasoma, ngumi itatembea."* Hon. Fuad, as the Speaker of this honorable House, I have accorded you an opportunity to vindicate yourself and be remorseful.

Under Standing Order 117 (2);

"The Speaker may call a Member whose conduct is gravely disorderly to order and shall order the member to withdraw forthwith from the precincts of the Assembly."

I have given you an opportunity under two minutes to convince the Chair and the House why you should not be punished for gross misconduct and being disorderly. Hon. Member, please.

Hon. Fuad Mohamed: Thank you, Hon. Speaker. I withdraw my case and I tender my sincere apologies to you. Sorry for that, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Members of the County Assembly of Nairobi, in regards to the powers bestowed to the Chair, I want to make a commitment that I will make a ruling under Statements over the issue tomorrow at 2.30 p.m.

ADJOURNMENT

Hon. Speaker: Hon. Members, the House stands adjourned to tomorrow, Wednesday 1st November 2023 at 2.30 p.m. The Assembly Business Committee to sit at the rise of the Assembly.

The House rose at 4.39 p.m.