



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Second Session

Tuesday 3<sup>rd</sup> October 2023

The House met at 2.30 p.m.

*[The Temporary Speaker (Hon. Doreen Mugambi) in the Chair]*

#### PRAYER

**Hon. Temporary Speaker:** Hon. Members, you may be seated. Clerk!

#### PAPERS

**Hon. Temporary Speaker:** Chairperson, Powers and Privileges Committee you lay the Paper on inquiry into allegations on breach of privilege by Hon. Hashim Kamau, MCA for California Ward. Any Member of Powers and Privileges Committee?

**Hon. Hashim Kamau:** Thank you, Madam Speaker...

**Hon. Temporary Speaker:** Order, Hon. Hashim Kamau! This is a matter regarding you, we need another Member of the Committee.

**Hon. Hashim Kamau:** It is true, but I am a Member of this Committee, Madam Speaker...

**Hon. Temporary Speaker:** Order, Hon. Member! You are out of Order because you are the subject of this matter.

**Hon. Hashim Kamau:** Just give me one minute you hear what I want to say.

**Hon. Temporary Speaker:** No! You are pre-empting whatever the Committee...

**Hon. Hashim Kamau:** I am a Member of this Committee...

**Hon. Temporary Speaker:** You are not supposed to present the matter, Hon. Hashim Kamau,

**Hon. Hashim Kamau:** Madam Speaker, just one minute. As per the Powers and Privileges Act...

**Hon. Temporary Speaker:** No! You are out of order!

**Hon. Hashim Kamau:** Can I contribute, Madam Speaker?

**Hon. Temporary Speaker:** Any other Member of the Powers and Privileges Committee?  
Hon. Hamisi Maleya.

REPORT ON INQUIRY INTO ALLEGATIONS OF  
BREACH OF PRIVILEGE BY HON. ROBERT ALAI

**Hon. Hamisi Maleya:** Thank you, Madam Speaker. As a Member of the Committee of Powers and Privileges, pursuant to Section 15 of the County Assemblies Powers and Privileges Act, 2017 and Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 3<sup>rd</sup> October 2023:

The report of the Select Committee of Powers and Privileges on inquiry into allegations of breach of privilege by Hon. Robert Alai, MCA for Kileleshwa Ward.

I beg to lay.

*(The Paper was laid on the Table)*

REPORT ON INQUIRY INTO ALLEGATIONS OF  
BREACH OF PRIVILEGE BY HON. HASHIM KAMAU

**Hon. Hamisi Maleya:** Pursuant to Section 15 of the County Assemblies Powers and Privileges Act 2017 and Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 3<sup>rd</sup> October 2023:

The report of the Select Committee of Powers and Privileges on inquiry into allegations of breach of privilege by Hon. Hashim Kamau, MCA for California Ward.

I beg to lay.

*(The Paper was laid on the Table)*

REPORT ON INVESTIGATIONS INTO ALLEGATIONS  
OF PHYSICAL CONFRONTATION BETWEEN  
HON. JOSEPH NDUNG’U AND HON. CHRIS MUTUMISHI

**Hon. Hamisi Maleya:** Madam Speaker, pursuant to Section 15 of the County Assemblies Powers and Privileges Act 2017 and Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 3<sup>rd</sup> October 2023:

The report of the Select Committee of Powers and Privileges on investigations into allegations of physical confrontation between Hon. Joseph Karanja Ndung’u, MCA, and Hon. Christopher Wanjohi Mutumishi, MCA.

I beg to lay. Thank you, Madam Speaker.

*(The Paper was laid on the Table)*

*(Hon. Hashim Kamau spoke off the record)*

**Hon. Temporary Speaker:** Hon. Hashim Kamau, wait for the matter to be rightfully before the House and then we can address it. Clerk!

### NOTICES OF MOTION

#### ADOPTION OF REPORT ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. HASHIM KAMAU

**Hon. Hamisi Maleya:** Thank you, Madam Speaker. I beg to give notice of the following Motion:

THAT, pursuant to Section 15 (7) of the County Assemblies Powers and Privileges Act, 2017, this Assembly adopts the report of the Select Committee on Powers and Privileges on inquiry into allegations of breach of privileges by Hon. Hashim Kamau, MCA for California Ward, laid on the Table of the Assembly, today, Tuesday 3<sup>rd</sup> October 2023.

*(Hon. Hashim Kamau consulted loudly)*

Madam Speaker, kindly I beg for your protection. I think Hon. Hashim being a senior Member of this House---

*(Hon. Hashim Kamau spoke off the record)*

I am on my feet. Madam Speaker, I beg for your ear. He is the accused.

**Hon. Temporary Speaker:** Proceed, Hon. Hamisi

#### ADOPTION OF REPORT ON INQUIRY INTO ALLEGATIONS OF BREACH OF PRIVILEGE BY HON. ROBERT ALAI

**Hon. Hamisi Maleya:** Thank you, Madam Speaker. I beg to give notice of the following Motion:

THAT, pursuant to Section 15 (7) of the County Assemblies Powers and Privileges Act, 2017, this Assembly adopts the report of the Select Committee on Powers and Privileges on inquiry into allegations of breach of privileges by Hon. Robert Alai, MCA for Kileleshwa Ward, laid on the Table of the Assembly, today, Tuesday 3<sup>rd</sup> October 2023.

#### ADOPTION OF REPORT ON INVESTIGATIONS INTO ALLEGATIONS OF PHYSICAL CONFRONTATION BETWEEN HON. JOSEPH NDUNG’U AND HON. CHRIS MUTUMISHI

**Hon. Hamisi Maleya:** Madam Speaker, I beg to give notice of the following Motion;

THAT, pursuant to Section 15 (7) of the County Assemblies Powers and Privileges Act, 2017, this Assembly adopts the report of the Select Committee on Powers and Privileges on inquiry into allegations of physical confrontation between Hon. Joseph Karanja Ndung’u, MCA, and Hon. Christopher Wanjohi Mutumishi, MCA, laid on the Table of the Assembly, today, Tuesday 3<sup>rd</sup> October 2023.

Thank you, Madam Speaker.

**Hon. Temporary Speaker:** Hon. Hashim Kamau.

**Hon. Hashim Kamau:** Thank you, Madam Speaker. I am seeking your direction, Madam Speaker, Powers and Privileges Committee is the only committee that was sworn in on office as Committee. There is a statutory that guides that Committee. In particular, I want to bring your attention to Section 15 (5) of the Powers and Privileges Act:

*“The Committee of Powers and Privileges shall, either of its own motion or as a result of a complaint made by any person, inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege in terms of section 16, within fourteen days of receipt of complaint.”*

This inquiry was supposed to end on 15<sup>th</sup> of April this year. We are in October, Madam Speaker, that is six months later. What I am seeking is; are they in order to move the Motion when the time has expired? There was a case between the former Majority Leader, Abdi Hassan Guyo and the County Assembly, where Guyo won the case on the technicality that the Assembly was out of time. That is the direction that I am seeking. Is the Motion properly before the floor of the House? We cannot allow the Powers and Privileges Committee to commit an illegality and they are aware of it.

**Hon. Temporary Speaker:** The Chair has noted and will give the way forward tomorrow at 2.30. p.m.

## MOTION

### MOTION RAISING A QUESTION OF PRIVILEGE PURSUANT TO STANDING ORDER 59(H)

**Hon. Temporary Speaker:** Minority Leader, Hon. Kiragu.

**Hon. Anthony Karanja:** Thank you, Hon. Speaker. I rise on Standing Order No. 59 (h) and wish to move the following Motion on Question of Privilege.

Hon. Speaker, I have received numerous complaints which go to the privilege of this House and the Membership:

Number one, on the 3<sup>rd</sup> of August 2020, the Commission of Revenue Allocation (CRA) gave a circular that gave the County Assemblies guidelines on operation of ward offices, which included staff and the running expenses for every quarter. All elected and the special elect were given employees, offices and office running expenses amounting to Kshs. 127,000 per quarter. To date, it is only the elected who received money from this County Assembly. Our special elected Members do not receive any money, which is contrary to the directive of the CRA.

*(Applause)*

Hon. Speaker, I want to take issue with the Board and the Clerk for not adhering to this circular by the CRA and especially because the money in question is in the budget. It was in the

budget last financial year and is in the budget this financial year. However, it has not been implemented up to date.

Hon. Speaker, I would also like to bring to your attention and the Board that members of this County Assembly have no reserved parking in this City.

*(Applause)*

Hon. Speaker, it is such a difficult thing to even contemplate coming to this assembly late. You cannot find parking anywhere within a 100 meters of this County Assembly. This has never happened before. We have always had reserved parking as Members of this County Assembly because we are privileged to be so in order to make our work easier.

Hon. Speaker, I would also like to bring to question that we have received a circular from the National Government about travelling. Hon. Speaker, 36 Members of this County Assembly have never gone outside this country yet the allocation of their money was in the budget. It is their right that they should have travelled by now. I would also like to ask the Chair of the Board, who is the Speaker, that we have Members who have travelled for more than three times on the budget of this County Assembly. It is unfair, wrong and immoral to deny Members of this County Assembly their rights.

*(Applause)*

Hon. Speaker, it is becoming common that the quality and the moral power of this Assembly is waning by the day. Last week, we saw the Speaker approve a Motion that did not by any chance fall under any statutes of Standing Order No. 54 that it should have been laid in this Assembly. Hon. Speaker, we were supposed to discuss the member of staff, Osman Khalif, who we did not even vet. We are requesting that the Speaker does due diligence before bringing such Motions. Personally, I demand that he recalls this Motion and trashes it in the nearest dust bin that he can find around.

Hon. Speaker, apart from that, we have a case of the Avani Shah and her husband; the Indian couple whose house was demolished in Westlands the other day. The Planning Committee has done its work, did a report and the House Business Committee, which I am a Member, has gone out of its way to refuse the report to come to this Assembly.

Hon. Speaker, I do not want to add anything more to that because it is not right what is happening in this Assembly. I want to ask that the Speaker comes back to his rightful position as the CEO of this County Assembly and does what is required to return the dignity, the authority and the energy of this House.

*(Applause)*

Hon. Speaker, we have a very important document which has been delayed called the...

*Hon. Moses Ogeto spoke of the record)*

Protect me from the Member for Kilimani Ward.

**Hon. Temporary Speaker:** Denied, Whip.

**Hon. Anthony Karanja:** Hon. Speaker, I am on 59(h) and he has no...

*(Hon. Moses Ogeto spoke off the record)*

**Hon. Temporary Speaker:** Order, Hon. Whip!

**Hon. Anthony Karanja:** Hon. Speaker the Finance Bill is delayed. We passed a Kshs.40 billion budget in this House that needs to be financed. I want to again say that we need to finance the new employees, the bursaries, and the Ward Development Fund. Failure to pass the Finance Bill or to delay the same will compromise the activities of the Executive and the function of this County Assembly.

Hon. Speaker, as I finish, I would like to cite serious disciplinary issues among staff. I will go straight to one of the most emotive issues in the work place. Hon. Speaker, there is a serious case of sexual harassment that happened on the 31<sup>st</sup> of July this year against one staff member by the name of... Okay, I will not mention the name. This matter has been brought to the attention of the Board and the Clerk, but to date... If we cannot protect the women who work in this County Assembly, I wonder who will protect the people of Nairobi.

Hon. Speaker, I have been following up on this case and it is going to open a Pandora's box. Personally, I have numerous complaints from members of the staff and some Members of this County Assembly who have been harassed, forced and mishandled by either colleagues and especially the staff of this County Assembly.

Hon. Speaker, this House is also aware that this Assembly has faced accusations of excess employment in key offices, including the Office of the Speaker. I would want to not single out but mention that the office of the Speaker has a gardener, and the holder of that position has no garden. Hon. Speaker, I want to urge this House...

*(Loud consultations)*

**Hon. Temporary Speaker:** Order! Order, Hon. Odalo!

**Hon. Anthony Karanja:** Finally, as I finish...

*(Hon. Moses Ogeto raised a point of Order)*

**Hon. Temporary Speaker:** Hon. Whip, what is your point of Order?

**Hon. Anthony Karanja:** Hon. Speaker, we have former staff who worked for Assembly in the Second Assembly in contractual terms...

**Hon. Temporary Speaker:** Order, Hon. Kiragu!

**Hon. Anthony Karanja:** They are yet to receive gratuity...

**Hon. Temporary Speaker:** Order, Hon. Kiragu!

*(Hon. Anthony Karanja's microphone was switched off)*

The Chair is on her feet!

*(Loud consultations)*

Order, Hon. Kiragu! Hon. Kiragu, have your seat! I will allocate time for debate for that particular matter after Order Number 8.

## STATEMENTS

### REQUEST FOR STATEMENT REGARDING PROLIFERATION OF ILLEGAL HEALTH FACILITIES IN THE COUNTY

**Hon. Samson Ooko:** Thank you, Hon. Speaker. I have risen to request for a Statement.

Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from Chairperson of the Select Committee on Health Services regarding proliferation of illegal health facilities in the County.

Hon. Speaker, Article 43 (1) (a) of the Constitution provides that every person has a right to the highest attainable standards of health, which includes the right to health care services, including reproductive health care. Article 43 (2) also provides that a person shall not be denied emergency medical treatment.

Hon. Speaker, the County has not been able to put in place adequate measures to ensure that both private and public health facilities provide healthcare services that can meet the standards set by the Constitution. This is largely due to enlarged proliferations of clinics operated by unqualified persons. In view of this foregoing, residents of Nairobi are exposed to myriad of health risks due to amongst others, irregular use of prescriptions of medical substances and use of substandard medical equipment. In addition, it has been established that such clinics operate near public hospitals and in many instances collude with the rogue County healthcare officers to misappropriate County medicine.

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

- i. A list of Health Clinics registered to operate by the County;
- ii. Whether the County head of Inspection in the health facilities liaised with Kenya Medical Practitioners and Dentist Council to ensure the regulatory measures in place are adhered to by the private clinics; and
- iii. Whether there are any plans in the short term to conduct an operation in liaison with the Kenya Medical Practitioners and Dentists Council in order to close down non-compliant health clinics in the County.

Madam Speaker, that is all I am requesting for.

**Hon. Temporary Speaker:** Chair, Health Committee.

**Hon. Maurice Onyango:** Thank you, Madam Speaker. The Statement has come at the right time when we have a lot of mushrooming clinics. We are going to give a full report in three weeks' time.

**Hon. Temporary Speaker:** Hon. Ochieng' Jera, is that okay with you?



**Hon. Samson Ooko:** Hon. Speaker, this matter requires serious attention. I want to plead to the Chairman of Health Committee to give me a report in seven days.

**Hon. Temporary Speaker:** Chairman, Health Committee.

**Hon. Maurice Onyango:** Thank you, Madam Speaker. In the Statement, he has alluded there are rogue health officers. We will have to do a lot of investigations from relevant authorities even if it means summoning the rogue officers. So, it will take us three weeks. Three weeks is enough.

**Hon. Temporary Speaker:** Hon. Ochieng' Jera.

**Hon. Samson Ooko:** Please, protect me, Madam Speaker. The Chairman must be having something behind what I know. Please demand that they respond within seven days. Mr. Chairman, you have been one of the best chairs in this Assembly, please respond to this matter in seven days.

**Hon. Temporary Speaker:** Hon. Chairman?

**Hon. Maurice Onyango:** Madam Speaker, there are precedencies that are set in this Assembly, and for us to do the correspondence, we need seven days. After seven days, as a Committee, we need even to go and even do site visits to confirm if really we have illegal clinics. It will take us three weeks, Madam Speaker.

#### REQUEST FOR STATEMENT REGARDING WELFARE OF STAFF OF THE COUNTY EXECUTIVE

**Hon. Temporary Speaker:** Hon. Victor.

**Hon. Victor Ochola:** Thank you, Madam Speaker. pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Labour and Social Welfare regarding welfare of staff of the County Executive.

Hon. Speaker, the conduct of the public servants working in the County Government and the discharge of their duties is guided by the Constitution and statutes such as the Employment Act, Human Resources Manuals and Policies.

Hon. Speaker, Ms. Josephine Kithu and Miss Lydia Kwamboka have served this County in a capacity of CEO for Ward Development Fund (WDF) and County Attorney respectively for years. However, their tenures were terminated under unclear circumstances in August this year.

Hon. Speaker, this Assembly therefore needs to ensure job security and protection of officers who speak to issues that affect services delivery with honesty.

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

- i. Reasons for termination of service of the two officers;
- ii. Whether due process was followed in the alleged termination of service of the two officers; and
- iii. Whether any investigations were conducted for any gross misconduct, and if so, reports on the same.

Thank you, Madam Speaker.

**Hon. Temporary Speaker:** Chairman, Labour Committee.



**Hon. Allan Gathuku:** Thank you, Madam Speaker. I beg for seven days.

**Hon. Temporary Speaker:** Hon. Victor, is seven days okay?

**Hon. Victor Ochola:** It is okay, Madam Speaker.

RESPONSE TO STATEMENT REGARDING PERENNIAL LACK  
OF WATER AND RATIONING IN KAYOLE CENTRAL WARD

**Hon. Temporary Speaker:** Hon. Redson.

**Hon. Redson Onyango:** Thank you. Hon. Speaker, on Wednesday 26<sup>th</sup> April 2023, Hon. Jeremiah Themendu, MCA, rose on the Floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the perennial lack of water and rationing in the County, particularly in Kayole Central Ward.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. Reasons for not supplying adequate water to the residents of Kayole Central Ward;
- ii. Measures that the Nairobi City Water and Sewerage Company is taking to ensure residents of Kayole Central Ward have access to clean water and adequate quantities;
- iii. Measures that the Nairobi City Water and Sewerage Company is taking to ensure that all estates in Kayole Central Ward have functioning water pipes; and
- iv. Measures that the County Executive is taking to ensure that the blocked and leaking water pipes are unblocked, repaired and provide timelines for the same.

Hon. Speaker, the Committee wrote to the Acting County Secretary on Monday 15<sup>th</sup> May 2023 requesting for a response on or before Wednesday 24<sup>th</sup> May 2023. The Committee never received any response.

The Committee further wrote to invite the Managing Director of the Nairobi City Water and Sewerage Company, CECM Green Nairobi and Chief Officer for Water and Sanitation for a meeting on February 24<sup>th</sup> 2023 for them to appear before the Committee on Tuesday 1<sup>st</sup> August 2023 at the County Assembly, pursuant to Standing Order No. 47 (2) (d). The purpose of the meeting was to enable the officers to furnish the Committee with the response to the Statement requested by Hon. Jeremiah Themendu, MCA.

Hon. Speaker, both the Managing Director and the Technical Director for the Nairobi City Water and Sewerage Company appeared before the Committee on Tuesday 1<sup>st</sup> August 2023 to respond to the Statement. Further, Hon. Jeremiah Themendu, MCA, appeared before the Committee on Tuesday August 2023 and was furnished with the response, to which he confirmed to be satisfactory.

Hon. Speaker, the Hon. Member is here, he can confirm.

**Hon. Temporary Speaker:** Hon. Themendu, can you confirm what the Chairman of Water has said?

**Hon. Jeremiah Themendu:** They invited me, Madam Speaker. On the response number 5, they had agreed that they will visit the ward and identify where the water pipes are blocked so that they can repair. We identified blocked water pipes and the leakages, but they have not come back again to do the job. But on the response, I am okay, Madam Speaker.

**Hon. Temporary Speaker:** Hon. Redson, proceed with the next report.

RESPONSE TO STATEMENT REGARDING  
SEWER SYSTEM IN UMOJA II WARD

**Hon. Redson Onyango:** Hon. Speaker, on Thursday 22<sup>nd</sup> June 2023, Hon. Shadrack Machanje, MCA, rose on the floor of the Assembly pursuant to Standing Order 47 (2) (c) and requested a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the sewer system in the County, especially in Umoja II Ward.

According to the MCA, a private developer on LR No. 964 opposite St. Veronica Catholic Church interfered with the approved sewerage system by channeling sewerage to other private residents, which led to clogging and leakages of the sewerage system.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

- i. Whether the sewerage in question was connected as approved by the County Executive;
- ii. Plans the County Executive has put in place to ensure sewerage is disposed of within the required standard;
- iii. Measures put in place by the County Executive to address and resolve the current situation in Umoja II Ward.

Hon. Speaker, the Committee wrote to the Acting County Secretary on Tuesday 27<sup>th</sup> June 2023 requesting for a response on or before Wednesday 5<sup>th</sup> July 2023. The Committee never received any response. The Committee further wrote to invite the Managing Director of the Nairobi City Water and Sewerage Company, CECM Green Nairobi, and the Chief Officer of Water and Sanitation for a meeting on Friday 14<sup>th</sup> July 2023 for them to appear before the Committee on Tuesday 1<sup>st</sup> August 2023 at the County Assembly, pursuant to Standing Order 47 (2) (d). The purpose of the meeting was to enable the officers to furnish the Committee with the response to the Statement requested by Hon. Shadrack Machanje, MCA.

Hon. Speaker, the Managing Director and the Technical Director for Nairobi City Water and Sewerage Company appeared before the Committee on Tuesday 1<sup>st</sup> August 2023 to respond to the Statement. Further, Hon. Shadrack Machanje, MCA, appeared before the Committee on Tuesday 1<sup>st</sup> August 2023 and was furnished with the response, to which he confirmed to be satisfactory.

**Hon. Temporary Speaker:** Hon. Shadrack Machanje, where you present when those resolutions were reached at?

**Hon. Shadrack Machanje:** I was present, Madam Speaker.

**Hon. Temporary Speaker:** Do you agree with the report?

*(Hon. Shadrack Machanje spoke off the record)*

You are not on record; may be you repeat.

**Hon. Shadrack Machanje:** I did attend and I am satisfied with the report, Madam Speaker.

**Hon. Temporary Speaker:** Clerk, next Order.

## BILL

*Second Reading*

### THE NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023

**Hon. Temporary Speaker:** Hon. Matara.

**Hon. Silas Matara:** Thank you, Hon. Speaker, for catching my eye. I believe I was in the list for the Statement that is before you. I don't know whether it is an oversight or it has not yet reached your desk because I have my copy here, Madam Speaker.

**Hon. Temporary Speaker:** Hon. Matara, for that particular Statement, the time has passed, but the Chair has noted and I will allocate you time.

**Hon. Silas Matara:** Most obliged, Hon. Speaker.

**Hon. Temporary Speaker:** Hon. Waithera Chege? The Bill will be reallocated by the House Business.

*(Bill dropped)*

## MOTION

### INEFFICIENCIES AND DELAYS IN THE DELIVERY OF COUNTY GOVERNMENT SERVICES

*(Resumption of debate interrupted on 28.9.2023)*

**Hon. Paul Kados:** Thank you, Hon. Speaker. The Motion was moved and seconded. I would like to do an amendment.

Hon. Speaker, I beg to move the following amendments to the Motion on Inefficiencies and Delays in the Delivery of County Government Services:

By adding the following paragraph, No. iv (a) immediately after No. iv;

“That the County Executive Committee Member for Finance and Economic Planning, in conjunction with the Nairobi City County Revenue Administration Authority, should expedite the drafting of rules and regulations pursuant to Section 44 of the Nairobi City County Revenue Administration Act, 2019 for effective implementation of the Act.”

Hon. Speaker, the objective of this amendment is to ensure the Revenue Administration Act, 2019 is fully implemented. I beg to ask Hon. Kimemia to second that amendment.

**Hon. Antony Gathumbi:** Thank you very much, Madam Speaker. I stand to second that amendment. It is important that we have Acts that are followed with the rules and regulations. This will be supported by the Chairman of Implementation, who has been following these matters very much. We have Acts that do not have regulations supporting them and passed by the Assembly. So, I stand to second the particular amendment. Thank you very much.

*(Question, that the words to be added be added, proposed)*

**Hon. Temporary Speaker:** Hon. Members, debate. Mover!

**Hon. Paul Kados:** Thank you, Hon. Speaker. I beg to reply as amended.

*(Question, that the words to be added be added, put and agreed to)*

*(Question of the Motion as amended proposed)*

**Hon. Temporary Speaker:** Hon. Members, you may now debate. Hon. Jateso.

**Hon. Peter Imwatok:** Hon. Speaker, as I always say, Hon. Jateso is a formidable name. I did a deed poll in law that requires me to change my name to any name. So, if you call me Jateso, know that you are calling a real name recognized by the Republic of Kenya.

Secondly, Hon. Speaker, the House is a full house. It is great to see the Third Assembly to capacity. That shows our debate is getting to another level, and this is great. Let us keep it up. This is a House of debate, let us debate constructively with a lot of humility and respect to each other.

Hon Speaker, I was talking to my Deputy Speaker here telling him he has captured the aspirations of this County before we captured it through an ad hoc committee, which I am aware that tomorrow the Whips are going to present a name before this House. But the issue of service delivery to us as the representative of the people is not a request, it is something that at all times we must envision and make sure that the County Executive is accountable to it.

Hon Speaker, it has come to our attention that the platform used by the County Government so far in terms of payment is not working for the good of the people, more so to those who need services from us. If you look for instance the informal sector, particularly the construction industry is the major employment opportunity in our County. If you go to Kayole, Kileleshwa, Lavington, Runda and every corner of this County every morning, there are construction ongoing. A construction site must have a mason, an electrician, a plumber and a mama mboga who supplies food, it is a source of employment. But recently, Madam Speaker, there has been a delay even in the Planning Sector in terms of knowing who has paid which plan, when is it supposed to be approved and when is it supposed to receive this plan.

Madam Speaker, the delays in a particular form of conveyance of information makes the investors suffer. As you are aware in the current dispensation order, there is no way you can raise Kshs.200 million to put up a 17 story building. A developer partners with a bank. But this approval delays for months and months and the bank starts calling for repayment of the loans.

Therefore, Madam Speaker, this Motion has captured the aspirations of that particular Committee. The two Hon Whips will capture. As I support it, let us move together for the good of the people of Nairobi. Thank you once again and welcome to the Assembly tomorrow in the same numbers. I am grateful.

**Hon. Temporary Speaker:** Hon Odhiambo Majiwa. You had made a request. Hon. Paul Wachira Kariuki.

**Hon. Paul Kariuki:** Sorry, Madam Speaker, I have a very mischievous neighbor here. I pressed by mistake.

**Hon. Temporary Speaker:** Hon Hamisi Maleya.

### *Point of Order*

**Hon. Hamisi Maleya:** Thank you, Madam Speaker, I rise under Standing Order No. 59 (h) on the question privileges of this House, more particularly to Members. Madam Speaker, I have seen a circular circulating on our walls.

**Hon. Temporary Speaker:** Order, Hon Hamisi! There is another Motion before the House. We will give Hon Kiragu a chance after this debate.

**Hon. Hamisi Maleya:** Thank you, Madam Speaker.

**Hon. Temporary Speaker:** Hon Musango Maithya.

**Hon. Kennedy Swaka:** Hon Speaker, I have used his card because I don't have one. If you allow, I can contribute to this Motion.

**Hon Temporary Speaker:** Proceed.

**Hon. Kennedy Swaka:** Thank you, Madam Speaker. I thank the Deputy Speaker for bringing such a wonderful Motion. Streamlining payments in the sectors will ease the time wasted by the public in trying to follow up on the procedures of making payments.

We need to come up with the easiest method that can help the suffering public from wasting a lot of time queuing. These delays make officials take that advantage to ask for bribes from those seeking services for faster services. There is need for decentralization of payments to different sectors for efficient service delivery. I support this Motion. *Asante sana.*

**Hon. Temporary Speaker:** Hon Sospeter Mumbi.

**Hon. Sospeter Mumbi:** Thank you, Hon Speaker, I rise to support this Motion on the grounds that I see it as remedy for us MCAs in a way. We all agree that the roles of an MCA are oversight, representation and legislation. But today from where we see it, the office of the MCA has become an implementing organ because the public that we represent expect us to come and install street lights, fix sewers and repair roads. That is not really our role as MCAs. Where is his lacuna? It is borrowing from the failed structure of County Government.

The structure of the County Government is well decentralized up to the ward level. For example, in Roysambu Ward, we have a ward admin. If my people of Roysambu Ward have any concern regarding street lights, road, a sewer or anything that is under the function of the County Government, they need to record that at the Ward Manager's Office, not in my office as the MCA.

But once they report that and the ward manager fails to support them or execute whatever services they want, that is when they need to come to my office to complain so that I am able to follow up on their issues.

Allow me to go straight to the point and say this, that if the County Government can work and support the structures on the ground, what do I mean? When it comes to revenue collection, let revenue be collected from Roysambu Ward because we have the Planning officer there. If it is about approvals, why can't we have a system that is at the ward level that is concerned with approving whatever documents that are needed when it comes to planning? When it comes to licensing again, we want to have everything decentralized at the ward level so that if you ask me how much is generated from Roysambu, I will be in a position to say. Today, if I walk into that office, the officers there including the Ward Admin have very little information. Maybe they will talk about some services and not the entire services of the County because there is a lapse somewhere.

Why we have many concerns is because some individuals at the County level have decided to sabotage that process to their advantage. That is why the Nairobian are not able to access services, including us. That now becomes a burden to us as the representatives of the people.

I am supporting this Motion so that when it comes to contractors, let them be paid. When it comes to revenue collection, let me know how much is being generated from Roysambu. Let us ensure that this structure that has been established by the law works to the betterment of the people of our various wards that we represent.

With that much, I rise to support and thank the Deputy Speaker for this wonderful Motion. Thank you.

**Hon. Temporary Speaker:** Hon. Nasra Nanda.

**Hon. Nasra Nanda:** Thank you, Madam Speaker. I rise in support of this Motion mainly for three reasons: In the first instance, when we supported the Constitution of Kenya, 2010 as Kenyans, we supported devolution as a way of championing Kenyans in service delivery in a devolved manner. In this regard, a move to ensure that devolution is championed is something that I would endorse because, in principle, it should enhance the service delivery that Kenyans signed up for.

In the second instance, Madam Speaker, I would like to highlight that of particular interest to me, is the fact that the Deputy Speaker in his Motion has also endorsed and emphasized the establishment of the Nairobi City County administration regulations and rules, pursuant to Section 44 of the same. This is particularly important because often as legislators, we fight to champion the rights of Kenyans. This ends here where implementation is not followed. So, I would like to applaud the Deputy Speaker for mentioning regulations as part and parcel of this Motion.

Last but not least, I think it is worth mentioning to this Hon. House that Nairobi is crucial to the GDP of Kenya. Currently, the GDP of Kenya stands at Kshs.113 billion dollars, where Nairobi is responsible for 27%, which is the equivalent to Kshs.33 billion dollars. In a system that ensures that this 27% is managed efficiently, that Kshs.33 billion dollars is something that could be realized and utilized for the benefit of the Nairobian.



On the converse where we do not have the structures and regulations in place to ensure that this is being done, then we see that we are being robbed of Kshs.33 billion dollars. That means Nairobians are not getting what they should be getting. Madam Speaker, that is why I rise to support this Motion. Thank you.

**Hon. Temporary Speaker:** I now call the mover to move the Motion since we don't have any more requests.

**Hon. Paul Kados:** Thank you, Hon Speaker. I want to thank the House for supporting this very important Motion, which if implemented will go a long way to enhance service delivery of Nairobians, which has been a headache. It is unfair to tell an old woman to queue or log in into something which he/she doesn't understand. This County could come up with better ways of making the payment system easier and accessible to the public.

My gratitude to the whole Assembly for support in consideration of this Motion. I beg to reply.

*(Applause)*

*(Question of the Motion as amended put and agreed to)*

## MOTION

### ADOPTION OF REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS FOR NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD MORTGAGE SCHEME FUND FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2018

**Hon. Chege Mwaura:** Thank you, Madam Speaker. I beg to move the following Motion: THAT, this Assembly adopts the report of the Auditor General on the Financial Statements of the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2018, 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 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).

Madam Speaker, the audit involved auditing of the Financial Statements of Nairobi City County Assembly Service Board Mortgage Scheme Fund by the Auditor General, which comprise Statement of Financial Position as at 30<sup>th</sup> June, 2018, Statement of Income and Expenditure, Statement of Changes in Equity, Statement of Cash Flows for the year ended 30<sup>th</sup> June, 2018, and 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.

Madam Speaker, The Auditor General opined that the financial statements presented fairly, in all material aspects the financial position of Nairobi City County Assembly Mortgage Scheme Fund as at 30th June, 2018 and of its financial performance and its cash flows for the year ended, in accordance with International Public Sector Accounting Standards (Accrual Basis), and complied with the Public Finance Management Act, 2012. Consequently, the Auditor General did not find any key audit matters to communicate in his report. Key audit matters are those matters that in the professional judgment of the Auditor General are of the most significance in the audit of the financial statements.

Madam Speaker, as I thank the team that helped us get here, I want to thank the Office of the Speaker, the Clerk and the Clerk in our Committee in ensuring that we get here as a Committee.

Further, Madam Speaker, allow me to recognize the Public Accounts Committee Members who are still in the House because without them, we would not have been able to expedite this matter.

Madam Speaker, this is for 2018, we still have 2019, 2020, 2021 and 2022 to go. So, this dedicated team first tracked this one. We have issues with the other ones that are coming. This I think was the last time the Assembly was doing things in a normal manner. 2019 moving forward, is explosive. We have various recommendations based on these other ones, but as far as this is concerned, we did not have a lot of issues.

Having said that, it is also important to mention that this report was laid on 22nd June 2023, and we still managed to hit the timelines of tabling it in time.

Madam Speaker, I beg to move that the Assembly adopts this report as recommended. I therefore call my Vice Chair, Hon Oyugi to second. Thank you

**Hon. Temporary Speaker:** Hon Oyugi.

**Hon. Kennedy Oyugi:** Thank you, Madam Speaker. I want to confirm that the year 2018 that is being mentioned here, I was in this Assembly. Again, I want to confirm that for those who were here, there were no issues with the Loans and Mortgage, unlike today.

Madam Speaker, I would only want to urge the House that we pass this report as it is. As ably put by the Chair, the auditors found no fault in this report. Thank you.

*(Question proposed)*

**Hon. Temporary Speaker:** Hon. Members, debate.

**Hon. Peter Imwatok:** Hon. Speaker, the seconder of this Motion has cast aspersions to the current Committee of Loans and Mortgage. I would like him to withdraw he words, ‘unlike today’ because the debate on this floor is about the 2018/2019 audited report. So far, 2022/2023 is not yet under audit. So, by casting aspersions that in 2018 there were no issues on loans, I do not understand. As the Chair of Loans and Mortgage, I know that we disburse these monies with a lot of precision within the premise of the law and without favour or fear. Therefore, I ask the seconder of the Motion to withdraw the words, ‘unlike today.’

**Hon. Temporary Speaker:** Hon. Oyugi.

**Hon. Kennedy Oyugi:** Thank you, Madam Speaker. Oyugi is being factual. For those of us who were here in the Second Assembly, like the Chair himself, Hon. Kiragu, Hon. Ogeto, Hon. Odalo and Hon. Emily, by the fifth month of every year, every Member had gotten their loans, unlike today, one year down the line. Many Members have not gotten their loans. So, this was not a preemption of debate. I am only giving the reference and I have got nothing to withdraw there.

**Hon. Temporary Speaker:** Hon. Oyugi, the report before the House is based on the year 2018. Let all Members stick to that.

**Hon. Kennedy Oyugi:** Madam Speaker, if that is what pleases the House, then as it is today, there is no problem with the Loans and Mortgage.

*(Laughter)*

**Hon. Temporary Speaker:** Hon. Robert Alai.

**Hon. Robert Alai:** Thank you, Hon. Speaker. I want to submit that we did not see much issues with the report as of 30<sup>th</sup> June 2018. Therefore, I wish to request that we move forward in this regard, try to automate this process of accounts and disbursement and use of these funds because evidence shows that this account is sometimes not properly used. So, we ask that this House when debating on this issue, know that it is an issue on their welfare and if not properly handled, then you will have no issue complaining in the corridors.

We would like that by the next Assembly, we create a portal where the applications will be seamless for Members from the time they are on boarded into the Assembly system, the GHRIS and make sure that the application and availability of funds is monitored by Members. I support the report as it is now and ask that Members do the same. Thank you.

**Hon. Temporary Speaker:** I now call the mover since we do not have any more requests.

**Hon. Chege Mwaure:** Thank you, Madam Speaker and Members for largely agreeing with the findings of the Committee. For the benefit of the Members, the subsequent reports for 2018/2019, 2019/2020 and 2021/2022 is what the Vice Chair is alluding to. We have tried to make stringent proposals such as merging Loans and Mortgage, separating staff from Members and requesting for special audit for the accounting system so that we get to have in the Assemblies the same swiftness that banks use when giving loans. We do not want a situation where we transfer the problems that we have to the next Assembly.

Having said that, I thank all the members who have responded to it and I beg to reply.

*(Question put and agreed to)*

**Hon. Temporary Speaker:** Clerk!

## MOTION

ADOPTION OF REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS FOR NAIROBI CITY COUNTY ASSEMBLY SERVICE BOARD  
CAR LOAN SCHEME FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2018

**Hon. Mwaura Chege:** Thank you, Madam Speaker. I beg to move the following Motion: THAT, this Assembly adopts the Report of the Auditor General on the Financial Statements of Nairobi City County Assembly Service Board Car Loan Scheme Fund for the Year ended 30<sup>th</sup> June, 2018.

Madam Speaker, on the same, the audit involved auditing of the Financial Statements of the Nairobi City County Assembly Service Board Loan Scheme Fund by the Auditor General, which comprised of statements of financial position as of 30<sup>th</sup> June 2018. The Auditor General did not have grave concerns just like the mortgage.

With regards to the financial decisions of the fund, the Auditor General raised one key issue with regards to the value of the car and the value of the loan. In her observation, the Auditor General noted that during the period under review, examination of the valuation reports from the Automotive Association of Kenya revealed that there was a variance on the loans issued to various Members. It means that the loans were above the value of the corresponding collateral. Again, there was no cause to worry because these funds were gotten as they were as they were loans that had been given to Members.

However, Madam Speaker, we did recommend that the Fund Administrator puts more stringent mechanisms to avoid supposed potential of any funds being lost in this regard.

Madam Speaker, I also want to commend the Members of the Public Accounts Committee who have helped us in scrutinizing this and coming up with the findings, together with the Office of the Speaker and the Clerk, as well as this House for giving us the opportunity to get here.

With that, I beg to move and request again the Vice Chair to second. Thank you.

**Hon. Temporary Speaker:** Hon. Oyugi.

**Hon. Kennedy Oyugi:** Thank you, Madam Speaker for the opportunity to second the report. I second.

*(Question proposed)*

**Hon. Temporary Speaker:** You may now debate.

**Hon. Peter Imwatok:** Madam Speaker, I like that this is the first time the Chair and Vice chair of PAC are working in cohesion without wrangles. Also, the committee is full of people with the brains and the capacity to hold the County accountable.

As Mheshimiwa Robert Alai has said, from one year to another, let us change our systems. It is tedious when such a facility with portfolio of Kshs.1 billion, is still working on archaic way on paper. May be we invite Hon. Alai one day to the Loans Committee to shed more light on how we can incorporate technology to avoid the back and forth and have a seamless system. If the system refuses to go to next level, you are not qualified.

Secondly, I am surprised that one of the vice chairs does not know that the Leader of Majority is the Chair of Loans and Mortgage committee deputized by the Leader of Minority. Last week, I gave a comprehensive brief of all those people who have taken loans, those still processing

loans and others who are not qualified to proceed loans and how they should qualify for them to be considered. We also said that money is currently available for loaning. This is the only Assembly that has given car reimbursement to 123 Members and it is good to note that courtesy of Carl Loan and Mortgage Committee, the Secretary General of CAF is a witness. Therefore, it is good to have a point of information.

I appreciate the Committee of Public Accounts for the good job. I ask them to expedite the report of 2023/2024. You can also ask for a special audit so that we can table the report before the Assembly so that some of us will leave a clean sheet here. One day, we want to be bishops and padres in this world. Hon. Oyugi, it will come to you as a request that we ask a special audit on this account as we go forward. Thank you, Madam Speaker.

**Hon. Temporary Speaker:** Hon. Emmy Khatemeshi

**Hon. Emmy Isalambo:** Thank you, Madam Speaker. As a Member of the PAC, I stand to support the Motion. This Motion is touching on us Members and staff of the County Assembly. The Auditor did not find much in the query because when Members' terms in the Assembly are over, they have to clear. So, you cannot be cleared when your loan is pending. So, we followed the same measures and realized that all the Members complied. With that, I beg to support. Thank you.

**Hon. Temporary Speaker:** Hon. Robert Alai.

**Hon. Robert Alai:** Thank you, Hon. Speaker. I did not want to rise to speak on this but then again we have to remind ourselves of the gaps that we need to close in regards to some of these accounting issues. In the reports on point 1.4, you will see that there was an interest earned in the loan accounts and it has never been paid by the Cooperative Bank. Therefore, we want to make sure that the bank honors its end of the bargain and submits the money to the County Assembly account.

On point 1.2, there was also an irregular transfer of funds and that is why we have to automate the management and administration of these accounts. You will see that Kshs.2 million was transferred from the loan to the County Assembly account. This we believe has not stopped happening. We ask that these gaps be closed and these accounts be properly managed. With that Hon. Speaker, I beg to support.

**Hon. Temporary Speaker:** I now call the mover since we do not have any more requests.

**Hon. Chege Mwaura:** Thank you, Madam Speaker. I want to thank the Members for following through the debate and for their contributions. As the Leader of Majority touched on the special audit, we have requested for that. We recommend that the Loans Committee have a meeting with the Public Accounts Committee because when we were scrutinizing fund officers, we found issues that were not clear. As a Committee, we are targeting to finalize on all pending reports hopefully by the end of this calendar so that when we get to January, we will be talking about the ones in office.

I would also wish to thank the leadership for posting able Members to this Committee. This is one Committee that has support from its Members while interrogating issues, taking the Executive to charge and the Board to task. It is these kinds of reports being tabled that gives the

Committee confidence that we are on the right track. I thank you, Madam Speaker and I beg to reply.

*(Question put and agreed to)*

### MOTION

MOTION RAISING A QUESTION OF PRIVILEGE  
PURSUANT TO STANDING ORDER 59(H)

*(Resumption of debate)*

**Hon. Temporary Speaker:** Hon. Kiragu, you had a Motion.

**Hon. Anthony Karanja:** Hon. Speaker, thank you for this opportunity. I have listened to concerns from Members and noted that some wanted me to add some issues on this Motion on privilege. I do not have a photo or documents to back my Motion. Therefore, I ask that the House gives me time till Thursday evening so that I come up with the Motion. I have written to the Clerk on these issues, which includes office impost including Special Elect Members but he is yet to get back to me. Thank you.

**Hon. Temporary Speaker:** Well noted.

*(Motion deferred)*

Hon. Members, there shall be no Assembly Business Committee after this till when communicated.

### ADJOURNMENT

**Hon. Temporary Speaker:** The Assembly stands adjourned until Wednesday 4<sup>th</sup> October 2023 at 2:30pm.

*The House rose at 4:22 p.m.*