



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Wednesday 13th March 2024

The House met at 2.30 p.m.

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

Hon. Speaker: Hon. Members, glory to God. Let us give God the honour He deserves. Allow me to lead with a prayer.

PRAYER

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

QUORUM

Hon. Speaker: Hon. Members, the attention of the Chair has been drawn to the lack of quorum. Under Standing Order No.37 (2) (b), I direct the Serjeant-at-Arms to ring the Bell for a record of ten minutes, as you leave the door open.

(Quorum Bell was rung)

(Loud consultations)

Hon. Members, be orderly! The Standing Orders dictates that you remain silent. The Clerk has drawn the attention of the Chair for lack of quorum.

(A Hon Member spoke off the record)

Serjeant-at-Arms, can you find out who is making the noise please? Try to identify one.

(Laughter)

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I hope the Whips have done a good job by way of mobilizing Members to be present. Now that we have quorum, we can transact the Business of the day. I call out the Clerk to read out the Order Paper.

COMMUNICATION FROM THE CHAIR

Hon. Members, I have the following communication to relay as promised yesterday. I made a commitment to relay a communication before the Hon. House today. I think according to the sequence of Order Paper, I will give leave of myself we transact the Business as I wait for other papers to be circulated to the Members so that I can bring to speed by way of proof under my communication. So, we will defer the communication, I shall do that before the end of the day as we give the Clerk some time to bring some copies which are supposed to be shared amongst the Members. I hope that is in order, Hon. Members.

I have the communication which is very positive in regards to the whispering. Thank you.

(Applause)

(Communication from the Chair deferred)

Hon. Members, you may proceed and get seated.

(Several Hon. Members walked into the Chamber)

PAPERS

THE NAIROBI CITY COUNTY MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER

Hon. Speaker: The Nairobi City County Medium Term Debt Management Strategy Paper, 2024, to be laid by the Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, let me verify if it is signed before I lay.

Hon. Speaker, pursuant to provisions of Section 123 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 13th March 2024:

The Nairobi City County Medium Term Debt Management Strategy Paper, 2024.

(The Paper was laid on the Table)

EXAMINATION OF FINANCIAL STATEMENT OF NAIROBI CITY COUNTY EXECUTIVE FOR THE YEAR ENDED 30TH JUNE 2023

Hon. Speaker: The report of the Auditor General on the Examination of the Financial Statement of the County Executive Nairobi City County for the year ended 30th June 2023.

Hon. Peter Imwatok: Once again, Hon. Speaker, you did a communication last time. I have not seen those documents. All said and done, this is the last time that I am tabling a document from the Executive without passing my office.

Pursuant to provisions of Section 229 of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 13th March 2024:

The Examination of the Financial Statement of the County Executive Nairobi City County for the year ended 30th June 2023.

Hon. Speaker, a rider, I ask your office to give a communication to the Clerk's office in case I am not present, the Leader of Minority can go through the document before we Table it in the House.

(The Paper was laid on the Table)

Hon. Speaker: Kindly, come again, Hon. Majority Leader?

Hon. Peter Imwatok: Hon. Speaker, I said there is a time you gave a communication that all documents and Papers laid in this Assembly must pass through my office or the Leader of Minority's office before we lay them in this House for briefing, because what might be brought here by the Clerk next time will be a different subject matter.

Hon. Speaker: I hope you are addressing the Chair not the Clerks.

Hon. Peter Imwatok: I am requesting the Chair.

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

Hon. Peter Imwatok: Hon. Speaker, I think you need to make your communication straight.

Hon. Speaker: I will capture that in my communication.

REPORT ON CONSIDERATION OF CFSP AND
THE DEBT MANAGEMENT STRATEGY PAPER
FOR FY 2024-2025 AND OVER MEDIUM TERM

Hon. Speaker: Under Order No. 5 (c), the Budget Report on the County Fiscal Strategy Paper (CFSP). Clerk, can you facilitate the Chair of County Finance, Budget and Appropriations Committee?

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Pursuant to provisions of Standing Order Nos.196 (6) and 224, I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 13th March 2024:

The Fifth Report of the Select Committee on County Finance, Budget and Appropriations on consideration of Nairobi City County Fiscal Strategy Paper (CFSP) and the Debt Management Strategy Paper for the Financial Year 2024-2025 and over the medium term.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Chair. Clerk, Order No. 6.

NOTICES OF MOTION**ADOPTION OF REPORT ON CONSIDERATION OF CFSP
AND THE DEBT MANAGEMENT STRATEGY PAPER
FOR FY 2024-2025 AND OVER MEDIUM TERM**

Hon. Speaker: The Chairperson on County Finance, Budget and Appropriations Committee.

Hon. Wilfred Odalo: Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this Assembly adopts the Fifth Report of the Select Committee on County Finance, Budget and Appropriation on consideration of Nairobi City County Fiscal Strategy Paper (CFSP) and the Debt Management Strategy Paper for the Financial Year 2024-2025 and over the medium term, laid on the Table of the Assembly, today, Wednesday 13th March 2024.

Hon. Speaker: Thank you, Hon. Chair.

**DEVELOPMENT OF INTEGRATED TRANSPORT
MANAGEMENT SYSTEM IN THE COUNTY**

Hon. Speaker: Hon. Robert Alai, you can proceed.

Hon. Robert Alai: Thank you, Hon. Speaker. I wish to give notice of the following Motion:

THAT, aware that paragraph 5 (c) of Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for County Transport, including but not limited to traffic and parking as a mandate of the County Government;

FURTHER AWARE that Section 5 (2) of the Nairobi City County Transport Act, 2020 dictates that the County Executive shall be responsible for amongst others, regulation on an integrated public transport system in the County;

CONCERNED that according to a report by the Kenya Urban Roads Authority (2022), Nairobi was ranked the second most congested City in Africa and the Fourth in the world, costing an estimated amount of Kshs.100 billion annual losses, both on fuel and productivity;

ACKNOWLEDGING the need for the County Government to integrate conventional bus services such as Bus Rapid Transit (BRT) and exploring future possibilities of installation of Underground Metro and Light Rail Transit (LRT) as a solution towards provision of capillary connectivity to key urban centers, residential areas, and business districts for a sustainable urban development;

COGNIZANT that with an integrated transport system, commerce and in particular movement of goods and services, shall spur Nairobi to a smart City and an economic hub to its neighboring counties and cities;

THIS ASSEMBLY THEREFORE urges the County Executive to develop and implement a comprehensive and integrated Transport Management System that shall encompass Bus Rapid

Transit (BRT), Underground Metro & Light Rail Transit (LRT) Public Service Buses and Motorbikes to facilitate seamless mobility across the City and its environs.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Robert. Next Oder!

STATEMENTS

Hon. Speaker: Hon. Members, before I call the first Member to make a Statement request, there some documents here which I am supposed to share with you before I make a communication on the same. Find time to go through the documents. Serjeant-at-Arms, kindly circulate as we wait for more copies. I do not understand why the copies are not legible.

Hon. Peter Imwatok: Hon. Speaker, did Hon. Alai deliver his?

Hon. Speaker: You need to start with Hon. Alai because I am expecting some communication from him.

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: Yes. We have not reached that point. Just struggle to understand what is in the paper because I am also concerned.

(Hon. Robert Alai spoke off the record)

You will have to bear with us, Hon. Alai. I don't know whether the printing machine broke down or something. Serjeant-at-Arms go and get more copies and let them be clear and legible.

Point of Order

The Deputy Minority Leader, kindly take the floor.

Hon. Waithera Chege: Thank you, Mr. Speaker. I think because of what transpired yesterday, we lacked quorum. The only issue that was pending was the reply from Hon. Akama to give me a timeline.

Hon. Speaker: The undertaking?

Hon. Waithera Chege: Correct.

Hon. Speaker: Was Hon. Akama in the House?

Hon. Waithera Chege: Yesterday, he was.

Hon. Speaker: Are you privy to the request of the Hon. Member?

Hon. Jared Ondieki: Hon. Speaker, times have been challenging and you can easily forget things. I am requesting if she can repeat the Statement.

Hon. Speaker: Hon. Akama, you were in the House.

Hon. Waithera Chege: Exactly.

Hon. Speaker: You have confirmed that you were in the House?

Hon. Jared Ondieki: Hon. Speaker...

Hon. Speaker: Hon. Clarence Munga, please find somewhere so that you don't mislead the Hon. Member.

Hon. Clarence Munga: Hon. Speaker, what I am saying is that the Member did not get the question from Hon. Waithera Chege. He wanted the Hon. Member to repeat whatever she had requested.

Hon. Jared Ondieki: Thank you. I think my spokesperson has put it very clearly.

(Laughter)

Hon. Speaker: Hon. Waithera Chege, as much as we do not have such provision in our Standing Orders, but under Standing Order No. 1, you are privileged if you happen to have the copy, and if not, then the Member will have to brief you.

(Hon Anthony Karanja raised a Point of Order)

Declined, Hon. Minority Leader.

Hon. Waithera Chege: Hon. Speaker don't allow the chairpersons of committees to take this House for a ride. I want to say to this House that it is not proper for me to repeat reading that Statement whereas the said Member was in this House yesterday. The only thing that stopped us from proceeding was the issue of lack of quorum, but we had already dispensed with the matter.

Hon. Speaker: That is exactly what I had said, Hon. Waithera. Hon. Akama, can you save the House please and give an undertaking because I regard you as the most forthright of the chairpersons of the various committees.

Hon. Jared Ondieki: Hon. Speaker, much obliged and I am guided. Two weeks.

Hon. Speaker: Hon. Waithera?

Hon. Waithera Chege: I agree, Mr. Speaker. Allow me to thank you most sincerely because there was a matter that came before this House about two months ago and we were able to move to court after the report was given by this Assembly; not only your desk but also the desk of every Member in this Assembly. We have received a ruling this morning and we have won the case, the land was returned to the public.

(Applause)

I want to encourage the Members of this Assembly that any agenda that has been brought to this Assembly it is not time wasting. Let us move forward and encourage each other. I am very happy especially for the residents of Nairobi South that we have won this case this morning. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Hon. Members, can you honor yourselves by applauding.

(Applause)

Thank you. Hon. Maurice Ochieng.

Hon. Maurice Onyango: Thank you Hon. Speaker. I was waiting for the Clerk to go to the Order on Statements.

Hon. Speaker: I can't get you, Hon. Member.

Hon. Maurice Onyango: I was waiting for Statements time.

Hon. Speaker: We are in Order No. 7 which is on statements.

Point of Order

Hon. Majority Leader, what is it?

Hon. Peter Imwatok: Hon. Speaker, looking at the frequency of Members moving out of the Chamber, I would like to request for your indulgence if we can go to Order No. 8 which is a very sensitive Motion for this County. I am seeing almost half of one side of the coalition is out. I don't know if they understand that the CFSP Paper is what informs the entire development agenda of the County. Mr. So that it does not look like one side of the coalition is the one passing the agenda of the County, we request my fellow Members with statements and other incidentals to wait so that we can finish with Order No. 8, then we can come back to them, but at your discretion Hon. Speaker.

(Applause)

Hon. Speaker: Yes, Hon. Alai.

Hon. Robert Alai: Hon. Speaker, every Business laid before this House is very important. We cannot jump some businesses and go to your preferred business as suggested by the Majority Leader, then the moment that is finished, the House lacks a quorum. I ask that we use the normal procedure as is listed on the Order Paper and we dispense with them as such. Thank you, Hon. Speaker.

Hon. Peter Imwatok: Hon. Speaker, Hon. Robert Alai is...

Hon. Speaker: Order! Kindly Hon. Majority Leader don't engage...

(Hon. Peter Imwatok spoke off the record)

Declined, Hon. Member! Please be seated. Hon. Members, our Standing Orders are very clear on the sequence of Business of the Assembly. In the event that a Hon. Member would want the sequence to be altered, then you have all the rights to request the House and the leave of the Chair. For that reason, I have instructed the Clerk to get you the right Standing Order so that you may raise the issue appropriately. Kindly, let us proceed as the Majority Leader is being advised.

(Hon. Peter Imwatok spoke off the record)

You may proceed.

Hon. Peter Imwatok: Hon. Speaker, pursuant to Standing Order No. 43 (2):

"Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly, direct."

The word is, ‘for the convenience of the County Assembly.’ I beg to invoke this Standing Order so that we can change the sequence and expedite – as the Leader of Government Business - the issues that are very important to this County. I know all businesses are important, but there is veracity and importance. Those are two words Hon Alai. I want to implore that it is very important for us to indulge in as the entire membership of the House.

Hon. Speaker: Clerk, kindly read the sequence as it appears in the Order Paper.

(The Clerk-at-the-Table read the sequence of the Order Paper)

Hon. Speaker: Thank you. Hon. Members, Hon. Majority Leader, who happens to be the Leader of Business in the Assembly, has made a request on alteration of sequence of Business before the Assembly today. As the Clerk has read, it is at your discretion to decide whether you think it is appropriate or not for purposes of transacting the Business of today. Hon. Emily.

Hon. Emily Oduor: I am also wondering whether it is time to read the Statement from the House Business Committee or we hold until you make a decision on the Leader of Majority’s request.

Hon. Speaker: Thank you. Hon. Sammy.

Hon. Sospeter Mumbi: Hon. Speaker, let me remind you my name. I am Hon. Sospeter Mumbi.

Hon. Speaker: Sorry, Hon. Sospeter.

Hon. Sospeter Mumbi: I am looking at the sequence and there is no problem because we are in Order No. 7 which is on Statements, then we go into the Motion. There is no harm following the same sequence because after we are done with the Statements, we are going to the Motion. That is my humble submission.

Hon. Speaker: Thank you. Hon. Members, we are about to come to the tail end of the Order Paper, and the Business under Standing Order No. 7 is Statements, which will not take a lot of time. For the integrity of this House, I don’t see any reason why Members are supposed to walk in and out of the Assembly. Now that we have the County Fiscal Strategy Paper before the Assembly which deals directly with your wards, you need to call for seriousness. Kindly, let us proceed.

Hon. Peter Imwatok: Hon. Speaker, is it a directive that my Standing Order is not applicable now as you have directed the House that no Member should move out of the House? There is an abruption block behind here.

Hon. Speaker: For call of nature, it is allowed.

Hon. Peter Imwatok: Hon. Speaker, I wish you give a directive that Members should have lunch between 12.30 p.m. and 2.00 p.m. at least to avoid having lunch during plenary time. One of the members is asking me whether he should eat before coming back here.

Hon. Speaker: That is wrong.

Hon. Peter Imwatok: Thank you.

Hon. Speaker: Hon. Chair, please proceed with speed.

REQUEST FOR STATEMENT REGARDING CHANGE OF
DEVELOPMENT PLAN OF KANGUNDO ROAD MARKET

Hon. Maurice Onyango: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Co-Operatives regarding the alleged change of development plan and status of Kangundo Road Market in Mowlem Ward.

Hon. Speaker, Kangundo Road Market was developed by the National Government through Kenya Urban Roads Authority (KURA) and funded by the African Development Bank (AFDB) as a citizenship project for resettlement of traders who were displaced during the construction of Nairobi Outer Ring Road Corridor. In addition, the market was to provide for a new wholesale market outlet. It is alleged that the original development plan and purpose for the market was altered thus affecting the current status of the market, that despite its completion, traders are yet to take up the stalls available at the market. Furthermore, there is a weighbridge built at the market whose purpose is not clear to the residents.

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

- i. The original development plan of the Kangundo Road Market in Mowlem Ward;
- ii. Reasons for the change of the original development plan and how it was done;
- iii. Reasons for delay in taking up the stores available at the market by traders;
- iv. Guidelines and criteria to be used in allocation of stalls to traders at the market;
- v. The purpose of the weighbridge at the market; and
- vi. Measures that the County Executive is taking to ensure that traders are fully accommodated at the market.

Thank you, Hon. Speaker.

Hon. Speaker: Kindly, Hon. Chair for Trade Committee, give an undertaking. The Vice-Chair? Hon. Jeckoniah.

Jeckoniah Onyango: Thank you, Hon. Speaker. I am standing on behalf of my Chair, Hon. Paul Ndung'u, he is not around. I request for two weeks we bring the report.

(Applause)

Hon. Speaker: Thank you. Hon. Maurice?

Hon. Maurice Onyango: Thank you, Hon. Speaker. Two weeks are okay.

REQUEST FOR STATEMENT REGARDING SURRENDER
OF LAND TO THE COUNTY GOVERNMENT

Hon. Samuel Kago: Thank you, Mr. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the surrender of land to the County Government for open spaces, amenities and recreational facilities in the sub-division of land in Mwiki Ward (Infinity- Giathieko area) holding parcel numbers; L.R Nos. 9363/65, 9363/85, 30393, 30393/1585 and 30393/1988.

Hon. Speaker, Part IV, Section Seven of the Land Use Planning Act Development Permission and Control Regulations, 2021, which provides for sub-division and amalgamation, states that applicants for submission of large parcels of land shall at no cost surrender to the County Government land for open spaces, amenities, recreational facilities, excluding road reserves.

Hon. Speaker, there are allegations that the developers of the said parcels of land did not surrender the required 10% of land to the County for purposes mentioned above and further reports indicate that there are ongoing construction activities that do not have the requisite building approvals from the Planning Department.

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

- i. Whether there was surrender of land for public use during the subdivision of parcel numbers L. R Nos. 9363/65, 9363/85 30393, 30393/1585 and 30393/1988 in Mwiki Ward. If yes, details of approval and documents and maps to be provided;
- ii. Whether the developer of L.R No.30393/1988 have approvals for the ongoing construction (proof of the same should be provided); and
- iii. Steps that the County Government is taking to ensure that all surrendered lands are tracked, accounted for and a register for the same maintained.

Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Chair for Housing, kindly give an undertaking.

(Hon. Alvin Palapala spoke off the record)

Hon. Speaker: Your mic is off.

Hon. Alvin Palapala: Thank you, Hon. Speaker. I was saying that the Committee will be up to the task. We request for three weeks, depending on the parcels of land that I heard him mention.

Hon. Speaker: Hon. Kago, please?

Hon. Samuel Kago: Mr. Speaker, I agree that the two weeks are sufficient as the parcels of land are many.

Hon. Speaker: Hon. Members, under Order No. 7, I direct that the Chairperson of Ward Development Fund, who has a response before the Assembly, to defer the report so that we can transact Order No. 8. You are so guided.

MOTION

ADOPTION OF REPORT ON CONSIDERATION OF CFSP AND THE DEBT MANAGEMENT STRATEGY PAPER FOR FY 2024-2025 AND OVER MEDIUM TERM

Hon. Speaker: The Chairperson of the County Budget and Appropriations Committee to move the Motion.

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

THAT, this Assembly adopts the 15th Report of the Select Committee On County Finance, Budget and Appropriations on the consideration of the Nairobi City County Fiscal Strategy Paper and the Debt Management Strategy Paper for FY 2024-2025 and over the medium term, laid on the Table of the Assembly on Wednesday 13th March 2024.

Mr. Speaker, before this County Assembly, I have two documents. One; being County Fiscal Strategy Paper and the other one being Debt Management Strategy Paper (DMSP). These two documents are related in the sense that whereas the CFSP is supposed to set budget ceilings for the sectors, it also determines the sources of financing for the budget which may also include debts and loans.

The DMSP is a policy document which outlines the status of our debt, the payment plan and any borrowing prospects. The Paper indicates that our debts figures stands at about Kshs.107 billion, majority being owed to various suppliers of goods and services, staff arrears and unsettled deductions.

The Committee has also scrutinized the debts figures and strategy proposed for their settlement and insisted on the department responsible for the debt management that the County Government cannot continue shifting targets on the issue of the settlement of the pending financial obligations. We emphasize that in the next financial year, the County Government must only re-direct its energies towards twin task of increasing revenue collection while ensuring that we settle our pending financial obligations.

Hon. Speaker, this Fiscal Strategy Paper emphasizes the agenda of the new regime by pinpointing strategies and priorities that will be implemented by the sectors. A nexus between sector priorities, expectations of the Nairobians, and the Governor's Manifesto has been established, all converging towards the fiscal objectives expressed herein.

Consequently, a portion of the resources has been channeled towards high impact projects which align to the expressed needs. Adequate resources have been set aside for construction of stadia and markets while at the same time improvement of service delivery and provision of support and care to vulnerable groups has been prioritized through initiatives targeting the School Feeding Programme, free ECDE, support for the aged, bursaries and scholarships.

Mobility and Safety will also be improved through road maintenance and opening up new roads and installation of security lights.

Hon. Speaker, the submitted CFSP projects the overall County budget for financial year 2025 shall be equal to Kshs.41.5 billion, out of which, the Kshs. 29 billion shall be directed towards the re-current while the Kshs.12.4 billion shall be for the development programmes. Out of this total projected expenditure, personal emoluments are projected to consume Kshs.18.4 billion or about 44% of the overall budget.

On the revenue side, the CFSP projects that the County shall collect Kshs.20.06 billion received from the Exchequer, and around Kshs.781 million as a Conditional Grant.

Hon. Speaker, the Budget Committee has taken the second deliberate step in the CFSP to ensure that all sectors in the County Government are facilitated to deliver the mandate in line with

the aspirations of the manifesto of the Governor. As you will notice in the recommendations, section of the tabled report, the allocation adjustments have been made in sectors that will have the highest level of impact to our people.

Further, Hon. Speaker, as was resolved during the previous deliberations, the County Executive has a role to ensure that we implement the Emergency Fund within the framework anticipated by the PFM Act, 2012. We urge the competent Department on Disaster and Management, Ward Development Fund and the Office of the County Attorney to urgently review the WDF, 2014, Disaster Act, 2015, and Emergency Regulation, to take make laws responsive to the county's needs.

Hon. Members, we recall that in the month of January, the County Government experienced over 40 disasters. In this regard, the Committee has allocated an additional Kshs.50 million for disasters, which will come in handy to alleviate the sufferings of our people in case of calamities.

The Education Committee presented a report to the Committee indicating the areas that they wish to construct the ECDE centers, vocational training centres and social halls that were recommended by the Committee on Culture. In this report, the Committee has approved the construction of classrooms in various wards, construction of ECDEs and completion of Ruai Rehabilitation Centre. The budget for Education Sector has been proposed for upward review of Kshs.500 million in order to cater for the students. For the less privileged, the Committee approved an addition of Kshs.243million for annual allocation of bursary and scholarships.

(Applause)

On the statement of pending bills, Hon. Speaker, the Committee has allocated resources for legal pending bills, settlements of pending bills under the Finance Sector, payment of statutory deductions related to utilities and pension schemes, as well as specific sectors related to pending bills.

Hon. Speaker, I want to sincerely thank your office for the effort you have put to ensure that the welfare of Members of the County Assembly and the staff is taken care of. Through this ceiling, the County Assembly budget is proposed for an upward review of Kshs.251 million. This figure shall be able to ensure that our nominated Members of the County Assembly are supported with requisite office imprest and the necessary staff to perform their function of legislation.

(Applause)

Hon. Speaker, the Committee recommends as follows: -

That, the policy measures contained be approved and implemented.

That, taking into account the amended sector priorities and allocations, the revenue and expenditure ceiling in the Schedules I (1) and (2) of the report be approved.

Hon. Speaker, in conclusion, pursuant to provisions of Section 117 (6) and Section 113 of the Public Finance Management Act, 2012, and Standing Order No. 227, the County Finance,

Budget and Appropriations Committee recommends that, the Assembly adopts the 15th Report of the Select Committee County Finance, Budget and Appropriations of the Nairobi City County Fiscal Strategy Paper and the Debt Management Strategy Paper for the financial year 2024-2025 and over the medium term.

Hon. Speaker, I beg to request the Hon. Minority Leader to second the Motion.

(Applause)

Hon. Anthony Karanja: Thank you, Hon. Speaker. The CFSP is the compass of a County. Like our Chairman has said, we have an ambitious revenue collection of Kshs.20.4 billion; that is a record collection for the next financial year. The Emergency Fund has been increased, though I would have wanted it to be increased more. But we have to balance what we have. And there are so many wins for the next financial year for Members and especially for the people of Nairobi. I want to take this opportunity to second the Motion. Thank you.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Geophrey Majiwa.

Hon. Geophrey Majiwa: Mr. Speaker, we are about to debate the Motion but details of the Motion are not with us in form of copies. I don't know whether we will competently debate on the Motion without any copies to show whatever it is that we are debating because these are matters of figures.

Hon. Speaker: The Clerk, please.

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

Hon. Member, the Chair is advised that the copies are about to be brought to the Members, kindly bear with us. It is a legitimate concern and we take responsibility for that. Serjeant-at-Arms, are those the copies of the County Fiscal Strategy Paper?

Hon. Clarence Munga, have you made a request? You may proceed.

Hon. Clarence Munga: Thank you, Mr. Speaker for giving me this opportunity to...

Hon. Speaker: Give the copies to both political divides of the House, please.

Hon. Clarence Munga: I rise to support the County Fiscal Strategy Paper before the House in two aspects...

Hon. Speaker: Hon. Clarence Munga, I am being made to understand by Hon. Ochieng that the copies before the House is the report about Kshs. 660,000. Kindly, Clerk, do not mislead the House. We are asking for the copies of the County Fiscal Strategy Paper. Meanwhile, give these other ones for distribution.

Hon. Clarence Munga: Thank you. I wanted to congratulate the Committee on Budget and Appropriations for listening to the voice of the committees. As the Chair of Culture and Community Services, I had raised two important issues: We had an issue of Ruai Rehabilitation

Centre which was initiated back in 2014, but up to date the project has stalled because of nonpayment and the County has not been allocating more funds to the centre. I want to congratulate the Committee for considering the proposals made by the Culture and Community Services Committee on the said project.

Two, there was an issue of Emergency Fund that we had requested in the second quarter of this financial year. We had exhausted the budget that we were allocated as Emergency Fund. We requested the Budget and Appropriations Committee to consider increasing the allocation. I am happy that the Chairman of Budget considered this and added Kshs.50 million more to that sector. I want to extend my gratitude to that committee and commend them for the good work. Thank you, Mr. Speaker, I support.

Hon. Speaker: Thank you. Hon. Majority Leader, your mic is on.

Hon. Peter Imwatok: Hon. Speaker, as I call the mover...

Hon. Speaker: Order, Hon. Member!

Hon. Peter Imwatok: Hon. Speaker, I want also to put my voice on this specific document. I am happy that history is also judging us right as a House. I believe beyond the CFSP, the process of doing an itemized budget begins.

Hon. Speaker, we also want to put some caution as we pass these documents, we want a realistic forthcoming document before this House earliest possible so that all chairpersons and committees can have ample time to comb through this specific itemized budget, which is driven from this CFSP.

I would like to appreciate the Chair and entire Committee of Budget. I was in Mombasa when this work was done; it was a great seeing all the people seated until late in the evening. It is the spirit of the Assembly. Hon. Speaker, indeed you have led the Assembly, that Members of a committee can seat beyond sitting hours to realize a document before this House. This is a plus and no one should take for granted. That a committee or parliament can sit down and do things and some people somewhere just want to rubbish what we do, we are not going to allow that as we are going to stand firm. If we are going to do oversight, we will do. If we are going to do a document according to the law, we must do so that we don't have litigation.

Hon. Speaker, I must also appreciate this House. This is a House with lesser litigations in terms of legislative agenda we pass here because we are always in timelines. Many people outside there, for example, lobby groups like Bunge la Mwananchi, a slight mistake on any procedural issue is taken to court. But on this Third Assembly, I have not realized that. *Heko* to the Committee on Budget and entire Assembly.

I urge Members that we pass this as quick as possible so that the Executive has a challenge on their doorstep to make sure that they start the process of making itemized budget and to come to this Assembly as quick as possible. They have enough time; not chasing the Chair of Budget on the corridors when the timeline is near. The Chair should have time to receive the reports, synthesize and compile them in appropriate time. Let us make this Assembly more professional as we gear towards making it the best in East and Central Africa.

Hon. Speaker, I thank Members across the political divide. My counterpart, thank you for being patient. I hope you allow the mover to reply so that we can proceed to the next Motion.

Hon. Speaker: Thank you. As you call the mover, Hon. Majority Leader, I don't know which kind of business you have apart from being the Leader of Business in the Assembly.

Hon. Kiragu, are you on a Point of Order?

Point of Information

Hon. Anthony Karanja: Just a point of information. I have shared the document on the WhatsApp group.

Hon. Speaker: Which document?

Hon. Anthony Karanja: The CFSP, as we wait for it to be printed. The Hon. Members can look at it from there.

Hon. Speaker: But, Hon. Minority Leader, is it a certified copy of the true CFSP?

Hon. Anthony Karanja: Yes, I have verified it.

(Laughter)

Hon. Speaker: Let us agree because he is the Leader of the Assembly. We take your word seriously.

Hon. Anthony Karanja: Yes, and with due respect, the Hon. Chair can check what he has read and what he has on his phone to confirm whether it is the same document.

Hon. Speaker: Thank you for not misleading the House and thank for sharing the information.

Point of Order

Hon. Speaker: Point of Order on what?

Hon. Sospeter Mumbi: Hon. Speaker, I rise on Standing Order No. 41. This is just to remind the House. I agree and appreciate the effort put by our Minority Leader to share the CFSP on our WhatsApp. But Standing Order No. 41 is very clear; allow me to read:

“(1) The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the County Assembly and the order in which it is to be taken, including a notice paper showing the business for each sitting day of the week, together with such other information as the Speaker may from time to time direct.

(2) The Order Paper shall be published in the County Assembly website and shall be made available to members, at least twelve hours before the County Assembly meets, but a supplementary Order Paper shall be made available at least one hour before the County Assembly meets.”

Hon. Speaker, it is not the first time in this House the business of the day is tabled without Members being given sufficient information or documents to facilitate their engagement in this plenary. So, it is my request that moving forward, the office of the Clerk need to be brought into

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account in terms of being serious in executing their mandate. The House Business Committee has already sat down and slotted the business of the day, but when we get here, we start asking ourselves where are the documents that we need to facilitate our debate. Hon. Speaker, it is my humble request if this can be taken seriously. Thank you.

Hon. Speaker: Thank you, Hon. Member, it is well noted.

Point of Information

Hon. Speaker: Yes, Majority Leader.

Hon. Peter Imwatok: I would like to inform the Chair of the Board and the Clerk's Office that this County Assembly has only one photocopier working. That is why there is this delay. However, I want to assure the Hon. Members that out of the sitting, the Clerk will be before the Chair of the Board, the Majority Leader and the Minority Leader to make sure that the next businesses every Member must be facilitated with the relevant documents.

Hon. Speaker, I urge your office and the office of the Clerk to procure more photocopiers because I am told there is only one and not working well.

Hon. Speaker: Thank you. Hon. Hellen Okello, you have a request to contribute?

Hon. Hellen Okello: Hon. Speaker, I am on my feet.

Hon. Speaker: Kindly proceed.

Hon. Hellen Okello: Asante sana, Bwana Spika kwa nafasi ambayo umenipatia. Nampongeza Mwenyekiti wa Bajeti kwa maana sisi kama *nominated*...

Hon. Speaker: Please don't mix, stick to one language.

Hon. Hellen Okello: Sisi kama wateule tumekuwa tukihisi kama watoto yatima. Lakini wakati huu ninaona tumekumbukwa. Kwa hivyo, ninashukuru... (*microphone went off*)

Hon. Speaker: Hon. Member, maybe by use of un parliamentary language 'yatima', that is why the microphone has gone off. As you wait for the technicians to make the correction, you also need to find another word to replace 'yatima.'

Hon. Hellen Okello: Asante, Bwana Spika. Sisi kama wateule tulikuwa tunaona kama tumetengwa, lakini wakati huu Kamati ya Bajeti, ikiongozwa na Mwenyekiti wa *Budget*, wame tukumbuka.

Hon. Speaker: Mwenyekiti wa *Budget*? Hon. Hellen, please...

Hon. Hellen Okello: Mwenyekiti wa Fedha, Bwana Spika,

Hon. Speaker: You know you are on HANSARD, so you need to be clear.

Hon. Hellen Okello: Yes. Mwenyekiti wa Fedha, Bwana Spika. Tutaweza kulipa ofisi zetu ambazo zilikuwa zimefungwa kwa sababu hatungeweza kulipa. Ninashukuru kwa maana Kamati ya Bajeti wametukumbuka. Kwa hayo machache, asante, Bwana Spika.

(*Applause*)

Hon. Speaker: Before I call the mover to reply, I have seen Hon. Robert Alai pressed three times.

Hon. Robert Alai: Thank you, Hon. Speaker. I am so worried for Nairobi County, which by size is bigger than 26 bottom counties combined. It is the Capital City of the Government of Kenya, but we are running the business of this House without documentations presented to Members. I am worried because of the direction we are taking where the House leadership tells you to call the mover. We are dealing with nonpriority areas like lifts while we cannot even get the business of the day printed out.

Mr. Speaker, if the mover is going to reply without Hon. Members getting access to the physical verified, signed, and authorized documents, it is going to be a tragedy to this County. I beg that you do not allow the business of this County to be run in a cavalier manner. The Clerk and the House Leadership needs to take the House seriously. Present to us documents so that we can transact the business of this County in a legal manner which nobody can challenge. I beg you, Hon. Speaker not to call the mover to reply, please.

Point of Clarification

Hon. Speaker: Okay. Hon. Leader of Majority, kindly clarify.

Hon. Peter Imwatok: Hon. Speaker, I am a bit worried with the Hon. Member. I think I have the CFSP; who does not have? *Si* we all have it? Can Serjeant-at-Arms give Alai this one, please? We have a verified, stamped and authorized document by the Speaker and the Clerk. It is very important for archives. Thank you.

(Applause)

Hon. Speaker: Thank you. Allow me to call the mover of the Motion to reply.

Hon. Wilfred Odalo: Thank you, Hon. Speaker. On a lighter note, there is a corner just at the entrance of two brown soldiers.

(Laughter)

Bit by bit, we will call them men who want to oppose everything. Yesterday, I mentioned the issue of Kamukuji and one of them...

Hon. Speaker: Hon. Chair of Budget, please you have been called to reply on your Motion.

Hon. Wilfred Odalo: Speaker, as one of the elected leaders of this House and also served for some time, I think I have the right and the authority to discuss few of our Members, on a lighter note.

Hon. Speaker: It is not allowed.

Hon. Wilfred Odalo: Okay, I withdraw, but there are two Members...

Hon. Speaker: Kindly, don't profile Members of this Hon. House.

Hon. Wilfred Odalo: Thank you. Let me take this opportunity to thank the Budget team. This is the only Committee which has never lacked quorum. So, Budget Committee, I am proud of you. I can see former Mayor, His Worship doing something, a sign of happiness. Thank you, your Worship. I also thank the secretariat, led by Manyi and Erick, they are really making our

work easier. The offices of Majority and Minority, we are proud of you. Hon. Speaker, we are also proud of you.

Having said that, I beg to reply. Thank you.

(Applause)

(A Hon. Member spoke off the record)

Hon. Speaker: That must be Ochieng Jera. Order! You have infected this Assembly. Allow me to put the Question.

(Question put and agreed to)

Hon. Speaker: Clerk, kindly proceed on the Order Paper

MOTION

BAN OF LOCAL STREET PARTIES AND REGGAE MUSIC SESSIONS IN RESIDENTIAL AREAS

Hon. Speaker: Hon. Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, allow me to move the following Motion:

THAT, aware that Paragraph 4 of the Second Part of the Fourth Schedule to the Constitution of Kenya, 2010 grants County Governments the mandate of controlling public entertainment;

FURTHER AWARE that Nairobi City County Government working with other State agencies has licensed various entertainment places where residents can meet and get entertained in various forms;

NOTING that in the recent past there is a growing trend in the City where individuals have organized street parties in form of reggae music sessions in residential areas which attract both the youth and school going children;

CONCERNED that these street parties and reggae sessions are characterized by all manner of criminal acts and immoral activities such as drug abuse, mugging of residents, loud music within residential areas and general lawlessness;

FURTHER CONCERNED that these reggae sessions have largely contributed to underperformance in schools and moral decay among the youth;

NOW THEREFORE, this Assembly resolves that the County Executive bans all street parties and reggae sessions in residential areas and develops and submits to this Assembly, regulations to govern such parties.

Hon. Speaker and Hon. House, let me expound in one minute because of time. This Motion is not meant to ban reggae lovers like us from being entertained, I am one of the most ardent supporter of reggae music because it cools and soothes my heart. The essence of this Motion is that, we cannot reduce our residential places into organized places of reggae. For instance, Hon. Speaker, two weeks ago in my ward, a reggae concert was organized to take place in tents erected

inside the estate. The estate members resisted but it was forced on them. I must applaud the security agency and all the people in Makongeni estate who said there is no reggae in residential estate.

Hon. Speaker, I understand our County Government has demarcated licenses. Quiver lounges are great clubs. Every Sunday when you want to listen to reggae, you can go to any Quiver lounge, either in Thika Road, State House Road, or Ngong Road. There are many clubs that play reggae on any day.

Hon. Speaker, I urge this House that we dissuade the lover of reggae from taking to our young children. I am particular about my ward. In my estate, one of the poorest performing school was Makongeni Secondary School. As the MCA, I say that we must elevate the character for our children. Reggae does not elevate but puts us down to those things that we do not like within the society.

Hon. Speaker, I am going to bring an amendment to the Liquor Act, that before you organize any concert beyond 8.00 p.m. in a residential place, you must have stringent licensed measures. Nowadays when you go to Kariobangi, Kaloleni, or Makogeni, you get someone has erected a tent and ask people to pay Kshs200 or Ksh300 for entertainment.

Hon. Speaker, I want to stop there and ask anyone who believes that we need to protect our children, to rise and to support this Motion. Hon. Emily Oduor, I ask you to second.

Hon. Emily Oduor: Thank you, Hon. Majority. I stand to second this Motion. Just like reggae, we also have nuisance from other quarters, for example, if I do not belong to a certain denomination and then they decide to erect a tent next to my house and start playing loud Christian music, it offends me. Same way to this reggae, some people are not fan of it. You can imagine having this playing all over in an estate where we have students in school or even some of us who want some sleep.

Apart from the noise, sometimes it even encourages immorality. You can imagine school children going to listen to reggae and in the midst of this, there is someone who is selling alcoholic drinks...

Hon. Speaker: Hon. Member, please. Hon. Members, I made a commitment that I have a communication to make, but I can see the House is almost empty. Then now we will start gossiping at the 'black seats.' The same Members who are walking out will want to get the information from third party. I pity you. Hon. Emily, kindly proceed.

Hon. Emily Oduor: Thank you, Hon. Speaker. For those who have walked out, we do not want to hear them shouting 'Kshs. 660,000' after this because they are not ready to listen.

Back to my views, we have drug traffickers and people selling illicit brews who take advantage of such areas to sell drugs and illicit brews to school going children. Because it is within the estate, many children can assess them since they just need to cross the road or walk as if they are going to the neighbours. To keep sanity in the estate and to protect our children, especially the school going children or those under the age of 18 years, I support this Motion to stop not only reggae but any sort of entertainment that people bring in the estates whatever time it is. With those few remarks, I second this Motion.

(Question proposed)

Hon. Speaker: Hon. Members. Hon. Kiragu.

Hon. Anthony Karanja: Thank you very much, Hon. Speaker. I rise to support the Majority Leader on this Motion, knowing very well that nobody can stop reggae.

(Laughter)

I know that he is not against the sound of reggae because he is aware that many years ago, they tried to kill reggae by killing the prophets of reggae, but we told them to respect the Rasta man because he is the only one left in Jah creation. However, I understand the nuisance that these street parties held in the estates and areas that are not designated.

I remember when we came into this Assembly, the Governor worked very hard, together with Hon. Robert Alai, who I know will support this, to try and remove noise in estates. So, I believe Hon. Alai is going to support this Motion seriously. I followed the tussle that was happening in Makogeni, somebody wanted to bring all these vices to our children who are at home during midterm.

Hon. Speaker, we cannot go back as an Assembly on laws that we pass as this County. I want to say that I also do not support music or any noise in our estates, especially where these vices of smoking bang, playing explicit music and dances in estates, smoking shisha and many others. I would want to support the Majority Leader and push him further to bring a Bill; let it become law, not just a Motion.

(Applause)

We need to ban these things in our estates so that we can even give Hon. Emily an opportunity to amend and include her concerns. I encourage and support him to do a law that bans this music. Thank you, but reggae stays. Thank you.

Hon. Speaker: I only have one request from Hon. Emmy Isalambo.

Hon. Peter Imwatok: Hon. Alai.

Hon. Speaker: No, Hon. Alai has not put any request. Kindly proceed, Hon. Emmy.

Hon. Emmy Isalambo: Thank you, Hon. Speaker. I stand to support this Motion as it is timely and long overdue. Even in rural areas, these *disco matangas* were banned the same way you want reggae in our estates to be banned. If we say no to loud music, they will say they will reduce the volume, but the vices will still be there. In support of the motion, let us ban this. They should do it in clubs but not on the streets and our residential settlements. Thank you so much.

Hon. Speaker: Hon. Robert Alai, the mover of the Motion requests you in a special way to make a contribution.

Hon. Robert Alai: Hon. Speaker, I rise to oppose this Motion.

(Laughter)

Hon. Speaker: Thank you.

Hon. Robert Alai: The Motion is going to affect the earnings of our young ones. As somebody who was elected on the ODM Party, my Azimio Coalition Leader's slogan is, 'nobody can stop reggae.' I urge the Majority Leader not to attempt to stop reggae. Hon. Speaker...

Hon. Speaker: Order, Hon Alai! Kindly get the details of the Motion. It is stopping reggae within where people reside.

Hon. Robert Alai: Hon. Speaker, my Party Leader didn't specify...

Hon. Speaker: It is not a total ban on reggae but within the estates.

Hon. Robert Alai: Hon. Speaker, even the mention of banning of reggae is a danger to this County. I don't think reggae is the only problem, we have all other music genres. I have never heard somebody say gengetone, ohangla, kayamba, ajawa, slow jam, or mugithi is bad. If we target reggae as a genre of music, we are being unfair to a section of the society.

I urge this House not to do something which is going to injure our young people who are staying in the low income areas trying to relieve stress. Every time we try to ban things which are helping to relieve stress, it always affects the domestic living environment. It always increases the rate of domestic violence. Hon. Speaker, I know that this might have come because of an altercation which happened in the precincts of the Assembly. I urge Hon. Members to realize that at some point they will be former Members. But please, let us accord respect to the former Members since once a Member is always a Member. I urge us not to ban street festivals or ban reggae. Let reggae continue as Baba said. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: May the mover reply, please.

Hon. Peter Imwatok: Hon. Speaker, I love Hon. Alai because he pleaded in my office, after being sworn in, to help him stop loud music in Kileleshwa and other residential places. Some developers were baying for his blood after doing this.

Hon. Speaker, allow me to thank the entire House for the vibrancy we have had in this House of debates. Both for and against are part of parliamentary practices. May I take this opportunity first to thank the CS, Hon. Kindiki for saying that residential places must be sacrosanct because we live in different setups. Those who live in Kileleshwa know how their setup is. For us who are born and bred in Makongeni, we know how our setup is. For those from Mathare, they know how their setup is; we were there last Sunday. For those from Lavington, they know their setup.

Hon. Speaker, I was privileged to visit Jamaica during Kidero's time. Even in Jamaica, the origin of reggae, reggae is not played in residential areas. There are specific streets that have reggae clubs. I want to concur with my brother, the Leader of Minority, that no one can stop reggae. We are saying, stop playing reggae in residential places so that our kids can by their own volition decide when they grow up whether they want to be gospel singers, rhumba singers, or ohangla singers, as Hon. Alai said. But they should not be influenced at a younger age to be followers of reggae.

Hon. Speaker, I want also to thank the security system of Nairobi, led by one Mr. Bungei and my able OCPD in Industrial Area. These are great officers. I realized for the first time in history that reggae fans do not appear where the police are. That raises a lot of concerns. If you are genuinely going to be entertained, why do you scare off when you see the police? I thought the police should give you security as you get entertained. When Bungei wanted to provide security, no one was ready to appear for that reggae concert. That is to say, Hon. Speaker, that reggae is the best music. Hon. Alai, I want to accompany you this Sunday to Quiver Lounge in Thika Road, where I normally listen to reggae every Sunday from 5.30 p.m. There are no residential places there, only mature listeners who go to be entertained and go back home comfortably.

I also want to remind you the history of City Hall. This Charter Hall historically was a venue for reggae in Nairobi. Every Saturday, there was a well-organized reggae concert. Why? Because it is in the CBD. The entire night, the CBD is quiet as there are no residential places.

Hon. Speaker, I also urge you as a Speaker of this House, when we come with a request that we need a Charter Hall, we need security apparatus of the City Hall to make sure our young people organize reggae in a serene environment. Allow us to use Charter Hall as the unifying factor of reggae entertainment for our young people. I urge and still believe I will get the way on this Motion. Thank you.

(Applause)

(Question put and agreed to)

Hon. Speaker: Hon. Members, as we proceed with the business of the day, on Papers laid before the Assembly, I undertake to commit the Report of the Auditor General on the Examination of the Financial Statements of the County Executive of Nairobi City for the year ended 30th June 2023 to the Public Accounts Committee for consideration.

COMMUNICATION FROM THE CHAIR

RAMADHAN MESSAGE TO MEMBERS

Hon. Speaker: Hon. Members, as earlier indicated that I will make a communication, you will allow me to make a communication in regard to Ramadan message to the Hon. Members of this Assembly.

Hon. Members, I have the following communication to convey:

Dear esteemed Members of the Muslim family and the Assembly. As the blessed month of Ramadhan approaches, I extend my warmest greetings to each and every one of you. Ramadan is a time of spiritual reflection, self-discipline, and heightened devotion for millions of Muslims around the world. It is a month of immense significance, marked by fasting, prayer, and acts of charity.

During this sacred time, let us come together as a community, embracing the values of compassion, empathy, and solidarity. Let us strive to deepen our connections with one another, and fostering understanding and harmony within our diverse Assembly.

As representatives entrusted with the responsibility of serving the people of Nairobi, let us use this opportunity to rededicate ourselves to the principles of justice, integrity, and service to humanity. Let our actions be guided by the teachings of Ramadan, promoting inclusivity, fairness, and respect for all members of our society.

I urge each of you to approach this month with an open heart and a willingness to make a positive difference in the lives of those around us. Let us remember the less fortunate among us, extending a helping hand to those in need and spreading kindness wherever we go.

May this Ramadan be a source of blessings, peace, and spiritual fulfillment for you and your loved ones. May it inspire us to be better leaders, better neighbors, and better human beings. Wishing you all a blessed Ramadan filled with joy, abundance, and the grace of the Almighty. Warm regards. Hon. Speaker, Nairobi County Assembly. Thank you.

(Applause)

TAX CHARGED ON MOTOR VEHICLE REIMBURSEMENT BENEFIT

Hon. Members, I have a further communication on tax charged on motor vehicle reimbursement benefit.

Hon. Members, good evening. Yesterday I undertook to issue a communication regarding the tax that was charged on the motor vehicle reimbursement:

Hon. Members, you will recall that at the Assembly sitting held on 1st November 2023, I issued an elaborate communication regarding the invalidated tax that was charged on motor vehicle reimbursement benefit for Hon. Members of the County Assembly. However, following recent developments in the public sphere, I wish to reiterate that in the High Court Petition No. 4 of 2023, County Assembly Forum vs the Commissioner Kenya Revenue Authority & Others (2023) eKLR, the Court held that the motor vehicle reimbursement amounts does not fall within the scope of Sections 3 and 5 of the Income Tax Act, Cap 470, hence the amounts were not taxable. The import of the said judgement was that Members of the County Assembly who were taxed ought to be refunded the amount that was deducted.

(Applause)

Hon. Members, in my communication of 1st November 2023, I informed the House that by the time the said judgement was being delivered, the County Assembly had deducted and remitted to the KRA a total amount of Kshs. 73,924,200. You will recall that at the time of disbursement of the benefit, we had engaged the KRA and agreed on a plan where Hon. Members had option of either being deducted at once the full amount of Kshs. 663, 600 or pay monthly installments through payroll deductions. Indeed, the amount already paid to the KRA for each Member reflects in individual Member's KRA P9 Form.

Hon. Members, today, I have instructed the Clerk to circulate to all Members sufficient copies of a comprehensive report showing how the money was deducted and transferred to the KRA via

direct bank transfer made on 1st and 2nd March 2023, 30th May 2023, and via payroll deduction amounting to Kshs. 17,916,360.

Hon. Members, this information should therefore clear any doubt as to whether the monies were transferred to the KRA. In this regard, I have instructed the Clerk to follow up with the KRA on how the monies will be refunded. Equally, the House Leadership will be engaging with other higher authorities to ensure that the funds are refunded in good time.

Hon. Members, I have today, the date of 13th March 2024, received a communication in regard to our earlier circular as set by the KRA. This is in regard to their response to our request. Hon. Members, before I get to let you know the position of the KRA – and this should actually go to the fourth estate members – that I am saddened that the KRA, who would always want us to be tax compliant, are the same people who did not obey the Court order to make sure that Members are refunded their money until such a time when there was an indication and a directive from the President. It is in total disregard of the Constitution that KRA does not have respect for court orders. It is quite unfortunate, and that should go out to the public and even the country. It is bad manners.

Hon. Members, today, being the date of 13th March 2024, my office received a communication from the Kenya Revenue Authority in regard to the subject matter; the Nairobi County Assembly Motor Vehicle Reimbursement. Allow me to read.

We acknowledge receipt of your letter REF: NAIROBI CITY COUNTY ASSEMBLY CITY VOLUME V11FB41/3/2024, dated 12th March 2024 – you can see the urgency, we wrote a letter yesterday and they have already responded in good time – in which you have given details on PAYE paid against the motor vehicle reimbursement from the Assembly to Kenya Revenue Authority, as requested by ourselves (being the KRA).

This is to advise you that KRA has understood the importance of addressing the concern raised and it is working closely with the Treasury to sort out the matter of refund. Therefore, we kindly request that you continue filing and paying PAYE on time, normally as we wait for the feedback.

(Laughter)

We appreciate your cooperation and understanding in this matter, and remain committed to maintaining compliance with all applicable tax laws and regulations. If you have any further question or require additional information, please contact the undersigned on – take this number – 0709011975.

Hon. Members, we were in communication with the Commission on Revenue Allocation yesterday and they are quite positive. I can assure you that with this commitment and from our earlier engagement with them one on one, they are willing to get the money from the Treasury and advance them to the Members.

(Loud consultations)

Hon. Members, that question should be directed to the KRA as we further our engagement. I told you it is quite passionate to me that when it comes to the welfare of the Members, I give it

first priority. So, I am on this case. I will be giving you update most likely on day-to-day happenings. Is that in order?

(Loud consultations)

Do not push me into saying when because this is an indication that we did a communication yesterday and they have responded that they are consulting with the Treasury to get the money. You know KRA does not keep money. But I have told you we are in communication with them. The Commissioner is very positive.

(Hon. Peter Imwatok spoke off the record)

Hon. Majority Leader, please just keep your cool, we will have an informal session on this.

Hon. Peter Imwatok: Hon. Speaker, you gave me something yesterday, I wanted to comment on.

Hon. Speaker: Yes. Different from my communication?

Hon. Peter Imwatok: Yes, Mr. Speaker.

Hon. Speaker: Also, I will be waiting from Hon. Alai so that we settle the matter. Whether he has received this positively or there are still some discrepancies which we need also to settle. Hon. Majority Leader, please.

Hon. Peter Imwatok: *(Off the record)* ...requested at 2.30 p.m. today, there will be two communications. One communication was emanating from you with the documents, which you have seen from your office and the Clerk's office. Then there was another communication, from what Hon. Robert Alai was to forward before your office for verification. You have forwarded to us what you did between yesterday and today, which I must take positively. You and the Clerk have done a very good job for us.

Going to what the KRA has said – as the as the Chairman, I was given to take care of this – this is to advise you that the KRA has understood the importance of addressing the concerns raised and it is working closely with Treasury. As you said, Hon. Speaker, the nation must know the taxman of the Republic of Kenya cannot obey a court order. He waits for the President to make a pronouncement, which is not a Court order, to see the importance. Then Kenya is go in the wrong direction.

Hon. Speaker, therefore, in that wrong direction, I want to implore upon you and the Clerk to compute this PAYE of 125 Members that we pay monthly and for now hold it. We also don't pay KRA the PAYE so that we are working now on the same level.

(Applause)

As they are consulting the importance, we are also saying for now our PAYE does not come, as we negotiate. Hon. Speaker, that will be on HANSARD as a resolution of this House. We will be able to raise the Kshs. 78 million. Looking at the record by the Clerk, already we have Kshs.8 million in the account, so, we are only less by Kshs.70 million. Our PAYE together with for all

the staff, I am sure is not less than Kshs. 40 million per month. We can withhold Kshs. 40 million for this month and pay the first bunch of Members, and next month hold another PAYE and pay the remaining bunch. Then we tell the KRA to balance the figures. That is my request. I want to tell the KRA on HANSARD that they have our money and we have theirs. So, it is tit for tat.

Hon. Speaker, I am waiting for Hon. Alai's records.

Hon. Speaker: Thank you.

ADJOURNMENT

Hon. Speaker: Hon. Members, the Assembly stands adjourned to tomorrow, Thursday 14th March 2024 at 2.30 p.m.

The House rose at 4.56 p.m.