



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 17th September 2024

The House met at 2.30 p.m.

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

PRAYER

Hon. Speaker: Hon. Members, kindly settle down. We have quorum to allow us transact business. I direct the Clerk to proceed.

PETITION

UNFAIR LACK OF PROMOTION BY NAIROBI COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, I have a Petition, pursuant to Standing Order No 214. Petition by Moses Nga'nga Guchu on behalf of other 67 nurses on unfair lack of promotion by Nairobi County Public Service Board in the list REF: NCPSB/HR/16/VOL III/866 dated 25th May 2023, and promotion contained in list REF: NCPSB/HRM/16/VOL.IXL (05) dated 26th September 2023.

I, the undersigned citizen of Kenya, is a resident of Nairobi City County on behalf of other 67 nurses inherited from Defunct Nairobi City County (Defunct Local Authority) employed in the year 2005;

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

THAT WHEREAS, under Part II of the Fourth Schedule of the Constitution of Kenya, County health services including the human resource for health component is a devolved function;

THAT, the petitioners are nurses who were employed in the year 2005 by the Defunct Nairobi City Council, and all with qualification of Certificate in Nursing according to the need of the said employer;

THAT, they were hired on Collective Bargain Agreement (CBA) term of employment but later promoted to job group 'K' in the year 2020 and in the same year 2020, their term of employment was changed from Collective Bargaining Agreement (CBA) to Salary Remuneration Commission (SRC) term following their request. The reason was to avoid discrimination in regard to salary disparities and always getting a low deal during promotion;

THAT, in the year 2022, the Union of Kenya County Government Workers Union agitated for promotion, re-designation, right placement and historical injustice;

THAT, in the year 2023, the Nairobi County Public Service Board released a list of promotion REF: NCPSB/HR/6VOL/11/866 dated 25th May 2023 whereby they only considered eight nurses from the aforementioned nurses totaling 79 nurses, all with qualification of Degree (BSN);

THAT, those who were left out paraded in the office of Nairobi County Public Service Board and the office of Chief Officer Medical Service to appeal on their promotion and eventually the promotion following the fore mentioned appeal was released through letter Ref: HRM/16/VOLIXL (05) dated 26th September 2023 and surprisingly only four nurses from list of 71 was released;

THAT, the 67 nurses who were left out without any written explanation posing unfair administrative action since they were also qualified:

NOTING THAT, the fore mentioned nurses met the above injustice due to unprofessional advice from unprofessional human resource personnel;

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

AND THAT, all the matters in respect of which the Petition is raised is not pending before any court of law or constitutional body;

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

1. The Investigation is done and justice be delivered by recommending that the County Public Service Board promotes and backdates the aforementioned nurses just like their colleagues;
2. The violators are punished to act as deterrence to avoid further violations of the same;
3. Audit be done to all human resource officers working in Nairobi City County Government, starting with top management and legal action be taken to any human resource officer operating without a practicing license; and
4. Make any other order that it may deem fit in the circumstances of this Petition.

And your Petitioners will forever pray.

Presented by Hon. Speaker on behalf of 67 nurses aggrieved.

Hon. Members, the Petition stands committed to the committees on Health Services and Labour and Social Welfare. I think I am clear on that. Thank you.

PAPER

NAIROBI CITY COUNTY REVENUE AND EXPENDITURE REPORT FOR PERIOD ENDED 30TH JUNE 2024

Hon. Peter Imwatok: Hon. Speaker, pursuant to Section 15 of the County Assembly 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 3rd October 2024. It is unfortunate, today is 17th October 2024. Sorry, Hon. Speaker for the mix up because the clerks pass these documents to my desk while I am standing. Next time they will be reprimanded for this.

Pursuant to Section 166 of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 11th September 2024:

The Nairobi City County Revenue and Expenditure Report for the period ended 30th June 2024.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Majority Leader. The Nairobi City County Revenue and Expenditure Report is committed to the Chair of Budget and Appropriations Committee for consideration. Thank you.

NOTICE OF MOTION

PROTECTION OF MINORS FROM ECONOMIC EXPLOITATION

Hon. Rosemary Masitsa: Thank you, Mr. Speaker. I wish to give Notice of the following Motion:

THAT, aware that Article 53 of the Constitution of Kenya, 2010 provides that every child has the right to; *inter-alia* free and compulsory basic education, and the right of all children to be protected from abuse, neglect, harmful cultural practices, all form of violence, inhumane treatment and punishment, and hazardous or exploitative labor;

FURTHER AWARE THAT, Paragraph 9 of Part II of the Fourth Schedule of the Constitution provides for pre-primary education and childcare facilities as a County function;

DISTURBED THAT, children below the age of five years, often accompanied by parents or perceived guardians get subjected to street tussles and economic exploitations, depriving them the right to early education;

APPRECIATING, the recent school feeding program introduced by the County Government in public schools dubbed "*Dishi na County*" which is aimed at encouraging and promoting enrolment of children to schools for a better and promising future;

DEEPLY CONCERNED THAT, the presence of minors in the Central Business District and its environ is on the rise;

THIS ASSEMBLY therefore urges the County Executive to; -

1. Conduct a crackdown of all the minors idling, loitering aimlessly, begging or engaging in commercial activities in the Central Business District and its environ with a view of integrating the minors to school program; and,
2. Introduce a street-to-school strategy program that would advocate for the protection of the minors' rights to education.

Thank you, Mr. Speaker I give the notice.

(Applause)

Hon. Speaker: Thank you, Hon. Member. The Notice of Motion to be circulated for Members to get the insight of the Motion before it finds its way to the plenary.

STATEMENTS

Point of Order

Hon. Speaker: Hon. Rex Omolleh.

Hon. Rex Omolleh: Hon. Speaker, thank you for this time. I stand on Point of Order Under Standing Order No 47 (2) (c). I had requested for a Statement from the Chairperson of Planning and Housing Committee on a grabbed land in Nairobi West, and the Chair indicated that he was going to give feedback within two weeks. It is now 6 months and I am still waiting for the feedback.

I had also requested for a Statement regarding grabbed children's playground which is being used by Nairobi West Hospital. Chair, I beg you to indulge the said Committee so that...

Hon. Speaker: The Statement was directed to which committee?

Hon. Rex Omolleh: Planning Committee.

Hon. Speaker: Hon. Alvin Orlando, kindly confirm whether you gave an undertaking on the period of time you promised to respond to the request of the Hon. Member.

Hon. Alvin Palapala: Thank you, Mr. Speaker. I gave an undertaking of two weeks, but when Gen Z came in, they destroyed the report we were having, but then...

Hon. Speaker: Serjeant-at-Arms, please let the Member treat this House with a lot of dignity. Kindly escort the Member for the rest of the sitting outside the precincts of the Assembly.

(Applause)

Do not take this House for granted, Hon. Alvin, and kindly make sure the report is in the Assembly by tomorrow at 2.30 p.m.

*(Hon. Alvin Palapla was escorted out
of the Chamber by the Serjeant-at-Arms)*

REQUEST FOR STATEMENT REGARDING USE OF PUBLIC
LAND DESIGNATED FOR SCHOOLS IN THE COUNTY

Hon. Speaker: Hon. Mark Mugambi, please.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I stand before you to request for a Statement on the irregular allocation of County land.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committees on Children, Early Childhood Education and Vocational Training regarding the use public land designated for schools in the County.

Hon. Speaker, Article 62 of the Constitution of Kenya, 2010 designates and protects the use of public land, including land owned by county governments. Particularly, Article 62 (2) prohibits disposing off or use of public land without following the guidelines provided for in legislation passed by Parliament (the Lands Act).

Hon. Speaker, private developers have allegedly been permitted to use land for public schools in the County without following proper procedures as per the law. For instance, Kifaru Primary School in Umoja II Ward, where there is an ongoing development of structures by a private developer, Donholm Primary School in Upper Savannah Ward, and others in the County. Hon. Speaker, should this County Assembly not act, public land will be lost gradually.

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

- i. Whether procedures set out in the Lands Act, 2012 for use from a public to a private use were followed;
- ii. Whether the Education Department and/or schools have entered into any arrangement with private developers to use land belonging to schools, and whether there are supporting documents to that effect; and
- iii. Measures that the County has put in place to safeguard land designated for educational facilities from encroachment by private developers.

Hon. Speaker, that is the Statement from Hon. Mark Mugambi, MCA, a Member of Assembly from Umoja I Ward. Thank you, Speaker.

Hon. Speaker: Chairperson of the Committee on Children, Early Childhood Education, and Vocational Training to give an undertaking on the request of the Hon. Member.

Hon. Perpetua Mponjiwa: Hon. Speaker, thank you very much. We undertake to respond in 14 days. Thank you.

Hon. Speaker: Hon. Mark Mugambi, is 14 days has indicated by the Chairperson in order?

Hon. Mark Mugambi: Hon. Speaker, I feel like 14 days will be quite a long time bearing in mind that the private developer has still works ongoing in that particular institution. If we could have a way of stopping that contractor in Kifaru as we look into how land was allocated. I am privy to the information that money was exchanged with the BOM to a tune of

Kshs. 700,000. Therefore, the construction should be halted as we wait for investigation from the Committee for that particular school and any other school because we have so many schools that have entered into those kinds of agreements with private developers across the County. One is mentioned in the Statement, that is Donholm in Upper Savannah Ward, where the Deputy Majority Whip comes from. We also have other schools in Ojijo Road, Pangani, and Bondeni Primary School that have entered into those kinds of agreement.

Hon. Speaker, just last term, we had incidents where public schools were being claimed by private citizens; case study, we had an issue with St. Peter Claver's just next to our garage, and another one in Ngara.

Hon. Speaker: Thank you, Hon. Member. With those kinds of details, you will share with the Committee when they will be having their sittings and hearing. I request the Hon. Chair for Education maybe if you could consider a site visit to verify the information, then now you can pick it up from there. Hon. Majority Leader, please.

Hon. Peter Imwatok: Hon. Speaker, what the leader has raised is a very pertinent issue, and he has requested the authority of your seat, if possible, first to issue interim orders. This House with golden Mace here is like a High Court; you can issue an interim order because every construction in this City, someone has to get approval. Therefore, if the BOM or whoever has skived off a primary school or secondary school, you issue an interim order to the Planning and Enforcement officers by tomorrow morning to confirm whether the construction being undertaken there has been approved by the County. If it has not been approved, it be stopped forthwith as the Committee proceeds with its inquiry. I beg to ask for your indulgence.

Point of Order

Hon. Speaker: Hon. Fiunifiu.

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. My Point of Order is under Standing Order 47 (2) (c) on this particular matter that has been raised by the Member of Umoja I Ward. I seek your indulgence that this matter be jointly handled by the committee on Lands and Planning, and Education because it also entrails issues to do with land. As far as the Education Committee is concerned, the issue is on infrastructure, Hon. Speaker. So, I am seeking your indulgence that this matter be addressed jointly by the two committees.

Lastly, Hon. Speaker, I am seeking that you protect me from the Member of Pumwani from harassment.

Hon. Speaker: The distance between you is quite apart, Hon. Member.

Hon. Kamau Fiunifiu: Verbal harassment, Hon. Speaker.

Hon. Speaker: You know the Hon. Member of Pumwani Ward is the representative of Gikomba, so, he is used to the noise. It is not even possible to understand when he is noisy or not. You will just have to bear with him

(Laughter)

Hon. Kamau Fiunifiu: I welcome him to the Westlands where there is order.

Hon. Speaker: Hon. Members, on the request of the...

Point of information

Hon. Speaker: You want to inform the House?

Hon. Mark Mugambi: Hon. Speaker, I am okay with the Committee of Education handling the Statement independently since it is a matter of urgency. If I had wanted it to be handled by the Planning Committee, I would have directed the Statement to that Committee. But since I have another Statement for the Committee of Lands and Housing that has never seen the light of the day, I believe the Chairperson and Members of Education Committee are able to handle this case with the speed that it requires. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, as you are aware, the Speaker does not hold any express authority to direct the House towards a certain direction. The exercise as provided for by the Constitution is vested on Members, and for that reason, on the request made by Hon. Majority Leader that the Speaker may give directions to the Planning Committee, it is the prerogative of the House through the Motion and the resolutions of the House that the Speaker is able to communicate the same feeling of the House.

Under Standing Order No. 54 on Notice of Motion, the Speaker may be persuaded to allow such a Motion and thereafter the resolutions of the House. The Speaker is then able to communicate the same and give directions. But for now, the authority is vested on Members. Hon. Members, you stand guided. I hope, Hon. Mugambi, I am clear.

On suspension of development, it is for the House to resolve. You need to bring a Notice of Motion on the same and then the Chair can give a leave for the House to dispense, and then we take a direction. I hope that is clear. As you consider that, we can proceed. The Statement owner is very clear on where he wants his Statement to be handled; by the Committee of Education. Hon. Fiunifiu, the owner of the Statement has clearly indicated that he has almost a similar Statement directed to the Planning Committee.

Point of Order

Hon. Speaker: Hon. Waithera Chege, please proceed. You are standing under which Standing Order?

Hon. Waithera Chege: Thank you, Mr. Speaker, I am on standing on Standing Order No. 47 (2) (c). I need your intervention because I had requested for a Statement on harassment of women and girls in this City, which I have not received a response up to date. My very good friend and colleague, Hon. Akama needs to give a reason as to why that Statement has taken more than three recesses to get a response, putting into consideration that we are also losing revenue through corruption. Kindly give directions.

Hon. Speaker: Thank you, Hon. Waithera Chege. The Chair of Justice Committee is in the House and he is directed to give the status report of the Statement requested by Hon. Waithera Chege.

Hon. Jared Ondieki: Thank you, Mr. Speaker. I have consulted my clerks and I have been informed that the Statement was not substantially committed to the Committee. Remember when it was raised, it touched on a constitutional issue and the Hon Member did the honourable thing to redo the Statement. Before it was committed, an issue of quorum was raised and therefore it was not substantively committed to the Committee. Hon. Speaker, that is the issue at hand but we are committed to responding once it is...

Hon. Speaker: Hon. Chairman, I think it is only honorable when you give an official statement on the request of the Member. Let us treat this as a speculation because you are supposed to give a substantive response whether it was un-procedural or not. The House should be made to know that the request of a Member was not procedurally processed and she also need to know the status of the report. You want to assume that the House is aware of the information you shared between you and the Clerk of the Committee, which is not right?

Hon. Jared Ondieki: Hon. Speaker, the Statement is very serious, we will give a response in the next one week.

Hon. Speaker: Thank you. Hon. Waithera Chege?

Hon. Waithera Chege: Kindly, Hon. Speaker, do not allow the Hon. Member to mislead this House because there was a Speaker immediately after your sitting the following day and we amended the Statement; it was properly placed before the Committee of Justice. Remember that we have HANSARD, so everything is recorded. Mr. Speaker use Standing Order No. 1 to reprimand the Member because he is misleading this House.

Hon. Speaker: Hon. Waithera Chege, the Member stands reprimanded and he has made a commitment on the same that in one week's time, he will be in a position to proceed with the business.

(A Hon. Member raised a Point of Order)

Declined.

REQUEST FOR STATEMENT REGARDING IRREGULAR
ALLOCATION OF PUBLIC LAND TO A PRIVATE DEVELOPER

Hon. Speaker: Hon. Redson Onyango, proceed.

Hon. Redson Onyango: Thank you very much, 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 Lands, Planning and Housing regarding irregular allocation of public land to a private developer.

Hon. Speaker, Article 62 of the Constitution of Kenya, 2010 designates and protects the use of public land including land owned by county government particularly Article 62 (2), prohibits disposing off or use of public land without following the guidelines provided for in a legislation passed by parliament (Lands Act).

Hon. Speaker, land Block 94/56 is designated for the existing Gigiri Fire Station and activities related to its operation. However, adjacent to this portion of land, there is a parcel that

is owned by the Nairobi City Water and Sewerage Company that was set aside for construction of a water reservoir on which the county is currently constructing a fire station.

Hon. Speaker, the circumstance under which the use of the said piece of land was switched are not clear since the Nairobi City Water and Sewerage Company need the land now for its proper use.

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

- i. Whether proper procedures were followed in switching the use of the said parcel of land;
- ii. The report on the nature of arrangements supporting documents for such an arrangement; and
- iii. Whether the public interests were secured in the said arrangement.

Hon. Speaker: Now that the Chair of Planning Committee is not in the Assembly, do we have the Vice-Chair to give an undertaking on behalf of the Committee? I understand that we have the co-Chair of the Planning Committee.

Hon. Nicholas Okwacho: Yes, Mr. Speaker. Thank you...

Hon. Speaker: Are you the co-Chair?

Hon. Nicholas Okwacho: Yes, I am the co-Chair of the Committee, not the Assembly.

Hon. Speaker: Thank you.

Hon. Nicholas Okwacho: I undertake to give response to the Statement in two weeks, on behalf of the Committee.

Hon. Speaker: Hon. Redson, are you okay with that?

Hon. Redson Onyango: I am okay, Hon. Speaker.

Hon. Speaker: Thank you.

(A Hon. Member spoke off the record)

Hon. Member, you are a Member of the Planning Committee. You are out of order, kindly go and sit as a Committee and give us the relevant response. Your issues are best addressed at the committee level.

REQUEST FOR STATEMENT REGARDING IRREGULAR DEVELOPMENT APPROVALS FOR PROPERTY

Hon. Speaker: Hon. Redson, you have another request.

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding alleged irregular development approvals for property in the County.

Hon. Speaker, the Physical and Lands Use Planning Act, 2019 outlines the procedure that developers are required to follow before commencement of development in the County. Particularly, developers are required to seek development approvals of the County Executive Committee Member who subject the applications and the accompanying documents.

Hon. Speaker, there are ongoing development works for multi-purpose units on a parcel of land registered LR No. 2327/92 near Co-operative University. It is alleged that the developer did not obtain the relevant approvals from the County and other agencies before the commencement of the said works.

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

- i. What is the local policy on development and whether the same is being followed;
- ii. Whether the developer obtained the relevant approvals from the County before commencement of the works, and the number of units that were approved; and
- iii. Whether public participation was conducted with the residents of the area as required by the Physical and Lands Use Planning Act, 2019.

Hon. Speaker: The Chair, Planning Committee?

Hon. Nicholas Okwacho: Thank you, Mr. Speaker. On behalf of the Planning Committee, I ask for four weeks because of the pending Statements from the other Members. Thank you, Hon. Speaker.

Hon. Redson Onyango: No objection, Hon. Speaker.

Hon. Speaker: Four weeks is okay?

Hon. Redson Onyango: Yes.

Hon. Speaker: Hon. Chege Mwaura, please.

Point of Order

The Whip is on the floor; Hon. Whip, you may proceed.

Hon Moses Ogeto: Thank you, Hon Speaker. I stand on a Point of Order under Standing Order No. 98. In the last proceedings, you made a ruling and determination on the same matter. Today, I have seen my colleague of Karura Ward standing before this House over the same issue.

Article 177 of the Constitution of Kenya establishes that there shall be a County Assembly which will have electoral wards. We were sworn in as Members from various wards, except for the Members of the Special Elect who came purposely to represent their parties' interests, and you find that they come from specific backgrounds to represent the interest of various groups in the House.

Today, Hon Speaker, my counterpart brought a Statement which is touching on my Deputy Majority Whip's ward. If we set that precedent before this House, even we will one time tell you to go to Nyeri and preside there. You were elected the Speaker of the County Assembly of Nairobi, not Assembly of Isiolo. I was elected as the Member of County Assembly of Kilimani Ward. If we proceed with that current precedent where a Member from another ward seeks for a Statement not within his jurisdiction which the Constitution gave power over it, then you need to invoke Standing Order No. 1 which gives you express authority to give a ruling on matters which are not expressed in the Standing Orders. This is going to bring confusion to this House...

Hon. Speaker: Hon Whip, please you are out of Order and you are misleading the House.

Hon Moses Ogeto: Hon. Speaker...

Hon. Speaker: Please! I am on the floor, kindly don't mislead the Assembly. Please, be seated. There is no way a Member in isolation can conduct an investigation, but a committee has mandate to conduct investigation in all 85 wards. That is why the request for Statements is always directed to a specific committee, not an individual. So, whenever a chairperson takes undertaking on behalf of a committee, it is the committee to go out there, investigate and to report to the Assembly of Nairobi. So, Hon Whip, kindly don't... Please, I hope you don't want to engage the Chair.

Hon Moses Ogeto: Hon. Speaker, I don't want to engage you, but I would wish...

Hon Speaker: Kindly, let us put that to rest.

Hon Moses Ogeto: Hon. Speaker, I wish you give me...

Hon Speaker: Hon Majority Whip, be seated.

Hon Members, I have been notified of the presence of a former Member of this Hon House, Hon Anita Thumbi. She is privileged to serve at Nyeri County Assembly. She jumped from County Assembly of Nairobi to Assembly of Nyeri; I hope you are not a grasshopper. Feel utmost welcome. It is a good gesture that you found it right to come and converge again with your former colleagues. Thank you for coming.

(Applause)

Hon. Members, we need to put this matter to rest. The Standing Order, as quoted by the Hon Whip of this House, it is not right for a Member to crisscross to another Member's ward.

(Applause)

But you must get it right, there is a difference between conflict of a Member getting into another Member's ward without a permission from the said Member, but it is right by the Constitution for a committee to conduct its business across the entire 85 wards. So, it is within the Constitutional right of every Member here to direct and make a request for a committee to conduct an exercise in all the 85 wards. That actually should be clear. Hon. FiuniFiu am I clear?

(Hon Thuo Fiunifiu spoke off the record)

That is in order. Please, let us rest that case.

(Hon Moses Ogeto spoke off the record)

Please, don't engage the Chair. Be seated! Hon Chege, kindly proceed.

REQUEST FOR STATEMENT REGARDING ORDER OF
RELOCATING TRADERS FROM WAKULIMA MARKET

Hon. Chege Mwaura: Mr. Speaker, I was just conferring with clerks and asking them that in the event the microphones are not working, then we can go back to the tradition when you

were the Deputy Speaker; we used to work from the dispatch box. It is easier than having the clerks operating like ushers giving people microphones to issue testimonies. Just set the microphones there so that we can execute our business from there. Having said that, I also want to recognize my former colleague, Hon Anita, who played a very important role from 2017 to 2022.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives, regarding an order issued by the Ag. County Secretary relocating all onion, pineapple, orange and potato traders from Wakulima Market.

Hon. Speaker, Article 47 of the Constitution of Kenya, 2010 grants every person a right to a fair administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair. Article 10 further lists public participation as one of the national values and principles of governance that binds all state organs, state and public officers, and all persons in Kenya.

Hon. Speaker, vide a Memo dated 10th September 2024, the Ag. County Secretary unilaterally ordered all onion, pineapple, orange and potato traders to immediately relocate from Wakulima Market to Kangundo Road Market without any adequate notice or right to be heard. The order has created extreme anxiety among many traders whose livelihood is likely to be adversely affected since they depend on the market to earn a living.

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

- i. When was the decision to relocate traders from Wakulima Market to Kangundo Road Market made;
- ii. Whether the decision of the Ag. County Secretary is a collective decision of the County Government of Nairobi City particularly that of the Business and Hustler Opportunities Sector;
- iii. Whether the Ag. County Secretary sought the views of the affected traders and determined the likely impact of the aforementioned order on both the traders and revenue generation;
- iv. Procedure and processes taken before such a drastic decision was made; and
- v. Immediate measures the County Executive has put in place to accommodate the views of the affected traders as a result of the said order.

Hon. Speaker, I know my good friend and Majority Whip would be on my case on why I am asking about such matters that are not within my ward. But, Mr. Speaker, maybe I would let your office guide us because of issues of national and County importance. When a whole market is thrown out in disarray, we can't sit and wait the Member of that area to ensure that the Statement is here, and the matter is very hot. It is very hot because these are livelihoods. We grew up when there was always Wakulima Market. But unilaterally you come and destroy people's lives within a day and then you want us to agree that they all move within tomorrow. No public participation was made, the Committee itself was not involved, and the public was not involved. That matter is political and is also economic, both to the sector and also to the Members. Thank you, Mr. Speaker.

Hon Speaker: Thank you. The Chairperson for Trade and Tourism to give undertaking.

(Hon Moses Ogeto raised a Point of Information)

Hon Speaker: Declined.

Hon Paul Ndung'u: Hon Speaker, two weeks.

Hon Speaker: Hon Chege Mwaura, is two weeks okay?

Hon. Chege Mwaura: Yes.

Hon Speaker: Thank you.

(Hon Moses Ogeto spoke off the record)

Order, Hon Ogeto! Please, you can't tell us what the Governor said, it is not official to this House.

(Hon Moses Ogeto spoke off the record)

Order, Hon Ogeto! You want to inform the House on dealings of the Governor which we are not privy to? We were not in the meeting of the Governor.

(Hon Silas Matara spoke off the record)

I will make substantive direction on this tomorrow. Hon Member, I have heard you. No, it is okay. Chairman, please be seated.

Hon Silas Matara: Thank you, Hon Speaker for this opportunity. Mine was just seeking clarity on the direction you have been given, and you have also indicated that you are going to give a substantive decision on the same. I am just seeking your indulgence on one issue; you have mentioned about Members crisscrossing wards. It has to be clear because the issue here pertinent is about what Members refer to as *kipindi*. But what you need to understand, Hon Speaker, in principle, Statements are businesses of this House. It would be important that we do not go that direction because, for example, if I am passing through Uhuru Highway and realize there is an issue, would I wait to consult the Member of Nairobi Central Ward to raise that issue? When you speak about crisscrossing, it can only be disallowed on private issue, but on public matters, Nairobi is for all Nairobians and we cannot restrict Members from bringing issues to the floor of this House.

Hon Speaker: Thank you for reading from the same script.

Hon Silas Matara: It is important that it is clear we do not gag Members, that we have to do consultations to the respective Members. Committees present an avenue where the said representatives of the people can bring their issues, then the committee will prepare a report. Crisscrossing on private matters, that can be disallowed. I don't know whether this House has that power, but on public interests, Members are allowed to raise a concern on any part of Nairobi.

Hon Speaker: Thank you.

Hon Silas Matara: That was my indulgence to inform your position.

Hon Speaker: Thank you for the understanding. Hon. Member, kindly give an undertaking on the request by the Member.

Hon Paul Ndung'u: Mr Speaker, I have already requested for two weeks.

Hon Speaker: Thank you. Hon Chege Mwaura is that okay? Thank you.

Hon Paul Ndung'u: Thank you, Mr Speaker. Pursuant to...

Hon Speaker: What is it?

Hon Paul Ndung'u: Mr Speaker, I have a Statement; I have been called by the Clerk.

Hon Speaker: No, it is not the Clerk who normally... Please, stop being naughty. Hon Member, please be seated.

(Laughter)

Hon Oscar Lore, I have been notified that the Hon Member for Eastleigh will be appearing on your behalf.

REQUEST FOR STATEMENT REGARDING OWNERSHIP OF LAND IN EASTLEIGH SOUTH WARD

Hon Nicholas Okwacho: Thank you, Mr Speaker. With your permission, I request to read the Statement on behalf of Hon Oscar Lore of Mathare North Ward.

Hon. Speaker, pursuant to Standing Order 47(2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committees on Lands, Planning and Housing regarding ownership of land designated LR. No. 36/iv/107/R located in Eastleigh South Ward.

Hon. Speaker, the said parcel of land was allegedly a public land before it was later allotted to private ownership. Since this allotment was executed, two separate groups have emerged to claim to be the authentic allottees of the said piece of land. As such, the land has been in dispute as for who or which entity is the authentic owner.

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

- i. The authentic owner of the land to which the County issued the allotment letter;
- ii. Whether the land was a surrender or a public land; and
- iii. Steps that the County is taking to mitigate disputes on ownership of land in the County in light of forgery of ownership documents.

Thank you, Hon Speaker. On behalf of Hon. Oscar Lore.

Hon Speaker: Now that you have appeared on behalf of Hon. Oscar Lore, and you are supposed to give undertaking as the Co-Chair, kindly can you... Is there another Member of the Committee? You may proceed. Kindly pass the mic. Hon Nickson, you may be seated.

Hon Patrick Macharia: Thank you, Mr Speaker. I have realized that there are so many Statements directed to Lands, Planning and Housing Committee, I think this Committee is very busy. On the same note, I want to recognize the presence of Hon Anita Thumbi.

Hon Speaker: Kindly give undertaking first before any other business.

Hon Patrick Macharia: Mr Speaker, this is important because Hon Anita used to be my classmate at Kenya Medical Training School, so it is good to recognize her presence too. I give undertaking of two weeks to give the reply.

Hon Speaker: Thank you, and please don't forget to take up the matter to the Committee. Hon Nick, is that okay?

Hon Nicholas Okwacho: Yeah, it is okay.

Hon Speaker: Thank you. Hon Redson, you are through?

REQUEST FOR STATEMENT REGARDING AUDITING OF ACCOUNTS
OF BURSARY AND EXECUTIVE SCHOLARSHIP FUND

Hon Speaker: Hon Chair of Trade and Member for Gikomba?

Hon Paul Ndung'u: Mr Speaker, Gikomba is just part of the ward, the ward is called Pumwani Ward.

Thank you, Mr Speaker. Pursuant to Standing Order 47(2) (c), I wish to request for a Statement from the Chairperson of the Select Committee on Public Accounts regarding the auditing of the accounts of the bursary and Executive Scholarship Fund.

Hon. Speaker, the County Government established the County Bursary and Executive Scholarship Fund programme with the aim of providing financial support to bright yet needy students to pursue their education from secondary to tertiary levels. The fund's purpose was to give deserving students the opportunity to attend school and access better educational facilities within the County.

Hon. Speaker, the Bursary and Scholarship Fund has faced a series of challenges ranging from bouncing cheques, unsigned cheques, outdated cheques, wordings and figures differing in some cheques and issuance of cheques without funds in the Account. This state of the Bursary and Scholarship Fund has raised many questions amongst our electorates on the accountability, efficiency and effectiveness of the fund to achieve its purpose.

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

- i. The number of Accounts operated under the County Bursary and Scholarship Fund and the signatories;
- ii. How does the County account for the cheques that are returned to the Education Sector due to errors such as bouncing cheques, unsigned cheques, outdated cheques or/ cheques with differing wordings and numbers;
- iii. Procedure for processing of bursary cheques i.e. process of reviewing of documents to issuance of bursary cheques and feedback;
- iv. Steps that the County Executive takes whenever the recipient schools fail to acknowledge the cheques;
- v. Whether the fund has been audited since its establishment, as required by the law; and

- vi. Measures the County is taking to correct the errors in issuance of bursary cheques and the same to be audited in each financial year.

Thank you, Mr Speaker.

Hon Speaker: The Chairperson of PAC?

Hon Chege Mwaura: Mr. Speaker, thank you very much. I think two weeks or anything earlier than that so long as the letter gets to the department as soon as possible. This is an emotive matter to all elected Members who have been issuing bursaries; the ones that are being corrupted so that the money can be returned. So, once the letter hits there, anything between 10 days to two weeks, I think it will be sufficient. Thank you, Mr Chair.

Hon Speaker: Hon Ndung'u?

Hon Paul Ndung'u: Thank you, Mr Speaker. Two weeks is a lot of time bearing in mind that I took 67 cheques three weeks ago with one signature. So, if it happens to be two weeks, that will be six weeks and there are no... *(off the record)*

Hon Speaker: Hon Chege Mwaura, can you bear with Member, maybe you need to fast-track the process to be under one week or so.

Hon Chege Mwaura: Mr Speaker, I am also as affected as the Member and all the other Members who issue these cheques. It just that we looked at it and the earliest the letter can reach the office of the sector is may be tomorrow. So, if they are able to turn around by next week, I am happy to give you the response within a week. I just wanted to be realistic.

Hon Speaker: So we leave it open but you make an effort?

Hon Chege Mwaura: Yes, let us leave it open, but we are aware the matter is very hot on all Members. If you look at the discrepancies that the Member is raising, cheques that are of Kshs. 5,000, a fictitious person just adds one and it becomes kshs. 15,000 or crosses to become Kshs. 8,000 yet the wording is different. And it happens in all the wards. So, it is a big problem that we need to sort out with that sector with regards to funds that are coming back. The earlier we arrest this nonsense the better. So, we are willing to respond even in one week's time if it is ready. Thank you, Mr Speaker.

Hon Speaker: Thank you. Hon Ndung'u, I hope you will bear with the Chairperson, PAC.

REQUEST FOR STATEMENT REGARDING ILLEGAL PSV TERMINI IN UPPER SAVANNAH WARD

Hon Speaker: Hon Deputy Majority Whip?

Hon Stazo Omung'ala: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works regarding the illegal public service vehicle termini in the County in Upper Savannah Ward.

Hon. Speaker, the County is responsible for the management of County transport including the County roads and designation of picking and dropping areas on County roads, as provided for in Paragraph 5 of Part II of the Fourth Schedule of the Constitution of Kenya, 2010.

Hon. Speaker, most motorists plying the Outering Road are undergoing undue suffering due to blockage of the road by public service vehicles who have created illegal bus termini at Caltex Petrol Station and Naivas Supermarket in Donhloom. These illegal termini have resulted to unnecessary traffic congestion in the area. This is a violation of the provisions of Section 27 of the Nairobi City County Transport Act, 2020 on use of designated picking and dropping areas for public service vehicles.

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

- i. Whether there are traffic marshals deployed by the County Executive at the said area;
- ii. Whether the County has specific well marked designated public service vehicle termini at Caltex Petrol Station and Naivas Supermarket in Upper Savanna Ward; and
- iii. Measures the County Executive is taking to ensure all the illegal picking and dropping areas along Outering Road specially at Caltex Petrol Station and Naivas Supermarket in Upper Savannah Ward.

Hon Speaker: The Chairperson of the Sectoral Committee on Transport and Public Works?

Hon Musango Maithya: Mr Speaker, we are requesting for 14 days for the Committee to do site visit and investigations.

Hon Speaker: Hon. Stazo, are you okay?

Hon Stazo Omung'ala: Mr Speaker, 14 days is a lot of time because this Statement was brought up because a school going kid almost died on the traffic. So, make it seven days, please.

Hon Musango Maithya: Mr Speaker...

Hon Speaker: Do you want to challenge your leader?

Hon Musango Maithya: No, Mr Speaker. But 14 days is okay.

Hon Speaker: What are you saying?

Hon Musango Maithya: 14 days is okay, Mr Speaker.

Hon Speaker: You are addressing the House, Hon Chair.

Hon Musango Maithya: The Committee is requesting for 14 days because we also have several other Statements to work on.

Hon Speaker: Hon Member for Karura, what is the issue?

(Hon Thuo Fiunifiu spoke off the mic)

Hon Speaker: You want to approach the Chair?

Hon Stazo Omung'ala: Mr Speaker...

Hon Speaker: The Member is on the floor, please.

Hon Stazo Omung'ala: Mr Speaker, if you say you are busy today, in the event something happens on this road now... You might be busy but when something that has a lot of interest comes to your office, then you look at the interest of the people. That road even serves his ward.

Hon Speaker: Hon Chair, can you meet in between?

Hon Musango Maithya: Mr Speaker, because of the heaviness of the matter of the leader, I am requesting that we respond within the 14 days.

Hon Speaker: Okay, you have your reason for insisting on the 14 days, the Member will have to bear with you. Let us proceed.

MOTIONS

Hon Speaker: The Hon Majority Whip, I have been informed that you will be stepping in for the Vice Chair.

Hon Moses Ogeto: Hon Speaker, I had a wide consultation with the membership of this Committee. Due to the heavy weight of this report, Hon Speaker, with your wisdom under Standing Order No 1, I seek you give direction that we reallocate the businesses of Motion No 8, Motion No 9 and Motion No 10.

Hon Speaker, you are aware these reports should be circulated to the Hon Members.

Hon Speaker: Are you a Member of the Committee?

Hon Moses Ogeto: I am not a Member, Hon Speaker, that is why I am saying he left it for me to move this Motion. I request you to invoke Standing Order No. 1. Thank you.

Hon Speaker: Hon. Members it is understandable that Hon Ogeto is not a Member of the Powers and Privileges Committee and he is not actually privy to the contents of the report of the Committee as contained in the report. The Hon. Majority Leader was to move the three Motions, now that he has excused himself from the sitting, I so direct Motion No 8, Motion No 9 and Motion No 10 be deferred and redirected to the Committee of the House Business for reallocation.

(Motions deferred)

ADJOURNMENT

Hon. Speaker: Hon Members, the Assembly stand adjourned to tomorrow, Wednesday 18th September 2024 at 2:30 p.m.

I direct the House Business Committee to sit at the rise of the Assembly.

The House rose at 4:14 p.m.

