



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Third County Assembly – Third Session

Tuesday 19<sup>th</sup> November 2024

The House met at 2.30 p.m.

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

#### PRAYER

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

#### QUORUM

**Hon. Speaker:** Hon. Members, the attention of the Chair has been raised for lack of quorum to allow us to transact the Business. Under Standing Order No. 37 (2) (b), I direct that the Serjeant-at-Arms rings the Bell for ten minutes, as he leaves the door open.

*(Quorum Bell was rung)*

Hon. Members, we now have quorum to transact the business of the day. I direct the Clerk to read out the Order Paper.

#### PAPERS

**Hon. Speaker:** The Chairperson of Ward Development Fund Committee, you have the floor. He has three reports. The Vice Chair WDF, please? Chair, Justice Committee.

**Hon. Jared Ondieki:** Hon. Speaker, I have been requested by the Chair and the Vice Chair of WDF to lay their Papers, if you can allow me.

**Hon. Speaker:** Hon. Chair, as a senior Member of this Assembly, you are alive to the fact that a notice should have been given two hours before the plenary. How do you own the report? You have the details on the Papers to be laid?

**Hon. Jared Ondieki:** Yes.

**Hon. Speaker:** I hope you are competent enough on that sector.

**Hon. Jared Ondieki:** Hon. Speaker, I promise you that I will try my best.

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**Hon. Speaker:** Kindly proceed.

REPORTS OF COMMITTEE ON WARD DEVELOPMENT FUND  
ON WORKSHOPS HELD IN NAKURU COUNTY

**Hon. Jared Ondieki:** Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Papers on the Table of this Assembly, today, Tuesday 19<sup>th</sup> November 2024:

The report of the Select Committee on Ward Development Fund on its workshop held from 19<sup>th</sup> to 22<sup>nd</sup> September 2024 in Nakuru County.

The report of the Select Committee on Ward Development Fund on its workshop held from 9<sup>th</sup> to 12<sup>th</sup> November 2024 at Epashikino Hotel in Nakuru County.

The report of the Select Committee on Ward Development Fund. on its workshop held from 25<sup>th</sup> to 28<sup>th</sup> April 2024 at Epaskino Hotel in Nakuru County.

*(The Papers were laid on the Table)*

**Hon. Speaker:** Thank you, Hon. Akama. Hon. Majority Leader, you have a report on the financial statement of the Nairobi City County for the 1<sup>st</sup> Quarter.

**Hon. Peter Imwatok:** I am not going to read things that I have not gone through, kindly allow me to table this Paper tomorrow. I beg to return this to the Clerk until they bring it to my office early enough so that I can be able to look at it.

**Hon. Speaker:** As the Leader of Government Business, you have the prerogative to decide what to move before the Assembly. Next Order!

## STATEMENTS

REQUEST FOR STATEMENT REGARDING OWNERSHIP  
OF LAND ALONG LADHIES ROAD

**Hon. Speaker:** Hon. Joel Munuve, kindly proceed.

**Hon. Joel Kimanzi:** Thank you, Hon. Speaker. I do not have the statement with me. Can someone furnish me with the Statement so that I can read it?

**Hon. Speaker:** You had a Statement on ownership of land where the Nanyuki Road Stores and Highways Stores along Ladhies Road next to NACICO are located.

**Hon. Joel Kimanzi:** Thank you, Hon. Speaker, I have just received it.

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 ownership of land on where the Nanyuki Road County Stores and Highways Stores along Ladhies Road next to NACICO are located.

Hon. Speaker, it is alleged that there has been ongoing survey and subdivision of the above lands during night hours, hence indicating that some unknown persons are secretly

planning to obtain the parcels of the said land either for themselves or for sale to unsuspecting members of the public.

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

- i. The ownership of the land on where the Nanyuki Road County Stores and Highways Stores along Ladhies Road are located;
- ii. Why survey activities were being carried out in a dubious manner and particularly during the night; and
- iii. Steps that the County is taking to safeguard public land form potential land grabbers.

Thank you, Mr. Speaker.

**Hon. Speaker:** The Chairperson, Planning Committee please? I hope you were keen enough.

**Hon. Alvin Palapala:** Thank you, Hon. Speaker. I do not want to lie to this House, I have a lot of work on my desk and I don't want to promise the Member two weeks and he later sees like I lied before the floor of the House. I think we are going for the long recess on 6<sup>th</sup> December, I request him that we will respond to his Statement next year, God willing.

**Hon. Speaker:** Hon. Chair with due respect, just to check the ownership status of that land will take you more than 7 days?

**Hon. Alvin Palapala:** If it takes less than 7 days, then it means that I have to leave the other statements from other Hon. Members first and concentrate on this one.

**Hon. Speaker:** I think this requires you to only retrieve the file and get the details.

**Hon. Alvin Palapala:** Hon. Speaker, I stand guided; I beg to be given seven days.

**Hon. Joel Kimanzi:** Thank you, Hon. Speaker, I think seven days will be in order since it is a public land and cartels in this city have been invading public lands. Let us move with speed so that we can safeguard these parcels of land which belong to Nairobi County. Thank you.

**Hon. Speaker:** The Statement for Hon. Alai be deferred for re-allocation. Hon. Nicholas Juma?

**Hon. Nicholas Okwacho:** Thank you, Hon. Speaker. During the last sitting, he had said that he will send you a text message. Did you receive the text?

**Hon. Speaker:** Yes, I confirm that I received the text later when I had already gotten out of the plenary. Do you still have the Statement?

**Hon. Nicholas Okwacho:** If it is around, I can read on his behalf.

**Hon. Speaker:** It is in order, you can proceed.

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

The Chair has been advised on the subject matter as requested by Hon. Alai and there are some underlying issues which are in line with the Constitution, which need to be addressed before the Statement is presented before the Assembly. Kindly ask him to bear with the office of the Clerk, they will revert to him in record time. Thank you.

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RESPONSE TO STATEMENT REGARDING  
PAYMENT OF WARD DEVELOPMENT FUNDS

**Hon. Speaker:** Response to a Statement by the Chairperson of the Select Committee on Ward Development Fund on a Statement requested by Hon. Redson Otieno. Hon. Member, the report is ready to address your request but unfortunately the Chair and the Vice Chair are not in the Assembly, so, we will have to defer this matter to the next sitting. Would you like any Member from that Committee to read the response on behalf of the Committee?

**Hon. Redson Onyango:** It is okay, Hon. Speaker, any Member of the WDF can read it.

**Hon. Speaker:** Do we have any Member of the WDF who can step in on behalf of the Committee? Clerk, kindly check the list of Members who signed the report and advise whether one of the Members who signed the report is present today in the Assembly.

We have Hon. Hamisi and Hon. Chair for Environment. Did they sign the report?

**Hon. Silas Matara:** Thank you, Hon. Speaker for this opportunity, I am going to respond to the Statement requested by Hon. Redson Otieno.

Hon. Speaker, on Tuesday 6<sup>th</sup>, Hon. Redson Otieno rose on the floor and requested for a Statement regarding the payment of ward development funds. In the Statement, the Member requested for: -

- i. List of ward development projects that were paid for the period from September 2017 to 2022;
- ii. The reason for non-payment of the completed ward projects; and
- iii. Measures the County Executive is taking to ensure payment of all completed ward development fund projects before commencement of the new ones

Hon. Speaker, the Committee wrote to the CS, and I wish to report to the Assembly as follows: -

The Executive tabled a list of projects paid for the financial year as requested by the Member, from 2017 to 2022. They also gave an indication that in principle there has been limitations in cash flow due to unmet on source revenue targets, and that is the reason why there has been nonpayment on WDF projects

In terms of the measures the County Executive is taking to ensure payment of all projects: The County is committed to enhance revenue collection to ensure improved cash flow.

On the additional information for the implementation of the ward projects for the financial year 2016/2017 and 2027/2018 for Kibichoi Road in Ngei Ward and selected roads in Kiamaiko Ward, it was observed as follows; cash Kshs. 13 million has been certified to date and 100% of the work has been done in Kiamaiko Ward. Out of the sum of amount Kshs. 14,798,000, Kshs. 6.6 million was the amount certified and paid for rehabilitation of Kibichoi Road in Ngei Ward. The contractor abandoned site due to delayed payment.

Hon. Speaker, a copy of a detailed response has been given to the Hon. Member and further copies attached to this report. The Member maybe can confirm to the House or affirm the same.

Hon. Speaker, I beg to lay this response.

**Hon. Speaker:** Hon. Recky, please.

**Hon Redson Onyango:** Thank you, Hon. Speaker. I was called to the Committee and was 100% satisfied with the response.

**Hon. Speaker:** Thank you for that.

RESPONSE TO STATEMENT REGARDING ILLEGAL  
PSV TERMINI IN UPPER SAVANNAH WARD

**Hon. Speaker:** We have a response for Statement by the Chairperson, Transport and Public Works, which was sought by Hon. Stazo. Is he around? Chairman, is the report ready?

**Hon. Musango Maithya:** Yes, I have the report.

**Hon. Speaker:** You may proceed.

**Hon. Musango Maithya:** Thank you, Hon. Speaker.

**Hon. Speaker:** Did the Member appear before the Committee?

**Hon. Musango Maithya:** Yes, he did.

**Hon. Speaker:** Have you shared the report with him?

**Hon. Musango Maithya:** Yes.

**Hon. Speaker:** Kindly proceed.

**Hon. Musango Maithya:** Hon. Speaker, on 17<sup>th</sup> September 2024, the Hon. Stazo Omung'ala, MCA, rose on the floor of the Assembly pursuant to Standing Order No. 47 (2) (c) and requested the Chairperson of the Sectoral Committee on Transport and Public Works for a Statement regarding the illegal public service vehicle termini in Upper Savannah Ward.

In the Statement, the Member requested the chairperson to 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 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 Committee wrote to the Acting County Secretary on 18<sup>th</sup> September 2024, inviting him to inform the CEC Member for Mobility and Works to a meeting of the Committee that was held on the 9<sup>th</sup> September 2024. Hon. Stazo Omung'ala, MCA, was also invited to attend the said meeting and was in attendance during the deliberations.

In this regard, Hon. Speaker, I wish to report to the Assembly as follows;

**Whether there are traffic marshals deployed by the County Executive at the said area;**

Hon. Speaker, currently no traffic marshals have been deployed in the area. This is occasioned by the shortage of staff in the Security and Compliance Department. However, the newly contracted staff are currently undergoing training.

Action taken: The Mobility Subsector has requested Nairobi City County Government Enforcement and Compliance Department to assign traffic marshals to the area to address the issues and ensure smooth traffic flow. In the meantime, we have communicated to the traffic police to facilitate the smooth flow of traffic.

**Whether the County has specific well marked designated public service vehicle termini Caltex Petrol Station and Naivas Supermarket in Upper Savanna Ward;**

Hon. Speaker, there is an existing allocated bus termini available between Naivas and Donholm roundabout that can be used by public service vehicles. The facility is currently encroached by informal traders into the carriageway, obscuring and rendering the same unpopular for pedestrians and PSVs. The vehicles from Donholm Road pick and drop passengers at the junction due to lack of a bus layby.

Action taken: Mr. Speaker, the administration to keep the non-motorists transport facilities and layby clear to ensure efficiency in use. The subsector will assess the best location to put up a bus layby along Donholm Road just before joining Outering Road. A request was done to Kenya Urban Roads Authority (KURA) to undertake road marking and erect traffic signs. They have already engaged a contractor to engage in maintenance works along Outering Road.

**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, an audit of illegal picking and dropping point is being conducted by the Mobility Subsector. Additionally, the County is currently in the process of implementing the Nairobi County Transport Act, 2020.

Action taken: Hon. Speaker, the establishment of three multisectoral multiagency teams is as follows: -

1. Team one comprises of officers from Mobility, Enforcement and...
2. Team two consists of Nairobi City County in collaboration with NTSA, National Police Service, NAMATA and representatives from the matatu sector, to audit all matatus with aim of cleaning up illegalities.
3. Multiagency forum to be established to address issues on enforcement, strategies to streamline public transport operations and improve road safety.

Hon. Speaker, a copy of detailed response has been given to Hon. Stazo Omungala, MCA, and a further copy is hereby attached to this report. The Member was satisfied with the report. I

beg to lay this statement. Thank you Hon. Chair

**Hon. Speaker:** Thank you, Hon. Chair. Maybe you will find time to share notes with the Member, and I will give him time to confirm to the House if indeed he is satisfied.

**Hon. Musango Maithya:** Thank you. Mr. Speaker



REQUEST FOR EXTENSION ON THE CONSIDERATION OF THE NAIROBI  
CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023

**Hon. Speaker:** Chairperson for Trade? Hon. Majority Leader, let the Chair for Trade give an undertaking for the Bill which is under consideration.

**Hon. Paul Ndungu:** Thank you, Hon. Speaker. Pursuant to the provision of Standing Order 135, I wish to request for a three-week extension on the consideration of the Nairobi City County Betting, Lotteries and Gaming Bill, 2023 (Assembly Bill No. 12 of 2023), by the Sectoral Committee on Trade, Tourism and Cooperatives to enable the Committee consolidate new submissions from the Executive sector. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Member, you request to seek extension for how long? Be specific. Three weeks is a long time. Chair, I am advised that the report is 90% ready, so, I can only grant you a seven-day extension. It should be before the House next week.

**Hon. Paul Ndungu:** Thank you, Mr. Speaker. Though I haven't seen the report as Chair

**Hon. Speaker:** Kindly pursue that with the Clerks-at-the-Table later, but let the report be before the Assembly on Tuesday or Wednesday

**Hon. Paul Ndungu:** Thank you, Mr. Speaker.

*Point of Order*

**Hon. Speaker:** Hon. Majority, please.

**Hon. Peter Imwatok:** Hon. Speaker, I rise under Standing Order No. 56 (h) on the privileges of Members. Your office, that of the Clerk and the leadership of this House are in question as to why Members' allowances have not been paid to date.

*(Applause)*

Hon. Speaker, I am in receipt of a particular schedule that shows where money for the Members is. A total of Kshs. 282 million is lying at the Executive office, for domestic and foreign allowances, office imprests, air tickets, and even our insurance. The health of our Members is now in jeopardy.

Hon. Speaker, I seek that we have a *Kamukunji* tomorrow, if possible through your indulgence and entire leadership, so that we discuss the welfare of the Members. It is painful seeing Members suffering because of nonpayment of allowances. They have borrowed money to go for trips yet the Executive has received a total of more than Kshs. 5 billion since the beginning of the financial year.

*(Applause)*

Hon. Speaker, this time we talk as it is, and I am asking you that tomorrow in the afternoon we adjourn the House to discuss this matter of importance of the County.

Hon. Speaker, if I may read, on 30th of September, allowances for domestic of Kshs.10.57 million and allowances for foreign trips of Kshs. 17million were taken to Executive,

to date they have not been released. On 9<sup>th</sup> of October, imprests for all our officers totaling to Kshs.20.3million and office imprests for all Members of Kshs.9.6 million have not been released to date.

*(Applause)*

On 5<sup>th</sup> September, domestic allowances of Kshs.37million for the entire quarter have not been released to date. Those Members who travelled for CASA Games, Kshs.38.8million has not been released to date. On 7<sup>th</sup> May, Kshs.28million for Lap Fund was released just because Lap Fund in the same week was paid Kshs.200 million by Executive, 28 million was released. On May 8<sup>th</sup>, Kshs. 4.5 million domestic allowance for imprest has not been released to date. On 11<sup>th</sup> June, before the end of financial year, Kshs. 3.3million domestic allowance was not released.

As at last week, our salary which was sent in June 11<sup>th</sup>, had not been released. The Clerk had to borrow from the bank to pay us salaries. It was still pending in the Executive. On 7<sup>th</sup> November this month, our allowances of Kshs. 11.42 million has not been released to date. On 14<sup>th</sup> November, Kshs. 4.5 million for air tickets has not been paid. This Assembly cannot even pay the air ticket of our Hon. Speaker. The Speaker has to borrow tickets to travel. Sorry, Hon. Speaker for saying that. I know you do not have a ticket to travel. On 16<sup>th</sup> November, Kshs. 4.6 million for the insurance for our welfare and for fire have not been paid.

Hon. Speaker, a total of Kshs. 282 million is still pending in the Executive. Last week, the Executive received Kshs. 1.7 billion.

Hon. Members, make a decision. You may end up killing this man for nothing. The CEC Member and the Chief Officer for Finance must release this money within 24 hours.

*(Applause)*

If it is the Controller of Budget, we want to know our money. I am tired because Members have been calling me that their offices have been closed yet the money is in the account.

Hon. Masitsa came to my office this afternoon and told me that people are demonstrating in her ward. People are suffering. That is why the UDA Party Members have decided to go and do their businesses. They are not in the Chamber. Someone has told me he has boarded a matatu from Kitengela to attend Assembly sitting because he has no fuel. The best thing you can do to us is to just release our money. *Tuko na shida ama hatuna?*

*(Loud Consultations)*

**Hon. Speaker:** Order!

**Hon. Peter Imwatok:** Hon. Members, we want the money for the Assembly to be released within 24 hours.

**Hon. Members:** Yes!

*(Loud Consultations)*



**Hon. Speaker:** Order, Hon. Members! The Hon. Majority Leader, as the leader of the business in the Assembly, you have outlined facts as they are on the status of our pending payments. We have work plans which were forwarded a long way around June. So, we are kindly requesting the Leader of the Majority to pursue this further.

As the Chair of the Board, I have done my part, including the office of the Clerk. We forwarded these requests in record time. That is the much at least we can stretch ourselves. So, ours is just to wait.

**Hon. Peter Imwatok:** Hon. Speaker, I understand and I feel for you because I am aware even your calls are not being picked. Hon. Members, if the call of Hon. Speaker cannot be picked, there is big problem. This Assembly must get back the respect.

*(Applause and Loud Consultations)*

**Hon. Speaker:** Order, Hon. Rex! Order, Hon. Members!

**Hon. Peter Imwatok:** Tomorrow, Hon. Speaker, I am begging you as a leader of this House, let the CEC Member for Finance come. Alternatively, tomorrow, I table the report of Rules and Procedures here; the one we passed asking all CEC Members to be coming before this Assembly. Hon. Speaker, we do not now have to walk in corridors and making calls or texting in WhatsApp. There officers in the County Government that you cannot call them on a direct line, you must call using WhatsApp. What is happening in this County? When an officer fears to be called directly on phone, you must use WhatsApp, what is happening?

As a leader, I am asking Members that tomorrow at 2.00 p.m. we adjourn the Assembly. You can decide not to put a quorum. I know there are those who will run in the corridors saying, “*Woi! They have touched the king.*”

Tomorrow we are discussing matters of importance; welfare of the Members of the County Assembly and the interest of development agenda of the County.

*(Applause and Loud Consultations)*

**Hon. Speaker:** Order, Hon. Members!

**Hon. Peter Imwatok:** As directed by the Speaker, my office is going to get in touch with CEC Member for Finance, the Chief Officer for Finance and the head of the Treasury to be at the Speaker's Office tomorrow at 2:00 p.m. without fail.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Majority Leader. Hon. Members, we have to schedule a meeting tomorrow at around 11.00 a.m. over the same issue of the welfare of the Members. The meeting will be for the leadership and the Executive.

Clerk, kindly proceed. Hon. Redson, what is the issue?

**Hon. Redson Onyango:** Hon. Speaker, I just wanted to support the Hon. Majority Leader. First, the CEC Member for Finance...

**Hon. Speaker:** Hon. Member, the floor is not open for debate. It was a briefing under Standing Order No. 46, and it is not subject for any interrogation or debate. The Hon. Majority Leader has requested the Chair to allocate some time tomorrow, which the Chair has not given direction. So, please just take your cool.

*(Hon. Maurice Onyango spoke off the record)*

There is nothing to second here, you are a senior Member of this House, Hon. Chairperson for Health. Stop misleading the Assembly. Clerk, kindly proceed.

### MOTION

#### CONSIDERATION OF REPORT OF AUDITOR-GENERAL ON COUNTY REVENUE FUND FOR NAIROBI COUNTY GOVERNMENT FOR YEAR ENDED 30TH JUNE, 2022

**Hon. Speaker:** Hon. Chege Mwaura, the Chairperson of the Select Committee on Public Accounts? This is the report of the Select Committee on Public Accounts on consideration of the report of the Auditor General on County Revenue Fund for the year ended 30<sup>th</sup> June 2022.

*(Motion dropped)*

Clerk, proceed to the next Order.

### MOTION

#### CONSIDERATION OF REPORT OF AUDITOR-GENERAL ON NAIROBI CITY COUNTY ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD FOR YEAR ENDED 30TH JUNE, 2022

**Hon. Speaker:** This is also the report of Select Committee on Public Accounts on consideration of the report of the Auditor-General on the Nairobi City County Alcoholic Drinks Control and Licensing Board for the year ended 30<sup>th</sup> June 2022. Hon Chege? Clerk, I direct you reach out the Chairperson for PAC.

*(Motion dropped)*

Motion No. 8 and No. 9 be deferred and appear in the Order Paper tomorrow. Let us proceed.

### MOTION

#### OPERATIONALIZATION OF NAIROBI CITY COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION ACT OF 2018 AND DEVELOPMENT OF REGULATIONS TO BAN ADVERTS ON ELECTRICITY POLES AND PUBLIC WALLS

**Hon. Speaker:** Hon Rex?

**Hon. Rex Omolleh:** Hon. Speaker, in the in the light of what is happening, I feel that Members are a bit demoralized. May be we should get a better date to discuss this important Motion. I stand with the House. Thank you very much.

*(Applause)*

**Hon. Speaker:** Hon. Rex, you want to withdraw the Motion?

**Hon. Rex Omolleh:** Hon. Speaker, I am not withdrawing the Motion, I am deferring it to a later date when our issues are sorted. We are very demoralized at the moment.

**Hon. Speaker:** You are not ready to move the Motion?

**Hon. Rex Omolleh:** We are not ready to move the Motion.

**Hon. Speaker:** You, yourself.

**Hon. Rex Omolleh:** We. The entire Assembly is not ready to move the Motion. We are demoralized, Mr. Speaker.

**Hon. Speaker:** Hon. Members, the mover of the Motion No. 10 has indicated he is not ready to move the said Motion, and has requested that the Motion be deferred to a later date.

Therefore, the Motion stands deferred to a later date that shall be communicated by the House Business Committee.

*(Motion deferred)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, for that reason, we come to the conclusion of the Business of the day. The Assembly stands adjourned to tomorrow, Wednesday 20<sup>th</sup> November 2023 at 2.30 p.m.

I direct that at the rise of the Assembly, the House Business Committee to convene to consider allocating the business for Wednesday, Thursday and Tuesday next week.

The Assembly stands adjourned.

*The House rose at 3.53 p.m.*