



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 27th February 2024

The House met at 2.30 p.m.

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

PRAYER

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

QUORUM

Hon. Temporary Speaker: My attention is drawn to the lack of quorum. Under Standing Order No.37 (2) (b), I direct the Serjeant-at-Arms to ring the Bell for ten minutes. I direct the Whips to mobilize the Members because we have Annual Development Plan (ADP) before the Assembly, which has a timeline. The elected Members, you need to be serious on this because the ADP caters for the 85 wards.

(Quorum Bell was rung)

Clerk, we may proceed.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, kindly proceed. Under Order No. 2 on communication from the Chair, I have a communication in regards to invitation to the battle of choirs and processing of pending statements.

INVITATION TO BATTLE OF CHOIRS FESTIVAL

My Office is in receipt of a letter Ref. NCC/CCAT/CCO/VOL 1/2024/028 dated 22nd February 2024 from the Office of the County Secretary drawing the attention of Members of the

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County Assembly to the Second Edition of Battle of the Choirs. The event will be hosted by the County Executive from 31st March to 1st April 2024 at Uhuru Park.

Hon Members, just to explain a little bit, the said event celebrates the Easter Spirit through choral music and is expected to attract talented choirs from across Nairobi City County. It will provide the choirs with a platform to showcase their musical abilities, spread joy and cultural enrichment within the Community of Nairobi City.

Hon Members, in this regard, the County Executive calls upon you to raise awareness among your constituents about the said event and to encourage them to prepare to participate in it.

Hon Members, in the concept note for the said event, the programme has outlined the activities where interested applicants should submit their entries by 6th March 2024. Other activities include Sub-County Roadshows and knockouts which will be held at Charter hall.

Hon Members, the event will culminate into celebrating the winner on 1st April 2024 at an event to be held at KICC where the 1st three winners will receive cash amongst other consolidated prizes. In this regard, may I call upon you to heed the call of the County Executive and extend your support towards this important event that is beginning to be part of the things that define us as the people of Nairobi City County.

Hon Members, you may proceed and sit down.

PROCESSING OF PENDING STATEMENTS IN THE SECOND SESSION

Hon Members, as you may recall, in my Communication issued on 13th February 2024 during resumption of the Assembly for the Third Session, I observed that there were numerous businesses that were pending before Committees and in this regard, I gave a timeline for dispensing with the said business. This includes Statements requested by Hon. Members on various subject matters. However, my attention has been drawn to the backlog of Statements that require special consideration with regards to their processing in Committees.

Hon Members, whenever Members requests for a Statement, the Chairperson of the relevant Sectoral Committee gives a time undertaking in which to give to give a response. Hon. Members, may I bring to your attention the provisions of Standing Order 47 (2) (e) and (f) regarding processing of Statements in Committees and transmission of response to the Assembly:

"(e) The Member who requested for the Statement ... shall be invited to the Committee meeting whenever an officer of the County Executive is to appear to respond to the Statement."

-(f) The Chairperson of the Committee shall report to the Assembly the Committee's consideration of a Statement request and whether the same was satisfactorily dispensed with or if there are any challenges that require the speaker to direct further or the Assembly to resolve"

Hon Members, in the course of the Second Session, the Assembly has experienced profound delays in provision of responses to Statements from Chairpersons of Committees for various reasons. According to my analysis, there are Eighty-Seven (87) pending Statements before

different Committees in the Second Session. This may be misconstrued by our constituents as lack of commitment to facilitate the role of a Members of County Assembly as envisioned in Section 9 (1) (b) and (d) of the County Governments act,2012 on transitioning issues from them to the platform of the Assembly.

Hon Members, the issue of pending Statements was flagged and extensively deliberated upon at the just ended workshop of the Select Committee on Liaison during their interrogation of annual progress reports of all Assembly Committees. The Chairpersons not only presented their views on the matter, but also the challenges Committees face in the course of processing Statement requests. Accordingly, it was observed that majority of the Statements have been overtaken by events. In this regard, a request was placed to my office by the Committee to guide the Assembly on how to proceed with the said pending Statements of 2023.

Hon Members, accordingly, I have interrogated the Statement tracker that is available to all of us and the public on the Assembly website and determined that indeed the issues that were raised by Members in the various Statements were pertinent to the events of the moment in the course of the Session. Although I acknowledge the importance of Statements as a tool of representation function of the Assembly, I have also sought to examine if the challenges presented by the various Chairpersons were also being experienced at the National Assembly before the introduction of the question hour. Indeed, the experience of the National Assembly is not a departure from our experience and in this regard, they adopted a model that is working to date.

Hon Members, in view of the foregoing, I direct all the Chairpersons (kindly underline) to proceed and table all Statements that are pending before their respective Committees by Thursday 14th April 2024 notwithstanding the satisfaction status of the Members who requested for the Statements. I repeat, in view of the foregoing, I direct all the Chairpersons to process and table all the responses that are pending before their respective committees by Thursday 14th April 2024 notwithstanding the satisfaction status of the Members who requested for the Statements.

Hon Members, to address the challenges presented by the Chairpersons of Committees, the Assembly leadership in conjunction with the Select Committee on Liaison have reached a consensus to have the Standing Orders amended to adopt a model similar to National Parliament where County Executive Committee Members will be allowed to attend the Plenary to respond to pressing issues that Members raise from time to time.


(Applause)

It is therefore instructive of the Select Committee on Procedure and Rules which I Chair, to immediately commence the process of consolidating proposed amendments to the Standing Orders in view of addressing any gaps that may have been observed this far.

WITHDRAWAL OF REGULATIONS

Hon. Members, you will recall that at the Assembly Siting held on 14th February 2024, the Public Finance Management Act (Nairobi City County Festival Fund) Regulations, 2023 were laid

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on the Table of the Assembly. Subsequently, I erroneously committed the same to the Select Committee on Delegated County Legislation. However, it has since come to my attention that the said Regulations were in draft form and only needed the scrutiny of the relevant Sectoral Committee, which is Culture and Community Services.

In this regard, Hon. Members, I direct that the said Regulations be withdrawn from the Select Committee on Delegated County Legislation and referred to the Sectoral Committee on Culture and Community Services for precursory scrutiny and concurrence with the relevant Sector at the County Executive.

Hon. Members, you are so guided. Thank you.

Hon. Majority Leader, on amendments, you will take up the responsibility to collect the signatures and follow the procedure. Let us proceed.

(Loud consultations from outside the Chamber)

Hon. Speaker: Serjeant-at-Arms, please make sure there is order within the precincts of the Assembly. Kindly, if the Members are not in a position to come to the Chambers, tell them to leave the precincts of the Assembly.

PETITIONS

Hon. Members, under order No. 4, Petitions were to be presented before the Assembly but I have been notified by the Office of the Clerk that they were not ready by the time we were coming to the plenary. For that reason, I direct the deferment of the said Petitions to the next sitting day, that is tomorrow.

(Petitions deferred)

(Loud consultations from outside the Chamber)

Serjeant-at-Arms, can those Members move out of the precincts of the Assembly!

PAPERS

THE NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN FOR FY 2024/2025

Hon. Speaker: The 14th report of the Select Committee on County Finance, Budget and Appropriations Committee.

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Pursuant to Standing Order No.196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 27th February 2024:

The 14th Report of the Select Committee on County Finance, Budget and Appropriations Committee on the Nairobi City County Annual Development Plan for the financial year 2024/2025.

(The Paper was laid on the Paper)

Hon. Speaker: You may proceed.

PUBLIC PARTICIPATION ON NAIROBI CITY COUNTY
ANNUAL DEVELOPMENT PLAN FOR FY 2024/2025

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Pursuant Article 196 (1) (b) of the Constitution of Kenya, 2010 and Standing Order No.196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 27th February 2024:

The 13th Report of the Select Committee on County Finance, Budget and Appropriations on public participation on Nairobi City County Annual Development Plan for the financial year 2024/2025.

(The Paper was laid on the Paper)

Hon. Speaker: Thank you, Hon. Chair.

NOTICES OF MOTION

Hon. Speaker: Hon. Mponjiwa, I can see you are supposed to give a notice of Motion on regulation of Airbnb services. Are you ready to proceed?

Hon. Perpetua Mponjiwa: Hon. Speaker, thank you very much. I have two notices of motion to give.

Hon. Speaker: You can proceed.

REGULATION OF AIRBNB SERVICES

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. I beg to give notice of the following Motion on regulation of Airbnb services within the County:

THAT, aware that Paragraph 8 of the Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for County planning and development, including housing as a function of the County Government;

FURTHER AWARE THAT Paragraph 7 of Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for trade development and regulation, including local tourism as a function of the County Government;

ACKNOWLEDGING THAT recent years have witnessed increase of housing services as Airbnb which hosts rent on a short term basis to travelers such as tourists within the County;

CONCERNED THAT recent months have witnessed cases of surging femicide in Airbnb across the country, especially in Nairobi City County, with scanty information on the perpetrators made available to the relevant authorities;

FURTHER CONCERNED THAT Airbnb properties which were originally designed for family vacations and accommodation similar to hotels, are being exploited for criminal activities and parties amongst the other vices. This has put the lives of young women especially college and university going students at risk;

NOTING THAT the increasing cases of femicide in Airbnb has vast negative impact in the society---

(Hon. Peter Imwatok spoke off the record)

Hon. Speaker: What is it, Hon. Majority Leader? The Member is giving a notice of Motion.

Hon. Peter Imwatok: But she is not protected, Members are intimidating my Member.

(Loud consultations)

Hon. Speaker: Members, you will be given an opportunity to debate on the Motion. The Hon. Member is giving a notice of motion, kindly accord her the necessary time and support.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker for protecting me.

(Hon. Mark Mugambi spoke off the record)

Hon. Speaker: Order, Hon. Whip!

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker for protecting me.

Hon. Speaker: You should proceed without being interrupted.

Hon. Perpetua Mponjiwa: Thank you.

FURTHER NOTING THAT the National Government through the Ministry of Tourism is in the process of regulating the operations of Airbnb across the country;

THIS ASSEMBLY URGES the County Executive in liaison with the Ministry of Tourism to develop rules and guidelines on establishment, licensing, operations and management of Airbnb properties within the County. Thank you, Hon. Speaker.

Hon. Speaker: You may proceed with the other notice of Motion.

DEVELOPMENT OF COUNTY LOCAL TOURISM POLICY

Hon. Perpetua Mponjiwa: Hon. Speaker, thank you once again for giving me another opportunity. I beg to give a notice of the following motion;

THAT, aware that Paragraph 4 of the Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the function of cultural activities and public entertainment including sport, cultural activities, museums, county parks are vested in the County Government;

FURTHER AWARE THAT Paragraph 7 of Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for the function of local tourism vested in the County Government;

ACKNOWLEDGING THAT Nairobi City County serves as one of the main travel diplomatic and cultural hub for Eastern and Central Africa with well-established tourist attraction sites for social, academic to spiritual matters;

CONCERNED THAT the County has not established well founded cultural activities that can distinguish the uniqueness of the County from others despite having all it takes to be called the ‘Green City in the Sun’;

NOTING THAT cultural activities attract tourists from all over the world, which is a source of revenue for the county, create job opportunities, employment for the County residents and create a platform for the Nairobi City County tourism development agenda;

THIS ASSEMBLY URGES the County Government to develop a comprehensive County local tourism policy to provide for establishment of strategies and programmes to boost local tourism within the County. Thank you, Hon. Speaker.

INSTALLATION OF SOLAR POWER IN COUNTY PREMISES AND CLEAN ENERGY POLICY

Hon. Speaker: Hon. Samora Mwaura.

Hon. Samora Mwaura: Thank you, Mr. Speaker. I would like to give notice of the following Motion:

THAT, aware that paragraph 8 of Part Two of the Fourth Schedule to the Constitution of Kenya, 2010 provides for electricity and energy regulation as a function of the Government;

FURTHER AWARE THAT all societies require energy services to meet basic human needs such as lighting, cooking, space comfort, mobility, communication and to serve productive processes; cognizant that for development to be sustainable, delivery of energy services need to be secure and have low environmental impacts;

CONCERNED THAT frequent power outage across the County has immense effect on the various Sectors of the Economy such as industries, hospitals, businesses amongst other service providers;

FURTHER CONCERNED THAT the power outage opens an avenue for criminal activities like break-ins given that alarms and surveillance systems, electric fences and other security protocols are disabled in premises that primarily rely on Kenya Power supply;

ACKNOWLEDGING THAT the County Assembly is the process of enacting a legislation on clean, renewable and sustainable energy which will offer opportunity to contribute to social and economic development, energy access, secure energy supply, climate change mitigation, and the reduction of negative environmental and health impacts;

THIS ASSEMBLY URGES the County Executive to:

1. Develop a policy on the use and management of clean, renewable and sustainable energy; and
2. Install solar power in all County offices to ensure uninterrupted timely service delivery to residents of Nairobi City County.

Thank you.

Hon. Speaker: Thank you Hon. Member. Hon. Chair you will have to bear with us, kindly hold a bit. The sequence of the order of the business, we will pass Order No. 8 and go directly to Order No. 9 as we wait for the papers to be circulated. Thank you for understanding.

Meanwhile, you can proceed and give the notice of motion as we wait for Motion No, 8.

ADOPTION OF REPORT ON NAIROBI CITY
COUNTY ANNUAL DEVELOPMENT PLAN

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

THAT, pursuant to Standing Order No. 196, this Assembly adopts the 14th Report of the Select Committee on County Finance, Budget and Appropriations on the Nairobi City County Annual Development Plan, laid on the Table of the Assembly, today, 27th February 2024. Thank you.

Hon. Speaker: Thank you, Hon. Chair.

Point of Order

Hon. Minority Whip, what is the issue?

Hon. Mark Mugambi: Thank you, Hon. Speaker. I am concerned that Hon. Joseph Ndung'u, a Member for Kiamaiko Ward is not dressed accordingly. He is flouting the Speaker's rules. Hon. Speaker, you need to address this.

Hon. Speaker: Dress code is normally under Speaker's Dress Code, for your information.

(Applause)

Hon. Member, stop misleading the House. Hon. Member, can you be upstanding? Let me be kind enough... Hon. Member, if you could do an honorable thing and get a bow tie in under five minutes, then you can find your way back to the Assembly. Thank you. It is a long sleeved Kaunda suit, it is allowed. Just get a bow tie, please. Let us proceed.

(Hon. Peter Imwatok spoke off the record)

You are out of order, Hon. Majority Leader! Hon. Lex Omolleh, kindly as you walk out do not draw attention.

STATEMENTS

Hon. Members, under Order No. 7, the following Members are supposed to request for statements: Hon. Oscar Lore, are you in the House? Hon. Waithera Chege, kindly proceed.

REQUEST FOR STATEMENT REGARDING
HARASSMENT OF COMMERCIAL SEX WORKERS
BY THE CITY INSPECTORATE OFFICERS

Hon. Waithera Chege: 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 Justice and Legal Affairs regarding the harassment and manhandling of commercial sex workers by the City County Inspectorate officers within the City Centre at night.

Hon. Speaker, the Constitution of Kenya, 2010 grants the citizens of this republic comprehensive rights and fundamental freedoms. In addition, Article 47 of the Constitution provides every person with right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

Hon. Speaker, the increasing cases of arbitrary arrests, harassment and extortion of commercial sex workers by City Inspectorate officers at night infringes on the rights and the fundamental freedoms.

Hon. Speaker, my introductory inquiry indicates that City Inspectorate officers extort a bribe of Kshs.500 from every commercial sex worker per night, and failure to which the ladies are tortured and locked in the Inspectorate vehicles. During my inquiry, it was noted that some officers do not wear badges or any form of identification as required by the law.

Hon. Speaker, Part III of the Nairobi City County Inspectorate Services Act, 2017 provides guidelines for inspections and arrests; Section 29 of the Act states that; '*it shall be unlawful for an inspectorate officer to subject any person to torture or other cruel, inhuman or degrading treatment.*'

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

- i. Increasing cases of arbitrary arrests, harassment and extortion of commercial sex workers by City Inspectorate officers at night;
- ii. Whether the County Executive is aware of its officers extorting money from commercial sex workers at night on a daily basis;
- iii. Status of the implementation and sensitization of Nairobi City County Inspectorate Services Act, 2017 to officers in the department; and
- iv. Measures that the County Executive is taking to stop the infamous and ruthless handling of the residents including commercial sex workers by the City Inspectorate officers

Mr. Speaker, I have a further request, during the day that the Committee will be sitting, I will be providing a lot of evidence, including videos and audios. I have lined up more than 17 girls. I request your office to provide security for those girls. Thank you, Mr. Speaker.

(Applause)

(Loud consultations)

Hon. Speaker: Order, Hon. Members! This is a request from a Hon Member, the time of clarification will come at the point of the debate. Why the hurry?

(Hon. Kamau Fiunifiu spoke off the record)

Just keep your cool, Hon. Member for Karura Ward.

(Hon. Peter Imwatok spoke off the record)

Order, Hon. Members! Serjeant-at-Arms, I have marked the Majority Leader, he is becoming... Hon. Majority Leader, please can you bow for the Chair? Get seated!

The able Chair of the Legal and Justice Committee, kindly proceed and give an undertaking within what period of time you will respond to...

(Hon. Peter Imwatok spoke off the record)

Order! Please be seated!

Hon. Jared Ondieki: Thank you, Mr. Speaker. Before I give an undertaking, I want to bring to your attention that Mheshimiwa who I respect very much, should be aware that commercial sex workers are not legalized in this country.

(Applause)

Therefore, to bring an illegality to this Hon. House, Hon. Speaker, we need your guidance.

Hon. Speaker: The Hon. Member has requested whether you are aware. So, can you do the justice?

Hon. Jared Ondieki: Hon. Speaker, I am not...

(Loud consultations)

Hon. Speaker: At the point of response you will bring all those issues.

(Loud consultations)

Hon. Speaker: It is allowed. Order, Hon. Members!

(Loud consultations)

Order, Hon. Members! Hon. Members, I am on my feet. The House cannot run away from the reality that we have commercial sex workers in the midst of our society.

(Loud consultations)

The dignity of the House is well maintained. Hon. Members, it is the responsibility of this House to come up with a resolution whether it is illegal or not. It is not for the Chair to give directions. For that reason, I have given direction that the debate is allowed on this matter. The Chair Legal and Justice Affairs, we need you to conduct an investigation and report in good time. Kindly, Hon. Chair, give an undertaking.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Chair, please.

Hon. Jared Ondieki: Hon. Speaker...

(Hon. Alvin Palapala spoke off the record)

Hon. Speaker: Who has said that? Hon. Perpetua, can you confirm if Hon. Palapala has addressed the Chair? Can you repeat what you have said, Hon. Alvin?

Hon. Alvin Palapala: I just said we should do site visit, Hon. Speaker.

Hon. Speaker: You have said that the Chair has an interest?

(Laughter)

Hon. Alvin Palapala: No. I did not say that, Hon. Speaker. I said that we conduct a site visit.

(Loud consultations)

Hon. Speaker: Hon. Chair, I don't expect you to be that reckless and careless. For that reason, you have been expelled from this House for three sitting days. Serjeant-at-Arms, kindly take the Member out!

(Loud consultations)

(Hon. Alvin Palapala was escorted off the Chamber by the Serjeant-at-Arms)

Hon. Akama, kindly proceed.

Hon. Jared Ondieki: Hon. Speaker, you know you have already intimidated the Chairman for Legal and Justice Committee. With your wisdom, I give an undertaking of seven days.

Hon. Speaker: Hon. Waithera.

Hon. Waithera Chege: Thank you, Mr. Speaker. Just to remind the Chair of Justice and Legal Affairs, the other day on the floor of this House, you investigated the issue of hawkers, which is illegal. Your Committee gave a report on the floor of this House. Anything that you bring on the floor of this House is part of the law. Read Article 28 of the Constitution about the dignity of human beings in this country. I am most obliged to this.

(Applause)

Hon. Speaker: Thank you. Hon. Chair, what the Member has requested is the attitude of our officers. When they are enforcing the law, whether they are within the Constitution and the way they handle the so called sex commercial workers, those are Kenyans of a decent living and they should be accorded security.

(Loud consultations)

There is a very thin line between sex commercial workers and those people who dine and sleep in bars. Hon. Members, please wait for that debate to come before the plenary.

Point of Order

Hon. Majority Leader, I know you are an Adventist, you may proceed.

Hon. Peter Imwatok: Hon. Speaker, I stand on Point of Order under Standing Order No. 56 (h) on my privilege as a Member of this House.

Hon. Speaker, the Constitution under Article 1 envisions that this Assembly is supreme to protect and guide the entire over 5 million Kenyans. The Assembly cannot make a Constitution. Our Constitution has not described sex work as a source of income. Allowing my Committee of Justice, through a back door, to legalize illegality is not constitutional.

(Applause)

Hon. Speaker, with utmost respect to my sister, Hon. Waithera Chege, who has said she has 17 girls aligned to appear before this Committee, in case the committee decides to do a site visit where these ladies are being harassed, where are we going to do this site visit?

Hon. Speaker, I am privileged to have traveled to Netherlands with my friend, Hon Member for Karura Ward. We were taken to a red light street to see what was happening there. It was a licensed venture as a tourist center. In Kenya, we have no such a tourism attraction center. These so called sex workers do not pay taxes. In the Netherlands, they pay taxes to the government. By paying taxes, you are now allowed protection by the Constitution. I want to align myself as a leader of this House, let us not legalize what is illegal.

Last week, my car was vandalized in Monrovia Street near my office. When I left the office about 10 p.m., I found my car had been vandalized. Funny enough, the Inspectorate officers came by when I was looking at my car. They went and checked every person who was walking in the streets including the so called sex workers. My mirror was found on one of the ladies' bag. We cannot legalize by saying this Assembly is going to protect the 17 ladies who are doing sex work to earn a living. I am a Christian, you are a Christian, Hon Speaker, and this House is full of Christians, we will not... I hereby request my Committee of Justice and Legal Affairs to approach the Chair in this Chamber and have a discussion on this. Thank you, Hon Speaker.

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

Point of Information

Hon. Chege, you may inform the House.

Hon. Chege Mwaura: Thank you, Mr. Speaker. I just want to add and inform the Leader of Majority two more points from his very good direction that he is taking. Mr. Speaker, these proceedings will show up somewhere in the newspapers. We must be we must be cognizant of the dignity of the Assembly. So, we cannot be seen to be perpetrating an illegality by way of admitting issues that are also not very clear. It is not allowed as a trading activity in the County of Nairobi.

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I am even shocked because everything that must be tabled in this House must pass through the scrutiny of the Table Office and then it lands to the Office of the Speaker. It is not in order to put the Committee into something that is going to bring disrepute to the House, with all due respect to my sister, Hon. Waithera. We must maintain the dignity of the House. Let us look at the merits and demerits, and if there are gray areas, Mr. Speaker, guide the House and let Members express themselves. Let the matter be held until you consult widely and then make a decision, even if it is tomorrow. But let us not pass a position that is going to reduce the dignity of the House. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Hon Whip.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I echo the sentiments of the Majority Leader and the Chair of PAC. If that becomes the way we shall be handling things here, next week I will come with a Notice of Motion crying that the police are harassing my boys in Umoja for peddling bhang. Since it is not any different from prostitution, then I will subject you to take it to the Committee for discussion or debate. Therefore, Hon. Speaker, let us not handle this issue with emotions but rather with the guidance of the Constitution and our Standing Orders.

Hon. Speaker: Thank you. Hon. Kiragu, please.

Hon. Anthony Karanja: Thank you, Hon Speaker. I like what the Majority Leader has said. This is a House of rules and procedures, and the dignity of this House does not just stop on the beauty of this building and on the smartness of these Members, but on even the hygiene of the motions that are brought to this House.

Hon Speaker, in the past Assembly, a motion was moved in this House by Hon. Mwangi Njihia to prohibit sex workers from the city of Nairobi, and the motion was passed by the House. It will be unfair to the people of Nairobi and the Members of this House if we debate an illegality that was declared in this House. Just like my counterpart said, it will not stop any Member from even bringing a motion on the harassment of devil worshippers in this city. It will open a door that will allow us to discuss the harassment of pickpockets, thieves, and anybody who does any other illegality in this City. I think I have heard a lot of Members calling for a debate, not on the content of the motion, but on the legality and the admission of that motion in this house.

Hon Speaker, this is a God fearing country and commercial sex working is illegal in the country. It is only fair that you allow these members to guide whether we need to have such a motion in this House. And from where I sit, I think history will judge us very harshly if we discuss such an illegality in this House. Thank you.

Hon. Speaker: Thank you. Hon. Fiunifiu

Hon. Kamau Fiunifiu: Thank you, Hon Speaker. I think the matter is not properly before the House. If you are talking about human rights, that would make a lot of sense. When did we sit as a society and agreed that we have a section of our society that does sex openly? I am against this because we are opening a floodgate where even those guys who are in LGBTQ will also

sponsor a motion of the same nature. It is important for the Hon Member who has brought this statement to also tell us the motivation; is it from the NGOs?

Hon Speaker, two weeks ago I saw in the pictures people who came to see you in your office. I was worried because there is a movement in this city that is called ‘pussy power.’ Is it the same motivation that we are seeing today? This matter is not proper at all.

Hon. Speaker: Thank you. Hon. Emily

Hon. Emily Oduor: Thank you, Hon Speaker...

(Hon. Perpetua Mponjiwa spoke off the record)

Hon. Speaker: Order, Hon. Perpetua!

Hon. Emily Oduor: Hon. Speaker, personally, I look at this in a different view. I am looking at it like a Member of the Budget Committee, that we are losing revenue.

(Applause)

How are we losing revenue? What the Member is telling us is that the City askaris are actually taking bribes from these ladies. Let the askaris arrest them and be taken to court and charged so that we get the revenue. It is a source of revenue. Let us not look at the morality part of it. If they want to trade, let them pay taxes. Thank you, Hon Speaker.

Hon. Speaker: Hon. Geophrey Majiwa.

(Hon. Perpetua Mponjiwa spoke off the record)

Order, Hon. Perpetua, please!

Hon. Geophrey Majiwa: Thank you, Hon Speaker. It is a very interesting motion because in the actual sense, we are legislatures, representatives and do oversight. When you talk of representation, you represent everybody. There is no classification that you only represent the crippled and not the young men or the women, you represent everybody. So, even this group that we seem to be denying their existence, we represent them. A Member who has brought this, probably he would have been directed to restructure the way she is bringing this motion before the House because they are Kenyans, as much as they are doing an illegal activity. They need to be assisted, and we are legislatures and representatives. We should look for a way of assisting them get out of the streets.

Mr. Speaker, I want to give you a story that took place in the year 2003 during the tenure of Mayor Joe Aketch. Actually, he did even a site visit. He summoned them to his office, they came in numbers with their leadership, and they reached some agreement on how they can get out of the streets. Some of them got assisted and got jobs. Those who were hardcore went back to the streets. So, there is nothing wrong with trying to help these Kenyans because I know it is not their wish that they are on the streets, they lack what to do. Some of them are single mothers and they have children who must go to school, and also eat. There is no one who is giving people free money in this country anymore. Money is worked for. The only thing we need to do with motions such as

this is to look for how we can help these ladies who are out there. They are our sisters and our children, and we need to work and help them because they are part of Nairobian whom we purport to represent. When we represent Nairobian, the Constitution is not selective. It does not say that those who are doing sex work are not Nairobian, they are, only that there are no enough jobs in Nairobi.

Mr. Speaker, I think the best way would have been to redirect the Member to restructure her motion in a manner, and probably approach you in your office, the way the Leader of Majority said, so that she can discuss with you in detail how because these are ladies who have reached her. Most of them don't reach people. But if they have taken the bold step and reached the leader to represent them in this House, then there should be an element of representation. It doesn't mean we are legalizing an illegality, but we must take our responsibility as leaders who represent Nairobian by giving them something better to do in life. Thank you, Mr. Speaker.

Hon. Speaker: Last one from Hon Oyugi, please.

Hon. Kennedy Oyugi: Thank you, Mr. Speaker. Let me begin by saying that the subject matter here is *kanjos* harassment of Nairobian. I want to implore my sister, Hon. Waithera Chege, let us substitute the word 'commercial sex workers' who are being harassed by *kanjos* and reframe your question because prostitution is illegal in this country. But at the same time, harassment and seeking for bribe is also illegal. If it is true that our askaris are taking bribes from Nairobian working in Nairobi at night, it is also illegal. So, Chairman of Justice, if it is true that *kanjos* are taking bribes from Nairobian working or walking in Nairobi at night, don't you think that it is worth investigating?

(Applause)

So, Hon. Waithera Chege, reframe the question. Otherwise, it is true prostitution is illegal in this country. Thank you.

Hon. Speaker: Thank you. Hon Members of the Assembly, allow me to give a direction as persuaded by the House. I direct that the question be deferred for further consultation and maybe reintroduction into the Assembly with a different framework. You stand guided. Thank you.

(Statement deferred)

(Applause)

REQUEST FOR STATEMENT REGARDING OWNERSHIP OF
COUNTY PUBLIC ECDE IN MARINGO/ HAMZA WARD
ALLEGEDLY GRABBED BY PRIVATE DEVELOPERS

Hon. Speaker: Hon Patrick Macharia. Use the other microphone.

Hon Patrick Macharia: Thank you, Mr. Speaker. My Statement isn't as interesting as Hon. Waithera's statement.

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 Children, Early Childhood Education and

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Vocational Training regarding the status of ownership of the County public ECDE in Maringo/Hamza Ward, which has been allegedly grabbed by private developers.

Hon Speaker, in the Physical Planning and Lands Act Cap 286, a provision is made by the guidelines' master plan on allocation and designation of public land for the construction or use of any public land for the purpose that benefits the citizens. Hon. Speaker, the case of alleged encroachment of public land belonging to Kimathi Primary School ECDE, which has existed for the last 35 years, by a private developer whose details in public record is appalling, and County Government needs to investigate the matter.

Hon. Speaker, a letter written by the Acting County Secretary dated 27th July 2023, was issued revoking and disapproving the building plan constructed by the said developer due to breaches identified, which are a contravention of various sections of the Building Code of 1968 and Physical Planning and Lands Act No. 13 of 2019. The said letter prohibits any further development in the mentioned public land.

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

- i. Status of ownership of the said piece of land that the ECDE is situated;
- ii. Whether the County Department of Education, Social Services and Gender, and Vocational Educational Training is aware of the status of the existing County ECDE; and
- iii. Steps that the County Government is taking to map out, revert and protect County ECDEs from perennial encroachment.

Thank you, Hon Speaker.

Hon. Speaker: The Chairperson, Education?

Hon. Perpetua Mponjiwa: Thank you, Hon Speaker. I request to be given ten working days to come up with a clear response.

Hon. Speaker: The Hon Member?

Hon Patrick Macharia: It is Okay, Hon. Speaker.

Hon. Speaker: Thank you. Let us proceed.

REQUEST FOR STATEMENT REGARDING REVENUE COLLECTED FROM TENTS ERECTED WITHIN THE CBD

Hon. Speaker: Hon Redson Otieno.

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the chairpersons of the Sectoral Committee on Trade, Tourism and Cooperatives and the Select Committee on Finance, Budget and Appropriations regarding the revenue collected from stalls and tents erected within the Central Business District.

Hon Speaker, stalls and tents have been erected along the parking near Cooperative Bank House, and revenue collected are not being paid into the County accounts.

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

- i. Who are the beneficiaries of the revenue collected from the stalls and tents erected along the parking near Cooperative Bank House;
- ii. Whether payments of the revenue are made in terms of MPesa or made through County accounts to the County. And if the accounts, who are the signatories to these accounts and how much has been deposited to these accounts; and
- iii. Steps that the County is taking to ensure that maximum revenue collection is tapped from these stalls.

Hon. Speaker: Thank you. The Chairperson of Trade first. Is the Chair within the building? Honourable Petit, please.

Hon. Paul Ndung'u: Thank you, Mr. Speaker. I am in the House, you can see me and I can see you.

(Laughter)

Hon. Speaker, I beg for two weeks.

Hon. Speaker: Hon Redson?

Hon. Redson Onyango: It is okay, Hon Speaker.

Hon. Speaker: Thank you. The Chair, Budget and Appropriations, please. Where is the Chair? The Vice Chair, please. The Chair has just stepped out. You are enjoined with the Trade Committee on this.

Hon. Emily Oduor: Hon. Speaker, I think it puts us in a very difficult situation because the said Member is also a Member of the Budget Committee. I think he should have directed that question to the Trade Committee. And the part that concerns the Budget Committee, he should have discussed with us in the Committee.

Hon. Speaker: What does our Standing Orders say?

Hon. Emily Oduor: Hon. Speaker, as a Member of the Committee, he is not supposed to ask a question, he should seek a clarification from the Committee Members. That is why I am throwing it to the Trade Committee. And for the part of the Budget Committee, we can discuss that in the Committee.

Hon. Speaker: Thank you. The Chair stands guided and the House as well. Hon. Redson, I have been notified of your membership to the Committee on Budget and Appropriations. So, it is not in order. You stand guided.

Hon. Redson Onyango: Thank you, Hon Speaker. As my counterpart had said earlier, the staff at the Table Office are the ones who are supposed to direct us.

Hon. Speaker: Yeah. Now you stand guided.

Hon. Redson Onyango: Thank you.

Hon. Speaker: Thank you.

REQUEST FOR STATEMENT REGARDING
AWARD OF TENDERS IN THE COUNTY

Hon. Speaker: Hon. Maurice? The mic is on.

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 Select Committee on Finance, Budget and Appropriations regarding award of tenders in the County

Hon. Speaker, Article 227 of the Constitution of Kenya, 2010 requires that public procurement be carried out in a system that is fair, equitable, transparent, competitive, and cost effective. Further, supplementary constitutional provisions which ought to be adhered to in public procurements include; the National Values (Article 10) of the Constitution of Kenya, 2010; Equality and Freedom from Discrimination (Article 27); Affirmative Action Programmes (Article 55); Principles of Public Finance (Article 201); the Values and Principles of Public Service (Article 232); and Chapter Six of the Constitution of Kenya, 2010 on Leadership and Integrity.

However, Hon. Speaker, it is alleged that the County Executive awarded contracts to Zeyana, Amical Co. Ltd., Hekari Limited, Venture Works, and Haus of D & Punder in unclear circumstances.

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

- i. Whether the County Executive properly followed the requisite tendering procedure;
- ii. Procurement awards, CR 12, the Companies and the status of payments of the said tenders; and
- iii. Measures the County Executive is taking to curb vices that may come with tender awards going forward.

Thank you, Speaker

Hon. Speaker: Hon Chairperson of Budget and Appropriation Committee?

(Hon. Peter Imwatok spoke off the record)

This has not been directed to you, Hon Majority Leader.

(Hon. Wilfred Odalo spoke off the record)

Put on your microphone.

Hon. Wilfred Odalo: Thank you, Speaker. One week is enough.

Hon. Speaker: Hon. Maurice?

Hon. Maurice Onyango: Hon. Speaker, I think this matter needs some urgency. I request for three days.

Hon. Speaker: One week is appropriate.


Hon. Maurice Onyango: Most obliged.

Hon. Speaker: Let us proceed. The last, Statement request from Hon Waithera.

PROCESSING OF PRIVATE MEMBER BILLS BEFORE A COMMITTEE AND ROLE OF THE BILL SPONSOR

Hon Waithera Chege: Thank you, Mr. Speaker. Allow me to take you to the General Statements. Pursuant to Standing Order No. 46, I wish to make a General Statement regarding the

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processing of Private Member Bills before a committee and the role of the Bill sponsor in the process.

Hon. Speaker, whereas Article 185 of the Constitution of Kenya, 2010 vests the legislative authority of a county to its particular county assembly, and guided by the provisions of Part II of the Fourth Schedule of the same Constitution of the devolved functions. Whereas Section 9 (1) of the County Governments Act, 2012 provides for the role of the members of the county assembly, which is amongst others, present views, opinions and proposals of the electorate to the county assembly, including legislations.

Whereas Standing Order No 125 of the County Assembly Standing Orders gives a committee or a Member not in a committee, the authority to introduce a Bill in the County Assembly, as the case with the Nairobi City County Climate Change Bill, 2023 (Assembly Bill No. 4 of 2023) which was introduced in this this same Assembly under my sponsorship. Whereas the said Bill was read the First Time on the 12th of September 2023 and subsequently read the Second Time on the 15th February 2024, as the sponsor of the said Bill, I am dismayed and disappointed with the leadership of the Sectoral Committee on Environment and Natural Resources for the under listed reasons:

1. Failure by the Committee Chairperson and the Vice Chair to involve the sponsor of the Bill during the committal of the Bill immediately after the First Reading;
2. Continuous involvement of key stakeholders by the Committee Chairperson and the Vice Chair on the Bill in various forums where new proposals for amendments are introduced without the involvement of the sponsor of the Bill;
3. Attempts by the Committee Chair and the Vice Chair to engage and entertain amendments to the Bill that are inconsistent and depart from the spirit and intended objectives of the Bill without the involvement of the Bill sponsor;
4. The need for the Standing Orders to be reviewed to incorporate the role of a Bill sponsor, who in my opinion should be the mover of the Motion during the Second Reading of a Bill, as a way of addressing any conflict of interest that may arise; and
5. The need for the Bill sponsors who are non-Committee Members to be co-opted in the Committee meetings during deliberations of such Bill as the generators of the ideas until its conclusion.

Hon. Speaker, further to that, I request that you reprimand and compel the Chair and the Vice Chair of the Sectoral Committee on Environment and Natural Resources to continuously involve and engage the Bill sponsors during all levels and stages of the consideration of Nairobi County Climate Change Management Bill, 2023.

Now therefore, Hon. Speaker, I do hereby seek your directions pursuant to the provisions of Standing Order No. 1, as the issues raised herein are not expressly provided for by the Assembly Standing Orders.

I am raising this General Statement because the Committee on Environment led by Hon Silas Matara held a meeting, whose program I have attached to this Statement, at Radisson Blu. I

know and I have been there before because people have come to me requesting that they be part of this Bill, and I have requested them to follow the procedures of this Assembly. Some other people have found it right, because some NGOs have received some facilitation to deal with the Bill on Climate Change. However, they have not come officially to this Assembly to request for such. Therefore, I will be saying no to any amendments that are brought through the back door on this specific Bill. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, Hon. Member. As you have requested direction from the Chair, Hon. Members, you are aware that every Bill at the point of being published will bear the name of the sponsor of Bill. So, that calls for the sponsor of the Bill to bear the brunt on the details of the Bill. The concern of the Member as raised, the full disclosure can only be given at the stages where the Bill is before the Committee. I find the right thing the Committee should do is to fully involve the Member who had sponsored the Bill in all the stages. But again, the concern as raised by Hon. Waithera should not actually be for this House what transpired there. I hope you understand what I am saying. My direction under Standing Order No. 1, as you have indicated is that, the Committee on Environment should involve you in each and every stage of the Bill. The Committee stands guided. Thank you.

Yes, Majority Leader.

Hon. Peter Imwatak: Mr. Speaker, thank you for your guidance. I am a Member of the Environment Committee, and I want to applaud your guidance. We will precisely do that as Committee. My sister is aware that there was a time I called her because I received some delegation on the same in my office, but to date, she has not appeared before the Office of the Majority Leader to share disclosure of the same on the Bill. As a member of this Committee, I am instructing my Chair to make sure he gets in contact with the private mover of the Bill so that we hasten the Bill on Climate Change.

SAFETY OF MEMBERS OF THE COUNTY ASSEMBLY

I also have a small Statement. Hon. Speaker, your role as the Speaker of this House is to protect the welfare, safety and the security of the Members. It has just come to my attention that the Assembly is not protected in terms of what we consume. All of us need celebrations of all kinds. Even on our birthdays, any Dick, Tom and Harry can just walk with a cake inside the Assembly. I was informed this afternoon that there is a Member of Parliament who walked into the precincts of this building to celebrate his birthday. Hon. Speaker, we are seeking for your guidance. Even I as the Leader of Majority has a birthday, let your Office be informed for our own safety.

(Applause)

Sodas and cakes are brought from outside and we don't know where they were made from. If we get a risk of diarrhea, who will be held accountable? It is you, Hon. Speaker, because our lives depend on you. If you have any celebration, kindly notify the Office of the Speaker. And for

Members of Parliament, you have your own parliament to do your celebrations. Even if you are a Member of Parliament, unless the Speaker authorizes, you should pass the visitor's corner.

I went to National Parliament to see the National Assembly Minority Whip. I was not allowed to use the door the Members of Parliament are using. Even the Members of Nairobi City County Assembly must use the visitor's door to access our Assembly. That is the rule.

Hon. Speaker, that is what I wanted to bring to your attention; we are at a risk. I love cakes, but let it be regulated in our Assembly for our own safety. Thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Majority Leader. That is noted with concern. Clerk!

MOTION

ADOPTION OF REPORT ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY ANNUAL DEVELOPMENT PLAN FY 2024/2025

Hon. Speaker: Chair of Budget Committee, please you can proceed.

Hon. Wilfred Odalo: Thank you, Mr. Speaker. THAT, this Assembly adopts the 14th Report of the Select Committee on County Finance, Budget and Appropriations on the consideration of the Nairobi City County Annual Development Plan FY 2024/2025.

Mr. Speaker, Sir, the stages of the County budget process are outlined in the provisions of Section 125... Hon. Speaker, protected me.

Hon. Speaker: Hon. Whip and the Majority Leader, consult in low tones, and if possible, use sign language.

(Laughter)

Hon. Wilfred Odalo: Thank you. Mr. Speaker, Sir, let me start afresh. The stages of the County budget process are outlined in the provisions of Section 125 of the Public Finance Management Act, 2012 which provides safeguards for utilization of public resources in the hands of the County Government. The guiding law is unambiguous that the annual budget roadmap starts with integrated planning which is anticipated to include establishment of financial and economic priorities over the medium term. The law requires that during integrated planning, the County Government should be able to make an overall estimation of the County Governments revenues and expenditures. The Planning stage therefore involves setting up of County priorities by striking off areas with less impact for those that can attract the most optimal returns. The balancing of priorities is customarily undertaken in an environment of limited budget legroom, growing budget deficits and shrinking revenue figures hence the need for timely awareness of the prevailing factors that may alter the intended projections.

Hon. Speaker, while scrutinizing the plan, the Committee observed that it has complied with the minimum statutory requirements as espoused in the County Governments Act and the

Public Finance Management Act, 2012. The Plan is aligned to the aspirations of the administration which is to make Nairobi City County “A City of Order”, “A city of Dignity” “A City of Hope and Opportunities for all”

Hon. Speaker, after review of the submitted ADP, the Committee has proposed a number of adjustments to make the plan responsive to the needs of our time: -

Under the Finance and Economic Affairs Sector, the Committee was keen to understand the revenue mobilization strategies to be employed to realize the elaborate resource requirements contained in the ADP. The Committee associates itself with the concerns by the County Treasury officials that we must all continue converging at the revenue collection table with a clear view of ensuring that our revenue targets are achieved hence the positive externality of funding the aspirations contained in our planning documents, like the Annual Development Plan. The Committee believes that the impending report of the Ad Hoc Committee, where the Leader of the Majority is the Chair, will be the first tool to unclog the dirt on the County’s revenue collection system. Nairobi City County can collect Kshs. 20 billion in a financial year, if we pulled up our socks, improved our discipline, reduced our appetite and became more accountable. Yes, we can!

Hon. Speaker, environmental conservation and solid waste management are at the epicenter of the action points for the current administration. The Committee appreciates the efforts that have thus far been made in acquisition of additional cleaning trucks, purchase of litter bins and supervision vehicles. The Committee was informed during these deliberations that the Green Nairobi Sector under the Environment Sub Sector intends to acquire additional working tools for a cleaner environment. The Committee agrees with the efforts thus far made and has recommended that in the coming financial year, the County Government should continue prioritizing maintenance of access roads to the dumping sites, acquisition of litter bins and servicing of trucks.

Under the Talent Skills Development and Care Sector, the Committee has in line with the approved CIDP okayed continued Construction of ECDE Centres, construction of social halls, sports complexes, stadia among others. In addition, the Committee has maintained its sights on the quick wins that benefit our people the most. Under this Sector, the Committee has authorized that allocation for Ward bursaries be increased by Kshs. 170 million which would translate to an additional Kshs. 2 million per ward.

(Applause)

In addition, the Committee has recommended that the Sector prioritize the construction of a safe house, training of survivors of gender-based violence, establishment of units for children with disabilities and employment of caregivers.

Hon Speaker, under the Business and Hustler Opportunities Sector Members might remember that in the budget estimates for the current financial year, the County Assembly approved for use of Kshs. 250 million for development of industrial parks. The primary intention of these parks was to provide the youth with opportunities to employ their idle talent while also contributing to the County’s industrial growth. The Committee has recommended be rolled out in

a manner that does not disadvantage the youths of the County. The Committee has also through this report proposed an enhanced allocation for construction of modern kiosks as well as the allocation for the ward biashara fund. These the Committee believes will directly impact on those at the very grassroots of our wards.

Under Mobility and Works, Mr. Speaker, Sir, the Committee confirms that the Sector has included priority areas in our wards that if implemented would revitalize our wards for the better. The plans have allocations for installation of streetlights, road maintenance, and utilization of the roads maintenance levy fund among others. The Committee has annexed to this report list of projects touching all the 85 wards in the County. With this matrix, each ward shall be expected to have at least two projects in the coming financial year.

Mr. Speaker, Sir, the administration's flagship projects under the approved County Integrated Development Plan 2022-2027 is the school feeding programme, which is meant to improve the menu of nutritious food that all children within the city schools enjoy. The Committee was however taken aback that the submitted ADP had no programme allocations and targets associated with the School Feeding Programme thereby putting the continuity of the programme in great jeopardy.

The Committee has recommended that the same be reinstated and implemented as envisioned in the approved CIDP. Further, the Committee heard from the County Treasury during the deliberations on this ADP that the Health Sector is a beneficiary of a number of conditional grants that are neither declared nor included in the budget estimates approved by the County Assembly. The Committee has recommended that all grants received by the Health Sector be managed within the available legal framework. Therefore, we expect to see all the grants in the CFSP and budget estimates for the FY 2024-2025.

On Wards Development Programmes, as Members are aware, the allocations per ward has been about Kshs.17 million, a figure that the Committee increased to Kshs.23 million in the current financial year. Through the foresight of the Budget Committee, the allocation is expected to rise from Kshs.23 million per ward to Kshs.27 million in the coming financial year. Each ward shall therefore receive an additional Kshs.4 million.

(Applause)

Based on the above, Hon. Speaker, having reviewed the submitted the Annual Development Plan 2024-25 the Committee recommends that: -

1. That the policy and cross cutting recommendations contained in the tabled report be approved.
2. That the Sector specific amendments and Interventions to the Annual Development Plan be approved as contained in the tabled report.

Hon. Speaker, in conclusion and pursuant to the provisions of Section 126 (3) of the Public Finance Management Act 2012 the County Finance, Budget and Appropriations Committee

recommends that: This Assembly adopts the 14th Report of the Select Committee on County Finance, Budget and Appropriations on the Annual Development Plan for the FY 2024-2025.

Hon. Speaker, all the Members have copies of the ADP before them. Elected Members, kindly go through it and see if whatever you submitted in the CIDP are contained in ADP for the Fiscal Year 2024/2025.

Hon. Speaker, allow me to invite the Minority Leader to second the motion.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I rise to second the Motion by my Chairman Budget Committee. The Budget Committee sat down and looked at this document, listened to the sectors, and came up with comprehensive documents. A lot changes when government starts and along the way, that is why it is necessary to have this document and adjustments that comes with it. Therefore, I beg to second the report and urge Members to support it as it is. Thank you.

(Question proposed)

Hon. Speaker: Hon. Members. Yes, Hon. Mark Mugambi.

Hon. Mark Mugambi: Thank you, Hon. Speaker. Allow me to commend Dr. Wilfred Odalo, the Vice Chair, Madam Emily and all the Members of the Budget Committee, together with all the chairpersons of the different sectoral committees that we have in this Third Assembly, for coming up with a well thought document that is going to guide us on our expenditure for the next financial year. That is a service wise and development wise, which is among the core reasons as to why we were elected and nominated in this House.

Hon. Speaker, allow me in a special way to touch on the WDF. Chairperson, this is a very good step in the right direction because when I was elected in 2017, I found the WDF at around Kshs.14 million and it wasn't working. But as I speak, I can confirm that in this regime it is indeed working. Therefore, the increment of up to Kshs. 27 million is going to be a milestone. The WDF is the only source of development that can cut across all the 85 wards.

Hon. Speaker, also allow me to touch on the bursaries. The increment of about Kshs. 2 million per ward is a good gesture, especially to electorates during these harsh economic times. Recently, we gave out our bursary forms. Out of the 475 forms that I had, I got a turnout of 1,900 applicants out of 475 forms, that is close to four times what I was to give them. Therefore, the additional Kshs. 2 million will go a long way in assisting the needy access education without a fail. With these few remarks, I beg to support.

(Applause)

Hon. Peter Imwatok: Hon. Speaker, first of all, allow me to appreciate the Committee of Budget and Appropriation Committee, led by its able Chair and the Vice Chair. Today, I am happy to see the Vice Chair making sure the budget process and ADP is passed.

Hon. Speaker, I have only one key issue that I am very proud of especially for the elected leaders. I am happy that during my term and Hon. Kiragu, within a span of one year and five months or so, the WDF has got an increment of almost Kshs. 10 million. Our agenda still keeps

on, that by the end of these five years we want to leave a legacy behind. This is a challenge to the Budget Committee to make sure this agenda keeps on. In the next financial year. The Ad Hoc Committee is looking into issues that are causing our revenue not to be at par. If we realize a potential that the ADP is projecting of Kshs. 20 billion per every financial year, I would not mind if we have Kshs. 50 million per every ward for the WDF.

Hon. Speaker, on the issue of education, as the Whip has said, if you want to know Kenya as a problem, just announce you are issuing bursary cheques. You expect to give 250 people; you will find a hall of more than 2,500 people. It is a challenge to the Hon. Members. The Chair for Budget and your team, thank you for making sure there is this addition already captured in the ADP. Assumingly, the Budget Committee and the Ad Hoc Committee works well and we get enough money, we will take it higher so that our people can also be part of beneficiaries in what we collect from Nairobi. Government does not come into place to make profits, but to serve the people.

With those few remarks, I want congratulate the entire Budget Committee for this well done job. I look forward to CFSP, the Supplementary Budget, and the actual budget which we believe that you are doing it timely and precisely within the time lines. Thank you, Hon. Speaker and God bless you all.

(Applause)

Hon. Speaker: Hon. Samora.

Hon. Samora Mwaura: Thank you, Mr. Speaker for this opportunity to put my voice on this budget presentation for the ADP. First, I want to congratulate the Committee for a job well done in coming up with this friendly ADP report. I thank the committee for considering raising the WDF from Kshs. 23 million to Kshs. 27 million, meaning that now Members will have more and bigger projects in their wards. This is a legacy, as the Majority Leader has said.

Secondly, there is another thing I want to say which is actually at the bottom of my heart; raising the ceiling for the bursaries. We have always agitated to have Kshs. 3 million per term, which is equivalent to 600 beneficiaries. In a year, that is 1800. So, this is a huge step forward. I remember in the last Assembly we once proposed to the then CEC in charge of Education in a meeting that one day we shall be giving Kshs. 6 million bursaries, she laughed it off and said that it was a pipe dream. I believe she will read this and know that now we Kshs.9 million. I believe this House will go down in history as one of the best in terms of that.

(Applause)

Finally, I want to thank the Committee for remembering the youth. In the Youth and Talent Sector, they have allocated Kshs. 207 million, which is good because it means youth events and activities across the City will now take place. This is key in making sure that our young people do not engage in vices. With that, I support. Thank you.

(Applause)

Hon. Speaker: Hon. Members, an indication from my screen calls for the mover to reply. The screen is clear.

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Before I reply, let me take the opportunity to thank the secretariat of the Budget Committee for the good work done, led by Eric and Wilfred Manyi. Let me also thank the Members of Budget. This is one Committee which has never lacked quorum. Even if you look at the report, you will realize that all Members signed for the report, except only two Members, Hon. Susan who is out of the country and Hon. Ogeto who is injured.

Hon. Speaker, I would like to appeal to our female Members on the absorption rate. What we gave them the other time, the absorption rate was almost zero. Of the 40 million we give them, only one Member traveled out of the country for benchmarking but she has not been paid. So, kindly pull up your socks for the absorption rate so that you can be added more.

Having said that, allow me to say thank you, Hon. Speaker for the opportunity and signing our site visits and the outside sittings that the Committee held. I beg to reply. Thank you.

(Applause)

(Question put and agreed to)

BILL

Second Readings

NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT EDUCATION BILL 2023 (ASSEMBLY BILL NO. 8 OF 2023)

Hon. Perpetua Mponjiwa: Hon. Speaker, I beg to move the following Motion:
THAT, the Nairobi City County Early Childhood Development and Education Bill. 2023 (Assembly Bill No. 8 of 2023) be now read a Second Time.

Hon. Speaker, the Bill was read the First Time on 7th November 2023 and committed to the relevant sectoral committee, pursuant to the provisions of Standing Orders 134 and 135 respectively.

Hon. Speaker, Article 43 of the... I am being interrupted by a member who traveled alone to Dubai without other members of the caucus.

Article 43 of the Constitution of Kenya, 2010 provides that every member has the right to education. Paragraph 9 of Part II of the 4th Schedule of the Constitution provides for the function of the county government regarding early childhood education and development. As the right enshrined in the Constitution, providing the guidelines within which that right can be exercised in the Nairobi County is imperative.

Hon. Speaker, the principal objective of this Bill is to establish administrative requirements and the curriculum framework to provide for early childhood development and education in the County. This Bill proposes values and principles in provision of preprimary school education in the County, which include; the right of every child to free and compulsory preprimary school

education; equitable access for the child to preprimary school education; promotion of quality and relevant education; protection of every child against discrimination; protection of the right of every child in the public school to equal standards of education, including the medium of instruction used in school for all children of the same educational level; and ensuring human dignity and integrity of persons engaged in the management of preprimary school education.

Hon. Speaker, the proposed law is further aimed at developing a system and a structure of preprimary school education, where the County Government is to promote the preprimary school education and capacity building of early childhood education teachers in the County. In addition, the County is to establish a structure to enable learners to access education and training at any level in a sequence and at a pace that may be commensurate with the learners' individual, physical and mental abilities, and resources available. For the purposes of time, I have a three pager and I will be concise. I will skip the rest.

Hon. Speaker, in conclusion, the Committee has received several vital proposals to be considered for inclusion in the proposed law. The Sectoral Committee on Children, Early Childhood Education and Vocational Training is scrutinizing the proposed amendments, thereafter a report will be presented in the Assembly before commencement of the Committee of the Whole County Assembly.

Hon Speaker, I am confident that the implementation of this proposed law will go a long way in laying a solid foundation for the early childhood development and education, and transition to the higher levels of education in the County.

Hon. Speaker, allow me to call upon my good friend, Hon. Katile to second this Motion. Thank you.

Hon. Diana Mwangangi: Thank you so much, Mr. Speaker. Much has been said by the Chair, Education Committee. As a Member of the Committee, I must admit that we have gone through the Bill. Much of the three pager that she has mentioned there holds a lot of what I would say. She has delved into the substance of the Bill. Therefore, I want to end there and say that I second.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Hon. Members.

Point of Order

Hon. Hashim.

Hon. Hashim Kamau: Thank you, Mr. Speaker. I am seeking your direction under Standing Order 121. The mover has indicated that the report will be Tabled before the Committee of the Whole House. If you may allow, Mr. Speaker to read the Standing Order 121 (5) on the issue of Committal of Bills to Committees and Public Participation:

“If for any reason, at the commencement of the Second Reading the report of the Committee has not been presented, the Committee concerned shall report progress to the

County Assembly and the failure to present the report shall be noted by the Liaison Committee for necessary action.”

I just wanted to find out if the Liaison Committee has noted the issue that has been said that the report will be Tabled before Committee of the Whole House because it is supposed to be presented 20 days before...

Hon. Speaker: Hon. Hashim Kamau, as a senior Member of this House, I expect you to have much respect for the Standing Orders. Kindly read for us the title on Standing Order No. 121.

Hon. Hashim Kamau: I was using the old one, I am sorry.

Hon. Speaker: That is what has gone on record, Hon. Hashim Kamau.

Hon. Hashim Kamau: But the issue of Committal of Bills...

Hon. Speaker: Hon. Hashim Kamau, can you read the Standing Order 121?

Hon. Hashim Kamau: Just a minute, I give you the correct number.

Hon. Speaker: What does the title of Standing Order 121 say? Serjeant-at-Arms, please assist the Hon. Member.

Hon. Hashim Kamau: Sorry, Mr. Speaker, I was using the old Standing Orders. Maybe the Clerk can assist me on the issue of Committal of Bills and the Tabling of Reports.

Hon. Speaker: I wanted to go on record on what Standing Order 121 states.

Hon. Hashim Kamau: Thank you, Mr. Speaker, I am guided. Standing Order No. 121 is Appeal Against Suspension. But the issue I am raising is the committee reporting to the House...

Hon. Speaker: So, can you first of all correct that?

Hon. Hashim Kamau: Yes, I have corrected. I am guided, Mr. Speaker.

Hon. Speaker: Under what Standing Order?

Hon. Hashim Kamau: I am used to wearing glasses, that is the only problem.

Hon. Speaker: Just take your time. You may seek assistance from the Clerk-at-the-Table.

Hon. Hashim Kamau: It is 135.

Hon. Speaker: What does 135 say?

Hon. Hashim Kamau: Committal of Bills to Committees and Public Participation.

Hon. Speaker: Now, what is your concern?

Hon. Hashim Kamau: My concern is failure by the Committee to Table the report before the Second Reading, which is a must. If it has failed to report, the Liaison Committee has to note that. Unfortunately, I am a Member of the Liaison Committee, and we have not sat to note that.

Hon. Speaker: Hon Perpetua, kindly engage the Member on his concerns.

Hon. Perpetua Mponjiwa: The Hon. Speaker, it has been a precedent that you can always do the report before the commencement of the Committee of the Whole House. I do not know which law my colleague is quoting or which Standing Order, for me to be able to correct.

Hon. Speaker: Hon. Member, please if you can revisit your Standing Order properly, under 135 (6)

“Despite paragraph (1):

(a) The Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine.”

Kindly persuade the Chair.

Hon. Perpetua Mponjiwa: Hon. Speaker... *(off the record)* ... we have never had any other powerful Speaker as you are in Eastern and Central Africa, and South of Sahara and North of Limpopo; Hon. Kennedy Okeyo Ng’ondi. Hon. Distinguished Speaker, you have all powers given to you by Standing Order 1 to allow me to proceed with this Bill. Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: The power of a woman Member. Hon Members of the House, the Standing Order 135 (6) (a), under the concern as raised by the Hon. Hashim Kamau, gives the Speaker as the Chair prerogative and authority to give leave of the House by powers restored to the Speaker, an opportunity to give the Hon. Member who has moved the Bill without the report passing through the necessary procedure. For that reason, I grant the Hon. Member the opportunity to proceed.

(Applause)

Hon Lily Akoth Kidenda. The other mic adjacent to you is on.

Hon. Lily Kidenda: Thank you, Hon. Speaker. I rise to support this Bill. The Nairobi County Assembly is privileged to have a team in the Early Childhood Development Education that consists of educators and people who understand that foundation of nation is not built on its wealth nor its strength, its artillery or skyscrapers, but on the strength in developing the core of its society. And it starts at the cradle.

This Bill comes to us because in the lines of devolution, early childhood education rests within the County. It aims to provide a comprehensive framework for early childhood education and to promote a critical component of development in the lives of our children that will develop their socio economic development.

I would like to tell this House that the reason most marriages fail now is because of the lack of attachment that children have because of lack of this core development, the integrated opportunity. Young children go to school; they get to standard one or preprimary, and in one year they are taught by more than one teacher. They are confused who to be attached to. When they develop as adults, they are expected to make homes. They find out in their minds they are not too sure whether they can trust this person. This Bill seeks to help our children understand the value of attachment and to be able to be developed to trust in those people around them, forming a foundation like no other.

This Bill will develop a collaboration between the government agencies, educational institutions, parents, and the community at large. Parents will be engaged to the extent of knowing that they have a role in the lives of their children. It advocates for professionalization of early childhood educators through continuous training and understanding that it is truly important to continue to empower our people.

As I come to my conclusion, in this House, I moved a Motion to encourage this County to include in the development of teachers, counseling skills that would equip them to understand how to deal with the emotional changes and the delicateness of education at this level.

Mr. Speaker, I thank you for giving me this opportunity, and I would like to strongly support. I would like to thank our Chair and the Education Committee for the commitment that each one of us has put in to this Bill. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Heho.

Hon. Carrington Heho: Thank you, Mr. Speaker. I rise to give a nod to this wonder Bill that touches on children. This Bill gives the House the power to speak on behalf of the voiceless of this County. They are too little and their voices are not powerful, but we can amplify their voices.

Mr. Speaker, this is a Bill that touches on promotion of special needs through establishment of special schools. You understand that we do not have any institution anywhere in this County that touches on children who are special, more so those who are living with disability. The Bill will advocate for such to happen across the County.

It equally calls for proper recruitment across for ECDE teachers, owing to the fact that at their formative early years, giving them to the right person who understands their language, emotions and feelings will be special for our children. Thank you, Mr. Speaker.

Hon. Speaker: The mover to reply.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker, I really appreciate my fellow Hon. Members, and I give credit and appreciate my Committee Members of Education and of course by secretariat led by Mr. Wasike, Kanana and our Counsel Munase. I beg to reply. Thank you.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House)

Hon. Speaker: The Chair for Education, you want inject a word?

Hon. Perpetua Mponjiwa: Yes, Hon. Speaker. I was requesting if I can defer this Motion to next Tuesday.

Hon. Speaker: Give the Clerk an opportunity to read out Order No. 10 first. Do not preempt. Clerk, please.

NAIROBI CITY COUNTY TECHNICAL, VOCATIONAL EDUCATION
AND TRAINING BILL, 2023 (ASSEMBLY BILL NO. 6 OF 2023)

Hon. Speaker: Hon. Perpetua, you can now have the floor.

Hon. Perpetua Mponjiwa: Hon. Speaker, I beg to defer this Motion to next week on Tuesday. Thank you.

Hon. Speaker: Who is in agreement, Hon. Members? I expect you to be on your feet.

(Hon. Members stood in support of deferment of the Bill)

Thank you. The entire House is in agreement that the Bill be deferred and appear in the Order Paper tomorrow, being the day of Wednesday 28th February 2024 at 2.30 p.m.

(Bill deferred)

(Hon. Maurice Onyango spoke off the record)

Tomorrow is on Wednesday; Hon. Maurice, you are misleading the Chair.

ADJOURNMENT

Hon. Speaker: Hon. Members the Assembly stands adjourned to tomorrow, Wednesday 28th February 2024 at 2.30 p.m.

The House rose at 4.59 p.m.