



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 29th October 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. Speaker: Hon. Members, the attention of the Chair has been raised for lack of quorum. 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. Thank you.

(Quorum Bell was rung)

Hon. Members, after the bell has been rung for ten minutes, it seems that we have not been able to attain quorum. I direct the Serjeant-at-Arms to ring the bell for a further five minutes.

(Quorum Bell was rung)

(Hon. Stazo Omung'ala consulted loudly)

Hon. Stazo, kindly use parliamentary language on your colleagues.

Hon. Members, we are properly constituted to transact the business of the day. Clerk, kindly proceed.

COMMUNICATION FROM THE CHAIR

WELCOMING MEMBERS FROM THE SHORT RECESS

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Hon. Speaker: Good afternoon Hon. Members, I have the following communication to convey... Order, Hon. Member, you may be seated.

Hon. Members, may I take this opportunity to warmly welcome you back to the Assembly from the well-deserved short Recess that doubled up as a break to enable you participate in the County Assemblies Sports Association (CASA) games...

(Hon. Rex Omolleh consulted loudly)

Hon. Rex, kindly the Speaker is on the floor.

I believe that you also had time to engage, interact and bond with your constituents and family members.

Consequently, Hon Members, may I extend my utmost gratitude to all of you who made it to Bungoma County to participate in various sporting activities. Further, may I commend officers of the Assembly Service who demonstrated remarkable commitment to preparations and participation in various sporting teams. Congratulations are in order to the teams whose efforts resulted in awards in form of trophies and/or certificates. You made us proud. I give you the assurance that the Board is fully committed to providing the necessary support towards facilitating your welfare and providing necessary and enabling facilities, environment and equipment for teams to exercise and effectively participate in sports going forward.

Accordingly, I will be giving the Leader of Majority Party ten minutes after this Communication, if he is present, to address the Assembly on the participation of our teams in the sports, highlighting achievements, any challenges and proposals on addressing them as required under his leadership and as the Chair of CASA

Hon Members, as we resume and commence this last part of the 2024 Assembly Calendar, there have been challenges that the Assembly has been facing including occasional lack of quorum which affects execution of important business in the Plenary. May I rally all of you to introspect and soul search individually and collectively on whether you have effectively discharged your mandate and whether you have effectively contributed to the collective mandate of the Assembly in the course of the Third Session.

That notwithstanding, I thank all the Members who have taken steps to generate legislative proposals, sponsored Motions and brought to the attention of the Assembly pressing matters of their constituents through Statements and Petitions. This has enabled the Assembly to revive its resolve to achieving its strategic objectives. I guarantee you that, that is not in vain because we have already passed a number of Bills and the Clerk has reported to me that quite a number of proposals are being processed for consideration before the end of this Session. The Assembly Business Committee is also lining up business including Motions on varied subjects for consideration.

Hon Members, let me reiterate that the Committee system is the backbone of the execution of the business of the Assembly. Consequently, I want to commend all Chairpersons

whose Committees have been active in executing and providing business. On the other hand, as we rally Members to put in individual and collective efforts to originate business and have them processed in the Plenary, this will amount to negligible output if Committees fail to do their part and generate reports for consideration. In this regard, I call upon Chairpersons to properly prioritize business before their respective Committees and furnish the Plenary with relevant reports. I am aware that some Committees are facing challenges which have been brought to the attention of the Liaison Committee for consideration. In addition, Chairpersons are encouraged to take advantage of the 2nd Quarter workshops which have since been scheduled by the Liaison Committee to consider and conclude on all pending business. I thank you. Hon. Members.

Hon Members, you may proceed and take your seats.

(Several Hon. Members entered the Chamber)

Kindly settle down.

GUIDANCE ON CONSIDERATION OF MATTERS BEFORE COMMITTEES

I have a further communication; this is on the guidance on consideration of matters before relevant committees. Hon. Minority Leader, please. Hon. Whip...

Hon Members, my office acknowledges and appreciates that you are bestowed with an important Constitutional mandate to represent your constituents and residents of Nairobi on matters that are within the scope of functions of County Governments. However, the Constitution also mandates the County Assemblies to put in place and operate on the basis of their own procedures; the Standing Orders. Accordingly, while facilitating and presiding over the execution of the Assembly's mandate, I am required to enforce the observance of these Standing Orders, including protection of proceedings of the Assembly and its Committees.

Hon Members, consequently, may I bring to your attention the provisions of Standing Order No. 94 of our Standing Orders, which provides as follows and I quote: -

"A Member shall not refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the County Assembly"

Hon Members, the import of these provisions is that Select Committees, being a creation of this Assembly, must be allowed to conclude considering business before them and submit their reports to the Assembly in order to inform debate. This also goes a long way in allowing Select Committees to conduct business objectively and independently without undue influence.

In this regard, Hon Members, on 19th September 2024, I referred a Statement requested by Hon. Chege Mwaura, MCA to the Sectoral Committee on Lands, Planning and Housing regarding the ongoing Pangani and Jevanjee affordable housing projects. However, given the nature of the matter that has attracted a lot of public interest and enthusiasm from Members of this Assembly, a number of Members have since approached my office seeking to raise further statement requests and/or Notices of Motions on the same matter, in a manner that insinuates pre-emption of debate. In view of the provisions of Standing Order No. 94 cited above, I direct

that all matters around this issue be handled by the said Committee, which is hereby directed to expedite its investigations and table a comprehensive report as directed on 19th September, 2024.

Further, I also direct that any Member with any issue in relation to the stated matter to appear before the Planning and Housing Committee where they are at liberty to raise them for further investigations by the said Committee. Consequently, going forward, I will strictly be guided and apply the provisions of the law, the Standing Orders and practice whenever business related to this matter and any other matter of this nature is brought to my attention for consideration and approval. You stand guided. Thank you Hon. Members.

(Hon. Robert Alai raised a Point of Order)

Hon. Speaker: You cannot rise on a Point of Order to...

Hon. Robert Alai: Mr. Speaker, Standing Order No. 94 talks about select committees, Planning Committee is a sectoral committee.

Hon. Speaker: Hon. Alai, that is a communication from the Chair, please.

(Hon. Peter Imwatok raised a Point of Order)

Hon. Majority Leader, you cannot rise on any Point of Order after the Speaker has communicated.

Hon. Speaker: My communication is not subject to debate and interrogation, check your Standing Orders properly. Hon. Majority Leader, you stand guided. Please be seated, I will give you time.

On the concern that has been raised by Hon. Alai, just to inform the House that all committees are select committees, check your Standing Orders properly. Clerk, proceed.

PAPERS

NAIROBI CITY COUNTY BUDGET REVIEW AND OUTLOOK PAPER

Hon. Speaker: Hon. Majority Leader! Clerk, you did not furnish the office of the Leader of Government Business with the papers to be laid?

Hon. Peter Imwatok: Hon. Speaker, because I was called, allow me to lay the Paper.

Pursuant to Section 118 (1) of the Public Finance Management Act, 2012, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 29th October 2024:

The Nairobi City County Budget Review and Outlook Paper, 2024.

This is a review on how the budget should look like for the year 2024. I believe the Committee on Budget and Appropriations will delve into it and subsequently table a report before this House. Hon. Speaker, I beg to lay.

(The Paper was laid on the Table)

Hon. Speaker: Clerk, please make sure you liaise with the relevant sectors before the plenary. Hon. Akama.

REPORT OF COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
ON WORKSHOP HELD IN NAKURU COUNTY

Hon. Jared Ondieki: Hon. Speaker, pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 29th October 2024:

The report of the Sectoral Committee on Justice and Legal Affairs on a workshop held on 14th to 16th December 2023 in Nakuru County.

(The Paper was laid on the Table)

REPORT OF COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
ON WORKSHOP HELD IN MOMBASA COUNTY

Hon. Jared Ondieki: Hon. Speaker, pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 29th October 2024:

The report of the Sectoral Committee on Justice and Legal Affairs on a workshop held from 3rd to 6th September 2023 in Mombasa County.

(The Paper was laid on the Table)

Hon. Speaker: Thank you. Chair WDF, Hon. Dabar? The Vice Chair?

REPORT OF COMMITTEE ON WARD DEVELOPMENT FUND
ON WORKSHOP HELD IN MOMBASA COUNTY

Hon. Hamisi Maleya: Thank you, Hon. Speaker. I rise on behalf of my Chair and Vice Chair who are out on official engagement. Thank you for giving me this opportunity.

Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of the Assembly, today, Tuesday 29th October 2024:

The report of the Select Committee on Ward Development Fund on a workshop held from 1st to 4th December 2022 at Continental Hotel, Mombasa County.

(The Paper was laid on the Table)

STATEMENTS

Hon. Speaker: Hon. Majority Leader, you may take ten minutes of your time to address on the CASA games.

Hon. Peter Imwatok: Hon. Speaker, it may not even take the ten minutes, maybe five minutes because I am unwell.

Hon. Speaker: Sorry.

Hon. Peter Imwatok: Hon. Speaker, allow me to thank your office and that of the Clerk for enabling all the Members of the County Assembly and staff to appear in Bungoma County. Indeed, the fifth edition of the CASA games was exemplary than the others. As you are aware, we have 47 counties, and about 45 county assemblies participated together with their staff. We hosted more than 8,000 participants in Bungoma County. With that, Hon. Speaker, allow me to appreciate the entire leadership of the House, from the Majority side to the Minority side. It was a good gesture seeing Hon. Kiragu participating, so was our clerks, Hellen and Jolinda.

We had 23 disciplines in Bungoma, and our Assembly participated in about ten. Congratulations to the choir team who brought us a cup. Hon. Speaker, these games aim to bring cohesion and harmony among counties. We also got petitions led by Hon. Petit who asked that we look at the regulations of the games. So, we are looking to invite speakers of the Assemblies to have a symposium that deals on CASA games as we do a postmortem on what transpired.

I must also thank the Controller of Budget, Mary Nyakango, who supported the course of CASA throughout the 47 counties and insisted that things need to be done in a proper way. I also wish to appreciate the host Speaker of Bungoma, the Clerk, Hon. Members, and Governor Lusaka for giving us a good time. To our Clerk and the secretariat, it was good to see them represented in fully kitted uniforms, apart from tug of war and choir. As you are aware, funds had not been released by the Controller of Budget, but I believe that they will receive their sets. The support we need from you now, Hon. Speaker, is that we are going for the East Africa Local Authorities Sports and Cultural Association (EALASCA) games in Rwanda in the month of January.

I saw Mheshimiwa Waithera Chege, a very good volley baller, Hon. Hellen, netballer, Mama Emily Oduor, Chairman for Roads, Hon Musango, our team doctor football, Minority Leader playing darts, team manager, Mheshimiwa Ochieng Jera and Hon. Odalo. On record, Mheshimiwa Odalo participated in athletics but the usual game of badminton was not available.

Hon. Speaker, I want to sincerely thank everyone for the great support and attendance. Being a leader and seeing your own people gives you encouragement. Thank you, Leader of Minority for checking on me. I received a call from Hon. Whip, Hon. Ogeto wanting to know how things are. As much as he was not well, but he wanted to know how we are faring on in Bungoma. The Minority Whip played football and took as to the quarter finals. We failed just because we had no good keeper, but our Serjeant-at-Arm, Mohindi, moved in and did well despite not being a keeper. Hon. Matach was always there on the touchline cheering us. It was great seeing you all there, Mama Masitsa led her battalion, Mama Jane Muasya, despite what she was going through, she was there to lead the tug of war.

Hon. Speaker, you have a team, especially the staff who were exemplary and disciplined. There was no award for discipline, but Nairobi County Assembly deserved an award for that. You gave us easy time. There were no cases of indiscipline from Nairobi unlike other county assemblies. To put on record, Nairobi County Assembly never used a *mamluki*. We only fielded staff and Members of the County Assembly, including those who are employed and are not yet in the IPPD. I know that the uniforms came late because of the printing issue but next time I believe

that the Clerk's office and the supplier of the uniform will do what is necessary. I want to plead with the Chair of Budget because this is the only time when we can showcase what Nairobi is, look critically on the vote for games because CASA games is the only chapter that brings staffs and Members of county assemblies together. I do not think making 300 tracksuits is that expensive for Nairobi County. I will be keen on the budget allocation on CASA for the next edition so that we attend them with respect and have the other counties respect us. Thank you for this time, Hon. Speaker and let us work together. *A luta continua.*

I also want to appreciate the efforts you made during the recess. Seated with me here is Hon. Rex, MCA for Nairobi West who is under threat. He had an issue in his ward where the residents went to take over a playing field, and now one Jayesh Saini is threatening his life. As the Leader of Majority, I am not going to take that. The Chair of Planning, through the directions of the Speaker, to take this seriously. There is no way public land that belongs to our children can be taken. Hon. Rex is here and we do not know if he will be in custody in the next two hours. We will be there for you, and there is no room for anyone to threaten a Member when exercising his duty. Hon. Speaker, I seek your guidance on this.

The Chair for Planning and the entire Planning Committee, we handled the Jeevanjee and Pangani issues in the Committee. Thank you for your communication, Hon. Speaker. I am seeing people are vomiting all over. The Kshs.1.9 billion which we didn't ask in the Committee is coming out. I beg to sit.

Hon. Speaker: Thank you, Hon. Majority Leader for raising the concern. I will advise. Hon. Minority Leader please.

Hon. Anthony Karanja: Hon. Speaker, I am asking for ten minutes for Members to comment something on Bungoma. I think it will not be right if we let it pass yet our teams did well. First of all, is to congratulate our Majority Leader for making us proud. It was a very nice experience to be associated with him in Bungoma as the President of CASA. They did an excellent job. So, Hon. Imwatok, we salute you as an Assembly and thank you for representing us well.

(Applause)

I had an opportunity to go round with him and I could see the level of respect, participation and organization that went into that. We can assure you that while you were away we were looking after the Assembly well. Hon. Speaker, to the teams that went there, we are very proud of you. He has forgotten to congratulate the loud supporting squad that went with us, led by Hon. Virginia, Hon. Mofire and others who encouraged the teams. The football team did well, it is only that I could not go to watch the game because we were engaged in darts. The choir team, congratulations for bringing the cup home. Volleyball team, I could hear there were *mamluki* brought against our teams. Congratulations, Mr. President CASA for taking action. As the darts team, we also suffered the same, however we crushed the *mamlukis* and progressed all the way to the semi-finals. It is also very important to say that Hellen Mutie seated here emerged

the best lady in darts in the country. We promised our team that we will continue playing until we go to Burundi and beyond. So, CASA President, please consider that. Table tennis and pool also suffered from *mamluki* because they could not identify them on time.

We want to take this opportunity to say thank you to Bungoma County for their hospitality and for hosting us very well. I was very happy for being there after almost 15 years. I got the tracksuits and I am happy for that even though the pair that I got cannot even fit my son.

Hon. Rex, we have been in these corridors long enough and I know that the Majority Leader will guide you on what needs to be done. As an Assembly, we need to be aware and understand the Powers and Privileges Act, 2012. You cannot be arrested on your way to or from the County Assembly. If anybody wants to arrest you, they have to wait for you to go home or when you are doing a walk. So, we are aware of that and we are on your side. The level of theft of public land that is happening in this County cannot be allowed.

(Applause)

I want to believe that even the Executive led by the Governor cannot accept that. We will stand with you, the people of Nairobi and the people of Nairobi West.

Hon. Speaker, I know I have had a conversation with you about the Pangani. What has been happening is shocking, just like the Majority Leader has said. It is shocking to the people and to the investors of this city. Hon Speaker, I can see that I am deviating. Congratulations to the teams that represented us in Bungoma. I beg to sit. Thank you.

Hon. Speaker: Thank you. We must recognize one of the outstanding members of the CASA games. That is Honourable Virginia. Is she in the house? She is not in? But now the communication is home. She is vibrant and contributed a lot to making sure that the Assembly facilitate Members to go out and participate. I really appreciate that. Thank you.

I would want to alter the sequence of the Business because I have got Motion No. 8 and No.9 with timelines. For that reason, allow me to defer Order No. 7 on the request on Statements. Immediately after we finalize with the Business, we will proceed to Order No. 8. Hon Diana Katile will take the Chair. Hon Kimemia is in the House; I think you had been briefed before by the Deputy Speaker. So, it is in order.

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Hon. Speaker left Chair)

IN THE COMMITTEE

[The Temporary Chairperson (Hon. Antony Gathumbi) took the Chair]

THE NAIROBI CITY COUNTY PERSONS LIVING WITH
DISABILITY (AMENDMENT) BILL, 2023

Hon. Temporary Chairperson: Hon. Members, Order!

Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 (Assembly Bill No. 7 of 2023). We shall start the Bill with Clause 3.

Clause 3

(Question that Clause 3 be part of the Bill)

(Question put and agreed to)

Clause 4

Hon. Temporary Chairperson: Mover?

Hon. Joyce Kamau: I beg to move:

THAT, Clause 4 of the Bill be amended as follows: -

- (i) By amending the new Clause 22A Sub- clause (2) paragraph (a) by inserting the words ‘People with disabilities’ to appear immediately before the word ‘board’ and deleting the words ‘with the approval of the Executive Committee Member for the time being responsible for matters relating to persons with disabilities’
- (ii) By amending the new Clause 22A Sub- clause (2) paragraph (b) by deleting the words ‘Chief Officer in charge of’ and replacing therefor with the words ‘Chief Executive Officer of the board’

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 4 put and agreed to)

Clause 5

Hon. Temporary Chairperson: Mover?

Hon. Joyce Kamau: I beg to move:

THAT, Clause 5 of the Bill be amended as follows: -

- (i) By amending the new Clause 22B Sub- clause (1) paragraph (a) subparagraph (iii) by deleting it and replacing it therefor with a new subparagraph (iii) as follows:
 - (iii) Provide vocational and therapy services for persons with disabilities.

- (ii) By amending the new Clause 22B Sub- clause (1) paragraph (a) by inserting a new subparagraph immediately after subparagraph (iv) as follows;
- (iv) Improve the existing county owned therapy centers for persons with disabilities.
- (iii) By amending the new Clause 22B Sub-clause (1) paragraph (c) by inserting new paragraphs immediately after paragraph (c) as follows;
- (ca) Provide infrastructure and equipment support to government learning institutions of persons with disabilities.
- (cb) Facilitate economic empowerment through grants that enable persons with disabilities to engage in self-employment.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

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

(Clause 5 put and agreed to)

Clauses 6, 7 and 8

(Question that Clauses 6, 7 and 8 be part of the Bill)

(Question put and agreed to)

Clause 2

(Question that Clause 2 be part of the Bill)

(Question put and agreed to)

Long Title

Hon. Temporary Chairperson: Mover?

Hon. Joyce Kamau: Hon. Chair, I beg to move:

THAT, the Long Title of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

(Question, that the numerical to be inserted in place thereof be inserted, put and agreed to)

(Long Title as amended agreed to)

Clause 1

Hon. Temporary Chairperson: Mover?

Hon. Joyce Kamau: Hon. Chair, I beg to move:

THAT, Clause 1 of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

(Question, that the numerical to be inserted in place thereof be inserted, put and agreed to)

(Clause 1 as amended agreed to)

Hon. Temporary Chairperson: Chair, report.

Hon. Joyce Kamau: Hon Chairperson, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 (Assembly Bill No. 7 of 2023) and its approval thereof with its amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

CONSIDERATION OF REPORT

THE NAIROBI CITY COUNTY PERSONS LIVING WITH DISABILITY (AMENDMENT) BILL, 2023

Hon. Speaker: Hon. Members, you may be seated. The Chairperson, please proceed

Hon. Antony Gathumbi: Thank you very much, Hon. Speaker. I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 (Assembly Bill No. 7 of 2023) and approved the same with amendments. Thank you.

Hon. Speaker: The mover?

Hon. Joyce Kamau: Hon. Speaker, I beg to move that the Assembly do agree with the Committee in the said report.

(Question proposed)

Hon. Speaker: Hon. Members, plenary please. My screen is clear, an indication that there is no further debate on this. I direct the mover to reply.

Hon. Joyce Kamau: Hon. Speaker, I beg to reply.

(Question proposed)

(Question put and agreed to)

THIRD READING

Hon. Speaker: Mover?

Hon. Waithera Chege: Hon. Speaker, I beg to move that the Nairobi City County Persons with Disabilities (Amendment) Bill, 2023 be now read a Third Time.

(Question put and agreed on)

(The Bill was accordingly read a Third Time and passed)

MOTIONS

Hon. Speaker: The Chairperson of Public Accounts Committee Hon. Chege Mwaura. He was in the House. Hon. Emily, what is the issue?

Hon. Emmy Isalambo: Thank you very much, Mr. Speaker, I am a Member of the Public Accounts Committee and Hon. Chege Mwaura left me with the Motion to move.

Hon. Speaker: But you see, Hon Emmy, with due respect I have not received any notification of the same from the Chair of Public Accounts Committee. So, you cannot proceed in that manner. I direct that Order No. 9 and No. 10 be deferred to the House Business Committee for reallocation. Hon Members, we revert to the agenda No. 7 under Statements.

(Motions deferred)

STATEMENTS

REQUEST FOR STATEMENT ON ALLEGED INTRUSION AND ALIENATION OF PUBLIC LAND IN EMBAKASI VILLAGE

Hon. Speaker: Hon. Oscar Lore? Hon. Katile, I have raised the name of Hon. Oscar Lore. Kindly proceed.

Hon. Diana Mwangangi: Thank you, Mr. Speaker, Hon Oscar Lore is not in and he left me with instructions to request for two statements on his behalf. He said that he had communicated the same formally to your good office.

Hon. Speaker: So you are acting on his behalf?

Hon. Diana Mwangangi: Yes.

Hon. Speaker: Kindly proceed.

Hon. Diana Mwangangi: Thank you, Mr. Speaker. The first Statement is on encroachment of lands.

Hon. Speaker, pursuant to Standing Order 47 (2) (c). I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning and Housing regarding the alleged intrusion and alienation of Public land in the County and specifically at Embakasi Village next to Nyayo Estate in Embakasi Ward.

Hon. Speaker, Part II of the Fourth Schedule of the Constitution of Kenya, 2010 has devolved the functions relating to lands, planning and development to the County Government. The purpose of public land is to benefit the public. Being a County resource, thus the uses of which should be governed by the National Land Policy as well as other relevant statutes.

Hon. Speaker, the parcel of land plot No. 817 is a property of the County Government of Nairobi City. However, there are indications of encroachment by private developers. It is alleged that the County Government of Nairobi had given to National Security Social Fund (N.S.S.F) to develop the said parcel of land for a secondary school and three stream primary school for the County and that the approvals were done under the requirements of the local government, adopted Bylaws and the Physical Planning Act Section 36, 41 and 52.

Hon. Speaker, it is also alleged that the said public land is currently under subdivision by unknown people.

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

- i. The current ownership of the parcel of land plot No. 817, and provide supporting documents;
- ii. Whether the County Executive is aware of the alleged intrusion of the public land for private use; and
- iii. Actions taken by the County Government to secure County owned properties from encroachment by private developers.

Hon. Speaker: Sorry for that, I don't know whether the Chair was attentive as he engaged the Chair. Are you able to take up the matter?

Hon. Alvin Palapala: Kindly, let her just...

Hon. Speaker: It is not possible. It has been directed to your Committee, so, kindly give an undertaking on what period of time you would want to respond.

Hon. Alvin Palapala: Okay, thank you. The Minority Leader will answer because he was attentive.

Hon. Speaker: Chairman, you are in the House you can't delegate your responsibility. Just give undertaking on the timeframe.

Hon. Alvin Palapala: Two weeks. But also ask Mheshimiwa Lore that this is not the only Committee that he keeps on shooting question time to time.

Hon. Speaker: Hon Chair, kindly withdraw that because you cannot gag the Hon. Members, and you must take the Business of this Assembly seriously. Kindly withdraw and apologize.

Hon. Alvin Palapala: Thank you, Hon. Speaker, I withdraw and apologize.

Hon. Speaker: Thank you. Proceed, Hon. Katile.

Hon Diana Mwangangi: Hon. Speaker two weeks is convenient. With your permission, I would like to read the other Statement. Hon Oscar Lore had two Statements.

Hon. Speaker: Kindly proceed.

REQUEST FOR STATEMENT ON REGULATIONS FOR COMMERCIAL BUILDINGS TO HAVE PARKING SPACES AND OFFLOADING ZONES

Hon. Diana Mwangangi: 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 Transport and Public Works regarding regulations for all commercial buildings in the County to have parking spaces and offloading zones.

Hon. Speaker, Article 196 (1) of the Constitution of Kenya, 2010 and Paragraph 5 of the Fourth Schedule to the constitution provides functions and powers of the County Government on County Transport, including regulation of County roads, street lighting and public roads, transport, traffic and parking. Further, Paragraph 8 of Part II of the Fourth Schedule of the Constitution of Kenya, 2010 provides for County planning and development, including housing as a County function.

Hon. Speaker, there has been increase in development of business apartments within the County, however, most of the said apartments are either built with inadequate parking and no loading zones. It is alleged that a number of establishments in the County, and specifically Hanan Fashion Plaza within Kamukunji Sub County and Urban Point restaurants are yet to create loading zones and parking lots.

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

- i. The current status of loading zones at Hanan Fashion Plaza within Kamukunji Sub County and Urban Point restaurants in Nairobi City;
- ii. Provide business permits and documents of occupation together with receipts of payment of parking lots to the County Government if any;
- iii. Whether the County Government has developed regulations to provide for all building plans for commercial buildings to have adequate parking spaces for tenants and offloading zones; and

- iv. Measures the County Government is taking to ensure compliance in terms of remitting of payments for parking lots and loading zones in all establishments in the County.

Hon. Speaker: Thank you. Do we have the relevant Chair of Transport in the House? Vice Chair? Committee Member?

Hon. Rosemary Shitote: Mr. Speaker, I beg for give us two weeks because our Chair and Vice Chair are not in.

Hon. Speaker: You are a member of that Committee?

Hon. Diana Mwangangi: Thank you, Hon Speaker, two weeks will be convenient.

REQUEST FOR STATEMENT ON MANAGEMENT AND REGULATION OF OUTDOOR ADVERTISEMENT IN THE COUNTY

Hon. Speaker: Thank you. Hon. Patrick Macharia? Is the Hon. Member in the Assembly? Hon. Mark Thiga? Kindly proceed.

Hon. Mark Thiga: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Lands, Planning, and Housing regarding the management and regulation of outdoor advertisement within Nairobi County, specifically focusing on compliance, safety and the approval processes.

Hon. Speaker, the Nairobi City County Outdoor Advertising and Signage Control and Regulation Act of 2018 is aimed at controlling outdoor advertisements, which play an important role in promoting revenue growth. However, it is equally important to balance the commercial interests of the advertising industry with the preservation of public safety, city aesthetics, and public amenities. Outdoor advertising has the potential to enhance or degrade the face of the City, and it is essential that all advertisements conform to the County's guidelines.

Hon. Speaker, concerns have been raised about advertisements being erected at night, which poses a significant risk to public safety. One specific case involves Wakati Outdoor Advertisement Company, who were allegedly seen erecting an advertisement along Thika road at night. A witness who questioned the approval of this installation was allegedly confronted by the company staff, raising concerns about whether the necessary safety precautions were taken and whether the company had obtained the proper approvals.

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

- i. Whether Wakati Outdoor Advertisement Company have the necessary approvals to erect advertisements across Nairobi County, specifically along Thika Highway;
- ii. The total number of registered outdoor advertisement companies currently operating in Nairobi County;
- iii. Measures the County Executive is taking to ensure that outdoor advertisements conform to the relevant provisions of the law and County regulations, particularly about public safety and aesthetic standards; and

- iv. Status report on of the implementation of the Nairobi City County Outdoor Advertising and Signage Control and Regulation Act of 2018

Hon. Speaker: Thank you. Chair, please.

Hon. Alvin Palapala: Thank you, Mr. Speaker, we request for wo weeks.

Hon. Speaker: Thank you. Hon. Mark Thiga, are you okay?

Hon. Mark Thiga: Thank you, Mr. Speaker.

Hon. Speaker: Hon. Jared Akama.

Hon. Jared Ondieki: Thank you Hon. Speaker. It is true that I had a Statement, but after going through it, I realized that it has a lot of mistakes. So, I could not want to labor this Hon. House with half-baked Statement. I withdraw, and if slotted for tomorrow I will appreciate, Hon. Speaker.

Hon. Speaker: Thank you. That is registered. Hon. Waithera Chege?

REQUEST FOR STATEMENT ON MANAGEMENT
AND CONSERVATION OF THE NAIROBI RIVER

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 Environment and Natural Resources regarding the management and conservation of the Nairobi River.

Hon. Speaker, Paragraph 10 of Part II of the Fourth Schedule to the Constitution of Kenya, 2010 provides for implementation of specific National Government policies on natural resources and environmental conservation, including soil and water conservation as a function of the County Government.

Hon. Speaker, the National Government established the Nairobi Rivers Commission through a Gazette Notice Number 14891 on December 2nd 2022 to reclaim the rivers of Nairobi as a spine to the City's blue and green infrastructure for a better urban environment and quality of life.

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

- i. Whether there is collaboration between the County Executive and the Nairobi Rivers Commission in the management and conservation of Nairobi River;
- ii. Specific role of the County Government in the management and conservation of Nairobi River;
- iii. Whether there is funding of the management and conservation of Nairobi River by the Nairobi Rivers Commissions; and
- iv. Measures the County Executive is taking to ensure the County Government is fully included in the management and conservation of the Nairobi River.

Hon. Speaker: The Chairperson for Environment Committee, Hon. Matara? The Vice Chairperson Environment Committee? Who is the Vice Chairperson Environment Committee? Hon. Mugo, you may proceed.

Hon. Anthony Karanja: Hon. Speaker, it is now becoming common that Chairmen are not attending sessions. I think we had issued directive that they attend or give Members an opportunity to overhaul the Committees to have people who can attend. I don't think if it is fair to only have the chairmen for Planning Committee, Justice Committee and Trade Committee here.

Hon. Speaker: We also have Hon. Clarence.

Hon. Anthony Karanja: The three...

Hon. Speaker: We have Chair of PAC.

Hon. Anthony Karanja: The Chairman of Environment Committee is not here, the other Chairman is also not here. Hon. Speaker, I think we need to issue a new directive that the Chairmen attend sessions. I think it is very important. They have responsibility allowance and higher sitting allowance than the other Members, it is only fair that they attend the session and answer the questions as it is required.

Hon. Speaker: I think it was very clear from the communication I made today in regards to the responsibility of the Chair of various committees. Now it is upon the Members...

Hon. Joyce Kamau: I apologize on behalf my Chairman, Environment Committee. He was here and he had to rush somewhere, so I was left to represent him.

Hon. Speaker: Did he assign you the duty of stepping in for him?

Hon. Joyce Kamau: Yes, he did.

Hon. Speaker: Kindly proceed.

Hon. Joyce Kamau: Hon. Waithera, kindly give us seven days; that matter is very important, we will get back to you.

Hon. Speaker: Hon. Waithera Chege, please.

Hon. Waithera Chege: Thank you Mr. Speaker. I hope my very good friend was listening. Questions number one to number three are questions of Yes or No. We are asking the Committee to do any research on these questions. So, I think three of four days would be enough, Mr. Speaker.

Hon. Speaker: Hon. Joyce?

Hon. Joyce Kamau: Three days from now, Mr. Speaker, will be on a weekend, so it will be seven days next week when we will have a sitting on Tuesday.

Hon. Speaker: So, that is something realistic?

Hon. Joyce Kamau: Yes, unless she wants us to sit on Saturday.

Hon. Speaker: Hon. Waithera Chege, kindly bear with the Deputy Whip please.

Hon. Waithera Chege: Thank you, Mr. Speaker. I wish to catch your eye because you have pleaded. I have a Statement which has taken three months to be answered, therefore, if I confirm that it is seven days, let me have that answer in seven days. No more addition of days.

Hon. Speaker: So, Hon. Joyce, we will pin you down. Thank you. Hon. Paul Ndung'u?

Hon. Paul Ndung'u: Thank you, Mr. Speaker. I just want to acknowledge the presence of Chair, Culture Committee who is in the House...

Hon. Speaker: Hon. Member, you are supposed to be smart, you must not only be seen to have put a tie but let it be appropriate.

Hon. Paul Ndungu: Mr. Speaker, you know my suits usually come from Turkey.

Hon. Speaker: In Common Wealth practice...

Hon. Paul Ndungu: My...

Hon. Speaker: Hon. Member, please kindly hold on. In Common Wealth practice, you need to get to understand how a tie is supposed to appear. First, you have not tucked in and your tie is not properly... Serjeant-at-Arms, please give the Hon. Member an opportunity to go and tuck in, then you come back.

(Applause)

Kindly escort him and bring him back when he is properly dressed.

(Hon. Paul Ndung'u escorted out of the Chamber by the Serjeant-at-Arms)

Yes, Hon. Morefire. I hope you are properly dressed.

Hon. Jeremiah Themendu: I am properly dressed.

Hon. Speaker: Thank you. Kindly proceed. Press your mic. *(Technical hitch)* Kindly use this other one.

Hon. Jeremiah Themendu: Hon. Speaker, although whatever I am trying to say here is outside today's agenda, but I have a concern. There is a Statement that I raised here almost a year ago concerning lands.

Hon. Speaker: It was directed to which Committee?

Hon. Jeremiah Themendu: Planning Committee, and the Chairman is here. Even last week, but one, I had gone to their Committee sitting and I asked the Chairman that even if the Executive is not ready to bring that answer to the Committee, they invite them then call me there. He told me to just wait. I do not know what happened because we had visited the area together with the Executive. It is a school compound; Bondeni Primary School. Therefore, it is a property of the public. I think your guess is as good as mine because I do not know whether they returned there after we had visited.

Hon. Speaker: Hon. Member, the Chair is here. Are you aware of the concern that has been raised by the Member?

Hon. Alvin Palapala: I am aware of what the Hon. Member is talking about, and actually we have talked with him together with the Executive, and then the Executive told me that we should give them more time so that they can come back to us with proper answers.

Hon. Speaker: But you need to report this to the House. You see now the report of the Committee because the business of the House, it is not about the two individuals.

Hon. Alvin Palapala: We will bring it tomorrow.

Hon. Speaker: Are you sure?

Hon. Alvin Palapala: The report is there, but the Member is not satisfied.

Hon. Speaker: Yes, it is always good that you bring then the House deliberates on it.

Hon. Alvin Palapala: I can assure you we will bring the report tomorrow; it is there.

Hon. Speaker: Thank you. So, Hon. Member, you stand guided.

Hon. Jeremiah Themendu: Hon. Speaker, I think he has lied to you because he did not invite me to the Committee in the first place. Even I have never visited the Executive side any day or time. Hon. Chair, can you tell the House the truth because we normally talk verbally in the corridors?

Hon. Speaker: Hon. Member, the Chair has given an undertaking and a commitment that he is going to produce the report tomorrow, and we shall find an opportunity to interrogate the said report. Therefore, just keep it cool; tomorrow is just 24 hours from now.

Hon. Jeremiah Themendu: I need to get the report today, then I can go through the same.

Hon. Speaker: I therefore direct the Clerk to give you the copy of the report. Thank you.

Hon. Jeremiah Themendu: Today. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Paul Ndungu, are you properly dressed before the House? Kindly, you may proceed.

REQUEST FOR STATEMENT ON OPERATIONALIZATION OF PUMWANI DISPENSARY

Hon. Paul Ndungu: Thank you, Mr. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson on the Sectoral Committee on Health Services regarding the operationalization of the Pumwani dispensary in Pumwani Ward.

Hon. Speaker, the County is mandated to manage the County health services, including County health facilities and pharmacies, and promotion of primary health care, pursuant to the provisions of Paragraph 2 of Part II of the Fourth Schedule to the Constitution of Kenya; 2010.

Hon. Speaker, the construction of Pumwani Dispensary was completed in December 2023. However, the operationalization of the health facility has stalled due to a lack of the necessary equipment for its operations. The facility is not limited to providing health services only to the residents of Pumwani Ward but to any patient from across the County.

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

- i. Whether the County Executive has allocated a budget for equipping and operationalizing the Pumwani Dispensary;
- ii. Measures the County Executive is taking to ensure the health facility is fully equipped and in operation, including the posting of required personnel; and
- iii. Date when the facility is expected to commence operations.

Hon. Speaker: Thank you. The relevant Chair, please.

Hon. Lily Kidenda: Hon. Speaker, I want to thank Mheshimiwa Ndung'u for his concern. Health is a critical issue across the board. Before I take the undertaking, I would like to bring the apology of my Chair who is handling a crisis within the Assembly at the Charter Hall. We shall brief you later accordingly.

However, I would like to say that because of the weight of the matter, I would like to request the Hon. Member to give us three weeks to respond. The reason I ask for three weeks is because we have very critical issues we are handling in the next one week. So, I would like to seek your indulgence that you allow us three weeks to come back with a comprehensive report. Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Paul, is three weeks sufficient?

Hon. Paul Ndungu: No, Mr. Speaker. This facility was built in 2023, and we are in 2024, a month to December. It will be a year since it was completed. Mr. Speaker, this is a Level 3 hospital that has a capacity of 33 beds. Giving them three weeks will not be okay with the people of Pumwani and the entire County. Mr. Speaker, I would give them maybe a week because...

Hon. Speaker: You request; you do not give them.

Hon. Paul Ndungu: I request for a week because in December, it will be a year since it was done.

Hon. Speaker: How is the anniversary related to the concern you have raised?

Hon. Paul Ndungu: Mr. Speaker, giving them three weeks...

Hon. Speaker: No, I have asked how the anniversary of the hospital administration related to your request?

Hon. Paul Ndungu: Pardon, Mr. Speaker, I cannot hear you well.

Hon. Speaker: You are saying that they are about to celebrate the second anniversary from the time the construction was complete, so, how is that related to your request?

Hon. Paul Ndungu: It has never been equipped, so if I add them another three weeks, it will be a year.

Hon. Speaker: Before it is equipped?

Hon. Paul Ndungu: Yes.

Hon. Speaker: Hon. Lilly, can you make some adjustments and come in the middle?

Hon. Lily Kidenda: Thank you, Hon. Speaker. I do sympathize with the spirit and concern Hon. Ndungu has. However, they waited for a whole year for this hospital to be equipped. I would like to request that, waiting for another three weeks for us to have a comprehensive study (*Applause*) we will have to go to the site and check what is available, and talk to the doctors and their administration to be able to understand what truly happened. If you want a comprehensive result, through you, Hon. Speaker, I plead with my Hon. Member to appreciate the fact that half-baked responses have costed us in this Assembly. It is my plea that...

Hon. Speaker: Hon. Ndungu, you stand guided, and the House has directed so.

(Applause)

We are still under Standing Order No. 7. Hon. Macharia, please.

REQUEST FOR STATEMENT ON DELAY IN PROCESSING OF

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PAYMENT RECEIPTS BY THE NAIROBI PAY SYSTEM

Hon. Patrick Macharia: Thank you, Mr. Speaker, and I am sorry for that delay.

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 Energy and ICT regarding the delay in processing of payment receipts by the Nairobi Pay System.

Hon. Speaker, the County Executive has been facing significant challenges in its payment platform, the Nairobi Pay System, which has allegedly not been functioning for the last six months. This failure has led to various disruptions and losses, such as the clamping of vehicles by the parking attendants despite payments having been made. Tenants in County houses and business owners who sought business permits have faced challenges and, as a result, have had to make multiple payments due to non-response by the system.

Hon. Speaker, as a result of these inconveniences, some of the County clients have been fined and penalized for alleged failure to make the necessary payments.

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

- i. The reasons for failure in processing of revenue receipts by the Nairobi Pay System for the last six months;
- ii. Measures the County Executive is taking to compensate the affected clients such as business owners, tenants in the County houses, and vehicle owners who paid fines and penalties as a result of the system's failure; and
- iii. Measures the County Executive is taking to ensure that system is restored as soon as possible to avert the inconveniences experienced by the clients and customers.

Hon. Speaker, thank you.

Hon. Speaker: The relevant Chair, please. Where is the Chair of ICT? Hon. Njogu?

Hon. Fredrick Njogu: Chair, in the absences of the Chair and Vice Chair, I stand in as the Member of that Committee, and two weeks is enough to tackle that matter.

Hon. Speaker: Okay, thank you. Hon. Macharia?

Hon. Patrick Macharia: I will go as they have given me.

Hon. Speaker: Okay, thank you.

ADJOURNMENT

Hon. Speaker: Hon. Members, that concludes the Business for today. The House stands adjourned to tomorrow, Wednesday 30th October 2.30 p.m. I direct the House Business Committee to meet at the rise of the Assembly. Thank you

The House rose at 4.25 p.m.