



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Tuesday 11th March 2025

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: Clerk, confirm whether we have quorum to transact the business of the day.

(Clerk-at-the-Table confirmed there was no quorum)

Hon. Members, the attention of the Chair has been raised over the lack of quorum. Under Standing Order No 37 (2), I direct the Sergeant-at-Arms to ring the bell for a record of ten minutes, as you leave the door wide open. Meanwhile, I direct the Clerk through the Whips... I am not able to see even a single Whip in the House, both the substantive Whips and their deputies. Do we have the Whips in the House? Are we able to nominate one from each political divide? Hon. Chair, kindly see whether you can mobilize few Members within the precincts of the Assembly. On the side of the UDA, I normally have my Whip, Hon. Rachael. Kindly, Clerk encourage Members who can't join physically to do so virtually.

(Quorum Bell was rung)

Sergeant-at-Arms, please we have the quorum. Hon. Members, we have the quorum that will allow us to proceed. As indicated before, I had informed the House that we are both physical and virtual.



PAPER

Hon. Speaker: Under Order No. 5, we have a Paper to be laid before the Assembly: The report of Sectoral Committee of Labour and Social Welfare in regards to consideration of the Petition by one Esther Mbithi. Chairperson, Labour Committee, kindly proceed. Press your mic on.

REPORT ON CONSIDERATION OF PETITION BY ESTHER MBITHI

Hon. Allan Gathuku: Thank you, Mr. Speaker. Pursuant to Standing Order No. 221, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 6th March 2025...

(Some Members walked out of the Chamber)

Hon. Speaker: Hon. Members, please we have got Fiscal Strategy Paper to consider before the plenary. Sergeant-at-Arms, take order that no Member leaves the plenary until we conclude Order No. 8. Kindly proceed.

Hon. Allan Gathuku: Pursuant to Standing Order No. 221, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 6th March 2025:

The Report of the Sectoral Committee on Labour and Social Welfare on consideration of the Petition by Esther Mbithi, P/No 20150071668, an employee of the Nairobi City County, regarding to her responsiveness to her concerns relating to historical injustices and rights, and replacement by the [County] Public Service Board.

Thank you, Mr. Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Chairman are you through?

Hon. Allan Gathuku: Yes, Mr. Speaker.

NOTICE OF MOTION

Hon. Speaker: Hon. Robert Alai? Is he in the House or did he delegate it to anyone? I direct that the Notice of Motion be deferred to a later date, and the House Business Committee to slot in any other day for consideration.

(Notice of Motion dropped)

STATEMENTS**STATEMENT REGARDING
THE BUSINESS APPEARING BEFORE THE ASSEMBLY
FOR THE WEEK BEGINNING WEDNESDAY 12TH MARCH 2025**

Hon. Speaker: Hon. Sospeter.

Hon. Sospeter Mumbi: This is a Statement by designated Member on behalf of the House Business Committee, pursuant to Standing Order 47 (2) (a).

Pursuant to Standing Order 47 (2) (a), on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the Business appearing before the Assembly for the week beginning Wednesday 12th March 2025.

Hon. Speaker, the Assembly Business Committee met on Tuesday 11th March 2025 to allocate business for week for consideration by this Assembly.

In that regard, Hon. Speaker, allow me to brief the Assembly as follows, that; -

1. Tomorrow, Wednesday 12th March 2025, under Order No. 8 and 9, the County Assembly will be considering the following business item: -
 - a) Adoption of the Report of Select Committee on Public Accounts on the consideration of the Report of the Auditor-General on the Financial Statements of Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2019; and
 - b) Adoption of the Report of Select Committee on Public Accounts on the consideration of the Report of the Auditor-General on the Financial Statements of Nairobi City County Assembly Service Board Car Loan Scheme Fund for the Year ended 30th June 2019.
2. Further, on Thursday 13th March 2025, under Order No. 8 and 9, the County Assembly shall be considering the following Business items: -
 - a) Adoption of the Report of Select Committee on Public Accounts on consideration of the Report of Auditor-General on Public Participation in Financial Year 2021/2022; and
 - b) Adoption of the Report of Select Committee on Public Accounts on consideration of the Report of Auditor-General on COVID-19 Vaccine Roll Out for the Nairobi City County Government.
3. Lastly, Hon. Speaker, on Tuesday 18th March 2025, under Order No. 8 and 9, the County Assembly will be considering the following Business items: -
 - a) Second Reading of the Nairobi City County Betting, Lotteries and Gaming Bill, 2023 (Assembly Bill No.12 of 2023) - Bill sponsored by the Member for Ngara Ward, Hon. Chege Mwaura, MCA; and
 - b) The Motion by Hon. Perpetua Mponjiwa, MCA urging the County Executive to develop a comprehensive County local tourism policy to provide for establishment of strategies and programs to boost local tourism in the County.

Hon. Speaker, the Assembly Business Committee urges Members of this Assembly to familiarize with the aforementioned Reports, Bill and Motions and prepare accordingly for debate through the help of our Research department. Details of the Reports, Bill and Motions can be obtained on the Notice Paper, being the last page of the day's Order Paper and on the County Assembly Website.

Hon. Speaker, the Assembly Business Committee shall be informing this Assembly through its designee the allotted business every Wednesday during the Statement Hour for timely preparation.

Finally, Hon. Speaker, the Assembly Business Committee will again meet on Tuesday 18th March 2025 at the rise of the County Assembly to ballot Business for the subsequent week.

Hon. Speaker, I now wish to lay the Statement on the Table of the County Assembly.

Thank You.

REQUEST FOR STATEMENT REGARDING
REMOVAL OF HAWKERS FROM MAJOR STREETS IN CBD
(Technical hitch)

Hon. John Kwenya: Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding removal of hawkers from major streets in the Central Business District.

Hon. Speaker, in January 2025, the County Government, in pursuit of order and sanity in the Central Business District, prohibited hawkers from operating on main streets and avenues including Moi Avenue, Haile Selassie Avenue and Kenneth Matiba Road. Accordingly, the hawkers were directed to sell their wares from back streets and lanes from 4.00 p.m. to 10.00 p.m.

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

1. Whether the County Executive has since put in place measures to regulate the orderly operation of hawkers in the back streets and lanes;
2. Whether the County has plans to provide and erect back street stalls for the hawkers; and
3. Long term measures that the County Executive have put in place to accommodate and integrate hawkers in the economy of the County.

(Technical Hitch)

Hon. Speaker: Okay, Hon. Kwenya.

REQUEST FOR STATEMENT REGARDING CONTINUED
ENCROACHMENT OF PUBLIC LAND BY PRIVATE DEVELOPERS

Hon. John Kwenya: Hon. Speaker, I also have another request for Statement. Can I proceed?

Hon. Speaker: Kindly proceed, Hon. Member.

Hon. John Kwenya: Thank you Mr. 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 continued encroachment of public land by private developers across the County.

(Technical hitch)

Hon. Speaker: The Hansard technicians are really letting this House down. I do not think that should actually be the quality of the kind of machines we procured. Sergeant-at-Arms, kindly find out with the Hansard office what is happening. Hon. Kwenya, kindly proceed.

Hon. John Kwenya: Hon. Speaker, land belonging to the County is categorized as public land by the Constitution of Kenya, 2010 and is legally protected from encroachers. However, it has become common practice for private citizens and entities to lay claim on pieces of land that belong to the County Government. For instance, in the Central Business District, specifically along Haile Selassie Avenue, bus station, the proprietor of Gogo Mall has closed off a public lane/road connecting Mfangano Street and put up structures on the said lane allegedly without approval of the County. The said developer demolished businesses belonging to traders without notice in August 2024, leading to loss and damages to business. Hon. Speaker, the closure of the access lane has greatly inconvenienced pedestrians and shoppers.

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

1. Steps that the County Executive is taking to protect public land from private developers;
2. Whether the County Executive gave the authorization to the said developer to close off the said lane;
3. Whether the said developer obtained development approvals for the construction of the structures; and
4. Enforcement measures that the County Executive will do to prevent such occurrence in future.

Hon. Speaker, this is an urgent matter and it is my prayer that it should be looked upon as soon as possible because the people who are doing business there are already suffering, and the road that belongs to the public is already closed. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. Kindly, the Chair for Justice and Legal Affairs Committee, give an undertaking on what period of time you would want to respond to the concerns as raised by Hon. Kwenya. The Vice Chair? Is he online? An active member of the Committee to step in. Oh, the Vice-Chair is in the Assembly.

(The Hon. Member spoke off the record)

Hon. Speaker: Thank you. Hon. Kwenya, the Vice-Chair of Justice has requested for two weeks in order to get a substantive report. Are you okay with that, Hon. Kwenya?

Hon. John Kwenya: I am very okay, Mr. Speaker. It is in order.

Hon. Speaker: Are you able to get hold of the Hon. Member?

Hon. John Kwenya: Yes, Mr. Speaker I can hear you and I am very okay.

Hon. Speaker: Thank you. Kwenya, proceed.

Hon. John Kwenya: Mr. Speaker, I am done.

Hon. Speaker: You have a second item under your name?

Hon. John Kwenya: I have already read the first one for hawkers and the other one for developers.

Hon. Speaker: Hon. Member, what have you just said?

Hon. John Kwenya: I have said I have read the one for hawkers and the other one for encroachment.

Hon. Speaker: Okay. Thank you. Now, the Chairperson, Lands, Planning and Housing, to give undertaking. Hon. Majority Leader you are...

Hon. Peter Imwatok: (*Technical hitch*) ...aware that we are going for recess in a week's time, three weeks we will be able to respond to the Hon. Kwenya. I will instruct the Chair as such.

Hon. Speaker: Thank you. Hon. Kwenya, I hope the Leader of Majority is clear. He is requesting for three weeks, now that we are only left with one week to proceed for the short recess. I hope that is in order.

Hon. John Kwenya: It is in order, Hon. Speaker.

Hon. Speaker: Okay. Hon. Jeckoniah has requested his Statement to be deferred to tomorrow. By the leave of Chair, the request is granted. Hon. Joy Muthoni? Deferred. Clerk, proceed.

PROCEDURAL MOTION

EXTENSION OF PERIOD OF CONSIDERATION OF CFSP FOR 2025/2026

Hon. Speaker: Hon. Emily, is it?

Hon. Emily Oduor: Thank you, Mr. Speaker, Sir. I beg to move:

THAT, notwithstanding the provisions of Standing Order 227 (7) and pursuant to the Provisions of Section 90 of the Public Finance Management Act, 2012, this Assembly resolves to extend the period for consideration of the County Fiscal Strategy Paper for the FY 2025-26 by a period of twenty-one (21) days, from Saturday 15th March 2025.

Mr. Speaker, Sir, the pivotal role of the County Fiscal Strategy Paper plays in any given financial year is secured by the provisions of Section 117 of the Public Finance Management Act, 2012 and our very own Standing Order No. 221.

Hon. Speaker, the Paper plays a role in determining and setting the broad strategic priorities earmarked for implementation of the subsequent financial year. Most importantly, the Paper sets the ceilings for the respective sectors beyond which their respective budgets submitted in April should not exceed.

Mr. Speaker, Sir, the County Fiscal Strategy Paper (CFSP) and the Debt Management Strategy Paper 2025 for the FY 2025-26 were submitted to the County Assembly, tabled on Tuesday 4th March 2025 and committed to the Select Committee on Finance, Budget and Appropriations Committee and Sectoral Committees for consideration and reporting in line with the Standing Orders.

The provisions of Section 117 (6) of the PFM Act, 2012 as read together with Standing Order 227 (7) require that the CFSP be considered and approved by 15th March each year. In this regard therefore, it is expected that the Paper be approved not later than this coming Saturday.

However, provisions of Section 104 of the County Government Act, 2012 provides that a county government shall plan for the county and no public funds shall be appropriated outside a planning framework developed by the County Executive Committee and approved by the county assembly.

Retreating to the provisions of Section 117 (1) of the PFM Act, the law dictates that the County Treasury shall align its County Fiscal Strategy Paper(CFSP) with the national objectives in the Budget Policy Statement (BPS). This provision of law expects that that an approval of the BPS should be precede consideration of the CFSP. Once again the reality of our time, Mr. Speaker Sir, is that the National Assembly is yet to dispense with its consideration of the BPS making full legal compliance a difficult ask.

Consequently, Mr. Speaker, Sir, the comprehensive reading of the above provisions leads to the inescapable conclusion that approval of a County Annual Development Plan (CADP) informs the preparation of other key budget documents including the County Fiscal Strategy Paper(CFSP).

It is however noted that as it stands, the County Assembly has just dispensed with its consideration of the ADP which has number of recommendations that should inform the County Fiscal Strategy Paper. It therefore implies that the hands of the County Assembly are tied, making timely consideration and subsequent approval of the submitted CFSP not properly grounded, legally and procedurally speaking. Therefore, it would be impractical to consider the submitted document and comply with the timelines set for 15th March.

Mr. Speaker Sir, this process would therefore not be realized within the limited time available for consideration of the CFSP hence the need to extend this deadline to make it possible to have a budget document that meets the aspirations of the County Government while maintaining the spirit of Section 117, 125 of the PFM Act, 2012 and Section 104 of the County Governments Act 2012.

In doing this, Mr. Speaker Sir, I am guided by the provisions of Section 90 of the PFM Act 2012 which allows this House to extend timelines for consideration of documents submitted to it under that specific statute. The ruling on the Nairobi City County Finance Act, 2018 has indeed confirmed this fact.

In this regard, therefore, Mr. Speaker, I wish to beg that the Assembly agrees with the Committee on the extension of time as proposed for this Assembly through its Committees to do justice to the CFSP 2025.

Hon. Speaker, I beg to move and request Hon. Katile to second.

Hon. Diana Mwangangi: Thank you, Mr. Speaker. Indeed, Hon. Emily has laid out the many reasons as to why we should be granted this extension. As an Assembly, we are all aware that today is when we started receiving briefings in our Committee on the CFSP. In addition, Mr. Speaker, owing to the fact that the Budget Policy Statement is not yet ready from the national

level, it is prudent that this extension be granted because we could not have dispensed with everything by 15th, noting that today it is the 13th of March. Because of those reasons and the reasons laid out by Hon. Emily, I beg to second.

(Question Proposed)

Hon. Speaker: Yes, Hon. Majority Leader.

Hon. Peter Imwatok: Thank you, Hon. Speaker. Allow me put my voice on this. It is important for this particular agenda to get enough time. I want to authoritatively pronounce that after last week on Thursday and Friday, I am the leader of the Broad Based Government in this House.

(Applause)

Having said that, Hon. Speaker, I am yet to confirm whether my counterpart is part of the Broad Based Government, or I will be forced to appoint a Leader of Minority who is part of the Broad Based Government.

Hon. Speaker, on the basis of the Broad Based Government, you are aware my party leader, who I can equate to the co-President of the Republic of Kenya so far, said this in his statements, *“That for us to achieve the reality of devolution, the National Government ought to release what belongs to the county government.”*

He has put to a cap of Kshs.450 billion. The reason as to why the National Government has not yet pronounced itself, because there is a tussle between the Senate and the Treasury, whereby the Senate proposed county governments to be given Kshs.417 billion while the National Treasury, led by my friend, the most learned mathematician currently in Kenya, EBS Mbadi, is proposing Kshs.405 billion. Now, with the enigma of the politics of Kenya pronouncing himself, for those who heard him in KICC, he talked about Kshs.450 billion.

(Applause)

Premise on this, I don't think His Excellency, the smartest president of Kenya, William Ruto, will ever change the lane the elder brother has taken. And we will stick to that. As a Broad-Based Government, I want to plead with the National Treasury to provide county governments with Kshs.450 billion so that this Assembly can have a budget of Kshs.6 billion so that we can be able to do a proper oversight.

Hon. Speaker, I have heard you facing a challenge on communication. Hon. Members can't communicate virtually because the system is outdated and we are not able to buy a modern system. If H.E the President can allow the National Treasury to allocate the county governments Kshs.450 billion out of the projected budget of Kshs.4 trillion, I am sure the County Assembly of Nairobi will have a budget of Kshs.5 billion, up from Kshs.3 billion. We will be able to do our oversight role well.

Hon. Speaker, on behalf of CAF, we are looking forward to the realization of the autonomy of the assemblies, before the National Parliament pronounces the way forward on the sharing of revenue. I request this House, on behalf of the Broad Based Government, to kindly call me the Leader of Majority of the Broad Based Government because I will be leading both the national and county issues broadly. My deputy, Hon Kaende is here with us and a member of the Broad Based Government. We are intertwined but inside here we are one. Do not worry about him, as you can see we are seated together.

For those reasons, Hon. Speaker, I want to say thank you very much for the patience. Thank you to the Acting Chair in the absence of the Chair Budget, and the entire Assembly for the good gesture during the burial of the mother to the Chair of the Budget Committee. Hon. Lugonzo and other Members who arrived this morning, remained behind to console the Chair. Thank you, Mr. Speaker for leading more than a 100 MCAs to Migori. The President of the Broad Based Government, the Rtd. Prime Minister was there. That was a good gesture. Thank you so much, Hon. Speaker. May God bless you.

(Applause)

Hon. Speaker: Thank you, Hon. Majority Leader. The official communication I have as the Chair is that Hon. Peter Imwatok is holding the position of the Leader of Majority in the Assembly of Nairobi. The self-proclaimed position should not be for this environment. I want to be very clear, Hon. Majority Leader, the title can be used somewhere else but not the precincts of the Assembly. Hon. Members, am I clear?

(Hon. Catherine Okoth spoke off the record)

You cannot correct the Chair, Hon. Catherine. Order, Hon. Catherine!

(Hon. Peter Imwatok raised a Point of Information)

Hon. Majority Leader, No! Hon. Ochieng Jera is on the floor, kindly proceed. Do you want to be informed by the Hon. Majority Leader? But you have not even contributed.

Hon. Peter Imwatok: Hon. Speaker, Mheshimiwa Ochieng Jera was not part of my entourage in a private VVIP lounge that day. I want to inform the entire House that a document was signed that committed ODM to UDA under Broad Based Government. This means that we are partners both out there and inside here. Therefore Hon. Jera and Hon. Members, you cannot challenge Raila Odinga.

(Applause)

Hon. Speaker: Thank you, Hon. Majority Leader for informing the Chair that the said MOU was signed at the KICC and not within the precincts of this Assembly. You stand guided, thank you. Hon. Ochieng Jera, kindly proceed.

Hon. Samson Ooko: Thank you, Hon. Speaker. I am also delighted to add my voice on this Annual Development Plan (ADP), 2025. However, before I mention anything about---

Hon. Speaker: Hon. Member I had requested Members to stay behind because of this agenda No. 8 is quite critical to your role as an elected Member because it carries all your development agenda. I do not know whether you have gone through the Fiscal Strategy Paper and seen what has been allocated for your ward.

(Hon. Peter Imwatok consulted loudly)

Kindly, Hon. Leader of Majority, let Hon. Ochieng Jera proceed. Hon. Chair for Trade, don't engage the Member.

Hon. Samson Ooko: Hon. Speaker, I was saying that I am happy to add my voice on this document, but allow me first to say that while the Majority Leader of the Broad Based Government was engaging us here, his deputy was looking at him unhappily. I do not know what is happening between the two, as they serve the same office and the collective responsibility will force Hon. Kaende to support what his boss has signed.

Hon. Speaker, I refer to this document well elaborated because it has indicated the requests made by each ward across Nairobi County, and is detailed. I am happy about that. My only concern is that submissions from my ward, Lindi, were omitted.

(Hon. Emily Oduor spoke off the record)

Can I conclude this?

Hon. Speaker: Hon. Emily, give him time so that you may respond effectively.

Hon. Samson Ooko: I need to bring it to the attention of the House so that the Speaker knows that I have complaint. Hon. Speaker, when this document was brought before this House, after one hour the public will have this document. They will ask you where is Lindi Ward in that document because they have seen Makina and other wards. I have to put it very clearly, if it is going to be put in that document, I will wait for that day. But truth be told, there was a day the document was brought before this Assembly and within one hour it was out there and people were asking where is Lindi Ward in the entire document. Hon. Speaker I am requesting for your protection that I be granted the opportunity to ensure that Lindi Ward is part and parcel of this document, and also Makongeni Ward.

Hon. Speaker: Hon. Jera, you need to revisit the Motion before the House, the Hon. House is seeking for extension of period to consider the Fiscal Strategy Paper. Your concern is pertinent and is going on record that such should be corrected. The Vice-Chair Budget and Appropriation, you are here to listen to Members and I hope you have taken that positively.

My screen is clear, an indication that there are no more requests for members to contribute under this order. I request the mover of the motion to reply.

Hon. Emily Oduor: Thank you, Hon. Speaker and Hon. Members for standing with us today. There are so many activities happening out there and I did not expect us to get quorum, I thank all members who are in the assembly and those who are online. I thank the Leader of the Broad Based Government for being here. Hon. Katile, thank you for seconding.

Hon. Speaker, with those few remarks, I beg to reply.

Hon. Speaker: Hon. Vice Chair, I hope I was very clear.

(Hon. Emily Oduor spoke off the record)

(Question put and agreed to)

MOTION

ADOPTION OF ADP REPORT FOR FY 2025-26

Hon. Speaker: Hon. Vice Chair, please proceed.

Hon. Emily Oduor: Thank you, Hon. Speaker, before I proceed, I am kindly asking the Vice-Chair of WDF to move a little further because he is trying to talk to me so that we can change some of the projects yet he did not come to ask early enough.

Mr. Speaker Sir, Thomas Jefferson attempted to address the rationale why governments are constituted among men to which he averred that the undertaking is meant to safeguard the unalienable rights of life, liberty and pursuit of happiness. Picking up from these foundational guarantees, Mr. Speaker, development planning is meant to ensure that the people affected by the actions of government can keep track of the service delivery roadmap. It is the anticipation of the provisions of Section 126 (1) of the Public Finance Management Act 2012 that the County Government shall annually make public the priority development areas it intends to roll out through a consolidated document called the Annual Development Plan. Such plan once finessed through the rigorous review process in the County Executive should be submitted to the County Assembly not later than the 1st day of September with copies also directed to the Commission on Revenue Allocation and the National Treasury.

Mr. Speaker Sir, while scrutinizing the Plan the Committee observed that they it had to a great extent complied with the minimum statutory requirements as espoused in the County Governments Act and the Public Finance Management Act 2012. Mr. Speaker Sir, during the consideration of this Plan the Committee noted a number of issues against which it will be proposing amendments to make the plan a perfect launching pad for the budget making process of FY 2025-26. The glaring deficiencies that the Committee noted in the submitted ADP which it shall aim to address include arithmetic errors in the ADP, the requirement for submission of implementation report of resolutions of the County Assembly on the ADP for the FY 2024-25, alignment of the ADP to the approved CIDP including introduction of new projects midstream, consideration of stakeholder engagements, unmasking of partners/ donor engagements included in the ADP, budget targets for the various activities in the submitted ADP among other Sectoral issues identified during this review.

Mr. 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 once again keen to understand the revenue mobilization strategies to be employed to realize the

elaborate resource requirements contained in the ADP. The Committee agrees with the County Treasury that revenue collection and accountability cannot be treated as an isolated activity where some Sectors take a backseat. The Committee expects that the upcoming County Fiscal Strategy Paper 2025 shall be more intentional, focused and clear on the revenue roadmap for the County especially at this time of growing service delivery demands. The Committee believes that the measures employed by the current administration have the potential of clearing the runway for the County to collect Kshs. 20billion in a financial year. We can do this Mr. Speaker Sir, if we pulled up our socks and go extra mile, became more frugal on how we spend what we collect, reduced our appetite for any wastages and became more accountable. Yes, Mr. Speaker we can!

- Mr. Speaker Sir, 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 litterbins and supervision vehicles. The Committee was informed during these deliberations that the Green Nairobi Sector under the Environment Sub Sector intends to acquire additional of those 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 extensive garbage collection, maintenance of access roads to the dumping sites, acquisition of litter bins and servicing of trucks. In this regard the Committee has supported the proposals by the Sectoral Committee on Environment aimed at pushing this goal forward.
- Under the Talent Skills Development and Care Sector, the Committee has in line with the approved CIDP okayed continued Construction of ECDE centers, 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 especially bursaries. In addition, the Committee has once again recommended that the Sector prioritizes 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, 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, utilization of the roads maintenance levy fund among others. The Committee has through this report recommended that there is need to find a lasting solution on the defunct NMS projects while also ensuring that the projects approved by this Assembly through the previous Supplementary Estimates are implemented.

- Mr. Speaker, Sir, 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 and all other Sectors be managed within the available legal framework. So we expect to see all the grants in the CFSP and budget estimates for the FY 2025-26.
- On Wards Development Programmes, as Members are aware the allocations per ward has been about Kshs. 23 million, a figure that the relevant Sector decries does not take into account pending bills for the Sector. To sort this mess, the Committee has recommended that the allocations for WDP be increased to include an additional Kshs. 1.7 billion for pending bills. This foresight of the Budget Committee is meant to ensure that pending bills do not slam breaks on new development frontiers in the wards.

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

1. The policy and cross cutting recommendations contained in the tabled report be approved.
2. 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 23rd Report of the Select Committee on County Finance, Budget and Appropriations on the Annual Development Plan for the FY 2025-26.

Hon. Speaker, before I call upon Hon. Katile to second, I would want to make something clear. Members, the document that you have with you and what you see on it are not the projects that are going to be carried out in your wards in 2025/2026. We captured the responses received from public participation. I know there are areas where so many things are not covered but what was picked is exactly what was covered. There are other areas that we realized that residents of their wards did not turn up and we could not just decide what they decided. We only captured what they told us. I am appealing to members that every time we go for public participation, that you be there so that you get to see what we go through, what is captured and what is not.

Hon. Members, we are going out for CFSP public participation, please show up in your wards so that when we make presentations here, you do not blame the Budget Committee for omitting things that were said yet people did not say that.

With those few remarks, Hon. Speaker, I ask Hon. Katile to second.

Hon. Diana Mwangangi: Thank you, Mr. Speaker and Hon. Emily for the elaborate explanation of the document before us. When you look at this document, you notice that the Assembly discharged the mandate of ensuring that they involved the community in the budget making process, which is a very critical tool to show that we respect the views of the residents of Nairobi City County. With that, Mr. Speaker, I beg to second.

Hon. Speaker: Thank you.

(Question proposed)

Hon. Speaker: Yes, Hon. Majority Leader please

Hon. Peter Imwatok: Hon. Speaker, I stand here to support this report with very hard comments to the Acting Chair. The spirit of the Constitution envisaged a public participation and this House passed the Public Participation Act. The wisdom of our Constitution dictates that after public participation, under the Constitution of Kenya, Article 1, the sovereignty of the people is now exercised by us who were elected in this House and those who are specially nominated. This spirit is carried through the Committee of Budget and Appropriations, which needs to know there are 85 wards. The Court of Appeal made a ruling that stated that public participation should not be a celebration but be qualitative and quantitative.

Hon. Speaker, if you look at this document, the current report as laid is not quantitative and qualitative. After public participation took place in sub counties, it did not go to the wards. The people of Lindi were not reached but there is a representative under Article 1 of the Constitution, Hon. Ochieng Jera. The committee of Budget ought to have called him and informed him of the same. He should have been asked for an input so that he imparts the wisdom of the people of Lindi. It is perturbing that as the Leader of Majority of this House, Makongeni Ward has no concerns. Hon. Speaker, I want to implore upon the Budget Committee that as they do the budget estimates, we go back to the original CIDP that informs the development agenda of the entire county. This is a report backing the ADP which was presented before and the Acting Chair has convinced me back there that all is well. Politics is about perception, in that when somebody hears that Makongeni was not featured, it will be said that the leader of Majority is sleeping on his job yet Makongeni is the only ward with artificial turf in Kenya, FIFA standard, with a capacity of 6,000.

Hon. Speaker, I implore the committee of Budget, led by the veteran Catherine that as you sit, consider all the 85 wards for perception purposes. I believe that the ADP tabled before the House captured all the wards and the CEC Member will follow that as they do the estimates for this financial year.

Hon. Speaker, I beg to ask this House to support this report and support it overwhelmingly. Thank you, Hon. Speaker.

Hon. Speaker: Well-articulated. Hon. Mumbi, your microphone is on.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. I also want to appreciate the Budget Committee on the said report. I like the conversation because we are talking about budget which cannot be discussed without talking about revenue of this County. It is an interesting topic because as we discuss this, the revenue collection system of this County remains unknown. That is quite interesting. I look at the report, and in particular the budget of the County, and picking it up from last year where we had a budget of Kshs. 43 billion in anticipation that Kshs.22 billion was to be collected through own source revenue and Kshs.21 billion was to come from the ex-chequer.

Based on the report from the Executive where we managed to collect Kshs.12.8 billion, which was largely celebrated because it was the highest collection since the establishment of this County and was being compared to Kidero time where they had managed to collect Kshs.12.1billion. This was around the year 2014/2015. So, as we celebrate, we are talking about an increment of Kshs.700 million. If you look at the timeframe because we are talking about 2015 and now we are in 2024, we are comparing 9 years down the line and the much we can talk about in terms of increment is about Kshs.700 million. When you compare that to the changes that have been there in the side of parking, for example, during Kidero's time, parking was Kshs.100 and was within the CBD. Today, we are collecting even in the outskirts. You look at the changes in terms of land rates---

Hon. Speaker: Excuse me, Hon. Member. I do not expect a Member to engage a Sergeant-at-Arms when a Member is contributing, which is quite critical to your ward. Hon. Dan Oria, kindly hold on a bit. Yes

Hon. Sospeter Mumbi: Thank you for that security, Hon. Speaker. I was talking about the changes that have been in the County. You look at the approvals in terms of number of buildings that have come up in the said period of nine years, subdivision of lands, and transition in terms of parking rates and much more, that in itself should explain where we should be when it comes to revenue. My point is this, Hon. Speaker, that we continue to have a very ambitious budget yet since time immemorial we have never gotten to the target or collected to the target. I find it unrealistic and insincere to ourselves and it is a high time that the Budget Committee looks into such realities.

Hon. Speaker, secondly, I look at the collection system currently and note that it is not configured to reflect the lowest unit of our County. Hon. Speaker, I submitted a letter requesting to know the revenue collection within Roysambu. I wanted to know the amount of money generated in terms of revenue collection streams, that is land rates, parking and licensing. It is very unfortunate that we have a collective system where all the land rates money is put. It is not divided as per the ward. That raises questions because each ward has an amount they should raise in terms of revenue. That amount which is now a culmination of the total expected amount of own source revenue for the county is broken down to wards. When you get to the wards, there is a way they have categorized that as per revenue system. Let me give you an example with Roysambu Ward. The target last year was Kshs. 228million, it was the highest in Roysambu as a sub county. I looked at the breakdown in terms of own source revenue which was Kshs.17 million expected to come from land rates, Kshs.20 million from parking, licensing and the likes. That target is given as per wards but when it comes to collection, we do not have an independent account that explains the land rates collected from Roysambu. The collections are all put in the same kitty and that begs the question, how then are we able to explain the Kshs. 228million. That is a big concern, and if you ask me, Hon Speaker, the Budget Committee and this House should be looking into ways of having a system that aligns with the ward so that we look at the revenue coming from each and every ward.

Hon. Speaker, allow me also to get into the wage bill a bit. When I look at the wage bill as County, it has been increasing for the last two years by Kshs. 2 billion. This year, we expect it to rise by Kshs. 2 billion. With this kind of trend and looking at our revenue collection details, it begs the question whether we are really able to sustain this kind of increment and transition.

The other thing is about street lights. With this report, can we come up to a solution based kind of report? This goes to the Chair. This is a concern that has been there across the 85 wards, but today we ask ourselves how many platforms are working for the streets lights. I can tell you they are less than five.

Hon. Speaker: Hon Member, your light is on.

Hon. Sospeter Mumbi: Hon Speaker, I kindly request for like two minutes so that I try to summarize.

Hon. Speaker: Granted.

Hon. Sospeter Mumbi: Thank you. When it comes to reporting through the desk of the Budget Committee, let us get to see how many platforms we have increased to address the issue of street lights. If we continue having this conversation without really explaining what we have achieved in terms of addressing that issue... Since last year, we have not had payment for WDF. I like the suggestion you have said that we want to have Kshs.1.7 billion allocated for payment of the pending bills. But if we are not able to exhaust or benefit from the existing allocation of Kshs. 1.9 billion, then that begs again another question and somehow it is something that needs to be looked into.

Having said that, Hon. Speaker, I think I want to say thank you and request that as we move forward as a House, let us begin to be sincere to ourselves and do things in the right way because if we lie to ourselves then we are lying to the Nairobians, and we are not being sincere to ourselves. Yet we have a mandate to transform this County. This our home and this our country. Thank you, Hon. Speaker. Budget Committee, I know you will look into those concerns.

Hon. Speaker: Thank you, Hon Sospeter Mumbi. Indeed, your contribution has highlighted on areas which are of concern and should be of concern to the House as representatives. On the revenue decline, actually that is one of the reasons why we are facing financial constraints. As we speak now, we are not able to finance for the budget properly. So, indeed Members should look in to this critically.

Hon Clarence Munga?

Hon. Clarence Munga: Thank you, Mr. Speaker. I want to support the report before us, though I haven't taken time to go through it. But I have seen a report on what was captured for Kabiro Ward. That is a true reflection of what the people of Kabiro want. My big question will be, when it comes to the implementation part of it...

Hon. Speaker: Hon Chair, the question is directed to who?

Hon. Clarence Munga: The mover of the Motion, who is the Vice Chair.

Hon. Speaker: To the Executive or to the House?

Hon. Clarence Munga: Basically, it is to the Executive who are the implementers of the entire process.

Hon. Speaker: Kindly, proceed

Hon. Clarence Munga: Good views are given by the public, but when it comes to the implementation part of it, we are doing injustice to them. We prepare budgets here and are passed, but when it comes to the supplementary budget, everything that was captured in that budget is actually watered down, killing not only my morale but also the morale of the Nairobianians. So, I urge the Budget Committee to ensure that whatever is captured in this process is implemented for the efficiency of this County.

Lastly, Mr. Speaker, there is an aspect of revenue collection of this County. What is killing this County is the revenue that we are supposed to collect. I was misquoted one time when I said we are doing badly in terms of revenue collection. The reality of the matter is that we are losing it out. We should be realistic with what we have and make a budget with it. If we can be able to collect Kshs. 13 billion, why should we prepare a budget of Kshs. 42 billion? We need to be realistic and prepare a budget of about Kshs.32 billion because that is the true reflection of what is there on the ground, so that we don't promise people things we cannot implement. When you told your people you are going to construct a social hall and you find that in the supplementary budget every social hall has been scrapped, it becomes a mockery to them. So, I am urging the Budget Committee to kindly work for Nairobianians.

Hon. Speaker: Thank you. May I now call the mover of the Motion to reply? Hon Member for Nairobi West, you have a burning issue but you have not made the request, but you can proceed.

Hon. Rex Omoleh: Thank you, Mr. Speaker. I rise to support the Motion. As the Committee is requesting for more allocation to cater for the pending bills, I wish they work in bringing down or stopping this issue of pending bills because it is really affecting us and our contractors. I request that the Committee works on a lasting solution on pending bills so that we don't carry them forward. It is really a pain to the contactors. Thank you, Mr. Speaker

Hon. Speaker: The Mover?

Hon. Emily Oduor: Thank you, Hon Speaker, and thank you all Members for your contributions. I am going to try and tackle some of the issues that you have raised.

First, the Majority Leader is not available but I will still try and address the issue of public participation; we get where you are coming from. We need to do public participation all the way up to the ward level, but we also must note that public participation needs funding. For every ward you go to, it must be facilitated. We don't have enough money, so, we decided that instead of doing the public participation in all the wards, we can do it per Sub County. It is just because of lack of funds. I think you are aware, even the Speaker had mentioned, that the revenue is the biggest problem and we cannot do quite a number of things, that includes the public participation.

Hon Sospeter Mumbi talked about the revenue collection. This issue was addressed in the moving notes. If you heard what I said, it is one of the concerns that we raised.

Then there is the strategy to collect revenue to support the ADP, this is contained in the CFSP that was brought to the House last week. We are starting a public participation and it will be brought at the committee levels. So, we will be able to sit, question it and make corrections that are necessary.

You also brought the issue of the systems that are being used. When it comes to how the revenue system functions, this goes to the ICT and not the Budget Committee. They are supposed to look at the system. Probably you can raise that issue as a Statement and address it to the relevant committee.

Hon. Speaker: Hon Emily, you stand corrected. Kindly revisit the Act properly so that you get to understand the role of the Budget and Appropriations Committee. It is a committee tasked with the revenue. The system in this case...

Hon. Emily Oduor: Mr. Speaker, Sir, our role is to check the revenue collection. Then there is the ICT Department, I think they have brought in quite a number of issues on how the revenue is disappearing, especially the revenue that is being paid online. That is why I am bringing them in because if we are losing revenue somewhere along the line, that is their department. But I stand corrected, Mr. Speaker.

Hon. Speaker: The ICT Committee must be fueled by the Budget and Appropriations Committee.

Hon. Emily Oduor: We will do that, Hon. Speaker. Hon. Member for Kabiro Ward talked about the implementation. This is an elephant we have in the House and in the County. I think severally it has been brought to this House that implementation is not being done. I stand to be corrected, but this is the responsibility of the Executive. We pass our bills, motions and budget but the end of it, who implements? The Executive.

Hon. Speaker: Hon Members, the tools of trade, actually a committee is bigger than the Executive, and that is in the Constitution. Are you through with your reply? Kindly conclude.

Hon. Emily Oduor: Thank you, Hon. Speaker. I know it is with us, but I stand to be corrected, how many times have those issues been brought here? As an Assembly, sometimes our hands are tied, so it is our mandate to do it. But then for the last eight years I have been here, this issue has always been raised. We have Implementation Committee which also says they are not given a report. We will continue working with them, but as far as I know, Mr. Speaker, the implementation is with the Executive. We can have the best document we want, but if they refuse to implement it, what are we supposed to do? We will call the CECs and the chief officers but if they don't have the goodwill...

Hon. Speaker: Hon Member, don't play victim. You have all the powers; you know what is supposed to be done if a CEC Member fails to implement a resolution of a committee. The law is very clear and it is at your disposal as a committee, not as an individual.

Hon. Emily Oduor: Yes, Mr. Speaker, the law is very clear.

Hon. Speaker: That why you wield power upon the Speaker, the Governor and anybody else. The committee bigger that all over us here.

(Applause)

Hon. Emily Oduor: I agree with you, Hon. Speaker, but Members we know, let us not bury our heads in the sand and say we have not tried. Every time people come here complaining.

Hon Speaker: As a Committee, when you give up and render yourself helpless, then you need to resign and re seek the mandate or even just forget about elective position or representing people.

Hon. Emily Oduor: Hon. Speaker, can I ask you a question? I know I am not supposed to ask the Speaker a question.

Hon Speaker: You can't ask the Speaker a question.

Hon. Emily Oduor: Okay. Can I make some clarification?

Hon Speaker: Yes.

Hon. Emily Oduor: Look at the Health Sector, we know that there are no drugs in the hospitals and we don't even have enough doctors. The hospitals are not functioning.

Hon. Speaker: It is now the responsibility of the Hon House to find the terms of reference in the Articles of the Constitution on how to counter that.

Hon. Emily Oduor: I am just giving an example of Health. I am a Member of that Committee, and we have tried several times to summon the CEC Member and the Chief Officer. They don't show up

Hon. Speaker: You can at any given time compel a CEC Member or even bring a censure motion before the Assembly. Don't play helpless, my Members.

(Hon. Member raised a Point of Order)

No! The Member was replying, so you cannot rise on a Point of Order.
Let me now put the question.

(Question put and agreed to)

MOTION

ALLOCATION OF FUNDS TO SUPPORT FOOTBALL TEAMS IN THE COUNTY

Hon. Speaker: The Motion by Hon Mark Mugambi, Minority Whip. Is the Hon Member in the House? Did he delegate the same to any Member? I direct that Motion No.10 be deferred to the House Business Committee for consideration.

(Motion dropped)

ADJOURNMENT

Hon. Speaker: Hon Members, that brings us to the close of the business of the day. I direct that the Assembly stands adjourned to tomorrow, 12th March 2025 at 2:30 p.m. Thank you, Hon. Members.

The House rose at 4:25 p.m.