



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Tuesday 18th February 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. Clerk!

COMMUNICATION FROM THE CHAIR

**WELCOMING DELEGATION FROM
ARCHITECTURAL ASSOCIATION OF KENYA AND KENYA INSTITUTE OF PLANNING**

Hon. Speaker: Hon. Members, I hope you are settled. Under Order No. 2, on Communication from the Chair, this afternoon, I want to bring to your attention that we have at the Speaker's Gallery a delegation from the Architectural Association of Kenya, led by their President. Thank you for coming and feel utmost welcome.

(Applause)

We also have the President of Kenya Institute of Planning. Do you have a delegation? Okay, thank you. We also have our former CEC Member for Planning, Tom Odongo, who was also the last Town Clerk under the Ministry of Local Government. Kindly wave.

(Applause)

We also have our CEC Member for Planning, Mr. Mbogo, our Chief Officer for Planning, and our former Director Planning. Thank you all and feel utmost welcome.

(Applause)

Clerk, kindly proceed.



PAPERS

Hon. Speaker: Majority Leader.

Hon. Peter Imwatok: Hon. Speaker, allow me to appreciate our visitors at the Speaker's Gallery, before I can lay the Paper before the House. This morning, we had a robust public participation on a policy of this city, and I must acknowledge that the gentlemen and ladies seated at the Gallery, led by our CEC Member for Planning have given a great insight and they are a great asset to this city. We appreciate you as a Committee, and we celebrate you as a County. We are looking forward to work with you to realize the dream of a proper governed and planned city. May the Almighty God grant you that fortitude to be part and parcel of a generation to come that will be defined as people who made Nairobi to work. Thank you.

REPORT OF AUDITOR GENERAL ON
KAYOLE II LEVEL 4 HOSPITAL FOR YEAR ENDED 30TH JUNE 2022

Hon. Peter Imwatok: Hon. Speaker, pursuant to Article 227 of the Constitution of Kenya, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 18th February 2025:
The report of the Auditor General on Kayole II Level 4 Hospital for the year ended 30th June 2022.

(The Paper was laid on the Table)

Hon. Speaker: Hon. Members, the Paper laid is committed to the Committee on Public Accounts for consideration.

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The report of the Auditor General on Kayole II Level 4 Hospital for the year ended 30th June 2023.

(The Paper was laid on the Table)

Hon. Speaker: The Paper laid is committed to the Committee on Public Accounts for consideration as well.

REPORT OF AUDITOR GENERAL ON
KAYOLE II LEVEL 4 HOSPITAL FOR YEAR ENDED 30TH JUNE 2024

Hon. Peter Imwatok: Lastly, Hon. Speaker, pursuant to Article 227 of the Constitution of Kenya, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 18th February 2025:

The report of the Auditor General on Kayole II Level 4 Hospital for the year ended 30th June 2024.

(The Paper was laid on the Table)

Hon. Speaker: Hon. Members, the said Paper laid is committed to the Committee on Public Accounts for consideration.

STATEMENT

Hon. Speaker: Hon. Rex Omolleh? It seems that the Hon. Member is not in the House. I direct that the Statement request be deferred to tomorrow the same time.

(Statement deferred)

COMMITTEE OF THE WHOLE ASSEMBLY

GOVERNOR'S RESERVATION ON

NAIROBI CITY COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2024

Hon. Speaker: Hon. Members, I hope you will be keen on Motion No. 8. Before we proceed, I will give the Chairperson of the Early Childhood Education Committee to give us a brief and her reservations as the Chair on the Memorandum as forwarded by the Governor so that the House can be informed and get to take necessarily action. Yes, Hon Majority?

(Hon. Peter Imwatok consulted with the Speaker)

Kindly Chairperson, can you consult with the Leader of Majority? He seems to have some reservations.

Hon Members, I will give you ten minutes to go through the Governor's Memorandum as the Chair of Education consults.

Yes, Majority Leader.

Hon. Peter Imwatok: Having consulted with the Chair, she has something to say before you proceed, with your indulgence, Hon. Speaker.

Hon. Perpetua Mponjiwa: Thank you, Hon Speaker for giving me this opportunity. Having consulted the leadership, I would request the entire Assembly to take your time and read this document because it is an important document for the Education Sector. I would like to defer the same; give us time until Tuesday next week.

Hon. Speaker: Okay, you may be seated. Hon Members, just to guide the House, this is a Bill which was forwarded to the Governor for assenting, but the Governor had some reservations and sent back the Bill with Memoranda. I will have now the opportunity to take you through the Standing Order No.149 on Assenting to the Bills, before the House decides on which direction to take.

"Assenting to Bills

149 (1) The Speaker shall, within fourteen days, forward a Bill passed by the County Assembly to the Governor.

(2) The Governor shall within fourteen days after receipt of a Bill:

(a) Assent to the Bill; or

(b) refer the Bill back to the County Assembly with a memorandum outlining reasons for the referral. “

So, that is the stage where we are; 149 (2) (b) whereby the Governor referred the Bill with Memorandum, outlining reasons for the referral. I am sure maybe Members have not gone through the concerns of the Governor.

“149 (3) If the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures under this section:

(a) Amend the Bill taking into account the issues raised by the Governor;”

That is why we are having the Committee of the Whole House.

“(b) Pass the Bill without Amendments.”

Those are the only options; either amend the Bill, taking into account the issues raised by the Governor, or pass the bill without amendments.

“149 (4) If the County Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent.

(5) If the County Assembly passes the Bill a Second Time, without amendment, or with amendments which do not accommodate the Governor’s concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.

(6) If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period.”

Hon. Members, I now give the floor to the Chair of Education Committee to share with us her reservations. Hon. Members, I hope you have the Order Paper. The Memorandum of the Governor is from the third page.

Hon. Perpetua Mponjiwa: Thank you, Hon. Speaker. As earlier indicated, I would really appreciate if the whole House goes through this document. Give the sufficient time because it is an important document. So, we defer this to next week on Tuesday. Thank you.

(Applause)

Hon. Speaker: The Hon. Minority Leader.

Hon. Anthony Karanja: Thank you, Hon. Chair. I want to echo what the Chair of the committee has said. I believe that if we are to proceed with the way it is, it will be an ambush. We need time to digest this and get the Bill to Members because they do not remember. We have come from a very long holiday and with the workload that we have it is not easy to remember some of these clauses as detailed. For example, if you go to the Governor’s document, Clause 45 of the Bill states, *“Clause 45 of the Bill be amended as follows; - in Sub Clause 1 by deleting...*

Hon. Speaker, we need time so that the Committee comes with a report and shares with Members outside here so that we have a meaningful input and a lively debate.

(Applause)

As a House, we have decided that we are not only going to be saying “yay” or “nay” but that we are going to put our time, intellect and experience in everything that comes forward here. So, I wish to second what the Chair has said.

Hon. Speaker: Hon. Emmy

Hon. Emmy Isalambo: Thank you, Hon. Speaker for giving me this opportunity. The first reservation by the Governor is on the Title, but we do not have it here. Secondly, as the Chair had said, we need time to go through the whole Bill to see what was being removed before we debate on it. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Deputy Speaker, please

Hon. Paul Kados: Thank you, Hon. Speaker. I totally agree with the Chairperson of the Education Committee. As one who had the responsibility of sitting before this Assembly and what I was to read, I do not know what I was to tell them. I do agree that we give Members time to go through the Bill to know what is to be amended and what is not. I support the deferment of the motion to another time. Thank you.

(Applause)

Hon. Speaker: Hon. Majority Leader, please.

Hon. Peter Imwatok: Hon. Speaker, it is paramount for us to put it into context. I want to quote Standing Order No. 149 so that it can be captured on Hansard.

“149 (1). The Speaker shall, within fourteen days, forward a Bill passed by the County Assembly to the Governor.

(2) The Governor shall within fourteen days after receipt of a Bill:

(a) Assent to the Bill; or

(b) refer the Bill back to the County Assembly with a memorandum outlining reasons for the referral. “

(3) If the Governor refers a Bill back to the County Assembly, the County Assembly may, following the appropriate procedures under this section:

(a) Amend the Bill taking into account the issues raised by the Governor;”

(b) Pass the Bill without Amendments.”

(4) If the County Assembly amends the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent.

(5) If the County Assembly passes the Bill a Second Time, without amendment, or with amendments which do not accommodate the Governor’s concerns by a vote supported by two-thirds of members of the County Assembly, the Speaker shall

within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.”

(6) If the Governor does not assent to a Bill or refer it back within the period referred to under this section, the Bill shall be taken to have been assented to on the expiry of that period.”

Hon. Speaker, the gist of my reading of this Standing Order, maybe lawyers are in the House like Hon. Ogeto, Hon. Katile and the rest can understand that this Standing Order in a way do not describe at what point are we on timeline to consider. It does have timeline on return and timeline on exit. In terms of when it is before the House or Committee, it has no timelines.

Therefore, as Leader of Government Business, allow me to make an undertaking that I am going to call the stakeholders in the Government side to understand the amendments the Governor forwarded before us then revert back to the Committee so that we put appropriate day to consider this particular amendment.

I beg to support the Chairperson's assertion that we defer it to a later date so that we have proper consultation even within ourselves as Government.

Hon. Speaker: Engineer Heho, the last one.

Hon. Carrington Heho: Mr. Speaker, if I may echo what our leaders have said owing to Standing Order No. 149 (5) which states: -

(5) If the County Assembly passes the Bill a Second Time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of members of the County Assembly...”

Owing to the reservations that were brought forward in the Education Committee, it seems we cannot even have the magic number of 84 Members. To assent this, I do not think we have reached two-thirds threshold.

Secondly, we even do not have any water to drink in the House. I don't think it will be safe to corner Members into along debate without sufficient supply of water.

(Laughter)

Hon. Speaker: Thank you. Hon. Members, is that the feeling of the House that this Bill need to be deferred?

(Hon. Members unanimously agreed to defer the Bill)

Okay. On your resolution, Hon Member, I am guided. I direct the Chair of Education Committee to arrange for all Members a *Kamukunji* so that you may get their feeling and maybe let it be like public participation within the Members of the Assembly. Hon. Chair, are you getting me?

Hon. Perpetua Mponjiwa: Yes.

Hon. Speaker: Let it not be confined to the Education Committee alone but wholesomely for the entire House so that there is concurrence and understanding among all the Members so that

when you come, you are able to decide whether to defeat the Motion or to approve it. I think that will go along well with the feeling of the Members on this Bill

(Hon. Carrington Heho spoke off the record)

Hon. Members I do not know whether the Committee of Education has money to fund the Committee of the whole House, but I leave that to you Chair. If you can mobilize resources, then you can take Members to Naivasha.

(Applause)

Hon. Members, for that reason, the Motion No. 8 stands deferred to a later date to be communicated by the House Business Committee on allocation.

(Committee of the Whole Assembly deferred)

ADJOURNMENT

Hon. Speaker: The House stand adjourned to tomorrow, Wednesday 19th April 2025. I direct the House Business Committee to have a sitting at rise of the Assembly.

Hon. Members, please let me make some announcements now that we have the Secretary General of CAF in the House. I have just remembered that we are supposed to have an AGM at KICC tomorrow. Is that correct, Hon. Chege? Hon. Members we will be at KICC at what time and is the program running throughout the day??

(Hon. Peter Imwatok spoke off the record)

From 8.30 am Tuesday 19th February 2025 at 2:30 p.m. Up to midday.

(Loud consultations)

Hon. Members, do not engage Hon. Chege; it is the Speaker. Hon. Members, the Assembly stands adjourned.

The House rose at 3:09 p.m.