



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Tuesday 1st April 2025

The House met at 2.30 p.m.

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

PRAYER

(A Member spoke off-record)

Hon. Speaker: Hon. Members, you may now be seated. Sergent at arms, kindly confirm whether the concerns raised by the Members is true. The mace is not properly placed before the House.

Clerk, let us proceed.

COMMUNICATION FROM THE CHAIR

WELCOMING MEMBERS BACK FROM SHORT RECESS

Hon. Speaker: Good afternoon Hon. Members, it is quite encouraging that from our sitting today, there is an indication that we are going to be a full House.

Hon. Members, I have a welcoming message for the Members but before then, I wanted to remind you as the custodians of the Constitution, our statues and the Standing Order. As the presiding Speaker, I am always required to direct the House as prescribed and confined by the Constitution; that is my role as the Speaker. I am supposed to guide you accordingly, tell you things the way they are so that you may adjust as required by the Constitution and the laws.

Hon. Members, as we were closing the Assembly I pointed out the need for the House to be active at every sitting in order for the County Assembly of Nairobi to remain vibrant and majorly make laws as required.

Hon. Members I was concerned and requested the members of the fourth estate to be away because this is for the ears of the Hon. Members only. Hon. Members, you can imagine that the

whole calendar session, we adjourned the Assembly for lack of quorum for more than 23 times. If an electorate can pick up that and proceed to court, then I do not know how best we can defend ourselves without even taking into account who comes to the Assembly and who does not.

It is quite unfortunate that when I said that we will come up with an attendance register, the media took it out of context and decided to name names. As the Speaker, we took action and suspended the writer of the article who mentioned the names of specific Members of the Assembly because that was not the case. I had instructed the Hansard office through the office of the Clerk to give an update of the attendance and at no given time did we mention names. It was quite unfortunate and for that reason, the said reporter stands suspended for a period of time to be communicated by the Speaker. Otherwise Hon. Members, before I read the welcoming message, may I allow the Hon. Members standing by the door to proceed and have their seats.

(Members proceed to take their seats)

I can see members of the fourth estate at the gallery. Kindly give us five minutes before you walk in. Find somewhere to comfort yourself before you are ushered in. Sergeant at arms, please give them some comfortable seats. Hon. Deputy Speaker, and Whip, kindly proceed.

Hon. Members, may I take this opportunity to welcome you all from the short recess. I believe you had a fruitful moment with your constituents. Feel welcomed to today's afternoon sitting which is properly convened pursuant to the approved Assembly calendar.

PENDING BUSINESS IN COMMITTEES

Hon. Members, at the time of adjournment for the just ended short recess, the committees were at various stages of undertaking various activities related to their respective mandate including inconclusive consideration of statements, petitions, site inspection visits, Bills amongst others. In view of this, I call upon all the chairpersons to review pending business in respective committees with a view of concluding in order to bring them to the attention of the Assembly for consideration. In addition, I am aware that the select committee on Liaison is planning to conduct its fourth quarter workshop and the committee is hereby requested to review progress reports from committees and address any challenges being faced in dealing with pending business. Further Hon. Members, we are convening at the height of the budget cycle that involves consideration of various documents that have legal requirements and timelines.

Hon. Members, you need to underline consideration of various documents that are of legal requirements and timelines. As we resume, the key business related to budget making include consideration and processing of the County Fiscal Strategy Paper (CFSP), budget estimates and the relevant legislations. While considering this important documents, apart from the submission from the respective sector, committees should prioritize items picked in the course of their integration with stakeholders and processed business such as Statement, Petitions and Motions. The select committee on County Budget and Appropriations and the Budget office under its

leadership is called upon to step up their support to sectoral committees during this period in order to achieve optimal processing's and oversight over budget policies.

Hon. Members, as you execute your mandate and seek to represent your constituent's, your secretariat in committee services and in the budget office are at your disposal to seek advice on how best the aspirations, interest and priority of your respective wards can be incorporated into the budget.

Hon. Members, kindly underline how your wards can be incorporated in the budget policies from implementation. I expect the elected Members to be actively involved in the budget making process so that you do not raise an alarm when your ward is left behind. Therefore, you are all at liberty to visit any of these offices to consult and seek assistance. Consult with the Members who sit in the Budget committee to make sure that your ward issues are addressed effectively.

QUORUM IN THE ASSEMBLY

Hon. Members on the quorum in the Assembly. When the Assembly was adjourning for the short recess, I observed that the Assembly was trading on a dangerous path by continuous adjourning for lack of quorum. I also directed the Clerk to furnish my office with a report analyzing the plenary attendance for each Member to enable my office to process the same in line with the provision of Standing Order 252. I am glad to report that my office has since received the said analysis and it will be shared with each Member in confidence through the leadership of the House for appropriate action pursuant to the relevant Standing Orders. As this process takes place, may I remind Members that attendance to plenary duties is a constitutional duty whose abdication is highly reprehensible and can attract severe action including loss of your seat. Therefore, all Members are encouraged to take their constitutional mandate seriously including attending and participating in plenary proceedings and Committees.

RECONSTITUTION OF SECTORAL COMMITTEES

Members, on the reconstitution of sectoral committees, I had indicated so as the custodian of the Constitution, the Statutes and the Standing Orders. My obligation is to bring Members to speed on the stages as we progress. Hon. Members, you are aware we are in the third quarter. We are through with three Assembly calendars and as required by Standing Order number 209(1), that provides that there shall be select committees to be known as sectoral committees to which Members are nominated by select committee in consultation with the respective parties at the commencement of each Assembly.

Further Standing Order number 209(3) provides that "a Member appointed to a sectoral committee at the commencement of a county assembly shall serve for three sessions and the committee shall therefore be reconstituted to serve for the remainder of the term of that county Assembly. That is the requirement by law; it is not the word of the Speaker.

Hon. Members, in view of the foregoing, it has come to my attention that since the commencement of this Assembly, three sessions have since lapsed. To this end, I have committed

the respective party whips to commence the process of reconstituting all sectoral committees with immediate effect. This therefore serve to notify you that all sectoral committees will be reconstituted. You are so guided.

Hon. Members, it is now upon you with your party whips who shall make a decision whether we retain the committees as has been with the tradition of the House Business Committee. I would plead with the whips that we have always reconstituted the House Business Committee after every calendar session for three executive sessions and have always maintained the Members. I leave that to the nominating parties to decide on which direction to take. Again, while considering reconstituting committees, we still have pending business with the Budget committee, which has a timeline with the CFSP. I will need another one week or two before they disorganize that committee. Hon. Members, you now know the buttons to press. Thank you very much, Hon. Members.

Clerk, let us proceed.

BILL

Second Reading

THE NAIROBI CITY COUNTY
BETTING, LOTTERIES ND GAMING BILL 2023
(ASSEMBLY BILL NUMBER 12 OF 2023)

Hon. Speaker: Hon. Chege Mwaura? This is a very important Bill before the Assembly; The Nairobi City County Betting, Lotteries and Gaming Bill. Hon. Minority Leader please.

Hon. Anthony Kiragu: Thank you Hon. Speaker. Are we supposed to discuss on this Bill now?

Hon. Speaker: Yes, because it is in the second reading

Hon. Anthony Kiragu: Hon. Speaker, I would like to urge Members to familiarize themselves with this very important Bill.

If anybody watched NTV about five days ago about the impact of betting and gambling in this country, it is actually a sad situation that we are in as a country and especially as a county. I would like to say here first of all that the leading cause of suicide today in Kenya is betting and gambling. Every day we are served with news of young men and women; old men and women whose only option in life after getting engaged in this lottery, betting and gaming is to end their lives, after frustrations.

Hon. Speaker I would also like to urge and to inform the Members of this House that Kenya is the leading nation in gambling in Africa today. Five years ago we were the fifth on the continent but in the last few years from 2019 to 2025 and especially in the year 2023 we overtook other countries in Africa and today Kenya is the leading gambling country.

Hon. Speaker in 2023 Kenya registered 2022 companies, the size of Sportpesa, to conduct gambling in this country. It is important that everyone familiarizes themselves with this Bill so that we are able to navigate, make clause that are relevant. Gambling and betting is a devolved function according to the constitution. We even have power in this House to control the mass

media, make laws that control advertising, and we have laws that can even determine how much people are supposed to bet per person.

It is upon this House that we sit down, familiarize ourselves and come up debate soberly and pass laws that will make this country to change. We cannot be like the national government that only focuses on taxes that are paid by this betting companies. We have to look at the social impact, economic impact and any other thing that comes with it.

With that I think I would want to throw the ball to the Members to make sure that they get hold of this Bill, they do research and come up with laws. I want to give them an example of a country called Russia. In the year 2009...

Hon. Speaker: Hon Minority Leader I hope you are not pre-empting the debate.

Hon. Anthony Kiragu: Hon Speaker I am only giving you a preamble.

Hon. Speaker: Can the Clerk confirm whether this Bill is in circulation

(Clerk confirmed the Bill was circulated to Members)

Hon. Anthony Kiragu: It has been circulated before.

Hon. Speaker: In the website?

Hon. Anthony Kiragu: Yes, in the website I have seen it.

Hon. Speaker: Members do you think you need hard copies?

(Members requested hard copies of the Bill)

Hon. Speaker: Okay

Hon. Anthony Kiragu: I think we need hard copies and also we need soft copies so that we can actually work on it at your own time.

Hon. Speaker: The office of the Clerk is directed to upload this Bill on the website and to print hard copies. That is a good insight, Hon. Leader. You are not through but you will find a lot of time to debate on this. It is okay giving an insight on the Bill, you may proceed and conclude.

Hon. Anthony Kiragu: Thank you, I am only 30 seconds away. I wanted to encourage our Members that in the year 2009 Russia, which is the country that has developed the most number of games in the gaming industry woke up one day and burned all forms of gambling. In Russia you cannot bet online, you cannot bet on your phone and you cannot even betting in the casino.

Hon. Speaker, some of the betting companies that were registered in this country are owned by foreigners. I will be bringing the information to this House that they are owned by the people of Eastern Europe and China and I want to bring to your attention that in the country of China betting and gambling is illegal. There is a law from the land of China that prohibits all Chinese citizens to gamble anywhere in the world so it is upon this House to make sure that we make our country proud, we protect our children, we protect ourselves and we protect this country. Thank you.

Hon. Speaker: Thank you Hon. Member although you forgot to welcome Members back after the short recess, as a leader of this House. May be I give you two minutes.

Hon. Anthony Kiragu: Thank you again, Hon. Speaker.

Hon. Robert Alai: Order Hon. Speaker!

Hon. Speaker: Hon. Robert Alai

Hon. Robert Alai: Is it in order to force the Leader of Minority, who is not willing, to welcome back Members?

Hon. Speaker: I have just given a reminder; I can't force him.

Hon. Robert Alai: I don't think he is interested

Hon. Anthon Kiragu: Hon. Speaker I want you to protect me from that Member

Hon. Speaker: He is here, he can talk, speak for himself

Hon. Anthony Kiragu: I also want to inform that the Member has been looking for ways of bringing me down however let me welcome Members to this session and may be to urge Members that we need to be focused and we need to make sure that it is not business as usual. Just as you said in your welcoming message that it is our constitutional responsibility to attend and participate in the business of this House. I want to welcome Members and wishing you well and I hope we will work together very hard going forward to make our country happy.

Hon. Speaker: Hon Chairperson for Trade before I give you an opportunity to speak, allow me to call for the deferment of the Order Number 8 to tomorrow and I would plead with the House Business Committee to slot this business tomorrow same time. Order Number 8 stand deferred.

(Order 8, The Nairobi City County Betting, Lotteries and Gaming Bill, 2023, deferred)

What is it Hon Member? Petit?

Hon. Paul Ndung'u: Thank You Mr. Speaker. I just want to bring to your attention that we are only 13 Muslims in this Assembly and we haven't been wished Idd Mbarak from you or either the leadership of this House, Mr. Speaker.

Hon. Speaker: That is not true because Hon Petit if you may remember through the leadership we organized Iftar for the Muslim brothers and sisters which was again presided over by the Right Hon. Prime Minister. Unfortunately, you didn't find an opportunity to come but most of our Members came.

Hon. Paul Ndung'u: You should also appreciate Idd Mbarak from the presence of this House, you and the leadership, Mr Speaker. That all we are asking for. Thank you for that. It is important we celebrate with our Muslim brothers and sisters it is indeed a special occasion for the whole country where now at least our Muslim brothers and sisters pray for the nation and normally praise for every one of us.

Hon. Speaker: We really appreciate and we say Idd Mbarak. I would also encourage Christians to get conversant with this holidays because this was a holy day we celebrate along with the Muslims brothers and sisters but now may be most of the Christians might not have proper understanding of the reason why we celebrate Idd. Yes, so may be our Muslim brothers and sisters will share the information with us. Hon, Abas Khalif is the chair; may be you will relay the same

information to him. Clerk lets proceed. Or is there Member or leadership. We have the Deputy Majority Leader in the House; I see the deputy Speaker; we have the deputy Whip. May be we would want to have the welcoming note.

Hon. Paul Kados: Hon. Speaker I would want to welcome every person and to our Muslim brothers and sisters I say Idd Mbarak. In fact, you are right. We as Christians have never differentiated and in fact I agree with you totally because even yourself, I remember this morning you told us that Hashim was fighting satan with stones. In fact, Hashim called me and told me this [holiday] is not the one they fight Satan with stones. This was just a mini Idd but the main one is when they fight satan with Stones. I think next time all of us should join our Muslim brothers and fight the Satan who I think are...

Hon. Speaker: But Hon. Speaker this stones are normally found in Mecca; it is not just a mere stone. We don't have this stones in Kenya

Hon. Paul Kados: I think we go to Mecca and we pray for this Assembly and County Government.

Hon. Speaker: You can't go to Mecca if you are not a Muslim.

Hon. Paul Kados: Hon. Speaker at Nairobi County Government there are a lot of problems and I know these Members are in a lot of problems so I would like us we all join, when time comes, Hashim to mobilizes us and we fight the Satan who has invaded this Assembly and the County Government for us to move on. Thank You.

Hon. Speaker: Yes, Hon Minority Whip

Hon. Anthony Kiragu: I don't know if you have taken note of Order Number 8

Hon. Speaker: Yes, I have deferred the same to the House Business committee and I have actually requested them as they sit to consider this for tomorrow. But again I have directed the office of the Clerk to circulate the Bill - both hard and soft copies - so that when Members come tomorrow they are well informed.

Before we proceed to Motion number 9, I would, by the leave of chair...you know the chair has all the mandate to give Members an audience and any Member with a serious burning issue that he would want to raise with the Assembly. Hon Major Kwenya?

Hon. John Kwenya: Thank you Mr. Speaker. Now that we have come back to the business of the plenary, for me I feel that you, as the chairman of this assembly, you need to bring back the spirit of working, the spirit of Members being in the Assembly and doing their work because I can tell you for sure it is only that you made a statement that we should attend the assembly; you reminded us.

For me my mind is out of this place but I really need to work for my people. They elected me to do this work but I feel like there is a sabotage somewhere. I feel that the Assembly is not giving us what we expected from day one.

Mr. Speaker, when our offices are closed, when we cannot pay our people that are on the ground or in our offices, there is that feeling that we are not able to delegate the work we have been given by the people to do.

Mr. Speaker, as the Chairman, this time round it is you who has the mandate, it is you who has the power to make Members feel that we are doing what we are supposed to do.

It is only few days remaining and we go back to the campaigns. Why do Members feel that we are tired? Why are some Members like me have never gone for even a single trip out of the country? I feel so much pain. Last year time like November I felt like I want to resign. This is not the work that I wanted to do. I wanted to do a work where am motivated, I wanted to do a work where I will feel comfortable serving my people. The people of CBD did not elect me to come here to feel offended, to feel misguided and to feel the shame that I feel.

Today, I just carried this water from my office and I was expecting that I will not drink this water and I think Members are feeling the same. Just water - 500 ml water - we cannot afford in the Assembly. You go to our toilets there is no tissue. What respect are the Members getting? Chairman, Speaker this time round please do us a favor and fight for us. We are looking forward to you, we are trusting you, we know you are capable. Before we start fighting, I want to ask you politely and very humbly do something. Fight for us.

Hon Speaker: Hon Member that is taken positively with high spirit. at least now we are somewhere. We had some challenges which at least we have made a commitment to address. I will give the status of the Assembly and the welfare tomorrow afternoon on concerns as raised by the Hon. Member. Hon Member your concerns are very valid against the backdrop of the challenges we are facing as a country and as a county but I can confirm to you here that so far at least we are going through the correct and rightful trajectory. Hon. Whip please.

Hon. Mark Mugambi: Thank you Hon Speaker. The concern for *Mheshimiwa* Kwenya is actually speaking for the majority, the silent majority in this House. Hon Speaker, we are in the third year of this Third Assembly that is almost 57% of our time here and having served in the previous Assembly I can say we are doing badly in terms of the Members welfare.

Hon. Speaker, as the Whip I have had a chat with most of these Members and the reason for them absconding plenary was a go-slow on their unpaid dues which is rightfully theirs and they need not to beg you, I or any other person for them to be given what is budgeted for them.

Hon. Speaker I was able to follow up on the payments owed to these Members after they stormed the COB and the problem lies with us in this Assembly not Kerich, Mayondi or Nyakang'o. It is a systematic issue. Just the other day I requested you that we a meeting with all committee clerks, all accountants, the leadership and the Clerk and the deputy Clerks because as soon as the Liaison Committee goes for their retreat they come up with a Committee schedule that has dates well stipulated each Committee is scheduled to travel. I don't understand what wisdom is used to prepare or to request Members to sign their imprest on a Thursday morning while they are supposed to be travelling the same day to the workshops. Will the imprest be ready by then? No.

The per diem is supposed to facilitate for their travel and their stay hence it ought to have been processed before they travel either two days or a day to or better on the material day they are traveling and that is what *Mheshimiwa* Chege and *Mheshimiwa* Clarence will tell you used to happened in their first term. *Mheshimiwa* Akama, *Mheshimiwa* Maurice and *Mheshimiwa* Stazo

will also tell you the same happened during their first two years. I experienced that. I used to go with my imprest or my per diem or worse it used to find me while still at the workshop.

At the Controller of Budget (COB) the challenge is that we prepare this imprest long after Members have traveled and therefore they cease being imprest and turn into claims. I have had a chat with some staffs at the COB and they have a rule that they cannot go for a workshop without a per diem. We need to know the genesis of problems that we are facing as Nairobi City County. Who is not doing his job? After the Liaison committee has come up with schedule of Sectoral Committee the clerks ought to have started the imprest preparation because they already have dates with them.

Members need to sign these imprest two weeks prior to traveling so that by the time they are traveling the imprest has been processed at the Assembly, COF and the Waziri's office, and proceeded past the COB's office. A week before travelling the imprest ought to have Form B only awaiting clearance at the CBK.

Mr. Speaker if these is done systematically, no one will feel that the leadership, the chair or leaders of coalitions are failing.

We are taking stray bullets for others. Speaker you should stop shielding incompetence in this House otherwise *mimi na wewe*, Leader of Majority *na my Counterpart Stazo na Kados na Kiragu tutaacha legacy mbaya kwa sababu hawa Members wetu wengi hawataki kujua ni nini ingine tunalipa kama hatulipi ile kitu wanataka* is what is rightfully theirs.

As Whip of Kenya Kwanza I know that we budgeted for foreign travel for this financial year. Many of us have not travel in this financial year. Are the allocations still there? Hon. Speaker we are three months' shy of a new financial year. What happened to the budget that we appropriated for the foreign travel? Because that at least will boost this Members apart from *hii kidogo ya local*. *Ni vizuri* we have a candid discussion *tuangalie wale hawakusafiri ama hawajasafiri wataendaje hii miezi tatu*. Hon. Speaker. I think that will be a just and honourable thing to do to all these Members.

Tuangalie nani hajasafiri ama nani alienda ile ingine hajaenda ama na hajaenda hii and then we try and then balance. *Ita* boost their morale *kukuja hapa* because we all know that the SRC capped the plenary sitting. As much as the legislation is part and parcel of the plenary session let us not push them to an extent that they feel un-liked and then avoid to come to this Honourable House.

As I close urgently call for a meeting with all Committee clerks, accountants and anyone that plays role in preparation for the imprest of Members *ndio tujue shida iko wapi tusirudi tena Speaker sio ati saa zile wamegoma ndio tunaanza kupigapiga simu uko COB*. *Wacha hii mwaka kuenda mbele wacha waende na pesa kwa accounts zao*.

Hon. Speaker: Thank you Whip. Yes, CAF Secretary, you had a business to transact today on the Nairobi City County Betting Lottery and Gaming Bill which I have directed to be differed to tomorrow. I hope tomorrow you will be up and running to conclude this?

Hon. Chege Mwaura: Thank you Mr. Speaker. Thank you for your wise decision. I had sent you a message over the extension, I am hoping that tomorrow I will be there to dispense it. In

the meantime, Mr. Speaker, that Bill is very interesting and the Chair of Trade and Members of the Trade Committee have interacted with it. Members can also interact with it because betting is a menace in the Country and the earlier the Members understood the ramifications.

I rise because my boss the Whip has brought up an issue and I felt maybe I should weigh in because have seen colleagues looking at us the older Members and they are feeling that we are not understanding their plight. I wish my boss the Whip will allow me to disagree with him on a few elements without discarding me. But two things Mr. Speaker, before I sit. Number one is *musumeno* as they say cuts two ways and as much as the Whip has put a lot of scrutiny on ourselves, the Office of the Clerk the Assembly side, blame must also be apportioned to the Executive side.

Mr. Speaker you have been there since the beginning and you know very well that Assembly dues are non-negotiable. Even in the days of Governor Kidero issues to do with Assembly, issues on our per diem and any amounts that are due to Assembly were no go zone. Because they are at the first level of a team that can put the County at a standstill but that it's not what is happening now. Mr. Speaker even during Governor Sonko's time, and he was a populist, but still issues to do with the Assembly and its monies due to were never put into the issues we are having.

But I also want to urge Members on two issues. Number one we are at halftime. When you are at halftime and I mentioned it today I was in Health Committee, and when the Chair asked me to say few things I told them at halftime there is no mono, there is no senior. Everyone knows how the game is going. I told them to exercise the power they have and do the necessary to stream line this County.

Mr. Speaker if the problem is with your office and it is the Clerk's office that have not done the documents in the right time its okay but the budget is two ways. The budget that is passed in the Assembly is also the one passed for the Executive. So if the Assembly money is X for this month and you have not done paper work correctly, then day that paper work is done correctly why is that money not re-fenced and given? It is because maybe your paper was not correct at first but when it is corrected on the fifth or tenth then the money should not have been spent to pay other people in the Executive. It should be there waiting for the Assembly to work on the papers and they give it.

Mr. Speaker I am not holding brief for you or your office or the office of the Clerk or the Committee clerks. We know we have a schedule but this month of April which is starting today what is the value for the budget for the Assembly? We are told X amount is in that account, we are doing on-source, we are doing sharable so if ours is Sh. 50 million or Sh. 100 million or whatever you have agreed let it not be touched so that the clerks, when Kados calls for the meeting of the Liaison committee, that money can take even three committees for a whole month schedule and they start paying as per that schedule. The Members of PAC called *Waziri* and you know what he said: if the money is for example Sh.100 in the account at CRF and Assembly is requesting Sh. 30 and the schedule for the Assembly is Sh. 30, the money is taken for request for schedule Form A. If the CEC Finance request is Sh. 61 and Assembly request is Sh. 30 how much is it? 101. The

Controller of Budget will say you do not have sufficient funds. Are you getting the games that are played? Why don't you let the Sh. 30 go as Sh. 30? You get my point, Speaker? So that Assembly is crucified on their own mistakes. Why are the schedules lamped up with Executive ones, take a big hole and when they crush we are told ours came last? Let our Assembly bear its own cross, our Form A goes the way it is and then we are asked the amount that Assembly want and the amount that budgeted for the Assembly and the schedule that is supposed to be given to the for that Month if they are coinciding release their money. If they are not coinciding crucify the Clerk, crucify the Speaker.

When Hon. Sospeter I saw on TV went to Controller of Budget what were they told? That priority was given to Executive's schedules. Did you see an Assembly priority in that schedule? No! Let the money of the Assembly be the Assembly money. But let the Executive do the blame games and then play games with us so that when people have an issue we now fight ourselves, we fight among our partisan issues, we fight about seniority.

This is my parting shot as I leave. I want to be devil's advocate today and I know I will be in a lot of trouble but let me say this. This is your power; this plenary hall is your power. This is where you come collect powers and until the Executive feels you and your weigh, you will be in problems until cows come home.

So Speaker, I am for the opinion that let us know what was due for the Assembly for March. Were we given our rightful due? Yes, or no? If not what measures are being made to give us our rightful due, period. Then we go to April like that if not we will be fighting amongst ourselves and no one will believe us. Like now a Member asked me, when did we start talking about ward fund? In November last year. Today it's still a story and I told Members in the committee they should not be surprised when we get to the end of financial year in June and it is still a story.

As for bursaries we know other counties have found a way. But ours has not found a way but when we wanted to do Dishu na County they found a way. I have not said anything, Speaker, I rest my case.

(Applause)

Hon. Speaker: Hon. Deputy Whip.

Hon Stazo Omung'ala: First of all, let me wish our Muslim brothers and sisters a happy Eid and allow me to also correct them that I tried calling all of them and none was picking yet I had a present for them, Mr. Speaker. That said allow me to echo what Minority Whip and PAC Chair have said, Mr. Speaker.

Mr. Speaker, up to today in as much as you are saying that Members were paid their dues which is a good thing but the root cause of the problem is not yet known. It is not a good thing to play a political card to politicians because now you know when fellow Members went to the COB where did the calls came from? The calls came from all quarters and top leadership of this Country on what is happening in Nairobi County. That question is not yet answered; answering that question doesn't mean that people after people have been paid their per that is answer. The answer is what is the root cause.

As we speak today in this plenary you have heard able Minority Whip saying according to his analogy the problem lies in this side and then my PAC chair, according to his able analogy says there is laxity in the Executive. Mr. Speaker that will be the game. From what I have heard and from my judgement but I stand corrected I also sit in the PAC committee laxity might be the word.

Mr. Speaker I think that being said this Assembly has the Powers. We have never used our powers. This is the only Assembly -I think Hon. Chege was in the first one, that we have not used our powers anywhere. That is why it is very simple for you Mr. Speaker...I understand you, I have worked with you when you are speaker and when you were not. You are a man who would like always cover up. But I have always told you of a proverb from Kisa, people from the Luhya Community you know that proverb that "the child who is not embraced by the village will burn it down to feel its warmth" Mr. Speaker, let this Assembly not burn the County Government so that the Assembly feels that warmth of this Government. Mr. Speaker whatever, happened at the COB show you that an angry man has zero dignity.

(Applause)

These are Honourable Members. It was so wrong, Speaker, because there are few people who are blessed and maybe could not afford that route but now time is the master, Mr. Speaker. Some people, even those who think they are capable of handling their own issues might find themselves at COB. As a gentleman kindly let us at least hold someone accountable for that ordeal so that we now have answers. Is it on our side? Which officer? Let the Assembly exercise its powers on that specific officer because you see when you say it is misunderstanding we shall be covering up for someone who is not working.

(Applause)

Hon. Speaker: Let us have one from this side and the other side too. Mheshimiwa Whip is on the floor.

Hon. Mark Mugambi: Thank you Speaker. My Counterpart and the chair PAC have spoken quite well and I would like to remind the chair PAC that the only way we can get monies apportioned to Assembly is through Form A leaving the COB and form B coming to the Executive. That is the only time monies are tied. Is that the case? If I am not wrong?

How do we expect the money to be tied without a requisition? My issue, chair, before you came in, are we doing timely requisitions?

For instance, Speaker, when the Members were demonstrating, that same day the assembly released requisitions amounting to Sh. 400 million at a go, the same week. I am sure most of you responded to that. The chair's welfare...

Hon. Speaker: Hon. Minority Whip, kindly, please, with due respect... Order Hon. Whip, please. Just take your seat.

Hon. Mark Mugambi: Okay. Speaker let me finish.

Hon. Speaker: Kindly take your seat. Be seated. Hon. Whip, please. Be seated. Can you sit? I do not want you to mislead this House. Kindly sit.

Hon. Mark Mugambi: I am not misleading anyone.

Hon. Speaker: Kindly, Sergeant, assist the Whip to sit down. Be seated, Whip. Hon. Members, we need to be very honest. I do not want our Members to mislead this house. I have the history of this House and every action of every Member of this House.

There are some members who are here who want to articulate issues just to be seen as speaking on behalf of the Members, *(Applause)* and the same members are the people who are giving me trouble when I call for a meeting.

I do not expect a Member to come here and mislead the assembly under the pretext that they are here to help, but at the same time, I can ask a simple question. Sometime last year when I called for a meeting between the executive and my office, there were members who deliberately came to my office to protect the executive.

(Loud consultation)

They came and sat throughout the meeting. There are Members here who are quoted as saying we are for the executive, and at that point, I was trying to come to terms and understand why our requisitions.

You do not just come here and say that requisitions are Sh. 400 million. We have pending requisitions, which were signed by one Martha. If you go and ask the new person in the work plan, she will tell you how many work plans, which were signed by Martha from the assembly.

Hon. Members, we cannot entertain the attitude of crossing in between whatever we call it, that office; yes, we cannot allow that to happen. Hon. Members, as we have indicated, we had a meeting, and I can tell you it is not business as usual.

(Applause)

Out of our meeting, we are somewhere today. We have actually been in consultation. We have been in brief with the Sospeter. Even today, we have got requisitions that were released. Today alone, they have released up to about four or six requisitions. The issue of priority does not apply in this case.

The constitution is very clear on how the assembly and the executive are supposed to share. Our problem lies at the point of CRF. We are now the CRF account, the County Revenue Funds account.

At that point, when you are now supposed to release monies, you decide which money to release and which one not to release. It is not the Clerk. It is not the speaker.

I do not release forms A, B, and C. We have requisitions, which were requested around October. Up to now. The last time my office received office imprest was in October last year. Then you come and ask the plenary about what is happening.

Hon. Members, we must be honest to ourselves. *(Applause)* I must say amongst us, there are Members here who do not have the interest of other Members. *(Applause)* Yes, it must be plainly stated that the Clerk has always been up to the task of making sure. We had a meeting and agreed that every month the executive must release money to the assemblies.

Today, as we speak, we have not received two months' salary. As we speak now, Members are not even going to get their salaries. Whose fault? You want to tell me the Clerk has not requested the salaries of Members. You want to tell me that. We cannot be having a CRSAF account, which has pending requisitions by the side.

Immediately, money from source revenue hits the account, it is released. Because you can imagine how many times the Clerk crisscrosses between the assembly and the executive. Just pleading, begging for the assembly monies to be released. How many meetings are we going to have with the executive so that they release the money?

Therefore, Hon. Members, before then I had indicated that tomorrow I will bring the assembly up to speed to tell the assembly the status of our monies and the projection and what we intend to achieve. Because I have told you, it is not going to be business as usual. *(Applause)* Every Member here in this assembly, if you have your own interest, please do not bring it into the business of the assembly.

(Applause)

You are free to be a friend; you are free to request help from the office of the Governor; it is okay. Nevertheless, please, when the issues of the assembly are mentioned, you are supposed to stand by the assembly.

You do not come here to start passing blame games for no apparent reason and when you know correctly that what you are saying is not true. What Hon. Chege is saying is very true and factual. Let the monies of the assemblies be promptly given to the assembly. There is no question about it.

Hon. Members, I want to state here clearly that we have the CFSP until our monies are given out. *(Applause)* Because I don't want to transact a budget that has no meaning to this assembly.

(Applause)

You get what I am saying. *(Loud Consultation)* Yes! That is the position. I am going to make an official communication to the executive. That going forward, Hon. Members, we need the dignity we deserve.

(Applause)

Therefore, I am directing the House: do not pour out your hunger. We must manage this situation once and for all. We must bring the understanding. The people who are sitting in the offices, who are supposed to do what is required of them, must do it. They must do it.

You get what I am saying, Members? It is good that we have actually postponed the CFSP. We gave them some extension. However, in between, yes, there is goodwill. They have released our money. However, you can imagine the office of the Deputy Speaker is closed. The office of Hon. Nixon Juma is to be auctioned. In addition, those are the Hon... Yes. So now, there are many.

I am glad to announce that we have complied. We have at least received the money for the LAP fund, the Sh. 28 million. Therefore, the contribution of Members is up-to-date, as we are here today. That is not enough. Hon. Members, let us rest that debate.

We are really doing something about it. I would not want a situation where you, Hon. Alai, have a burning issue. Please. Kindly, Alai.

Hon. Robert Alai: Thank you, Mr. Speaker, for taking up the issue of the welfare of the Members. However, I think that we need to blame ourselves for leaving the work of oversight and thinking that we can be good boys to the executive. I think that we need to stay on the lane of oversight and strictly that.

We have let some of the worst injustices happen to Nairobians on this floor of the House. There are pieces of land that belong to the county that lawyers have won for us. The lawyers who have won for us court cases, like in the Kayole situation, have been punished.

The court even ordered the person who claimed the piece of land to pay us Sh. 80 million. However, we allowed residents to be evicted. In the Pangani-Jivanjee issue, we allowed *Dish County* without a legal framework. The law does not depend on the benevolence of a Governor. The law depends on the law. Sharia.

(Applause)

We even went to the funeral of a colleague, Sergeant Osoi, and promised the relatives that we will employ one of them. Up to now, we employed so many here, as for the relatives of Sergeant Osoi; we never employed anybody. I beg you, Mr. Speaker, this House, let us not blame the executive; it is us.

We have to stay on the lane of oversight. We have to check on every matter coming up. When we come to PAC and ask hard questions, we need not be removed from PAC. We need not be punished for anything. If we stick to the line of oversight, there are Members here who are called specially elected. They have dues. Office imprest. Pay it to them.

Do not fear that they will compete with Alai. If anybody competes with Alai and defeats Alai, it is a choice of the Kilelesha people. Well and good.

(Applause)

Nevertheless, do not punish a Member by not giving them office imprest because they were elected.

Hon. Speaker: Now that you have said about the office-imprest for the special elect, Hon. Alai, we have Members who do not want the special elect to have offices in their wards. In that case.

(Loud consultation)

Hon. Robert Alai: Hon. Speaker, Nairobi is so big. If there is a specially elected person in Mathare who is not wanted there, bring them to Kileleshwa.

Hon. Speaker: However, you see now, Hon. Members, the law only requires that the offices of the special elect be within the areas they were nominated from. I hope it is not a threat to anyone. Hon. Alai, proceed.

Hon. Robert Alai: It is not a threat to anybody.

Hon. Speaker: And again, Hon. Alai, I am here to announce that up to last week, we have paid office imprest for special elect about 22. Therefore, we are left with about 19.

Hon. Robert Alai: Thank you, Hon. Speaker. Therefore, I urge you or beg you that we return this House to the work of oversight and making laws. How many Bills are pending? Why do we have so many Bills pending? Why do we give priority to other things and not sponsor the drafting of Bills in this assembly, Hon. Speaker?

Why do we not hire competent legal assistants to help us draft proper Bills or contract? Hon. Speaker, I beg that we go back to the work of oversight. There is a senior Member—I don't want to mention names because I don't want to bring...—who told the Governor, in the presence of a good number of us here, not to make payment for WDF because it's not a priority now.

I can tell you, Hon. Speaker, it happens in the presence of the most senior Members in this house. Moreover, they all cheered. In addition, they said that you need not make... And from then on, the Governor has never had the sense to sign any WDF payments.

Hon. Speaker: Hon. Alai, you will be doing a lot of injustice to this assembly if such a Member cannot be named.

Hon. Robert Alai: Hon. Speaker, I ask you to urge all the leadership, the old leadership, to come here tomorrow so that it is not turned into a rumor, so that I mention them by name because it's part of the process.

(Applause)

(Loud Consultation)

Hon. Speaker: So now, we are our own enemies. Hon. Members, after Atito, then Mofaya, and then we conclude. And... Okay.

(Loud Consultation)

Hon. Abel Atito: Thank you, Mr. Speaker, sir. Thank you for giving me the opportunity to speak about this matter. While Members are going through these experiences, we are getting on the floor; there is this project that I was learning. You remember the CBS project. This thing, when it started, some of our Members here thought it was just a *Kipindi*. It was real. In addition, it has been running for the last two years.

When we started this thing, it came to us, and you Okayed it. We went and briefed the Governor, who also okayed it. Then I was proposed to be the secretary to connect the house with this project.

Now, Mr. Speaker, the reason why I have decided to come and share this issue with these Members here is that for this project, now the buses are ready. The buses were launched on...

Hon. Speaker: Hon. Tito. That is supposed to be an informal session.

Hon. Abel Atito: This is a welfare issue, Mr. Speaker. It is a welfare...

Hon. Speaker: Order, Mr. Tito. What I can only...

(Loud Consultation)

Order, Members. What I can only communicate... Hon. Tito, what I can only communicate and advise you is that as we adjourn for the next sitting, I would request Members to remain behind so that you can brief them on the update.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. I begin by appreciating your office for seeing it wise for us to have this discussion.

Number two, allow me also to appreciate Hon. Members for coming out to reclaim your position and reclaim your rights. For those who gathered the courage and confidence to confront the various offices that you visited, that is, the COB and the Governor, and the various offices that we visited, including the Clerk's office, we know it has not been easy.

Therefore, I say a big thank you to you. Number three: allow me also to appreciate the office of the Speaker. As he has mentioned, we have had a back-and-forth kind of conversation, because as the Welfare chair, I am here to be adopted in the House because this position was given behind the doors of the Assembly.

Therefore, I am looking forward to when we will adopt and have a well regularized, or rather a legit welfare office. Therefore, we are looking forward to that. Hon. Speaker, allow me, without recapitulating, much of what has been said by my fellow colleagues. That when you see Members coming together and deciding to take the bull by its horns, it is because, Hon. Speakers, we feel that our leaders, the people who are elected to serve us, to look into our welfare, to look into our interests, have failed us in a way.

That's why, Hon. Speaker, we had to come out of our comfort zone, because there has been this back-and-forth that the Clerk, the Executive, the COB, and we said, okay, well and good, why can't we visit these offices and get to know the reality of the matter?

Hon. Speaker, allow me to say this; there has been a disconnect between the leadership, they have not been working as one; this is expected. This is because people have different interests and that is acceptable, but as Hon Members our interest is welfare; what is duly ours as per the law.

Hon. Speaker, your office and the Clerk's office are mandated by the law to look into the welfare of these Hon. Members. Personally and looking at the spirit of the assembly, there is no doubt that we are ready to rally behind any leader who is there to support our welfare to ensure that what is solely ours is given to us.

Hon. Speaker, we are in a political field and we know politics play around even in the assembly and even in the Executive but that is not our business. Please assume your responsibilities; I am not saying that you have not been playing your role. Hon. Speaker we are behind you and we are looking forward for your guidance as one who has been mandated by the law to take charge of the assembly.

Hon. Speaker, I know it is not easy because I have tasted it as the welfare chair *kidogo* that even getting a list of the beneficiaries of the office imprests it has not been easy. I know with your guidance and as you have stated that things are not going to run as they used to be. We cannot continue doing the same things and expect different results.

Hon. Speaker, we want to assure you as Members of the Third Assembly that we are here to reclaim our position and execute our mandate as outlined in the Constitution. Allow me to end by saying, that there was a demonstration in my area and even picking a call when residents are rioting because of lack of service delivery by the county, you know by law my mandate is representation, ensuring that the concerns of my constituents get to the right desk at the county government. However, when it comes to responding to issues like road, streetlights, drainages, it is the mandate of the Executive to update the Members what they are doing to address the issues that have been raised by the residents.

Hon. Speaker, calling a CEC or a Chief Officer today is a problem. We cannot continue running Nairobi County this way yet we have that power. Allow me to end there and say that we are behind you and we are ready to take the bull by its horns. Thank you very much Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Rex and then Hon. Mofire.

Hon. Rex Omolleh: Good afternoon every one. Thank you Hon. Speaker for noticing me and giving me this chance to echo on your statement. For the first time I feel like this is Kennedy Okeyo Ng'ondi, the one I voted for using this card. I do not know how I came with the card today in the assembly but I feel this is the man I knew in 2009.

Hon. Speaker, you are our godfather in this assembly and we have suffered in this assembly. I came a bit late and found Members contributing on the welfare of Members and I feel that I came at the right time to make my contributions. Every Member in this assembly relies on

you, Hon. Speaker. You have been serving us as Kennedy Ng'ondi and the name Okeyo is missing. Kennedy Okeyo Ng'ondi is a man that I have known for many years who fights for people's rights. This assembly has 124 Members and you have served thousands of people but we have been suffering in silence. For the first time Mr. Speaker, I feel energized contributing in this assembly. I am requesting you Hon. Speaker to please take care of these Hon. Members, do not go down in history with the people oppressing Members of this assembly.

(Applause)

Members are really suffering in this assembly, we are serving the public, why is it so hard to get information? Why has it been so hard to know what has been paid and what has not in this assembly? Why is it so hard to get this information and we are serving a public office? Why are some Members coming here to mislead Members, why are we so selfish? Even if some Members are special elect, give them what is rightfully theirs as laid in the Constitution. They are supposed to pay their offices, salaries to the employees who work there. Why are you denying Members what is rightfully theirs; whether elected or special elect?

Contractors have not been paid for a very long time. WDF projects are coming up, and contractors will not apply for these jobs. What are we going to tell our people? We have not been given bursary, what are we going to tell our people? Mr. Speaker, I can speak until tomorrow but I think my point is home; do not go down in history with the regime or people that are going down. Thank you very much.

(Applause)

Hon. Jeremiah Themendu: Thank you Hon. Speaker for giving me this chance to add my voice to today's agenda. What is affecting this House and it is very dangerous; is fear. Some Hon. Members are fearing and some are pretenders. Hon. Speaker if you can remember the meeting we had at Naivasha and we had prepaid something which was very effective. If we can have a special sitting here; a serious kamkunji, we can come out with a process that cannot fail us as we see today.

Hon. Speaker, let me say without fear of contradiction that this assembly and the entire county is captured by the unknown. If you are not going to rescue this county, we are doing nothing. In matters development like the WDF, it has not been paid because they are paying legal fees. I was leading other Members to the COB's office as I had led Members of the previous assembly to the COB and everything was shown to us then. If WDF is not going to be paid, no development is going to happen in our wards. We are doing nothing and by the end of the five years, all of us will be sent home.

Hon. Speaker: Before you conclude, a point of information; today I was told by the COB that they have released Sh. 284 million for the WDF and there are about two or three requisitions of WDF which came back with comments and they have worked on the comments and they were

returned to the COB. Sh. 284 million has been approved; it is in Form B; it needs to go to the Central Bank for payment.

Hon. Jeremiah Themendu: Thank you very much Hon. Speaker. Before I wide up, I said there is fear in this assembly; this is happening because we are not together. Today I am a very happy man and I shall sleep well today because you have said you shall take the bull by its horns.

(Point of information declined)

Hon. Speaker: Is it a point of order? Do you want to be informed Hon. Member?

Hon. Jeremiah Themendu: No. I do not want to be informed because what I am saying-- - let me finish first and then you will get your chance. We do not want to be liked or to be friends; we want to do our mandate, which is to oversight.

Hon. Speaker going forward---

Hon. Speaker: Proceed.

Hon. Jeremiah Themendu: Hon. Speaker going forward because you have shown us that we must wake up, let us work together and if any Bill concerning finance is brought before the House--- As I wound up Hon. Speaker, let Hon. Heho inform me.

Hon. Speaker: Hon. Heho inform the House.

Hon. Carrington Heho: Thank you Mr. Speaker and equally thank you senior Member Mheshimiwa Jeremiah. The point of information that I was to relay to you Mr. Speaker and Hon. Themendu is what I think you have been briefed by Mheshimiwa Akama. I therefore donate my two minutes to Mheshimiwa Akama, kindly.

Hon. Speaker: Mheshimiwa Akama, do you have information that is different from what I have communicated?

Hon. Jared Akama: Thank you very much Hon. Speaker. I must say that today Hon. Speaker you made me very proud and I feel very happy that---

Hon. Speaker: Kindly proceed.

Hon. Jared Akama: I wish Hon. Rex can give me the opportunity to congratulate you because today you made me proud. The information that I have and I wish the vice-chair for WDF was here because last Friday we made it a task on behalf of the Members to do a serious follow up of the WDF. We went to the COB offices at City Hall---

Hon. Speaker: Today?

Hon. Jared Akama: No last Friday. We found out that already there are about ten companies which have already submitted to the COB, that is the Sh. 284 million that you are talking about. Equally, Members were interested in the one for about Sh. 380 million which is still lying at the COB offices. We realized that the CFO for WDF had made a mistake and had not indicated the retaining amount, they were missing and the COB offices at City Hall directed that they rectify that mistake. Hon. Speaker, that is to say---

Hon. Speaker: That is now to say that it was returned with a comment. That is to say that the amount for retention were never captured.

Hon. Jared Akama: The comment has been rectified, Hon. Speaker, and as we speak the work plan is still lying at the COB. The follow up we are asking, Hon. Speaker, just as the Hon. Member has said, is that the contractors are not taking up new projects because of nonpayment. It is our humble request that today Members ensure that the work plan, which is lying there, goes back to the COB because there is a communication coming---

Hon. Speaker: Kindly get seated Hon. Member.

Hon. Jared Akama: We are been told that the priority is not WDF now but the salaries. We are wondering if it came back with comments, let them return the work plan because the comment has been rectified then we see the rest as far as the salaries are concerned.

Hon. Speaker: Hon. Members you can now agree that there is some concurrence on what I had communicated earlier on the requisitions. I had spoken to Mayodi and he indicated that one work plan of Sh. 284 million is back but again there are several work plans on development and WDF. However, what we agreed with Mayodi is that after addressing the issues to do with the comments, I had to release the same back to the COB for processing. By the time that I was talking to him, he was not in the office but he made a commitment that by the afternoon the requisitions, which were ready for COB, shall be forwarded.

Hopefully by tomorrow, I am certain that I shall be having information on the same to communicate to the Hon. Members. I am passionately following this with a lot of concern; I will give an update on the status of the WDF tomorrow.

(Applause)

Hon. Paul Ndung'u: Mr. Speaker, we went at the lunchtime and the COB at City Hall told us that the priority as per now is salaries.

Hon. Speaker: Thank you Hon. Member for that information. Hon. Members, you know that we normally have a CRF account, which we do not control. The Executive controls it and there is little we can do. When it comes to priorities as was communicated by Hon. Chege, the salary aspect of it covers the entire county government of Nairobi. When they talk about salary as a priority, our hands are tied because it serves both sides. I hope that by tomorrow I will have a substantive communication and the way forward; what is to be communicate to the Members in regards to the WDF, at what point the WDF is going to be paid. It is very important as much as the salary is important to the Members, the WDF is important as well. I am certain that by tomorrow we shall be having a proper position over the same.

Let me leave it at that, I have given a commitment that what has happened before, as the Speaker of this House, I am not ready to go that route again.

(Applause)

Personally, I thought that I was dealing with honest people but I found that it was not the case. I have all the reasons to put my feet down and make sure that as the CEO of this assembly that which belongs to the assembly is promptly and timely released, and forwarded to the assembly.

(Applause)

I promise that we will not be in this situation again, thank you Hon. Members. Clerk, let us proceed.

MOTION

DEVELOPMENT OF A COUNTY TOURISM POLICY

Hon. Speaker Hon. Perpetua is not in the House. I have not received any communication from the mover of the Motion. I direct that the motion be deferred and be taken back to the House Business Committee for consideration.

(Motion deferred)

ADJOURNMENT

Hon. Speaker: Hon. Members, we have come to the conclusion of the day's business. The assembly stands adjourned to 2.30 p.m. tomorrow. I direct the House Business Committee to sit at the rise of the Assembly.

Hon. Members, I wish you a peaceful evening.

The House rose at 4.38 p.m.