



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Fourth Session

Wednesday 3rd December 2025

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Speaker: Hon. Members, Standing Order No 37 requires that, at the resumption of sitting of every Assembly Session, there shall be quorum to allow us transact business. The attention of the Chair has been raised for lack of quorum, and under the same Standing Order No 37 (2), I direct the Sergeant-at-Arms to ring the Bell for a record of 10 minutes, as you leave the door wide open. You stand guided. Thank you

(Quorum Bell was rung)

Sergeant-at-Arms, kindly confirm with the HANSARD Office the number of Members online. The Assembly is on hybrid; both online and physical. Kindly get me the screen shot.

(Clerk-at-the-Table consulted the Speaker)

Hon. Members, it has been confirmed that the House is fully constituted, we have 51 Members; 30 present and 21 online. We can proceed to transact the business of the day. Clerk, kindly cite out the orders as in the Order Paper.

PAPER

INTERGOVERNMENTAL PARTNERSHIP AGREEMENT ON BURSARIES AND SCHOLARSHIPS

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Hon. Speaker: Under Order No. 5, we got Paper to be laid in the Assembly. This is notification to enter into Intergovernmental Partnership Agreement between Nairobi City County and the National Government on bursaries and scholarships. The Leader of Majority? Welcome, Leader of Minority. Clerk, kindly facilitate. The Leader of Minority has just come in, if you are ready you can proceed. Can I give you a minute? It is okay.

Hon. Anthony Karanja: Hon. Speaker, I am an experienced Member of this House. Thank you, Hon. Speaker.

Pursuant to Article 187 of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 3rd December 2025:

A notification of the decision to enter into Intergovernmental Partnership Agreement between Nairobi City County and the National Government on bursaries and scholarships.

(The Paper was laid on the Table)

Hon. Speaker: Hon. Members, the Paper laid is committed to the Assembly for consideration. You need to understand the detailed agreement between the National Government and the County Government of Nairobi as a requirement and to conform with the Constitution. You are all aware that the education at the primary level is a reserve of the National Government, but at the same time, it is necessary that Members are able to facilitate the needy students who happen not to be within our area and scope of administration. You also know very well that our role is limited to the early childhood education. For that reason, we need to be conversant with the agreement so that we may be able to proceed with giving out the bursaries and scholarships. Thank you.

NOTICE OF MOTION

Hon. Speaker: Hon. Rex Omollhe? This Notice of Motion appeared on the Order Paper yesterday. We gave the Hon. Member an opportunity to proceed today. He has not indicated assigning to any other Member to transact on his behalf. For that reason, it is differed if not to be expunged from our records.

(Notice of Motion dropped)

STATEMENTS

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR THE WEEK

Hon. Speaker: Member of the Speaker's Panel, kindly proceed.

Hon. Diana Mwangangi: Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No. 47 (2), on behalf of the Select Committee on Assembly Business, I rise to give the following Statement regarding the business appearing before the County Assembly for the week beginning Wednesday 3rd December 2025.

Hon. Speaker, the Select Committee on Assembly Business met on Tuesday 2nd December 2025 to allocate business for the week for consideration by this Assembly. In that regard, Hon. Speaker, allow me to brief the Assembly as follows:

Today, Wednesday 3rd December 2025, under Order No. 8 and 9, the County Assembly will be considering the following business: -

1. The Motion on the adoption of the report of the Select Committee on County Finance, Budget and Appropriations on the Nairobi City County Annual Development Plan for the financial year 2026-2027, laid on the Table of the Assembly on Tuesday 2nd December 2025; and
2. The Motion on the adoption of the report of the Select Committee on County Finance, Budget and Appropriation on the Sessional Paper No. 2 of 2025 on the Nairobi City County Tariffs and Pricing Policy, laid on the Table of the Assembly on Tuesday 2nd December 2025.

On Thursday 4th December 2025, under Order No. 8 and 9, the County Assembly will be considering the following business; -

1. The Motion on the report of the Sectoral Committee on Water and Sanitation on joint workshop held with the Nairobi City Water and Sewerage Company on consideration of the company's annual budget for the year 2025-2026, from 30th June to 5th July 2025, laid on the Table of the Assembly on Wednesday 6th August 202; and
2. The Motion on adjournment of the County Assembly in accordance with the County Assembly Calendar.

Hon. Speaker, the Assembly Business Committee urges Members of this Assembly to familiarize with the aforementioned reports and prepare accordingly for debate through the help of our Research Department. Details of the reports can be obtained in the Notice Paper, being the last page of the today's Order Paper and on the County Assembly's website.

Hon. Speaker, the Assembly Business Committee has been informing this Assembly through its designee the allotted business every Wednesday during the Statement Hour for timely preparation. I now wish to lay the statement on the Table of the County Assembly. Thank you.

Hon. Speaker: Thank you. I hope, Hon Members, you are informed of the business and the pending business for tomorrow.

REQUEST FOR STATEMENT REGARDING HARASSMENT OF SMALL-SCALE TRADERS OPERATING WITHIN EASTLEIGH

Hon. Speaker: Under Order No. 7 (ii), the Hon. Member for Eastleigh, Mheshimiwa Dabar.

Hon. Dabar Mohamed: Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 47 (2) (c), I wish to request a Statement from the Chairperson of the Sectoral Committee on and Justice and Legal Affairs regarding alleged constant harassment of small-scale traders, hawkers and businesses operating within Eastleigh area.

Hon. Speaker. Articles 36, 43, 41 and 46 the Constitution of Kenya, 2010 guarantees various rights relevant to business such as freedom of association, economic and social rights, and fair labour practices and consumer rights respectively. However, officers from Security and Compliance and particularly the Acting Chief Officer have continued to frustrate law abiding traders where County askaris are allegedly instructed by the said Ag. Chief Officer to get inside the malls and extort from hardworking business people who end up being arrested when they fail to honor the officers' demands.

Hon. Speaker, these traders and business people are victims of trumped-up charges related to compliance which has made the business environment unfavorable and has further led to some traders to close shop.

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

1. The criteria applied by the County Inspectorate Officers in enforcing laws and arresting small-scale traders, hawkers and businesses operating in Eastleigh area and confiscating their merchandise;
2. Whether appropriate disciplinary action will be taken against the Ag. Chief Officer responsible for Security and Compliance should allegations of authorizing harassment of small-scale traders and business people in Eastleigh area in disregard of the law be confirmed; and
3. Measures taken by the County Executive and/or advisory given by the County Attorney regarding unending complaints of harassment of traders and extortions by Compliance officers in Eastleigh area.

Also, I have the...

Hon. Speaker: Kindly give the Chair of Legal and Justice Committee to give undertaking.

Hon. Jared Ondieki: Thank you, Hon Speaker. Ordinarily, I did not want to sit next to the Hon Member since he has questions for me. Hon Speaker, what he has raised is very grave. I want to bring to your attention that we have this kind of complaints in the Committee, and therefore together with another Statement he has shown me, I will request that this matter be addressed with a lot of urgency and seriousness it deserves. So, if I can give undertaking of two weeks, and I know that we are going for recess, it will mean that we will be requesting the Majority Leader to do a Special Sitting that we will be able to deliberate this matter. Thank you, Hon Speaker.

Hon. Speaker: On the matter to do with the long recess and whether the Committees are supposed to remain active for specific period of time, it is now upon the House, through the House leadership of the Leaders of Majority and Minority, to persuade the House to extend the sitting of the Committee to a period of time you will agree as the Members of the County Assembly. So, maybe we need to give it consideration. Hon Leader of Minority, if you so wish that the Committee should remain running, that is that the prerogative of this House to decide. Kindly proceed, Mheshimiwa Dabar.

REQUEST FOR STATEMENT
REGARDING THE OPERATIONS OF THE OFFICES
OF THE COUNTY ATTORNEY AND CHIEF OFFICER FOR COMPLIANCE

Hon. Dabar Mohamed: Thank you, 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 the operations of the offices of the County Attorney and Chief Officer for Compliance.

Hon. Speaker, Part II of the Nairobi City County Office of the County Attorney Act, 2017 establishes the office of the County Attorney which is mandated to perform various legal functions including publication of all legislation passed by the Nairobi City County Assembly.

Hon. Speaker, Section 28 (3) of the Office of the County Attorney Act, 2020, as read together with Section 32 (3) of the Nairobi City County Office of the County Attorney Act, 2017, provides that the County Attorney shall submit to the Clerk of the County Assembly a copy of the report on the operations of the Office of the County Attorney for tabling before the County Assembly within fifteen days after the day on which the Governor receives the report.

In Addition, Section 32 (4) of the Act provides for the County Attorney to submit quarterly reports on the operations of the Office of the County Attorney to the Clerk of the County Assembly for tabling before the County Assembly.

Hon. Speaker, since the commencement of the Third Assembly on 29th September, 2022, there has been no report tabled in this County Assembly on the operations of the office of the County Attorney which is contrary to the provisions of Section 32(3) and (4) of the Nairobi City County Office of the County Attorney Act, 2017 and Section 28(3) of the Office of the County Attorney Act, 2020.

Hon. Speaker, in the recent months we have witnessed increasing cases of insecurity in various parts in the County. During the First and Second Assembly, there were monthly reports submitted to the Assembly on the security incidences within the County and the actions being taken. However, since the commencement of the Third Assembly, such reports have never been submitted to the Assembly for information and consideration.

Hon. Speaker, concerned that the current office holders in both the offices of the County Attorney and Chief Officer for Security and Compliance are in acting capacity, which may hinder full operations in these offices.

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

1. Reasons for failure to submit to the County Assembly the quarterly and annual reports on the operations of the Office of the County Attorney;
2. Reasons for failure to submit to the County Assembly monthly reports on the security incidences within the County;
3. Measures the County Executive is taking to ensure the quarterly and annual reports on the operations of the Office of the County Attorney and monthly security incidences reports are submitted to the County Assembly;

4. Reasons for delay in appointment of substantive County Attorney and Chief Officer for Security and Compliance;
5. Whether the County Executive can appoint an officer who was not approved by the County Assembly as a Chief Officer in acting capacity;
6. Whether the appointment of officers in acting capacity limits the operations of the office, taking into consideration that Section 34 of the Public Service Commission Act, 2017 envisages that the acting period shall not exceed six months and Section 45 of the County Governments Act, 2012 on the procedure to be a Chief Officer; and
7. Measures the County Executive is taking to ensure there are substantive office holders in the offices of the County Attorney and Chief Officer for Security and Compliance.

Thank you, Hon Speaker.

Hon. Speaker: Thank you. I hope the Chair had committed the both requests.

Point of Order

Yes, Hon Minority Leader.

Hon. Anthony Karanja: Point of Order under Standing Order No. 30. I know that is Hon Dabar's Statement on acting, I wish you would have handled all the people who are in acting capacity in this County. I think it is funny or a bit subjective to focus on the department of Security and Compliance. We even have a County Secretary and so many other positions who are acting. I think we need to look at it this more holistically as an Assembly, not just one department.

Hon. Speaker: The position of County Secretary has been advertised and the same was brought for noting, the process is ongoing. The Hon Member has just pointed or cited one office, but it is a concern from the Leader of Minority that the Assembly need now to go down to get to understand why this is happening. So, that is also for noting. I hope you at least he can create help to get the correct position and what to do as an Assembly. 'Worship', I do not expect this to attract debate. What is the issue?

Hon. Geophrey Majiwa: In this House, there is record we have passed a Motion on confirmation of all persons under acting in the Executive offices. So, we also must be seen to be fair and do justice to all the workers who are in this County because they are all Kenyans. When we try treat others like they are more special than others, then it does not look like justice. Thank you.

Hon. Speaker: I do not know if the 'Worship' is clear and if Members have got his concerns? As the Chair, I did not get his concern

Hon. Geophrey Majiwa: Thank you, Mr. Speaker. After listening to the Majority Leader, I was trying to bring to your attention the existence of other members of staff who are in acting positions other than the ones who have been brought before the House today. It is on that, that I made a rider that in this House we have passed a similar Motion that there are people on the other side who have acted for way too long, some even almost retiring while on acting positions.

Therefore, if we are to consider people in acting positions and are to be confirmed, then the process should cover all of them so that we are not seen to be favoring others and leaving out others. Thank you, Mr. Speaker.

Hon. Speaker: I have gotten the clarity. That has been noted, Worship. Chairperson, Justice

Hon. Jared Ondieki: Thank you very much, Hon. Speaker. I would like to inform the House on the question that has been raised by the Hon. Member, because we will need help from the entire Assembly to bring sanity to the Executive. The law states the period one should be in acting capacity and how someone is supposed to act. For instance, Hon. Speaker, there is a threshold for one to act as a chief officer. As per the law, one should have been vetted to act as a chief officer. I would ask that we give weight to the two offices i.e. the office of the County Attorney owing to the fact that the office is at the center of advising the County Executive on the daily matters on legal. When someone is in acting capacity, then the level with which this person can advise is limited. Therefore, for others to be able to move...

Hon. Speaker: Chair...

Hon. Jared Akama: Hon. Speaker, two weeks. Thank you

Hon. Speaker: Let us proceed.

MOTION

ADOPTION OF REPORT ON ANNUAL DEVELOPMENT PLAN FOR FY 2026-2027

Hon. Speaker: Chairperson, Budget and Appropriations Committee

Hon. Wilfred Odalo: Hon. Speaker, next time I will request that you reset the sitting arrangement so that I do not sit with our former city mayor, as stories are endless.

Hon. Speaker: Hon. Member, has the Board Member delegated his seat to our former Mayor?

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Allow me to first thank the Members for what happened yesterday when I indicated I was heading to a harambee of the late mother of one of us. The harambee went on well. As the chair of that department, we managed to get more than Kshs. 15 million in a span of one hour. Members, thanks a lot for that. Thank you, Leader of Majority and Speaker

Hon. Speaker: For purposes of audit queries, be factual because you are used to ballooning numbers. I was present and...

Hon. Wilfred Odalo: Hon. Speaker, we are still receiving money.

Hon. Speaker: Kindly, proceed.

Hon. Wilfred Odalo: So, thank you Members and continue praying for Ami's family.

Hon. Speaker, I beg to move:

THAT, this Assembly adopts the report of the Select Committee on County Finance, Budget and Appropriations on Annual Development Plan for the financial year 2026- 2027.

Hon. Speaker, the Annual Development Plan is a wish list, and for that, I usually encourage Members to send their projects to be captured. The same projects that appear in the ADP should also appear in the CIDP to avoid audit queries thereafter.

Mr. Speaker, Sir, the budget cycle is clearly provided in law, and every stage plays a pivotal role in ensuring that the limited resources are allocated to reap the maximum payoffs in the desire of the government of the day to provide quality service to her electorates. The planning stage of the cycle involves choosing among the competing County needs and striking off those priorities deemed to be of less impact and prioritize those that greatly affect the citizens. This act of balancing is painful, though the process undertakes a prevailing micro and macro-economic factors. The scarcity of the available resources. Hon. Speaker, kindly protect me from my neighbor, I am distracted.

Hon. Speaker: You are protected. Hon. Joyce, consult in low tone.

Hon. Wilfred Odalo: Thank you. This therefore initiates the need to plan at the onset of taking into consideration the factors that might affect the intended plans.

Mr. Speaker, Sir, after reviewing the submitted ADP, the Committee has proposed a number of adjustments to make the plan tailor-made to the needs of Nairobians.

Under Talents, Skills Development and Care Sector, the Committee has in the line with approved CIDP given nod for the continued construction of ECD centers, completion of ongoing and those that stalled, and give priority to construction of social halls, sport complex, studies amongst others.

In addition, the Committee has kept an eye on quick wins that benefits the people, and has proposed allocation of free vocational training to a tune of 12 in total across the County.

Hon. Speaker, environmental conservation and solid waste management is a worldwide problem that even the current administration must address. The committee appreciates the efforts made by the sector, and has approved the Green Nairobi Sector under Environmental Sub-Sector, the procurement, installation and servicing of litter bins, servicing of trucks, fueling of trucks, maintenance of roads within the dumping sites, procurement of refuse compactors, procurement of skippers and tippers.

Under Mobility and Works, Hon. Speaker, the Committee confirms that the Sector has included priority areas, including allocation for installations of streetlights and roads maintenance spread across all the 85 wards in the County, to ensure equitable distribution of the scarce resources. The ADP has also included additional priority areas, including those identified through public participation that members engaged with the electorates.

Hon. Speaker, under Business and Hustler Opportunities, the sector has an allocation for construction of markets, rehabilitation of existing ones and general improvement of the trading space available within the County.

Finally, Hon. Speaker, the Committee has agreed with the County Treasury on the need to declare and include in the next Budget Estimates information on the list of conditional grants, partnership and any form of support meant to give the budget its value. In this regard, the Committee has resolved that all grants received by various sectors be declared, deposited in the

County Revenue Fund, appropriated by the County Assembly before disbursement, and factored in the budget.

In conclusion, having reviewed and submitted the Annual Development Plan for 2026-2027, the Committee recommends that; the policy – Hon Speaker, we usually pass a number of policies, but they are not taken into consideration in the subsequent ones. So, the Committee has noted that, and that the policy cross-cutting recommendations contained in the table reported, be approved. That the sector-specific amendments and intervention to the Annual Development Plan be approved as considered in the table report. I hope every member has a table.

Hon Speaker, in conclusion, and pursuant to provision 126 (3) of the Public Finance Management Act, 2012, the County Finance, Budget and Appropriations Committee recommends that;

This Assembly adopts the report of the Select Committee on Finance, Budget and Appropriation on the Annual Development Plan for the Financial Year 2026-2027.

Hon Speaker, for gender purposes, I would like to call our Deputy Whip, Hon Joyce Muthoni to second the Motion.

Hon. Joyce Kamau: Thank you so much, Mr. Speaker, I stand to second the Motion on the ADP. I am a Member of the Budget Committee and we have followed all the procedure. We did the public participation according to the law and we have had meetings with members of the Executive. We have even factored what our elected members would wish to have in their wards. So, I second the ADP 2026-2027.

Hon. Speaker: Thank you. Hon Members, before I propose the question, the business before the Assembly this afternoon, being the Annual Development Plan, as indicated by the Chair of the Budget Committee as a wish list, will only come to the full realization if any case the Members, especially the elected Members, are keen on the implementation process. So, it is a quite a critical document. As an elected Member, you don't fall short of complain that your ward has not been captured in the development agenda on the financial year 2025-2026.

(Question proposed)

Honorable Members! I have got a request from the leader of the whip.

Hon. Moses Ogeto: Hon Speaker, thank you so much for this opportunity. I want to thank the Members of the Budget Committee for having taken a keen look at this report and bringing it before this House. What is interesting to me is about the Green Nairobi and Ward Development Fund. On the Green Nairobi, this report has captured a wish list of Kshs.13.2 billion, and Ward Development Program of Kshs.5.1 billion. I thank the Members of the Budget Committee because that is the core mandate of this capital city. This will be our baby and this will be a continuous baby for the Fourth Assembly Members who may come back because of WDP projects and also to make Nairobi clean. You remember some few months ago, Nairobi had been really dirty, I think if we inject this amount of money to this wish list and it is implemented to its full throttle, then we will be of great help. For those few remarks, I beg to support this Motion. Thank you.

Hon. Speaker: Thank you. Any other Member? My screen is dysfunctional. Hon. Davidson Ngibuini, please proceed.

Hon. Davidson Ngibuini: Hon Speaker, thank you for the opportunity. I would like to rise to register my dissatisfaction and frustration in the Nairobi City County Assembly. Reason being, we keep proposing projects in our Annual Development Plans, and we have done so since we were elected, but as the case may be currently, we have several projects in this City that have stalled and others that we have captured in previous ADPs that have never commenced. So, Hon Speaker, what we are seeing is that our Assembly has been relegated to participating in a zero-sum game. We keep passing Annual Development Plans, putting projects, lobbying for them, ensuring they are captured by the various sectors, but the implementation is where the problem is.

I would like this to be considered because we cannot be doing the same thing year in, year out, expecting the same or different results. I will give you an example. One sector that is seriously wanting is the Ward Development Program. It is a serious issue that Members have been conversing about because we have passed budgets. Of course, before we pass the budget, everything is captured in the Annual Development Plans, but when it comes to implementation, nothing is being implemented.

Currently, Hon Speaker, we are being requested by the Budget sector to approve the Annual Development Plan for the financial year 2026-2027, yet we have a previous budget for financial year 2024-2025 and 2025-2026, where projects have not moved. For those of us elected, representing 85 wards of Nairobi, we have not even begun preparation to tender the Ward Development Program for this financial year. So, there is something really wrong in this system. There is something absolutely wrong even in this House, because we are supposed to be doing oversight, yet we cannot represent our people. Our people in the wards demand and deserve service delivery. They demand these projects. We have captured them, lobbied and done everything that we need to do, but the implementation is wanting. So, I call upon our Budget Chair and the Budget Committee, where these issues of budgets seem to have issues.

I personally looked at this issue of Ward Development Program. I went to engage the CEO, and he was on record saying that he cannot tender the Ward Development Programs for financial year 2025-2026. I asked him why. He said he needed an additional Kshs. 2 billion for him to tender. Where are we going to get Kshs. 2 billion, Hon Members? He says that if he tenders on e-GP and commits that budget there, then he cannot be able to pay any pending bills for those ongoing and those that have already been completed. So, we have a lot of work to be done.

I know there is going to be a Special Sitting that you are going to call for us to pass the Supplementary Budget. I do pray that we do not come and pass a Supplementary Budget without looking at the interests of Hon Members. Without roads and without drainage, we cannot be developing this city. And that is the equalization measure for all our wards, that a certain specific amount of Kshs. 25.4 million, can be allocated to each of the 85 wards in this City.

Hon Speaker, there is something wrong, and there is something that needs to be done differently if we are to achieve development. So, I call upon the Budget Chair, I try to engage you outside. It is your domain. Put this money for us, we will pass it, and then hold the County

Executive to do their part to tender on time, and then to pay the contractors so that these works can be completed. There is no need of starting work and projects stall, yet it has our faces and the faces of the Governor of Nairobi. It is extremely frustrating.

Hon Speaker, we need your guidance and your assistance. I also call upon our leadership; Minority and Majority sides, let's pull together across this political divide and get this right. We have one year to the election, because this one is over. December 2025 is equivalent to January 2026. The elections are in 2027. Yet we have stalled projects and pending payments from the financial year 2022-2023. Hon Speaker, it can't be the way Nairobi is being governed. Thank you.

Hon. Speaker: Thank you. Hon Members, you will allow me now to call the mover of the Motion to reply.

Hon. Wilfred Odalo: Hon Speaker, before I say anything, the concern of the Member is valid. On one of our meetings, we request the Member to join us so that we shed some light on the issues.

Hon. Speaker, let me thank the Members of the Budget Committee. If you look at the House, the Members of the Budget committee are all over, starting from the Minority Leader. Thank you, Minority, for making your time, other than joining on hybrid. Hon. Joyce, thank you. Those are Hon. Members of the Budget committee. Hon. Cecilia and Hon. Waruguru, thank you for making your time. Hon. 'Matach', you are not a Member. You should not confuse the Chair. Hon. Jane, Hon. Masitsa, Hon. Oweru, Hon. Collins, Hon. Jeckoniah, Hon. Farhiya, Hon. Catherine, Hon. Perpetua, Hon. Ogeto, thank you for making your time. You can see Hon. Members of the Budget Committee are here.

(Applause)

Hon. Speaker, had it not been for your support in granting us a number of times to have an outside meeting, we could not have achieved this. Thanks a lot to your office. Also, let me thank our secretariat for the good job they have been doing to the Committee, led by Eric, my namesake Wilfred, Alphonse, and the rest. Hon. Speaker, I beg to reply.

Hon. Speaker: Thank you. I hope you are not taking a list of members of the Budget Committee who are present for any further engagement.

(Question put and agreed to)

MOTION

ADOPTION OF REPORT ON SESSIONAL PAPER NO. 2 OF NAIROBI CITY COUNTY TARIFF AND PRICING POLICY 2025-2030

Hon. Speaker: Chairperson, Budget.

Hon. Wilfred Odalo: Hon. Speaker, you will realize that the Budget committee is overworking. And since they started, there is only one paper that has been challenged. That was

the Finance Bill, 2023. The reason was, there was no policy. Now, Hon. Speaker, we have the policy at hand, awaiting this Assembly to approve.

Hon. Speaker, following the guidance from the Commission on Revenue Allocation and grounded on the provision of Section 120 of the County Governments Act, 2012, counties were granted a brief space of three years to develop and roll out their unique tariff and pricing policies.

This only day was, however, cut short when a legal vigilante and a hawk-eyed Nairobiian went to court to challenge the circumstances under which the County Assembly enacted the Nairobi City-County Finance Act, 2023. They argued that the Assembly had no moral compass and legal tuning to legislate on the fees and charges without prior settlement on the question of Tariff and Pricing Policy. Relying on the provision of Section 120 of the Nairobi County Government Act, 2012, he argued that the process of setting fees and charges should not be ad hoc but rather should be a methodological adventure guided by the research and supported by scientific data. The Court, while settling this petition, agreed that the issues of fees and charges are too critical to be left to the political people to decide. The Court therefore annulled the Nairobi City County Finance Act, 2023 and demanded that such a legal journey must only proceed in the manner prescribed in law. Hon. Speaker, this reminds honorable Members that Tariff and Pricing Policy should be passed in this Assembly in accordance with the law.

Hon. Speaker, the Finance, Budget and Appropriations Committee conducted a comprehensive review of the Nairobi City County Tariff and Pricing Policy to ensure it is properly aligned to the prevailing legal framework, supports economic growth, provides clear and good guidance for imposing the tariff, and ensures suitability for the people of Nairobi. During its review of the Nairobi City County Tariff and Pricing Policy, the Committee conducted a thorough evaluation and identified several deficiencies within the policy. Hon. Speaker, protect me from our lawyer, Hon. Katile.

Hon. Speaker: You are protected.

Hon. Wilfred Odalo: She should understand that I am a Luo, and sometime... Thank you.

These shortcomings were carefully considered and discussed in detail with the current County Executive, resulting in the proposal of possible remedies and recommended solution to address these subsequent sections of this part.

In addition, the Committee organized a public participation hearing to gather input from stakeholders and residents of Nairobi County. The insights and suggestions provided during these hearings were highly valued and have been incorporated into this report to ensure that the policy reflects the needs of Nairobians.

Hon. Speaker, therefore, the Committee recommends that amendments contained in the section of the table report titled 'Amendments and Improvements to the Tariff Policy', be effected in various sections of the Draft Tariff and Pricing Policy of 2025-2030.

In conclusion, and pursuant to the provision of Article 209 (4) of the Constitution and Section 120 of the County Governments Act, 2012, I beg to move:

THAT, this Assembly adopts the report of the Select Committee of the County Finance, Budget, and Appropriation on the Sessional Paper No. 2 of the Nairobi City County Tariff and Pricing Policy 2025-2030.

Hon. Speaker, I now call upon Hon. Ogeto to second.

Hon. Moses Ogeto: Hon. Speaker, thank you so much, and thank you, the Chair for Budget Committee, for giving me this opportunity to second this Motion.

Hon. Speaker, I stand here to second this Motion. Again, I thank the Members of the Budget Committee for tirelessly doing their best in ensuring that they brought serious amendments to this Tariff and Pricing Policy

Hon. Speaker, if I may take you to page 11 of it, you can see how the Committee sat and got various amendments to this tariff. The way they had proposed it, it was going to be only at the County level, but the Committee reviewed it and ensured that this tariff is going to go to the ward level. Because, Hon. Speaker, at the ward level, that is where the revenue is being collected, and different wards with different people living there give different revenue scales. For example, you cannot compare my ward Kilimani, where the President lives, which collects little money, to where the Chairman of Budget comes from; Mabatini Ward, where small-scale traders are there.

Hon. Speaker, I am talking about revenue-raising measures. This is where serious wards like Westlands are. If you go to Kitisuru or Mugumoini, and Karen Ward, where very serious individuals live, that is where revenue comes from. Here in the CBD, we get a lot revenue, therefore it supports those members who come from constituencies like Kibra, which doesn't have...

Hon. Wilfred Odalo: Hon. Speaker, protect the Nairobians living in Mathare and in Kibra.

(Applause)

Hon. Speaker: Hon. Whip, just try to be a bit kind.

Hon. Moses Ogeto: Hon. Speaker, what I am trying to say is that, the Chairman must be proud that he ensured that the tariffs which are going to be set here to collect revenue sustains Nairobi. The other day the President had to go to Makongeni and demolish houses because they were bringing no effect to the economy of the Republic of Kenya. You cannot pay Kshs. 100 in a house.

Those are the things which we are trying to say, that the Chairman and the Members of Budget Committee Members have opened a broad way of collecting revenue in this City. If you go to Eastleigh, it is like another Dubai. There is a very serious mall, that guy pays a lot of revenue to this County. You cannot compare with somebody who has a kiosk here in town.

This policy now has brought all that, including going all the way to Waithaka Ward where we have agricultural lands. We want to convert those agricultural lands to commercial lands so that they pay rates to the County, not that they remain on freehold. That is why we have said it is going to ward level so that it picks the interest of every individual in this City.

I am welcoming my people from Kilimani to be ready to pay taxes so that roads there can be maintained well. Money must be collected from the taxpayers. I saw the Member for Woodley, Hon. DNG, will be among the beneficiaries of a road which is going to be constructed at Nakumatt Junction. There will be no further traffic

This tariff is going to safeguard the less vulnerable and those fortunate like all Hon. Members who are in this House. With those few remarks, I beg to second this Motion.

Hon. Speaker: Thank you, Whip of the Majority Party. Hon. Members, just an insight before I propose the question. The Motion No. 9 on the Tariffs and Pricing is something which is quite emotive. I hope during the public participation, Members got an opportunity to take the electorates through what is required of them in level of understanding, and to bring them to speed. Because you may remember during the Finance Bill, 2023 by the National Government. So, I hope you have interrogated this, and now we are to give it out for public consumption.

(Question proposed)

Hon. Speaker: I have got Hon. Anthony Kiragu Karanja, the Leader of Minority.

Hon. Anthony Karanja: I beg to support this report. I am a Member of the Budget Committee. Hon. Speaker, just to clarify from my Whip, just before he gets confused, what he was talking about was the Finance Bill. A policy is just a method of justification for whatever they are charging, not new charges or anything. It has nothing to do with the land...

(Hon. Moses Ogeto spoke off the record)

Hon. Speaker: You can't interject when the Leader of Minority is talking, our Standing Orders does not allow. Please, please. You can't interject when the Leader of Minority is on the floor.

Hon. Anthony Karanja: Hon. Speaker, as far as the policy is concerned, the land in Waithaka remains freehold, paying rates as a freehold and the prices of everything remains as it is. It is just a policy as a justification of how the government has arrived at the various charges that they charge people.

Hon. Speaker, as we were perusing the document when they were justifying how they arrived at some of these charges. It emerged that the charge of a parking in Nairobi is Kshs.510 shillings, not the 200 shillings that we charge. However, the government has chosen to charge what we are charging. So, this is a pricing policy which will guide the Finance Bill, where we are going to set the new rates, not what is currently being charged.

I heard him talk about the land in Waithaka, it will remain freehold, and we will remain keeping cattle and doing agriculture.

Hon. Speaker: Hon. Perpetua Mponjiwa. Then switch off your light. Someone is using your card or something.

Point of Order

Hon. Moses Ogeto: Hon. Speaker, it is good we are both colleagues and Members of the Budget Committee. I want to draw him to where he signed recommendation No. 11. He has said that this is a guideline which will give effect to the Finance Bill, and that is why you have insisted that this is a very serious document because it will guide charges and fees from various places within Nairobi County. You know he is my senior, but I want to draw him to number 11 of the recommendations. The moment Finance Bill will land before this House; this is what we will use to charge people. So, this is a guideline.

Hon. Speaker: Thank you for further clarification. Hon. Members, my screen is clear. A clear manifestation that there is no further contribution on this Motion No. 9. For that reason, I have got the reserve to call the mover of the Motion to reply.

Hon. Wilfred Odalo: Before I reply, I would like to echo what Minority Leader was saying. This is a guideline without figures. So, anybody alluding that Mathare people will not contribute to anything is a bit misleading the House. It has no figures, but it will come when dealing with the Finance Bill.

Having said that, Hon. Speaker, allow me to thank my Members. I am Hon. Odalo, Chairman of Budget because of those Members. They give me easy time and they are very respectful, we usually do our things overboard. Hon. Speaker, protect me from Hon. Majiwa. Allow me to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, we may be upstanding as that marks the conclusion of the business of the day. The Assembly stands adjourned to tomorrow, Thursday 4th December 2025 2.30 p.m. Have a blessed evening.

The House rose at 3:54 p.m.