



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday 30th April 2019

The House met at 10.30 A.m.

[Hon. Acting Speaker (Mr Chege Mwaura) in the Chair]

PRAYERS

QUORUM

Hon. Acting Speaker: Clerk, confirm quorum. Sergeant- at- Arms, ring the bell for ten minutes.

(Quorum bell was rang)

Hon. Acting Speaker: Clerk, proceed.

PAPERS

Hon. Acting Speaker: The hon. Chairman, Budget and Finance

Hon. Robert Mbatia: Thank you, Mr. Speaker. Pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the Table of the Assembly today, 30th April, 2019: The report of the Select Committee on Finance, Budget and Appropriations on its consideration of the County Fiscal Strategy Paper and the Medium Term Debt Management Strategy Paper for the FY 2019/2020 and over the medium term. Mr. Speaker, I beg to lay.

(The paper was laid on the Table)

Hon. Acting Speaker: Thank you. Next Chairman for Budget and Finance

Hon. Robert Mbatia: Mr. Speaker, pursuant to Standing Order No. 191 (6), I beg to lay the following paper on the Table of the Assembly today, 30th April, 2019: The report of the Select Committee on the County Finance, Budget and Appropriations on its consideration of the Supplementary Estimates II for the FY

2028/19 for the Nairobi City County Government and the Nairobi County Assembly. Mr. Speaker, I beg to lay.

(The paper was laid on the Table)

Hon. Acting Speaker: Thank you. Proceed to the next order. Chairman Budget

NOTICE OF MOTION

ADOPTION OF THE 13TH REPORT ON THE SUPPLEMENTARY ESTIMATES II FOR THE FY 2018/19

Hon. Robert Mbatia: Thank you, Mr. Speaker. I beg to give notice of the following motion: THAT this Assembly adopts the 13th report of the select committee on the County Finance, Budget and Appropriations committee on the supplementary estimates II for the FY 2018/19 for the Nairobi City County Government and the Nairobi County Assembly laid on the Table today 30th April, 2019.

ADOPTION OF THE 12TH REPORT ON THE FISCAL AND DEBT MANAGEMENT STRATEGY PAPER FOR THE FY 2019/2020

Mr. Speaker, I also beg to give notice of the following motion: THAT this Assembly adopts the 12th report of the Select Committee on County Finance, Budget and Appropriations committee on the Nairobi City County Fiscal Strategy Paper and Debt Management Strategy Paper for the FY 2019/2020 and over the medium term laid on the Table today 30th April 2019. Thank you Mr. Speaker.

Hon. Acting Speaker: Thank you. Next order

STATEMENTS

Hon. Acting Speaker: I don't think we have statement requests. Let us proceed to the next order

MOTION

ADOPTION OF REPORT ON SECOND SUPPLEMENTARY ESTIMATES FOR FY 2018/2019

Hon. Acting Speaker: Chairman of Finance, Budget and Appropriations Committee

Hon. Robert Mbatia: Thank you, Mr. Speaker. I beg to move that this County Assembly adopts the report of the Select Committee on the County Finance Budget and Appropriations on the second supplementary budget estimates for the FY 2018/2019 for the Nairobi City County Government and the County Assembly.

Mr. Speaker, the revised County budget stands at Kshs.33.3billion with a revised recurrent standing at Kshs.22.4billion while the revised development budget stands at Kshs.9.9billion. With the revised figures, there has been an increase in the recurrent budget by 4% while the development budget has been reduced by about 10% compared to the amounts approved in the first supplementary budget.

Mr. Speaker, the second supplementary estimates have been submitted to among others to provide basis for payment of additional Kshs.600 million required for contractual guards under the Environment sector. With that proposed increase, the annual allocation for garbage collection has hit at Kshs.1.7 billion.

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The revised budget has also been submitted to provide basis for reallocation of Kshs.801 million and committed ward development fund allocation to the public works, transport and infrastructure sector.

This is in line with the agreement reached between the County Government and the office of the controller of Budget on how to ensure that the projects are implemented as envisioned in the Act. To take care of the pending legal obligations, the legal department has been allocated an addition of Ksh. 162 million whereas the allocation of the County Executives bursaries has been enhanced by Ksh. 100 million making the total annual allocation for the bursaries to equal Ksh. 560 million.

Further, the supplementary budget intends to provide Ksh. 175 million for purchase of motor vehicles for County Executive committee members, Ksh. 7 million for installation of generator and Ksh. 210 for hiring of security guards.

Mr. Speaker, supplementary budgets are not only prepared as instruments to request for additional resources but are also to rationalise expenditures and knock out programmes that are unlikely to be implemented, reduce allocation for specific items in line with the committed figures and also align revenue performance to projected expenditure.

In the tabled supplementary estimates II for the FY 2018/2019, there is proposed rationalization of the development budget for urban renewal and housing sector by Ksh. 129 million and a downward reduction of County Assembly development budget by Ksh. 454 million. The tabled supplementary budget also intends to provide resources for payment of pending bills with Ksh. 100 million allocated under the public works sector, Ksh. 58 million allocated under Trade sector, Ksh. 60 million allocated under urban planning sector, Ksh. 46 million allocated under trade sector and Ksh. 63 million allocated under finance sector for that purpose.

Mr. Speaker, in addition to the above adjustment, the fulcrum of the supplementary estimate is for this House to okay the reallocation that has been undertaken across the various sectors in line with the provisions of section 135 and 154 of the PFM Act 2012. The reallocations have been done from various votes to reflect the expenditures incurred between 1st of July 2018 and the time the second supplementary estimates were prepared and submitted to the County Assembly.

Mr. Speaker, the committee notes that 9 of the sectoral committees submitted that they were contented with the supplementary estimates as submitted. The submissions have informed the recommendations of the Budget committee on the sector programmes. Approval of budget documents in itself does not guarantee delivery of services to the people and the sectoral committees should take the driver's seat and ensure that the programmes proposed are rolled out at its earliest opportunity. The sectoral committees should put in more effort towards oversight of implementation of respective sector budgets and ensure challenges experienced in implementation are cured in time before the budget for the next financial year is operationalized.

In our recommendations Mr. Speaker, the Finance, Budget and Appropriations committee has reviewed the second supplementary together with the submission of the County Executive and the various chairs of the sectoral committees and wishes to confirm that the intention is to ensure that the budget is responsive to the changing circumstances in the implementation of the budget. The committee therefore requests that this House approves the supplementary estimates for the FY 2018/2019 with amendments

herein to enable the utilization of funds as proposed before 30th June 2019. On policy measures Mr. Speaker in addition to the recommendations already contained in other parts of this report, the Finance, Budget and Appropriations recommends that the County Assembly adopts the following measure;

1. That the County Executive committee member for Finance includes in the third quarter and full year report submitted pursuant to the provisions of section 116 of the PFM Act 2012 and a brief on implementation of revenue raising measures contained in the Finance Act 2018.
2. That the County Treasury submits to the County Assembly reports of the steering task force formed to address the challenges arising from revenue leakages and budget deficits.
3. That the County Executive committee member immediately submits to the County Assembly a report on the extent of the accounting functions assigned to the respective chief officers
4. That in line with the provisions of regulations 82 of the PFM Act and the PFM regulations 2015, the County treasury facilitates sectors to open and operate individual accounts at the Central Bank of Kenya.

Mr. Speaker, having considered the submissions from the respective sectors and in consultation with the County Executive member for Finance, the committee recommends that the following changes be effected in the second supplementary budget FY 2018/19.

Expenditure reallocation: that the County Assembly adopts the budgetary reallocation as contained in the tabled supplementary budget II

Budget reduction: that under the Office of the Governor and the deputy Governor (inspectorate headquarters), the allocation for contracted technical services be reduced by Ksh. 120 million and the item on contracted technical services and corresponding allocation of Ksh. 90 million be moved to the education sector.

Education, youth affairs, sports, culture and social services: the allocation for scholarships and other education benefits i.e. secondary education county executive bursary be reduced by Ksh. 20 million.

That under Urban planning and lands sector: the allocation of Ksh. 30 million for purchase of vehicles be knocked off the budget

That under the ICT, E government and public communication sector: the allocation for purchase of software be reduced by Ksh. 100 million

That under the Finance and economic planning sector: the allocation of Ksh. 63 million for other creditors be reduced by Ksh. 20 million

That under the public works, transport and infrastructure: the allocation of Ksh. 100 million for payment of pending bills be knocked off the budget

That under the County Assembly: the development budget be reduced by Ksh. 100 million and the amounts be reinstated in the budget for the coming financial year

Budget increases:

That under the Health sector: the allocation for other operating expenses be increased by Ksh. 20 million as the amounts are conditional grants from Danida

That under the office of the Governor (inspectorate services): Ksh. 22 million be allocated for leasing of vehicles

That the allocation for legal affairs department be increased by Ksh. 40 million to cater for pending bills

That the public works, transport and infrastructure sector: Ksh. 50 million be allocated for construction of roads and drainages

That Ksh. 13 million be allocated under public service management to cater for training under human resource development

That under youth affairs and sports: Ksh. 5 million be allocated for development of Nairobi City County youth policy

That under environment, water, energy and natural resources sector: Ksh. 10 million be allocated under water subsector for subsistence allowance and other sectors and that under the public works, transport and infrastructure, the allocation for regeneration of Nairobi roads counterpart funding by Kenya urban roads authority be increased by Ksh. 330 million

Mr. Speaker, in conclusion and pursuant to the provisions of section 135 (2) and (4) of the PFM Act 2012 and Standing Order 228, the County Finance Budget and Appropriations committee recommends that this County Assembly adopts the report of the Finance Budget and Appropriations committee on the 2nd supplementary budget estimates for the Nairobi City County Government and the Nairobi County Assembly for the FY 2018/2019, thank you Mr. Speaker. I beg to request my Vice Chair Hon. Patrick Karani to second

Hon. Acting Speaker: Thank you Chairman. The Hon. Member for Utawala to second

Hon. Peter Imwatok: Point of order Mr. Speaker. In proper order---

Hon. Acting Speaker: Order Hon. Minority Whip! Allow the member to second so that we are properly engaged.

Hon. Patrick Karani: Thank you Hon. Speaker. I rise to second

Hon. Acting Speaker: Thank you.

(Question proposed)

Hon. Acting Speaker: Hon. Members, the floor is open for debate. Minority Whip?

Hon. Peter Imwatok: I am standing to put right parliamentary practices in the commonwealth parliament that whenever the Minister for Finance reads his budget under the new constitution, he is required to sit next to his vice chair. Normally I see the Chair of Budget sitting kilometers from the vice chair and so next time I hope that he will sit next to the Chairman. Having said that---

Hon. Acting Speaker: Proceed by addressing the matter at hand

Hon. Peter Imwatok: Having said that Mr. Speaker, I know that he will sit next to his vice chair so that we are sure that the report is brought by the entire team. Chair, I move to support this motion aware that the Chairman for Budget and Appropriations committee is a long term chairman of mine while we were in PAC and I know the capacity of the committee and in particular a committee that is vested with great men and women who understand what they are doing. On behalf of the other side of the coalition, and for the interest of the County and more importantly for the interest of the oversight role of the Assembly, I ask that we all support this motion with a light heart. Thank you Mr. Speaker.

Hon. Acting Speaker: Did you have a heavy heart earlier on?

Hon. Peter Imwatok: A cold like mine can make one have a heavy heart

Hon. Acting Speaker: Okay

Hon. Peter Imwatoki: But for now, it is with absolute authority that I support

Hon. Acting Speaker: The Hon. Mark Mugambi

Hon. Mark Mugambi: Thank you very much Mr. Speaker. I rise to support this motion. As you are aware, majority of the elected leaders have ward development projects that were in dire need of passing of the supplementary budget. We moved the vote of the funds from the WDF kitty to the Public Works kitty. It makes them easier for their payments. Due to frustrations this Assembly is getting from the office of the Controller of Budget---

Mr. Speaker, as I support this Motion, allow me to give a wakeup call to the WDF Committee so that we won't be pushing for a supplementary budget to have the Ward Development projects being paid. If they can fast-track the amendment of the name to whatever fits the bill according to the regulations that were made by the Controller of Budget, I think it will really help these elected members and the people who elected us. With those few remarks, I stand to support the Motion. Thank you.

Hon. Acting Speaker: Thank you, Hon. Mugambi, I hope the Chair of WDF will request that she can also pronounce herself on the matter. Hon. Cecilia Ayot.

Hon. Cecilia Ayot: Ahsante sana Bwana Spika kwa kunipatia nafasi hii ili kuchangia mada ambayo ni muhimu sana. Kwanza, napongeza kamati andalizi ya Bajeti kwa kazi nzuri waliyoifanya kusawazisha na kulinganisha bajeti ili kila kitengo kiweze kufaidika. Nimefurahishwa sana na maswala ambayo yamechipuka haswa swala la *water and sanitation*. Tunajua kuwa kuna upungufu wa maji, maeneo mengi Nairobi yanaangaika sana. Kwa hivyo, hilo limekuwa jambo la kunitia moyo sana. Pia nimefurahia sana na maswala ya mazingira ambayo yameibuka katika bajeti. Tumekuwa na majanga ya maafa na mafuriko. Kwa hivyo ni wakati mwema kwamba wataweza kupatia vitengo hivyo rasilimali ambazo zinahitajika.

Cha kunifurahisha mno ni kitengo cha vijana. Juzi tulipokuwa tunaangazia maswala ya *youth policy*, kijana barobaro, mwenyekiti na mtetezi wa vijana, alitoa lalama kwamba Kiswahili kule kwetu Kisumu chaelekea kuzikwa. Nami kama mtu ambaye anapenda kukuza lugha za jamii---

Hon. Acting Speaker: Mheshimiwa samahani, wewe ni mheshimiwa wa Kisumu ama Nairobi?

Hon. Cecilia Ayot: Mimi ni mheshimiwa wa Nairobi lakini ni makaazi ya kutafuta--- Kule kwetu nyumbani, alitoa lalama kwamba Kiswahili chaelekea kaburini. Nami nikajitolea mhanga kuwa mstari wa mbele kuhimarisha lugha hii.

Kile kimenifurahisha kwa bajeti ni kwamba, wamepea kitengo cha kuhakikisha sheria ambazo zitasaidia vijana zinaweza kuangaliwa kwa undani--- Ninawapongeza sana. Tunajua kuwa kila serikali inahitaji rasilimali ili iweze kutekeleza. Kwa hivyo nasimama kuunga mkono mswada huu. Ahsante sana, Mungu awabariki.

(Applause)

Hon. Acting Speaker: Ahsante sana. Mheshimiwa Mwenyekiti wa Afya.

Hon. Peter Warutere: Ahsante Mwenyekiti. Pia mimi naomba nichangie mada hii kwa lugha ya mama.

(Laughter)

Thank you, Hon. Speaker---

(Laughter)

(Loud consultations)

Hon. Acting Speaker: Order! Nongonezeni kwa sauti ya chini. Endelea mheshimiwa.

Hon. Peter Warutere: Hon. Speaker, thank you for giving me this opportunity, I support this very critical motion. I know I am pathetic when it comes to *lugha ya mama* but we will strive to ensure that *ata kule kwetu Kikuyuni, bado tutajaribu kukuza lugha*.

Hon. Acting Speaker: Mheshimiwa, samahani, Kiswahili si lugha ya mama bali ni lugha ya taifa.

Hon. Peter Warutere: Samahani, nashukuru.

Hon. Speaker, having looked at various components of this Appropriation Bill, I realize that my docket, Health is a major beneficiary. Just as it has been alluded by the Vice Chairman of Transport, we need to relook at programs that are there in our various wards. In most of the committees, the programs have not had proper absorption. We are particularly careful that in these supplementary estimates, we will be able to work on the absorption and basically build our various wards.

In the Health budget, we have some programs from the donor funding and the Government. I think we will be able to build in our Big Four Agenda. I support this supplementary estimates being hopeful that at least we will be able to talk with the Executive to ensure that at least absorption rate is increased so that it can be felt from our various wards. Otherwise, it looks quite balanced and I hope going forward, we will be able to do what we are supposed to do as members of this Assembly.

I support and congratulate Budget Committee for a job well done. Thank you.

Hon. Acting Speaker: Thank you. Hon. Frederick Okeyo.

Hon. Frederick Okeyo: Thank you, Mr. Speaker. My neighbor here, Hon. Osman has requested that Wednesday should be Kiswahili day in this Assembly. So, we should look into it as leadership.

Hon. Acting Speaker: Order! Hon. Member, if you agree with that proposal, you would have started by showing us how good you are so that we are sure that by the time we put it as law, we are sure that we will not have a problem---

Hon. Frederick Okeyo: Today is Tuesday.

(Laughter)

Hon. Acting Speaker: Order! Hon. Member, you are the one who raised the proposal of Hon Osman.

Hon. Frederick Okeyo: We have agreed that it will be on Wednesday.

Hon. Acting Speaker: We have not agreed, it is just a proposal. So, before we agree, I think you could have taken the queue. You can see the Chairman of Health was riding on very soapy waters. So, I don't know if you want to take the challenge so that by the time we put it as a requirement, we are sure that you will be able to walk.

Hon. Frederick Okeyo: Mr. Speaker, I agree with you but as the Speaker, you should take the lead and from now on you conduct the House in Kiswahili.

Hon. Acting Speaker: Hon. Frederick, you are aware that if you start off by Kiswahili, you must complete it in Kiswahili. That is why I am engaging you in English. When the hon. member was speaking in Kiswahili, I was engaging her in Kiswahili. We must agree if you want to speak Kiswahili, you proceed. You are not holding brief for Hon. Osman. You should raise and put that request formally so that we can take it up. Contribute to the agenda.

Hon. Frederick Okeyo: Mr. Speaker, I rise to support the motion. I would like the hon. members to look at the policy measures as raised by the Committee. This is in page 11 to 14. These are policy measures that are very critical when you are dealing with the supplementary budget.

There was a time Hon. Majiwa was talking when we were in Mombasa as a team. If you look at the policy measure no. b, that is page 12, it says that; *“In line with the provisions of regulation 82 of the Public Finance Management, the County Treasury facilitates sectors to open and operate accounts at the Central Bank.”* Most of the members especially the elected members have been complaining that projects are kicking off but there is nothing that is going on and there is no absorption. All this blame has been apportioned to either the County Secretary or the Procurement Department. This measure is to make sure that the Chief Officers are the first approval authority so that when they are given money, they know that this money has to be used within a specific period.

If we go back to c; *“The County Executive Committee Member immediately submits to the County Assembly the report on the extended of the accounting function assigned to each County Chief Officer.”* We know we have the CECs and Chief Officers. These are people who are supposed to submit reports. What is their mandate? What are they doing to assist the County achieve its goal?

d; *“The County Treasury submits to the County Assembly report of the steering taskforce to address challenges arising from revenue leakages and budget deficit.”*

Mr. Speaker, recently our Governor put a waiver on rents. We know it is good. They impact on the voters and some of the *waheshimiwa* who come from rental areas, it helps people. But this measure according to us is not good because the members will start complaining that there are no projects coming on within their areas. This is because we cannot finance the budget. It is very difficult to finance the budget when the waivers are too much. This is something that as advisers and as leaders of the County Assembly should look at it and even advice the Governor because in the long run, most of the projects will be a roll over projects. This is not what we want. We want the County to perform. We want the projects to be ongoing and all people to benefit. Other than that, I would like to support the motion. Thank you.

Hon. Acting Speaker: Thank you for your contribution. I know you are a member of Budget Committee and it is good that you are helping us understand the nitty-gritties of the report. Hon. Leah.

Hon. Leah Supuko: Ahasnte sana, Bwana Spika kwa kunipatia nafasi hii. Naunga mkono mswada huu.

(Loud consultations)

Hon. Acting Speaker: Endelea mheshimiwa, umelindwa.

Hon. Leah Supuko: Thank you, Mr. Speaker sir for giving me this chance. I was just trying my Kiswahili because where I come from, the Maasais are not good in it.

Hon. Acting Speaker: Order! Maasais transcend Kenya to Tanzania and huge component are very good Kiswahili speakers. Don't be intimidated by the shouts---

Hon. Leah Supuko: My colleagues were talking, so they disrupted me.

Hon. Acting Speaker: But you started well.

Hon. Leah Supuko: I wanted to speak Kiswahili to the end. Thank you, Mr. Speaker sir for giving me this chance to---*Ata ninashindwa sasa kama ni kuchangia*--- contribute to this motion. What I have noticed is that the Committee on Budget has really done a good. They have touched so many important things in the budget but I only have one request of the County Assembly Budget which has been cut, the Kshs.100 million to be reinstated in the next budget. My humble request is, the women of this Assembly, the nominated members are still languishing without PAs.

(Applause)

So, I would like to request that you should put into consideration the Kshs.100 million which has been cut in the development budget of the County Assembly and consider us to be given our PAs. Thank you, Mr. Speaker sir.

Hon. Acting Speaker: Thank you. As the Chair of the Board, it is important that I inform you that the PAs for members are more of a recurrent expenditure. So, what I would urge you is that when we are doing the Appropriations Bill, we will look at that component to ensure that it is there. But as far as development component is concerned, I will be misleading you if I told you we can drop it. Actually, the reason why the Assembly side has decided to drop is that we do not have the capacity to absorb it within the remaining period of the financial year. We have decided to take it up to the next financial year so that we can be able to appropriate it properly and be able to absorb it within the next 12 months. I hope you have understood.

Hon. Deputy Minority Whip.

Hon. Moses Ogeto: Thank you, Mr. Speaker. I have taken few minutes to go through this document. It is a very good document. In the recommendation (h), funding has only been directed to Eastlands.

Hon. Acting Speaker: Order! Guide us where you are referencing.

Hon. Moses Ogeto: Page 13 where Budget and Appropriations Committee recommended Kshs.330 million. They are very specific that it should only be Eastlands. So, I am requesting the Chair of Budget that he should consider parts such as Westlands and other parts of the City. Also in the same document, they have talked about reduction in bursaries and scholarships by Kshs. 20 million. This is very unfortunate. What are we telling Nairobian? I am seconding this Motion with reservations. It is sad that 85 hon. members including the Speaker are unable to give out vouchers which were supposed to be given to parents so that the children can go back to school.

Hon. Acting Speaker: Order! The Chair Budget wants to inform you.

Hon. Robert Mbatia: I want to clarify to the Members that is a general concern that I shared with Members, the reduction of Kshs. 20 million bursary is on the Executive bursary and they had requested for a Kshs. 100million additional for Executive bursary.

The reason was that those children were in the earlier administration that had been considered for a bursary but was left out. When they considered them, we realized that the actual figure was coming to Kshs 80million that is why we knocked off the Kshs. 20million to a concurrence with the Executive Mr. Speaker.

Hon. Acting Speaker: Very well then, I know you will capture the other issue the Members raised when you are replying. Proceed!

Hon. Moses Ogeto: Hon. Speaker, it does not matter if it is the Executive or the Assembly. it is a logical sense that we want our children to go to school. Therefore, it does not matter if they could have increased it to Kshs 200million and not to reduce the amount. This is because we know the value of education because we know the way it has transformed this Country.

Hon. Speaker, we have serious doctors who are pursuing in their career and they are treating people in different Countries in this world. Therefore, what I am requesting is that next time they should increase the amount because we have unfortunate students who will be going to school.

Hon. Speaker, there is a reduction of youth policies. When you look the youth policies, where whereby the executives had requested for Kshs 5.5 million but the chair reduced by Kshs 5 million. I am requesting that he should have increased it so that the youths in the Republic of Kenya can get access to it.

Therefore, I am requesting in the next financial year in due respect I want the chairperson to increase this youth policy to around Kshs 10 million to Kshs 200 million. Hon. Speaker, I beg to support.

Hon. Acting Speaker: Thank you, I know the chair has captured and he will do that in his response.

I will allow very quick comment because I can see there is a general concurrence that the Motion is okay, therefore I will not entertain so much I have not seen any opposing to it. Therefore, I can give two Members then I end. Hon. Susan Makungu.

Hon. Susan Makungu: Thank you, Hon. Speaker for giving me this opportunity to contribute to this crucial supplementary budget for Nairobians. Hon. Speaker, you know very well that the Governor of this County His Excellency Mike Sonko has a legal obligation to deliver the promise for the Nairobians.

Hon. Speaker, looking at the Environment sector, it has a lot of work to do and this can only be possible if we pass this supplementary. Therefore I rise to support, thank you.

Hon. Acting Speaker: Thank you, Hon. Emily Waitthaka.

Hon. Emily Waitthaka: Thank you Mr. Speaker for giving me this opportunity. First, I want to congratulate the Committee for a well done work, especially where they have increased the allocation on the Legal Affairs Department, Public Works, Environment and Water. Therefore, I rise to support thank you.

Hon. Acting Speaker: Thank you. Hon. Silas Matara.

Hon. Silas Matara: Thank you Hon. Speaker. I rise to support this motion and I take this opportunity to congratulate the Chairman of Budget and his team for doing good work. I have some concerns regarding the same document. We hope that the Executive will move with speed to ensure that the programme we have supported will be put in place in this supplementary budget before the closure of this financial year.

Secondly, Hon. Speaker this is our second supplementary budget I believe the chairs of the Committees and their respective Sectoral Committees in the near future will get to good estimates to avoid a repeat of requiring a supplementary budget of the same.

Hon. Speaker, it is of the importance that we get to do some sort of a performance audit of the Executive to actually find out where is the problem that we advertise the projects, then one year down the line implementation and commitment on the same projects do not get to commence. Therefore, I rise to support this motion. Thank you.

Hon. Acting Speaker: Thank you very much, Hon. Maurice Gari!

Hon. Maurice Gari: Ahsante sana, Bwana Spika kwa kunipa fursa hii kuchangia mjadala huu wa bajeti. Bwana Spika, hii bajeti imetengenezwa vizuri na mwakilishi wa wodi ya Kariobangi ambaye ni rafiki yangu. Nimeona amesistiza vitu mingi sana ambao havijawekwa kwa bajeti na amepunguza vile vilikuwa mzigo kwa walipa ushuru wa hii Kaunti ya Nairobi.

Bwana Spika, kila muhula tunapitisha bajeti hii itumike vile inahitajika kutumika. Nadhani hii muhula Bwana Gavana atahakikisha hii bajeti imetumika kwa njia nzuri ili wanainchi wa Nairobi County wapate ile pesa yao wanayokatwa.

Bwana Spika, maono ya pili ni kuwa tuko na shida sana saa hii vile watoto wamefungua shule na saa hii tumepitisha Supplementary budget. Ukiangalia vile watu wanavyotusumbua katika maeneo yetu ya wakilishi wodi, akina mama wamejaa na watoto. Bwana Spika, tunakuomba kwa hiari yako uone vile unaweza fanya haya maneno yawe ya haraka ndio watoto warudi shule. Hata kama sisi ni wa upizani, kuna zingine zakupinga na zingine za kukubaliana nazo. Kwa hivyo lazima tukubaliane nayo kwa sababu itafanya maendeleo na vitu ambavyo vimekwama vikwamuliwe.

Bwana Spika, naomba huu muhula tunaenda tushirikiane. Wawakilishi wa wengi bungeni na wachache tukuwe na upendo kwa roho zetu, hili watu waone mabadiliko hata kama ni miezi sita ama saba, watasema huu muhula wa mwakilishi wa wengi bungeni tuliona hii na hii ilifanyika. Isikae kama muhula wa kwanza ambapo kila kitu kilikuwa kinabadilishwa na kusongezwa. Kwa hivyo naomba Bwana Abdi mwakilishi wa wengi, ukuwe na roho mkunjuvu (*Laughter*) uende uongee na Bwana Gavana na mawaziri wake mkiwa na mwakilishi wa wachache mbugeni ili vitu vyetu ambavyo vimekwama, vikwamuliwe na sisi tuwapatie kazi rahisi ya ku support.

(Applause)

Kama hiyo itafanyika, hatutakuwa na maneno mengine kwa sababu tutakuwa tukija hapa na kuona makaratasi yako sawa na tunawapitishia. Asante sana Bwana Spika, naunga mkono.

Hon. Acting Speaker: Ahsante. ninajua kiongozi wa walio wengi atakuwa na nafasi yake ya kujibu lakini usiseme ya kwamba utakuja kuwapitishia karatasi kwa sababu hakuna makaratasi yanayopitisha mtu. Unajipitishia wewe na wakilishi wako wa Nairobi ya magharibi,

Mheshimiwa Jagero kwa haraka sana ndio tutamatishe kipidi hiki.

Hon. Millicent Jagero: Thank you, Hon. Speaker, I rise to support this budget and going through it, I am seeing that it is a program-based budget whereby more reductions have been taken to areas that are more functional areas. If I go to the increased areas where they have increased the motion that we passed last week on the youth, I think the money should be increased more.

On the Environment sector whereby they are unclogging the drainages the money should also be increased more. We are seeing that during the rainy session drainages are blocking so they need to be unblocked so the money needs to be increased.

Lastly, this budget is good but it should not look good only in this paper but also during its implementation to thank you.

Hon. Acting Speaker: Thank you, very much. Hon. Kennedy Oyugi!

Hon. Kennedy Oyugi: Thank you, Mr. Speaker, for giving me this opportunity. First, I rise to support the document however with many observations. If you go to the last page which is page 13 (b) it reads that “under the office of the Governor Inspectorate services 22million will be allocated for leasing of vehicles”.

Hon. Speaker, I do not see the logic behind giving Kshs.22million for the lease of vehicles. For example Hon. Speaker, if I was the Chair of the budget I would have opted to buy four or five double cabins at a cost of 4billion, in three years' time we shall have equipped all the Sub-County of Nairobi with vehicles instead of leasing using 22million for one financial year. Therefore, I would like to ask the chair to look into it because leasing should not be a priority, we need to be owning these vehicles if at all it is meant for the Sub-Counties.

When, you look at “C”, whereby the allocation of Legal Affairs Department should be increased by 40million to cater for pending legal bills. Hon. Speaker, comparatively to “d” that the Public Works and infrastructure sector 50million be allocated for the construction of roads and drainage. Hon. Speaker, what are the priorities? Is it to pay legal bills, to build roads or drainages? Mr. Chairman I want to believe that the budget Committee missed the priority honestly, giving legal department lawyers 40millions to take care of our pending bills.

The building of drainage and roads I would urge that the priority here is wrong. Finally, Hon. Speaker, if you go to “h” the youth affairs deserves 5 million. Honestly, we have been saying a year in year out that the future belongs to the youth and if it is true and we mean that the future belongs to the youths then 5millions for the policy of the youth in this County is too small. Bearing in mind that last week, we passed a policy bill in this County Assembly.

Hon. Speaker, in the life of this Assembly nothing tangible in this County, has been done in the name of youths. Therefore, I want to urge the Chairman and the entire budget Committee that it is high time you reconsider your attitude towards the youths. We need to empower our youths. Therefore, I support.

Hon. Acting Speaker: Thank you. I know the chairman will put in his reply his response to that and I also know that a caucus of you is coming so I think they will be taking the Government to task on issues of the youth. Leader of Minority!

Hon. Elias Otieno: Ho. Speaker, I have just realized that Kikuyu's do not know how to speak Kiswahili (*Laughter*) this is because I noticed Hon. Gari, Cecilia Ayot and other Luos here like me being one of them too (*Laughter*) *Kwa sababu hiyo ni lugha ambayo nimelelewa nayo.*

Hon. Acting Speaker: Order Leader of Minority, you stated in English so proceed in English.

Hon. Elias Otieno: I wanted to inform them that I know that language very well. (*Laughter*) therefore, Hon. Speaker when I requested, Hon. Ogeto was talking about the bursary funds and the chairperson had already explained to him that what I wanted to echo but the chairperson has already explained to him.

Therefore, Hon. Speaker the Kikuyu's should go back to Kiswahili lessons so that you may understand this language because it is a very nice language. Like the way Hon. Warutere tried to say "Jambo moja" in Kiswahili na alishindwa. Thank you.

(Laughter)

Hon. Acting Speaker: Order! Leader of Majority.

Hon. Abdi Hassan: Ahsante Mheshimiwa Spika kwa kunipatia fursa hii ya kuweza kuchangia mswada huu. Bwana Spika, mimi ninaunga mswada huu mkono na nigepeka kusema yafuatayo. Nimesikia Mheshimiwa Ogeto akiongelia mambo ya kupunguza bajeti ya kusaidia wanafunzi wasiojiweza. Hilo halikuwa na upungufu. Ie kitu kamati ya Bajeti imefanya ni kuhakikisha pesa inahitajika ya kusaidia wale watoto kwa sababu bursary wameshapatiwa tayari, ikuwe kiwango abacho kinahitajika. Hiyo milioni ishirini ingekaa pale bila kutumika tukielewa hii si bajeti kubwa. Ni bajeti ya kuweza kusawazisha pesa ambayo hajatumika.

Bwana Spika, pili ningependa kupongeza Kamati ya Bajeti ikiongozwa na Mwenyekiti wao. Wamefanya kazi nzuri sana. Wameweza kuweka kamati ya Nairobi regeneration shilingi milioni 340 ya kuweza kuhakikisha wenyenji wa Nairobi wameweza kufikia kiwango ya Kileleshwa na Muthaiga. Hilo ni jambo nzuri sana, Bwana Spika.

(Applause)

Bwana Spika, miaka hamsini iliyopita, wananchi wa Nairobi kutoka pande ya chini wamesaulika na kamati ya bunge. Tunashukuru kamati Bajeti kwa kuweza kujali masilahi ya hawa watu. Wamefanya jambo la maana sana na tunawashukuru.

Jambo ambalo lanishangaza ni kuona Mheshimiwa Ogeto anataka bado wananchi wa uko chini wabakie mahali wako. Tunataka Nairobi iweze kuenda pamoja, Bwana Spika.

(Point of information)

Hon. Acting Speaker: Mheshimiwa wa kiongozi walio wengi, naibu wa Kiranja agetaka kukufahamisha jambo, uko sawa na hilo?

Hon. Abdi Hassan: Wacha aendelee, Bwana Spika.

Hon. Acting Speaker: Umepiwa nafasi, endelea.

(Loud Consultations)

Hon. Moses Ogeto: Hon. Speaker, with due respect I want to speak in queens language. The Kshs.330million which I have informed the Chair of Budget and its Members that next time they should consider Langata, Kibera, Kawangware, and Kagemi. We have people who come from informal settlement and not only from Eastlands. That is what I want to inform the Leader of the Majority.

Hon. Speaker, I want to assure you that if it were not for education, we would not have known each other in this House. Therefore, that is why I am requesting you that this Kshs.20 million bursary should be increased not reduced. Thank you.

Hon. Acting Speaker: Asante sana. Kiongozi wa Wengi umeelimishwa, endelea.

Hon. Abdi Hassan: Bwana Spika nafikiria kiongozi mwenzangu hakunifahamu. Mimi sijasema wanafunzi ambao wasiojiweza hawafahi kupatiwa pesa. Nimesema hiyo million ishirini ambaya imetolewa hapo haingewezwa kutumika kwa hii muda. Kwa sababu wale walikuwa wanafaa kupatiwa basari washa patiwa na kiwangu ile ilikuwa imepatiwa ni shilingi million thamanini. Ile milioni ishirini ilibakia ingelikaa pale. Hatusemi wanafunzi wapatiwe, napia tungaliomba chairman na Gavana, katika mkawa wa pesa inakuja, iongezwe ndio ili watoto hawajiwezi waweze kusaidikia bwana Spika.

Bwana Spika nilikuwa nimesahau Kileleshwa iko na Kawangware. Kawangware inafaa kushughulikiwa vile huku chini tunashughulikiwa kwa sababu wako kwa kiwango yetu.

Ningelipenda kuomba kamati ya watu wa barabara waweze kuoji hii kamati ya Nairobi Regeneration, wawaulize program gani wanafanya na ningapi wapi wamefanya na kwa nini hawaweze wananchi wa Nairobi ile kazi wanafanya iko na ushirikiano gani na kaunti ya Nairobi. Wananchi wengi hawajui hizi mabarabara zinafanywa na nani, na sisi kama kaunti ya Nairobi tumechangia pesa nyingi sana kwa hiyo mfuko ya kutengeneza barabara katika jiji la Nairobi.

Bwana Spika kabla sijakaa chini ningelipenda kuomba raisi wa jamhuri ya Kenya na Gavana wa Nairobi kuwa upomози ambayo inaendelea Nairobi inaumiza wananchi sana. Wale wananchi wametupigia kura wanalia na wanaumia sana kwa sababu ya ubomози ambayo inafanywa kiholela holela nahii kamati inajijita Nairobi regeneration. Hatuji Nairobi regeneration ni kusema nini lakini tunaona hiyo mtindo. Juzi walipomoa Zimmerman magorofa ya watu. Watu wanachukua mikopo kujenga hizi manyumba na wewe kama serikali unakuja na tinga na kuweka hiyo magorofa ya watu chini.

Bwana Spika tunataka kuwaambia hatutakubali sisi kama viongozi wa Nairobi. Tutakataa kabisa hiyo na wakiendelea tutaita maandamano kubwa na kwa sababu sisi tuko ndani ya serikali hatutaki kufanyia serikali maandamano. Tunataka Gavana aka echini na raisi, amwambie mambo ya kupomolea watu wa Nairobi ili hali tunaongea mambo ya kujengea watu wa Nairobi nyumba hiyo inakinzana.

Huwezi sema unapatia wananchi nyumba ili hali mkono kushoto unapomoa ile wako nayo. Bwana Spika kwa hayo machache ningelipenda kuunga hiyo mswada mkono. Asante.

Hon. Acting Speaker: Asante sana kiongozi wa walio wengi. Kiongozi ya walio wachache, ulikuwa na jambo?

Hon. Elias Otieno: Mr. Speaker kila wakati nikiskia jina la Kileleshwa imekuswa ni kama mimi ndio nimekuswa. Sijui ni kwa sababu gani alikuwa anaunganisha Kileleshwa na Kawangware pamoja. Watu wengi wanapenda tu uchokozi hata pale haitakigani. Alikuwa anajaribu kuchokoza mimi na ndio sababu aliunganisha. Kawangware ni sehemu ya mshemiwa Njogu. Kileleshwa na Kawangware zime achana kama usiku na mchana. (Laughter) Hata sio majirani. Jirani yangu ni Kilimani.

Bwana Spika kuna watu wengine hapa – wale ambaye wanaongea Kileleshwa, Kileleshwa! Kuna njia mbia unaweza kulala Kileleshwa. Moja ni kama umekuja matanga ya jamii yako ama wewe ni watchman ama shamba boy. Lakini huwezi ishi Kileleshwa kwa sababu umetosha kuishi sehemu kama hiyo. Lazima

mheshimu sehemu kama Kileleshwa. Wale ambao wamezoea pande hii, mmezoea bunduki kila wakati. Kila wakati ni kuruneti, kila wakati ni bomu. Huko tunalala na amani. Wakati woto mkiongea lazima mheshimu Kileleshwa vile mnaheshimu matiti ya mama yenu mlinyonya wakati mlikuwa wadogo. Nimeongea Kiswahili ama sijaongea! Nafikiri hii ni Kiswahili sanifu; ile Mheshimiwa Warutere hangejaribu ata one sentence! Hawezi! Asanteni sana na mungu alinde nyinyi na mkae hivyo hivyo.

Hon. Acting Speaker: Kiongozi ya walio wachache, Dagoreti Kazkazini iko na Kileleshwa na Kawangware. Ningetaka kumuomba mwenyekiti wa bajeti ajibu.

Hon. Patrick Mbatia: Thank you Mr. Speaker. I want to appreciate the hon members for the support they have given this budget and one member indicated that the spirit the assembly is showing to the executive should be reciprocated by them executing this budget.

I want to appreciate your office Mr. Speaker for the support you have given us during that very short period that the supplementary budget was brought to us. We were able to retreat and also to thank members who spent day and night to have this budget a reality together with our budget office that worked tirelessly to have a document like this.

I want to put it clear that most of these supplementary budgets come to put actuals in the budget, that is why the Majority Leader was indicating that we would not spent the extra Kshs.20 million for the budget.

(Hon. Member spoke off record)

Hon. Acting Speaker: Order the Hon Millicent, member for Kariakor. Do you have a substantive point of order that will alter the response?

Hon. Millicent Mugadi: I am trying to listen to the chairman. I am not having peace here.

Hon. Patrick Mbatia: Mr. Speaker, the member is sitting on the wrong side!

Hon. Acting Speaker: The chairman of Finance, proceed.

Hon. Patrick Mbatia: Mr. Speaker, on the issue of Kshs.20 million bursary this was the kitty for the executive bursary and the gap was Kshs.80 million as the Majority Leader has indicated. On the youth policy that Mheshimiwa Oyugi indicated these is formulation. They needed only Kshs.5 million for the formulation of that policy then proceeding we will allocate more money as they request. But we cannot allocate where there is no policy in place. On the Kshs.330 million for the Eastlands roads, we know already there is an agreement between the national government and the county government on this. The naming of that is Eastlands road regeneration but---

(Point of order)

PROCEDURAL MOTION

EXTENSION OF ASSEMBLY SITTING TIME

Hon. Abdi Hassan: Mr. Speaker, we are running out of time. With your indulgence can I move a procedural motion so that we can extent the house by 30 minutes and dispense off with the order?

I beg to move that this House resolves to extent this sitting by 30 minutes to 1 p.m. pursuant to Standing Order 31 (3)(a). This is to allow us to dispense to the matter before us this morning sitting. Thank you and I urge Minority Whip to second me. Thank you.

Hon. Peter Imwatok: Mr. Speaker I second.

Hon. Acting Speaker: Hon Member you are aware that provisions of Standing Order 31 (3) (a) directly expresses how a procedural motion of extension of time needs to happen, 30 minutes before the time and that is why the Majority Leader interrupted the session so that we allow ourselves extra 30 minutes.

(Question put and agreed to)

Hon. Patrick Mbatia: Thank you Mr. Speaker. I was indicating the programme is called Regeneration of Eastlands roads but that does not limit the roads to Eastlands area only. There is an ongoing debate and it is at advanced stages that the county adds extra money and the other roads in the county can be considered. That is why we made some savings and we have Kshs 330 million extending to them then debate when we have something on our hands. Everyone in Nairobi and members should have hope that even their areas will be considered as discussions are at advanced stages.

There was the issue of hiring of vehicles. This is a stop gap measure because we are lacking personnel and the vehicles to enforce so that revenues can come up. We do agree with whatever *Mheshimiwa* Oyugi was saying that we need to purchase our own vehicles but in this immediate time with Kshs. 22 million we can be able to hire many vehicles. The costs like maintenance can be done by the person we are hiring the vehicles from so that we can be able to make enforcements and increase our revenue.

The other issue is on legal bills. The legal bills make the county incur more interest. We set aside some money so that we can clear off the legal bills. I want to thank all the members and I rest my case, thank you Mr. Speaker.

Hon. Acting Speaker: Thank you chairman and I want to commend all because I can see the house is full. The debate has been given ample time and response made to the issues raised. The debate has been given good time.

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Mr. Speaker left the Chair)

IN THE COMMITTEE

(Mr. Chairman, John Nyumu, took the Chair)

TRADE LICENSING BILL (ASSEMBLY BILL NO. 8 OF 2018)

Hon. Chairman: Sergeant -at- Arms, don't allow people to go out. Please, close the door. Order! We are now in the Committee of the Whole Assembly to consider the Nairobi City County Trade Licensing Bill, 2017, Assembly Bill No. 8 of 2018 and we will start with the Bill from clause 3.

Clause 3

(Question that Clause 3 be part of the Bill proposed)

(Question that Clause 3 be amended proposed)

(Question that Clause 3 be amended as proposed put and agreed to)

Hon. Jeremiah Themendu: I move that Clause 3 be amended as follows:

- (i) By inserting the words “with the exemption of professions” immediately after the word “Nairobi”
- (ii) By inserting a new Clause immediately after Clause 3 as follows: -

NEW CLAUSE

Objects of the Act “3 A” The objects of this Act is to provide for a legal framework for –

- (a) provision of business licence management functions as spelt out in part 2 of the Fourth schedule of the Constitution of Kenya, 2010;
- (b) Provision of a legal basis for the implementation of the County Business plan;
- (c) Provision of a conducive environment for fair business practices;
- (d) Assignment of roles and responsibilities of various county officers in the directorate;
- (e) Control and regulation of business practices and management in the County; and
- (f) Provision of an enabling regulatory framework which promotes growth and development in the sector, promotes self-regulation by trading associations and ensures accountability.

(Question proposed)

Hon. Chairman: Debate if any?

Hon. Jeremiah Themendu: I move that Clause 3 be amended as in the Order Paper.

(Question that Clause 3 be amended as proposed)

(Question that Clause 3 be amended as proposed put and agreed to)

(Question that Clause 3 as amended be part of the Bill put and agreed to)

Clause 4

(Question that Clause 4 be part of the Bill proposed)

Hon. Chairman: The mover?

Hon. Jeremiah Themendu: I move that Clause 4 be amended as follows:

- (i) in sub-clause (1) by deleting the expression “within the County Sector”
- (ii) By inserting a new sub clause immediately after sub clause (2) as follows: -
NEW SUB CLAUSE “(2) A”
The Directorate shall be guided by the following principles including—
 - (a) The regulation of licensable activities in order to set minimum standards relating to such activities and to ensure
 - (i) National unity;
 - (ii) Public safety and hygiene;
 - (iii) Environmental protection;
 - (iv) Inclusion of marginalized trading populations, including hawkers and street vendors; and
 - (v) Promotion of transparency and public participation
 - (b) Licenses shall be issued on the basis of clearly defined and transparent criteria.

(Question that Clause 4 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 4 be amended as proposed put and agreed to)

(Question that Clause 4 as amended be part of the Bill put and agreed to)

Clause 5

(Question that Clause 5 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 5 of the Bill be amended as follows:

- (i) In sub-clause (1) by deleting the expression “in consultation with the County Executive Committee Member”
- (ii) By inserting the following new sub-clause immediately after sub-clause (2)
NEW SUB CLAUSE “2” A
A person shall be eligible for appointment as a Director of Trade Licensing if the person –
 - (a) Possesses a university degree in any area related to trade, business or commerce from university recognized by the Commission for University Education;
 - (b) Has at least 3 years’ experience working in trade, business, commerce or business management;
 - (c) Is person of integrity and meets the requirements of Chapter 6 of the Constitution of Kenya; and
 - (d) Is not convicted of any criminal offence whose penalty does not exceed six (6) months.

(Question that Clause 5 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 5 be amended as proposed put and agreed to)

(Question that Clause 5 as amended be part of the Bill put and agreed to)

Clause 6

(Question that Clause 6 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 6 be amended as follows:

THAT, Clause 6 of the Bill be amended in the marginal note by deleting the word 'Functions' and substituting therefor the word 'Powers'.

(Question that Clause 6 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 6 be amended as proposed put and agreed to)

(Question that Clause 6 as amended be part of the Bill put and agreed to)

Clause 7

(Question that Clause 7 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 7 be amended as follows:

- (i) In sub clause (1) by inserting the word "trade" immediately before the word "licence"
- (ii) In sub clause (2) by deleting sub clause (2) in its entirety and substituting therefor the following: -
7 (2) "A person who operates a trade or business without a trade licence commits an offence and shall be liable upon conviction to a fine not exceeding Kenya Shillings one hundred thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment".

(Question that Clause 7 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 7 be amended as proposed put and agreed to)

(Question that Clause 7 as amended be part of the Bill put and agreed to)

Clause 8 and 9

(Question that Clause 8 and 9 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 8 and 9 be amended as follows:

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- (i) By deleting the clause in its entirety and substituting therefor the following new Clause 8: -
NEW CLAUSE 8 - Application for Licence (8A)
- (1) An application for the grant of a trade licence shall ---
- (a) Be lodged with the Directorate of Trade Licensing;
 - (b) Be in the approved form;
 - (c) Contain such information and be accompanied by such documents as are required by the approved form;
 - (d) Be signed in a manner specified in the approved form; and
 - (e) Be accompanied by the prescribed application fee in the First Schedule. (2)
- An application may be made in an electronic format approved by the Directorate.
- (3) The Directorate may, before dealing with an application, require the applicant to furnish such additional information or documents as is necessary to enable the application to be dealt with.
- (4) The Directorate shall keep and maintain an updated database of all licence holders.
- (5) The prescribed application fee shall not be refundable
- (iii) By inserting a new Clause immediately after Clause 8 as follows: -

New Clause 8 Hawkers and Street Vendors Licence 8 (B)

- (1) No person shall trade as a hawker or a street vendor unless he or she is in possession of a valid hawker or street vendor's licence granted to him or her for that purpose by the directorate of trade licensing unless they operate a business exempted from licensing under this Act.
- (2) The licence described in sub section (1) shall be in such form as may be prescribed and shall be granted subject to the following conditions ---
- (a) The kind of goods which may be hawked;
 - (b) The area within which the hawking shall be operated;
 - (c) The hours during which the goods may be hawked, and such other conditions as licensing authority may think fit to impose.

(Question that Clause 8 and 9 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 8 and 9 be amended as proposed put and agreed to)

(Question that Clause 8 and 9 as amended be part of the Bill put and agreed to)

Clause 10 and 11

(Question that Clause 10 and 11 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 10 and 11 be amended as in the Order Paper

(Question that Clause 10 and 11 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 10 and 11 be amended as proposed put and agreed to)

(Question that Clause 10 and 11 as amended be part of the Bill put and agreed to)

Clause 12

(Question that Clause 12 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 12 be amended as follows:

- (i) By deleting Clause 12 in its entirety and substituting therefor the following: -
- (1) Appeals "12 (1) There is established the Trade Licensing Appeals Committee comprising of the following persons –
 - (a) The Director responsible for Trade and Enterprises Development who shall be the chairperson to the Committee;
 - (b) An officer designated by the County Executive Committee Member for the time being responsible for finance;
 - (c) The Director of Revenue;
 - (d) The County Attorney; and
 - (e) The Director of Markets.
 - (2) The Members of the Committee shall be appointed on such terms and conditions as the County Executive Committee Member may determine.
 - (3) The County Executive Committee Member shall designate a Member of the Committee to be the secretary to the Committee.
 - (4) The Members shall serve in the Committee for a period of five (5) years and shall not be eligible for reappointment
 - (5) A person aggrieved by a decision of the Director of Trade Licensing shall within seven (7) days appeal in writing to the Committee against the decision;
 - (6) The Committee may, where it entertains a notice of appeal, decide the appeal by:
 - (a) Confirming the decision of the Directorate of Trade Licensing;
 - (b) Varying the decision;
 - (c) Quashing the decision;
 - (7) The Committee shall consider the appeal within fourteen (14) days after receipt of the appeal and make recommendations to the Executive Committee Member.
 - (8) The Committee shall regulate its own procedure.

(Question that Clause 12 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 12 be amended as proposed put and agreed to)

(Question that Clause 12 as amended be part of the Bill put and agreed to)

Clause 13 and 14

(Question that Clause 13 and 14 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 13 and 14 be amended as in the Order Paper

(Question that Clause 13 and 14 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 13 and 14 be amended as proposed put and agreed to)

(Question that Clause 13 and 14 as amended be part of the Bill put and agreed to)

Clause 15

(Question that Clause 15 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 15 be amended as follows:

- (i) In sub clause (1) by inserting the word “either” immediately before the word “annually”
- (ii) In sub clause (2) by deleting sub clause (2) in its entirety and substituting therefor the following: -
“A provisional licence may be granted to an applicant by the Directorate of Trade Licensing and shall be valid for a maximum period of three (3) months

(Question that Clause 15 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 15 be amended as proposed put and agreed to)

(Question that Clause 15 as amended be part of the Bill put and agreed to)

Clause 16

(Question that Clause 16 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 16 be amended as follows:

- (i) In sub clause (1) paragraph (b) by inserting the following new paragraphs immediately after paragraph (b) as follows: -
NEW PARAGRAPHS
“b a” “is operating an illegal business”

“b b” “the licence was fraudulently acquired”

(Question that Clause 16 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 16 be amended as proposed put and agreed to)

(Question that Clause 16 as amended be part of the Bill put and agreed to)

Clause 17, 18 and 19

(Question that Clause 17, 18 and 19 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 17, 18 and 19 be amended as in the Order Paper

(Question that Clause 17, 18 and 19 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 17, 18 and 19 be amended as proposed put and agreed to)

(Question that Clause 17, 18 and 19 as amended be part of the Bill put and agreed to)

Clause 20

(Question that Clause 20 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 20 be amended as follows:

In sub-clause (2) by inserting the word “reasonable” immediately before the word “fees”

(Question that Clause 20 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 20 be amended as proposed put and agreed to)

(Question that Clause 20 as amended be part of the Bill put and agreed to)

Clause 21

(Question that Clause 21 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 21 be amended as in the Order Paper

(Question that Clause 21 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 21 be amended as proposed put and agreed to)

(Question that Clause 21 as amended be part of the Bill put and agreed to)

Clause 22

(Question that Clause 22 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 22 be amended as follows:

By deleting sub-clause (2) in its entirety

(Question that Clause 22 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 22 be amended as proposed put and agreed to)

(Question that Clause 22 as amended be part of the Bill put and agreed to)

Clause 23

(Question that Clause 23 be part of the Bill proposed)

(Question that Clause 23 be part of the Bill put and agreed to)

Clause 24

(Question that Clause 24 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 24 be amended as follows:

- (a) In sub-clause 1 paragraph (a) by deleting the words “licensed under this Act” appearing immediately after the word “premises”
- (b) In sub-clause (2) by inserting the words “and shall carry out his duties with due diligence” immediately after the word ‘holder’
- (c) By inserting the following new sub-clause immediately after sub-clause (2)

New Sub Clause (2) A

“(2) A” A person who hinders or obstructs an officer performing their duties under this Section commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings one hundred thousand or to imprisonment for a term not exceeding six months or both’.

(Question that Clause 24 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 24 be amended as proposed put and agreed to)

(Question that Clause 24 as amended be part of the Bill put and agreed to)

Clause 25

(Question that Clause 25 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 25 be amended as follows:

- (a) In sub-clause (2) by inserting the words **or to imprisonment for a term not exceeding three months, or to both** immediately after the word **'thousand'**
- (b) In sub-clause (3) by inserting the words **'or to imprisonment for a term not exceeding three months, or to both'** immediately after the word **'thousand'**

(Question that Clause 25 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 25 be amended as proposed put and agreed to)

(Question that Clause 25 as amended be part of the Bill put and agreed to)

Clause 26

(Question that Clause 26 be part of the Bill proposed)

(Question that Clause 26 be part of the Bill put and agreed to)

Clause 27

(Question that Clause 27 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 27 be amended as follows:

- (i) In sub-clause (2) by deleting paragraph (e) in entirety
- (ii) In sub clause (2) paragraph (g) by inserting the words "and e-commerce" immediately after the word "electronic"
- (iii) In sub-clause (2) by inserting the following new paragraph immediately after paragraph (g)

New Paragraph

"g a" 'Information that shall be contained in the register under Section 21'

(Question that Clause 27 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 27 be amended as proposed put and agreed to)

(Question that Clause 27 as amended be part of the Bill put and agreed to)

Clause 28

(Question that Clause 28 be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that Clause 28 be amended as follows:

(i) By inserting the following new sub clauses immediately after Clause 28: -

NEW SUB CLAUSES

“(1) A” Any person who was authorized to trade within Nairobi City County on the basis of an approved trade licence before the coming into force of this Act shall make a fresh application to the Directorate of trade licensing upon expiry of the licence currently in possession.

(1) B” The Provisions of Schedules 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Nairobi City County Revenue Act, 2015 are repealed.

(Question that Clause 28 be amended as proposed)

Hon. Chairman: Debate if any?

(Question that Clause 28 be amended as proposed put and agreed to)

(Question that Clause 28 as amended be part of the Bill put and agreed to)

New Paragraph 16 b

(Question that New Paragraph 16 b be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Paragraph 16 b be read a second time.

(Question that New Paragraph 16 b be read a second time proposed)

(Question that New Paragraph 16 b be read a second time put and agreed to)

(Question that New Paragraph 16 b be part of the Bill put and agreed to)

New Paragraph 16 b (b)

(Question that New Paragraph 16 b (b) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Paragraph 16 b (b) be read a second time.

(Question that New Paragraph 16 b (b) be read a second time proposed)

(Question that New Paragraph 16 b (b) be read a second time put and agreed to)

(Question that New Paragraph 16 b (b) be part of the Bill put and agreed to)

New Paragraph 27 g (a)

(Question that New Paragraph 27 g (a) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Paragraph 27 g (a) be read a second time.

(Question that New Paragraph 27 g (a) be read a second time proposed)

(Question that New Paragraph 27 g (a) be read a second time put and agreed to)

(Question that New Paragraph 27 g (a) be part of the Bill put and agreed to)

New Sub-clause 4 (2) (a)

(Question that New Sub-clause 4 (2) (a) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Sub-clause 4 (2) (a) be read a second time.

(Question that New Sub-clause 4 (2) (a) be read a second time proposed)

(Question that New Sub-clause 4 (2) (a) be read a second time put and agreed to)

(Question that New Sub-clause 4 (2) (a) be part of the Bill put and agreed to)

New Sub-clause 5 (2) (a)

(Question that New Sub-clause 5 (2) (a) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Sub-clause 5 (2) (a) be read a second time.

(Question that New Sub-clause 5 (2) (a) be read a second time proposed)

(Question that New Sub-clause 5 (2) (a) be read a second time put and agreed to)

(Question that New Sub-clause 5 (2) (a) be part of the Bill put and agreed to)

New Sub-clause 24 (2) (a)

(Question that New Sub-clause 24 (2) (a) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Sub-clause 24 (2) (a) be read a second time.

(Question that New Sub-clause 24 (2) (a) be read a second time proposed)

(Question that New Sub-clause 24 (2) (a) be read a second time put and agreed to)

(Question that New Sub-clause 24 (2) (a) be part of the Bill put and agreed to)

New Sub-clause 28 (1) (a)

(Question that New Sub-clause 28 (1) (a) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Sub-clause 28 (1) (a) be read a second time.

(Question that New Sub-clause 28 (1) (a) be read a second time proposed)

(Question that New Sub-clause 28 (1) (a) be read a second time put and agreed to)

(Question that New Sub-clause 28 (1) (a) be part of the Bill put and agreed to)

New Sub-clause 28 (1) (b)

(Question that New Sub-clause 28 (1) (b) be part of the Bill proposed)

Hon. Jeremiah Themendu: I move that New Sub-clause 28 (1) (b) be read a second time.

(Question that New Sub-clause 28 (1) (b) be read a second time proposed)

(Question that New Sub-clause 28 (1) (b) be read a second time put and agreed to)

(Question that New Sub-clause 28 (1) (b) be part of the Bill put and agreed to)

New Sub-clause 3 (a)

(Question that New Sub-clause 3 (a) be part of the Bill proposed)

Hon. Chairman: Mover.

Hon. Jeremiah Themendu: I move that the new clause be now read a second time.

(Question that the new clause 3A be read a second time proposed)

(Question that new clause be read a second time put and agreed to)

(Question that the new clause 3A be part of the bill put and agreed to)

New clause 8A

(Question that new clause 8A be part of the bill proposed)

Hon. Chairman: Mover.

Hon. Jeremiah Themendu: I move that the new clause be now read a second time.

(Question that the new clause 8A be read a second time proposed)

(Question that the new clause 8A be read a second time put and agreed to)

(Question that the new clause 8A be part of the bill put and agreed to)

New clause 8B

(Question that new clause 8B be part of the bill)

Hon. Jeremiah Themendu: I move that the new clause be read a second time.

(Question that the new clause 8B be read a second time proposed)

(Question put and agreed to)

(Question the new clause be part of the bill put and agreed to)

New schedule

(Question that new schedule be part of the bill proposed)

Hon. Jeremiah Themendu: I move that the new schedule be read a second time.

(Question that the new schedule be read a second time proposed)

(Question put and agreed to)

(Question that the new schedule be part of the bill put and agreed to)

Clause 2

(Question that clause 2 be part of the bill proposed)

Hon. Jeremiah Themendu: I move that the new clause be amended as show in the order paper.

(Question that clause 2 be amended as proposed proposed)

(Question put and agreed to)

(Question that clause 2 as amended be part of the bill put and agreed to)

Title

(Question that the title be part of the bill proposed)

(Question that the title be amended as proposed proposed)

(Question put and agreed to)

(Question that the title as amended be part of the bill put and agreed to)



Clause 1

(Question that clause 1 be part of the bill proposed)

(Question that clause one be amended as proposed proposed)

(Question that clause 1 be amended as proposed put and agreed to)

(Question that clause 1 as amended be part of the bill put and agreed to)

Hon. Chairman: Chairman, approach the Chair for guidance.

(Hon. Jeremiah approaches the Chair)

Hon. Jeremiah Themendu: Mr. Chairman, I beg to move that the committee do report to the Assembly its consideration of the Nairobi City County Trade Licensing Bill 2018, Assembly Bill no. 8 of 2018 and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

(Hon. Speaker in the Chair)

REPORT AND THIRD READINGS

Hon. Acting Speaker: Chair of Chairs.

Hon. Deputy Speaker: Thank you Mr. Speaker sir. I beg to report that the committee of the whole house has considered the Nairobi City County Trade Licensing Bill, 2018, Assembly Bill no. 8 of 2018 and approved the same with amendments.

Mr. Speaker sir, I beg to move that the Assembly do agree with the committee in the said report.

Hon. Acting Speaker: Thank you Chair of Chairs. The mover, do you agree with the Chairman's report?

Hon. Jeremiah Themendu: Mr. Speaker sir, I beg to move that the Assembly do agree with the committee in the said report.

(Question proposed)

Hon. Acting Speaker: Hon. Members, the floor is open. Chair, Budget?

Hon. Robert Mbatia: Thank you Mr. Speaker. I want to appreciate the Assembly and also the trade committee for having determined this bill. And as you can see, I am the initiator and as I said before, this bill has had a lot of challenges and a lot of negative comments from the Executive. But this is a win-win situation according to this Assembly, to the Executive and the traders.

Mr. Speaker, as you can see, it is now defined who is a trader in this bill. It is also clear where the trading areas will be and the periods of payments. Earlier, I had said that initially we were losing a lot of

revenue because we were only charging during the calendar year, but this is now an annual 12 month period license which will be very favorable to our members. There are some institutions and some professionals that believe that they are not supposed to pay for trade licenses. It has been clearly indicated who is supposed to pay for that. Whether you are a lawyer or a doctor, as long as you are conducting some business, then you have to pay for those fees and charges because you will always be using our facilities. You will be using the roads, water and the sewer lines in every structure you are served with. So, this will also boost revenue in that there is no end to a collection period. What we are doing is that towards this period, those who apply for trade licenses diminish because they feel that it is too high to start business at the end of the year and still pay for a full year. But any trader starting now in May, the license will expire next year May. So, this gives a lee way for all that. They are allowed to pay in full, half or even quarterly. So, this is a win-win situation. We will continuously collect revenue as the county government and we have defined where those traders are. So, Mr. Speaker, I beg to support.

Hon. Acting Speaker: Thank you very much.

(Question put and agreed to)

I call upon the mover to proceed.

Hon. Jeremiah Themendu: Hon. Speaker, I beg to move that the Nairobi City County Trading License Bill 2018, Assembly Bill no. 8 of 2018 be read a third time.

(Question proposed)

Hon. Acting Speaker: Hon. Members. We have proposed the question. Does anyone want to make a comment or respond to an issue? The Chairman, Budget?

Hon. Robert Mbatia: Thank you Mr. Speaker. Again, I rise in support because we can see a finality to this bill. I want to request the Executive to put this to actualization by implementing it. Yesterday, I heard some debate in the electronic media that there are several documents that should be posted for the members of the public to oversight us and to be informed of what is happening. And Nairobi was doing poorly because none of the bills has been posted on the website. None has even been implemented. The most recently passed finance bill is not even in the County Government Website. So, I would ask that this be uploaded immediately it is assented to by the Governor. Thank you.

Hon. Acting Speaker: Thank you. It is in our website as an Assembly. We also need to be very active especially with our website in some of the critical milestones that we were going to make because once we are done with the recess, we will be very robust in encouraging Members to bring bills. We want Nairobi County Assembly to be known as the leading County Assembly with regards to passage of bills and the number of motions. We are going to ensure that we have a very vibrant way of processing bills. Once we come back from the recess, we are projecting to be having at least nothing less than 2 bills a month before we go to the other recess. I have to recommend you for having gone this far of having done a bill. Sometimes we do bills that are very important to the people we serve.

(Question put and agreed to)

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

ADJOURNMENT

Hon. Acting Speaker: Members, I know we are still learning in terms of bills. I know in June, we will be having various bills. We will have specific days for the committee of the whole house. So, the ones who are proposing for Swahili, we are also looking at a situation where we will have a day for committee of the whole so that we can process for as many bills as possible.

So, I encourage you that you interact with the Table office that you are going to revamp so that you bring your ideas that can be turned to bills that are going to be of help to the county. We have come to the end of this morning session. The Assembly will resume at 2.30p.m. House Business Committee to meet at the rise of the House. We are now adjourned.

The House rose at 12.45 p.m.