



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Tuesday, 27th August, 2013

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. Alex Sanaika Ole Magelo): Hon. Members, good afternoon once again I want to remind you of the crisscrossing from one side of the House to the other; please observe order in that movement and let us not repeat again. Hon. Members, as you are aware last week a member rose to ask about the parking spaces for Members of the County Assembly, and I promised to give a communication on the same.

As I held a meeting with the Deputy Governor and we agreed on the following: That every Member be provided with a numbered parking slot. That the new Parking Spaces identified are on Mama Ngina, General Kago and Wabera Streets; City Hall Annexe and City Hall Basement. No vehicle should be parked outside Charter Hall; any vehicle found parked there will be clamped and towed away. You all know that Charter Hall is outside at the entrance of the Assembly.

So if your vehicle is parked there, it will be towed away. Further any vehicle found parked without the Member's sticker will also be towed away. Members are advised to park in their allotted parking space. Hon. Members without cars should not allow members of the public to park in their spaces as these are reserved spaces only meant for Members of the County Assembly.

Hon Members on the 22nd August, 2013 on the morning of prayers at the Holy Family Basilica, a vehicle was stolen outside and Members' vehicles have been vandalized; it could be yours; it could be

mine. As from Monday yesterday, we have security men from the corner to the other corner. Hon. Members, avoid double parking. The Commandant of Traffic Police, Nairobi, because of the security arrangement and that road being classified as a presidential road, you have been advised not to double park. There is enough parking space so any car that will be found double parked will have to be towed away.

Hon. Members, non-members of this Assembly will not be allowed to park. We even found young men who have been stationed by Members at the parking to look for 'Kitu kidogo' which is a very serious thing and we have chased them away. That cannot be allowed and therefore parking space will be allocated to you and reserved. If you park against any other regulations, rules and your car is vandalized then it will be up to you. But we are trying to do something that will be smooth for you and now that we have parking up to Wabera Street, as you are aware, we will need more security to man those vehicles.

Hon Members, it is a prayer from the office of the Governor, which oversees the security arrangements of the City, that we abide by this so that we don't have future incidents of cars being vandalized.

There is also an advice from the Director of traffic in Nairobi, that warns against giving your vehicles to parking boys to park for you. There are several incidents that are happening in Nairobi and the security will not know who your driver is. Thank you, Hon. Members.

NOTICE OF MOTION

Hon. Speaker: Hon. Member for Sarang'ombe; Hon. Pius Otieno.

NOTICE – MOTION ON EARLY CHILDHOOD EDUCATION AND DEVELOPMENT

Hon. Member for Sarang'ombe Ward (Mr. Pius Owino Otieno): Thank you, Mr. Speaker for giving me opportunity to give notice of the following motion on Early Childhood Education; that **WHEREAS** Early Childhood Education Centres (ECD) contribute to laying of proper educational foundation for all children; **RECOGNIZING** that all children pass through ECDs; **ACKNOWLEDGING** that successive regimes neglected early childhood education by not enacting a policy framework or guideline to enable key decisions to be taken in this sector; **AWARE** that existing ECDs are obsolete, dilapidated and 'starved' of resources, this County Assembly urges the County Executive Committee to urgently construct two(2) ECDs per Ward and equip them with adequate personnel and learning materials.

MOTION

Hon. Leader of Majority (Mr. Elias Otieno Okumu): Thank you, Mr. Speaker Sir, for allowing me to come and read this motion. I beg to move the following motion that pursuant to the provisions of the

Standing Order No 235(5) this Assembly approves the fifth report of the County Assembly Procedures and Rules Committee on the amendments to the Standing Orders. I would like to be seconded by the Chief Whip of Minority Hon. Hashim Kamau.

Hon. - Chief Whip of Minority (Mr. Athman Hashim Kamau): Thank you, Mr. Speaker, and I stand to second. The Increase in Membership Committees will mean that all Members will be accommodated; those who were in one Committee and the new Members. Secondly, the committees being an extension of the House effectiveness and proper participation will be enhanced. Lastly, the most important is for us to adhere to the statutory requirement; increase in Sectorial Committees will ensure the gender role. I therefore, second the motion.

(Loud Applause)

Hon. Speaker: Hon. Members, I now propose the question that pursuant to the provisions of Standing Order No. 235(5); this Assembly now approves the fifth report of the County Assembly Procedure and Rules Committee on amendments to the Standing Order.

Hon. Pius Owino Otieno: (Technical hitches)--- Hon. Member for Sarang'ombe who basically supported new nominated members at least to get a way into these Committees because Hon. Mr. Speaker, these Members have been out of Committees and you know very well that the Salaries and Remuneration Commission actually is starving these Members.

Yesterday we had our pay slips but while I was also peeping at the pay slips for this new Hon. Members, I was surprised that some of them will go home with about Ksh42, 000 and some of them also have families. So I have also given an undertaking that once they receive Ksh42,000 I will also add to them Ksh200, Ksh300, Ksh100 which will also contribute to their wellbeing for that note I support that we include enough members so that we will not cry foul that they are not involved they are they included in matters of this Assembly.

The constitution is quite clear. It actually lays the emphases on how people are going to participate by virtue of us allowing them to be part of these committees already we are respecting this constitution. It is also good that this motion is coming at a time when we are celebrating three years, since we promulgated this constitution. If you look carefully at Article 10 of this constitution that talks of the principals and values of governance, it says that participation is a must and so I seat, by saying that I support this motion that these Members must participate within the framework of the Constitution and the Standing Order of this House. Thank you, Hon. Members.

Hon. Speaker: Can we have the lady, I can't see you properly, and when you come mention your name as you do your maiden speech.

Hon. Karen Wanjiku Githaiga (Nominated Member for Ruai): Thank you, Mr. Speaker Sir, my name is Karen Wanjiku Githaiga, nominated Member TNA. I want to support the motion on amendment of the Standing Order that the women, the disabled and youth should be absorbed in the Committees, so that they can be able to contribute fully and participate accordingly. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon. Bishop

Hon. Member for Kayole North Ward (Mr. Peter Gichohi): Thank you, Mr. Speaker, for giving me this opportunity and would like to support this motion to increase the number of Members in these committees. However, I would like to caution the new Members and would like to advice them that a committee is not just a committee. We have committees which are more equal than others and Mr. Speaker sir with all due respect (*Loud consultations*).

Hon. Speaker: Order Members! Hon. Member, can you elaborate because honestly you are scaring the Hon. Members. Hon. Member you are contributing to the welfare of other Members and indeed as the leadership this house found it right, to have the membership to include the Members who came in the other day. When a Member rises to say that there is a committee which is more equal, then that one can be interpreted to mean you are telling the Members that there is a committee which is more important than others, yet all the committees are equal.

Hon. Members, I would like to bring to your attention that all the committees, from the House Business Committee which I chair to all the other committees, Hon. Chege can attest to this, they are all equal. One in terms of what Hon. Otieno has just talked about the welfare that comes with the attendance of the committees which is same for all committees. Hon. Bishop, can you withdraw that effectively?

Hon. Peter Gichohi: Mr. Speaker sir, I withdraw the word more equal than the others, with all due respect. However, I would like to continue and say that I welcome all the new Members and on the issue of committees, Mr. Speaker sir, I did not know the need of lobbying to be in some of these committees and for sure, Mr. Speaker, with all due respect to this House, I would like say that some of these committees will give you opportunities which you don't find in others; opportunities which you will not find in others, opportunities to make a difference in this city and in this Country. Thank you.

Hon. Speaker: Hon members, we are in the honourable House and in the Assembly of Nairobi City County. I don't know which Committee has more opportunities than the others. I would like also to join them but as far as I know they are all the same. For example, if you are the Chairman of the Labour Committee and there is KIMSCA I don't think the Chairman of Works will represent Nairobi County if the man in charge of sports for the County is there. Will he represent? If you are doing fisheries I don't think the Leader of Majority will go and represent us at a fisheries meeting. We will look for the Chairman of Agriculture and when we are going to a tourism event we will look for the Chairman of tourism.

Nawaomba sana ndungu zangu waheshimiwa tukizungumuza tuzungumuze kwa mambo ambayo ni ya ukweli na si mambo yakuleta joto kwa wengine, ya kwamba kuna kamati ambayo ni Kubwa kuliko nyingine. Waheshimiwa, Kamati zote za bunge hii zote ni sawa sawa kwa sababu nikiona ile karatasi kutoka kwa Sarah Serem hata inspeka akija kwa mkutano na astahili kupata kitu atapata kile unachopata. Si ni kweli Mweshimiwa Mberia? Kwa hivyo sioni kamati gani ambayo iko juu ya nyingine, na kama kunayo iletwa kwa attention ya spika ili nijue. Tena nauliza hivi uta lobby namna gani?

Hon Members, that is why we have done an amendment of Standing Orders. If the leaders of both divide of this house didn't have the Members' interest at heart they wouldn't have called for an amendment of Standing Orders. We would have stayed the way we are but we sat down, took the decision to have everybody included in committees. In fact if there was a roll call I wouldn't be surprised that many of you don't come to those committees. I would be surprised; when you look at your pay cheque and see that one has more than you. Ask yourself a question; why? And Serem figures are all the same. It's because we have not been attending the Committee meetings and sittings.

We have enough Committee sittings to accommodate each and every committee Member unless your chairman or the Chairman of a certain Committee is lagging behind. But I know, and I can attest to this that the Chairmen of all the committees are very formidable people; they are focused and all the time I hear that you have committee meetings. Therefore it is up to you. For those who were not with us; when we started the Assembly, I did a paper to the Salary and Remuneration Commission which has been a corner stone in what we are saying and what is happening within the Salary and Remuneration Commission with regard to the County Assembly in the Republic of Kenya.

At the end of the day you will find that, that paper has helped us a lot, and most of the Members are aware of it. So when you are contributing here you are contributing on the inclusion of Members but no one committee is better than the others. I will not accept it, and will not allow you intimidate other Members, with the call that there are committees that are bigger than others. Thank you, Hon Members.

Hon. Member for Harambee Ward (Mr. Ronald Melkizedek Milare): Thank you, Mr. Speaker Sir, I wish to seek your direction, because it appears there is a typographical error on column Number two. Standing Order 185 (1) presents something totally different from what has been captured in the order paper. In the report it says that there shall be a select Committee to be known as Sectorial Committee comprising of 15 Members.

It shall be nominated by the County Assembly Business Committee in consultation. If you look at the Standing Orders that is not what has been captured in the Standing orders. In the Standing orders 185 (1), it says that there shall be a select Committee to be designated the Committee of Appointment to be appointed by the County Assembly.

And in the report it says that there shall be a select Committee to be known as Sectorial Committee comprising of 15 members. So there is a contradiction and I don't know what the implication will be if you pass this I think there is a typographical error.

Hon. Speaker: I think it will be rectified. Hon. Milare, approach the Speaker Please. Hon. Members it's actually 191(1) and not 185, 185 is Committee on Selection. I beg your pardon and thank you, for your sharp eyes.

Hon. Carolyne Achieng Muga (Nominated Member for Harambee): Thank you, Mr. Speaker, I also want to thank God, ODM and indeed Court fraternity for giving me this opportunity to represent Nairobians and take part in helping to make Nairobi a better City. Secondly I want to thank the elected Members. You indeed have welcomed us warmly.

So, I thank you and I pray that you will emulate Hon. Otieno's philanthropic gesture of sharing his pay with us. I think that will be a good thing. Having said that, I want to support this motion, because I believe as women we will bring stability and soberness in the decisions that will be made concerning this County, and so I want to urge the Assembly to expedite this process so that we may be sitting in committees and giving our very valuable contributions to the success of the Assembly and the County at large. Thank you, Mr. Speaker.

Hon. Speaker: A point of order from Hon. Imwatak

Hon. Member for Makogeni Ward (Mr. Peter Anyule Imwatak): Mr. Speaker I stand on a point of order requesting you, Mr. Speaker to put the Question.

Hon. Speaker: Hon. Members I now call the mover of the Motion to reply.

Hon. Leader of Majority: Thank you, Mr. Speaker, just tell the Hon. Member to sit well in the Assembly.

(Laughter)

Hon. Speaker: Order!

Hon. Leader of Majority: Order Members! Mr. Speaker I request to reply. May I take this opportunity to thank Members for accepting the amendments because we want to accommodate these Hon. Members who have just come; monos *(Loud laughter)* Protect me, Mr. Speaker.

(Loud laughter)

Hon. Speaker: Order Members! Order!

(Loud Laughter)

Hon. Leader of Majority: Order Members! Yes, you know you must know that I am the Leader of Majority in this House (*Loud consultation*) and I have powers to say what I want to say (*Loud consultation*) and I don't think you will remove these powers from me. It is there to stay.

So, Mr. Speaker, I would like to welcome all nominated Members to this Assembly and I want them to participate in all committees without any intimidation. So long as I am there, I am there to protect you. Mr. Speaker, these are all my people and I am going to protect them because I am the Leader of Majority in this Assembly. So, Mr. Speaker, I am protecting all Members.

(Loud consultation)

Hon. Speaker: Order Members! Order!

Hon. Leader of Majority: Mr. Speaker, you know there is somebody who came and said that there are superior committees than others and it means to me that there are churches which are superior than other churches. That shows you don't know which religion you belong to. Mr. Speaker, I beg to thank all Members for accepting the amendments.

So from tomorrow we want these nominated Members to start getting their allowances from the different committees. Nobody should cheat you that there are any superior committees than others since they are all the same and equal in allowances. So, it will depend on you. If you will want to attend the committees, you will get your allowance and if you want to go to river road and go to do dirty things there it is up to you, Mr. Speaker. Thank you.

Hon. Speaker: Hon Members I now put the question that the pursuant to the provisions of the Standing Order Number 235(5) this Assembly approves the fifth report of the County Assembly Procedure and Rules Committee on amendment to the Standing Order and as many of the opinion say 'yes' and as many of the contrary opinion say 'No'. The 'yes', you have it.

Clerk (Ms Monica): Order Number 9; Nairobi City County Tax Waivers Administration Bill (Nairobi City County Assembly Bill No. 4 of 2013)

Hon. Speaker: The Hon. Chairman to the Budget Committee to the County Assembly

MOTION – THE NAIROBI CITY COUNTY TAX WAIVERS ADMINISTRATION BILL- SECOND READING

Hon. Member for Embakasi Ward (Mr. Michael Ogada Okumu): Thank you, Mr. Speaker Sir, I beg to move that the Nairobi City County Tax waivers Administration Bill (Nairobi City County Assembly Bill No. 4 of 2013) be now read for the Second time.

Mr. Speaker Sir, my Committee, that is the Budget and Appropriation Committee is established

under the Standing Order number 187 and our sole responsibility is to look at the Bills that are related to the County Budget and also we deal with the evaluation of the tax estimates and therefore, Mr. Speaker Sir, as a result of the Bill that is before us today, my committee did have two sittings and in the sittings we did welcome the Treasury Department with the legal experts, who assisted in the drafting of the Bill and we did meet with the Members at the School of Government and they were taken through the Bill. As they were going through the Bill it was impressed upon them the 'impotence'--- (*Laughs*) they told me not to be using that word so (*Laughs*) that is how I can pronounce it.

Mr. Speaker sir, I hope that they are going to bear with me. We looked at the importance of the Bill. I think that I am now okay. They were all taken through it and now the Members need to talk about it. We did realize that in the said Bill on page 75; that is under authority to waive Tax Administration of Tax waivers, there was a concern with Members with regard to Clause 5.1 that the executive Committee Members responsible for finance may waive as he deems appropriate with the concurrence in writing of the Governor to waive the payment of any tax fee and any other payment due to the County Government.

Members had a concern that it was not very proper for one person to be given an authority to give an express order to waive. Some Members were of the opinion that this position could be abused whereby the Executive member could give this waivers to some of his friends, and therefore my Committee was of the opinion that, that clause be at least re-looked into and therefore, they recommended that the executive committee members will only do that and with the written authority from the Governor after it has been discussed in their Executive Committee Meeting.

So, which means all the Executive members will have a say and they must get approval from the Executive Committee Meeting. So, our committee that deals with good governance, when it comes to money; that is Public Investment Committee (PIC) and the Public Accounts Committee (PAC) will have at least a way of how they can go through it so that they can audit the Executive Members. So, Mr. Speaker Sir, I think if it is done like that then the fear of the members is going to be taken into account.

The other issue, Mr. Speaker sir, is about the Concern of the Members about the 14 days notice in the gazette. Many Members were of the opinion that the days are so many, so they were asking that the days be reduced to 7 days instead of 14 days, but majority of the Members realized that we should retain it at 14. Therefore, it is upon the Members, as we open this debate; please look at what you think is appropriate so that if it goes in, we will be for it. If some Members feel that it needs to be 7 days then let the majority carry the day. That one we have left open.

Another thing that we did look at was Clause 6.1; where the Committee Members intends to waive any tax, he/she shall publish the intention in the Kenya Gazette not less than 14 days before the intended date of waiver.

Mr. Speaker sir, when I was there I did realize that Members were raising concern that the majority of Nairobiian or the population that we represent have got no benefit of accessing the Kenya Gazette. So, it

was becoming an issue and therefore, my committee has decided to insert in that clause just immediately after 'the Gazette', we insert the words 'and advertising in the Newspapers of National circulation'. That is just immediately after 'the Gazette'. So that as they put it in the Kenya Gazette it should also be put in a National Newspaper that can be easily accessible to the Majority of the population. So, I think it is going to be quite in order.

Mr. Speaker Sir, in conclusion, because today we don't have much about this Waiver Bill as Members did look at it; we need to realize, because the Members also had a feeling that before the waivers are given; because according to the last, I think that is clause 7, that talks about every waiver shall be reported to the Assembly and published in the Gazette not more than 14 days after it has been granted. So, Members had a feeling that the authority to grant should be derived from the Assembly. That is the Authority be given to the Assembly, so that the Minister or the officer in-charge of the Finance could have, the power to grant. But Mr. Speaker Sir, we tried to look at this; I looked at the Constitution and I also went to PFM, that is Public Finance Management and I realized that they are talking about separation of powers, whereby the Assembly is supposed to have an oversight role. We are not supposed to be giving instruction to the administration.

Therefore, it becomes an abuse of power if we allow the Assembly to give the Executive the power to give waivers; we can only audit them on basis of what they will have done. Therefore, we have realized that it is not going to be prudent because we are going to go against the Public Finance Management Act and we will also go against the Constitution which expressly states that it is the Executives Member in-charge of finances; he can either delegate or he does it himself, who power to give waivers. The waiver power cannot be given to the House. The House only has powers of oversight and this House has powers through PAC. They will be able to scrutinize whatever the executive member in charge of finance will have done.

They can audit him on the basis of the regulations that we will have agreed upon here. So, it becomes not quite in order for us to allow the House to waive taxes, this is what the membership of my committee did feel and with that Mr. Speaker Sir, I beg to ask this honourable House, that we adopt this report with these amendments, if they will have no further issues, as I have read it. Therefore, I am calling upon Hon. Maurice to come second.

Hon. Speaker: Hon Chairman, just on what you have said; then the 'Assembly' should be deleted from Clause 7?

Hon. Chairman of Budget: Mr. Speaker Sir, I thought as a matter of procedure, it was just a matter of reporting that we have taken that decision and from that position the Assembly will have a way; they will have a say; they can debate and make recommendations, which the PAC can pick on and start investigating. But if we do delete that section; that clause in Clause 7, it is now not going to be possible for us to know what has been happening. So this is meant in order generate debate from the House. So that on the basis of the debate our Public Account Committee can initiate an investigation and therefore I am

not of very much of the opinion that it be deleted. I would like to ask Mr. Maurice to come; Hon. Maurice Akuk to come and second the Bill.

Hon. Member for Nyayo Highrise (Mr. Akuk Maurice Omondi): Thank you, Mr. Speaker Sir, I rise to second this motion and also to add a few good things about it. Because as Hon. Members, we will be debating on this particular Bill, it is important to inform the Members to be sober while debating on this. While we were at the School of Government many raised the a number of issues particularly on the fact that this particular waiver will be left to be done by one executive member of this County, but I would like to let them know basing on our argument today, in our Committee we did realize in the PFM Act 2012 that is the Public Finance Management Act 2012 it does also state it is the prerogative of the Minister in charge of Finance actually to give waivers.

We did look at the Constitution also and under Article 209 just to remind my Members, it does clearly state, that even though many of us might think that it will only be the Executive member of the Finance docket to give this waivers, he will be hanging himself--- Mr. Speaker, I think our sound system is poor and nothing is being done about it.

Hon. Speaker: Hon Member, try as much as you can, you are a politician

Hon. Akuk Maurice Omondi: Mr. Speaker Sir, what I was trying to put across to the House is that, actually, if you read the Constitution Article 209, any member with the constitution can look at the National Constitution 2010; it clearly states that even with the waiver the Auditor General will have to also look into it. So it is not only the executive members, it is the Executive Member, Governor, and our Committee had suggested that all the cabinet be involved and let them hang themselves and then we play the oversight role because if this Assembly is allowed to be involved in it, definitely we will be part of that. We will not be able to oversight. Thank you, Mr. Speaker sir.

Hon. Speaker: Hon Members, I now call the mover, chairman of the County Budget and Appropriation Committee---oh! Are we done with the debate? Hon. Members I thought we had done with the Bill. I propose that the Nairobi City County Tax Waiver Administration Bill of the Nairobi City County Assembly Bill No 4 of 2013, be read a second time. Hon. Jacqueline Nyang'ala.

Hon. Jacqueline Awino Nyang'ala (Nominated Member for Kileleshwa): Thank you, Mr. Speaker. I beg to support the Bill and I would like to mention something especially on separation of powers. I totally agree and I feel that we will not be able to have time to be debating everything that the Executive wants to waive.

I really do support that. However, No. 8, I want to mention pursuant to Article 210 of the Constitution; "the Executive Committee Member shall in respect of every Waiver of tax or license fee *et cetera*, I did mention, when we were at the Kenya School of Government that the Constitution was in effect in 2010, but as early as this year, the former City Council was waiving some taxes. So, I would like to urge

the Chairman and their Committee to be able to look at this and see that they don't do that again. Thank you.

Hon. Speaker: There is a point of order, Hon. Chege.

Hon. Member for Ngara Ward (Mr. James Mwaura Chege): Thank you, Mr. Speaker I stand on a point of order, that we seek your advice on what is the right dressing code for our Hon. Members. (*Loud consultations*) Listen first to what I am asking!

Mr. Speaker we would like an advice from you; what is the dressing code for our Hon. Members that are the ladies in the House? Because I don't believe that the Members are properly dressed in this House. If we, men, come without a tie and coat, we are sent out of the House. How can a Hon. Member stand in front of us in the House with a sleeveless dress? Thank you, Mr. Speaker.

Hon. Speaker: Hon Members, order Members! Hon Members, again I rise here to interpret the following words and phrases. This is Nairobi City County Assembly, a guide of rules, regulations and conduct on the precinct of a County Assembly. You all understand what a precinct is. It is within the Nairobi County Assembly, you know your boundaries as Hon. Members, including the appropriate dress code.

A Hon. Member of the County Assembly or the Public will be dressed in contemporary office attire for both genders; this is regardless of whether it is cold or hot. We must have appropriate dress. Therefore, let this be the last day that we ask this question. We are Hon. Members and I am sure for men you know what appropriate dresses are. Last week I was very lenient to Hon. Kamau, because we cannot allow members to come here as if they are coming to do the Congolese songs

(Loud laughter)

(Applause)

So for the Hon. Ladies as you know you are very dear to me. You are wonderful people and your picture portraits the Nairobi County Assembly. So it is up to you, as the Nairobi window shop, they look at our gorgeous beautiful ladies of Nairobi County Assembly properly dressed; immaculately dressed to catch the eyes of the Nairobians. Thank you, Hon. Members. My brother, Hon. Revered.

Hon. Bishop William Abuka (Nominated Member for Kibra): I want to take this opportunity to first sincerely thank you, bwana speaker, for giving me this time for the first time to stand before this Hon. Assembly, to first support this Bill.

Indeed as we were discussing this Bill last week, at the Kenya School of Government, one would have thought that the Nairobi City County Assembly is all about collecting Taxes and squeezing even the last bit of blood from the Citizenry of this County.

But I am glad that we are also a County Assembly; an Hon. House that really considers also cultivating a sense of good relations with the County membership or rather citizenship---

(Interference with sound system)

Hon. Speaker: Order Members! You can continue please. You are coming here with your electronic gadgets on. Sure, is that in order? If I catch you I will send you out for three days! Out three days! Put off your electronic gadget please!

Hon. Bishop William Abuka: Without sounding repetitive, Bwana Speaker, I wants to say once again that I stand to support this Bill. There were quite a number of things I could have wanted to say; I stood two to three times, but Bwana Speaker, I didn't catch your eye even when we were discussing the last motion. I also wanted even at that time to say probably we didn't have even to be so hard on our loving Bishop when he stood to say that some committees, probably have more value than others.

I think Bishop was only excited for the committee he is serving under. He had a lot of passion and he is giving his last blood and effort to make sure the committee does its best. Probably we need to forgive him for that; but having said that, Bwana speaker, I really want to support this Bill on waivers as my honourable brethren also pointed out including my lovely sister that there is something that we really need to provide and that is oversight.

Give the helicopter view that we really need to give so that the executive does his part and we will also do our part. But above all, I think it gives us an opportunity to cultivate good relations with the citizens so that we are not looked upon as people who are just about collecting taxes and squeezing blood out of the Citizens. I think, I beg to support this Bill.

Hon. Speaker: One more. Hon. Chege and my brother. Be quick so that we can go to the other business of the day.

Hon. James Mwaura Chege: First of all, thank you very much, Mr. Speaker for the opportunity. I beg to support this Bill and also I wanted to put up some points that I will be bringing while we will be doing the committee stage.

Hon. Speaker: The Hon. Manoah!

Hon. James Mwaura Chege: Thank you, Mr. Speaker, I want to congratulate the Budget Committee for a good job they are doing and secondly I also want to congratulate the Chairman for been

very open in terms of accepting and getting more ideas from us and from outside and I think they will be working on them while we go on.

My first point on this is just to request them that every time we have the motion coming up let us have the updated version with all the necessary correction that your Budget Committee has taken into consideration so that we know what is happening at that stage.

Secondly, Mr. Speaker, the Chairman had spoken about part 2 .6, 6.1, 2 and 7 which still I think we need to do a bit of twitching because in number 6 of part 2 it talks of where the committee member--- he/she shall publish such intention in the Kenya Gazette not less than 14 days of the intended date of waiver. I heard the Chairman speak of allowing us to also have it in the Daily Nation-wide circulation paper. I also want to point out that we add after the published that it is reported to the Assembly.

Mr. Speaker why I am saying this is because you are aware of those Caveat Notices that are put in the paper and it might be hidden in page 42 and might be two lines or it may also be put in the Star and we might not be able to see it. I am proposing that it should be expressly reported to the Assembly so that the member even though it's not the whole public, the members of the Assembly or the relevant Committee can start the work of interrogating it as first as possible, because If I look at the memorandum and objectives and the reasoning the Chairman has given in the last page he is talking about the Bill proposing delegating powers to the Executive committee members responsible for finance.

Likewise I would also ask that he also becomes lenient to the Assembly so that we can also be delegated some Executive functions, not because we want to tell the minister who to give waiver to or not, but to be able to interrogate the beneficiary of that waiver way before he is given so that probably the PAC and any other committee which is relevant to money matters does not cry foul when the colt has already bolted. We need a situation whereby we can start the interrogation way before, within even the given 14 days. This is interrogating by probably bringing issues in the House and it can create the necessary heat way before it has been documented, otherwise so far, the Committee is doing a good job. Thank you, Mr. Speaker Sir.

Hon. Speaker: Hon. Kathondu, the last one

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Thank you, Mr. Speaker. I beg to support this motion, Mr. Speaker Sir. But, first, I seek to congratulate the committee and also the able hands of the Chairman who is very eloquent.

Mr. Chairman, you are doing a very good job. I wish to point out, Mr. Speaker sir, that this Bill has been expertly done and it is in tandem with the Constitution. I am standing to raise the issue where Members feel like the waiver should be reported back to the Assembly and I am of the opinion that it is within the Constitutional power of the Committee member to only keep a record of the Waivers, Mr. Speaker Sir, without having to bring it back to the Assembly.

Actually section 210 of the Constitution is very clear about what should be done, Mr. Speaker sir, when there is going to be waivers; exactly; 210(b) and I think, Mr. Speaker, it is also very important that this Bill be passed because it gives this County Government which we are part of despite the separation of powers, it gives us a that humane face because in as much as we impose taxes on the residents of this County we can also as a Government sit back and look at the people and projects that need to be waived and taxed, Mr. Speaker Sir, so that the development and the Economic Strategies can move forward. With that, Mr. Speaker Sir, I beg to support this motion. Thank you.

Hon. Speaker: Hon Members, before I go into the division, I want to, on your fifth report of the Procedures and Rules Committee on the amendments of Standing Orders of the Nairobi City County Assembly, make corrections; that is on page 1, this is number (ii) of 2; it reads "in addition to the committee receive proposal that on the membership, there shall be an established Sectoral Committee by the name, Ward Development Committee with a membership of 17; it is supposed to be 19. You can do the correction, Hon. Members and thank you.

Hon Members, I now put the question that the Nairobi City County Tax waiver Administration Bill (Nairobi City County Assembly Bill No. 4 of 2013) be now read a Second Time. Will as many of the same opinion say 'yes'. Will as many of the contrary opinion say 'nay'. The 'yes' have it. Hon. Members, Order!

Clerk: Nairobi City Tax waiver Administration Bill 2013; a Bill for an Act of Nairobi City County to provide for the regulation and administration of tax waiver to give further effect to article 210 of the Constitution and for connected purposes. Second reading.

ADJOURNMENT

Hon. Speaker: Hon. Members, there will be a House Business Committee and also the Select Committees meetings after adjournment at the rise of the House. The venues for the meetings will be announced by the Clerk. At this--- I am informed it is at this place.

Hon. Members, as you go to the Select Committees let every Member be aware of his/her committee whether it is 1 or 2 so that each Member of the Assembly knows where to go and when to go there, who is their chairman and who is there chairlady, with regard to their leadership of the committees.

Once again I want to thank the Chairman of Nairobi City County Budget and Appropriation Committee for the articulate manner in which you and your Committee has continued to provide leadership on the Bills that have been before us and that is in particular the Finance Bill. Members of the Select Committees, please remain behind. Thank you.

(The House rose at 5.15 p.m)