



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Wednesday, 28th August, 2013

The House met at 2.30 p.m

(Deputy Speaker in the Chair)

PRAYERS

Hon. Deputy Speaker (Mr. Kennedy Ng'ondi): Hon. Members I must apologize to this honourable House for having come late. We had several technicalities regarding the long outstanding order paper for today. Thank you.

STATEMENTS

REQUEST FOR STATEMENT ON REHABILITATION OF NAIROBI CITY PARK

Hon. Leader of Minority (Mr. Abdi I. Hassan): Mr. Speaker sir, I want to request a statement pursuant to Standing Order number 41(2c) from the Chairperson of the Sectoral Committee on Lands, Physical Planning and Housing on the following:

1. Whether he is aware that a contract of KSh2.2 billion to rehabilitate Nairobi City Park was awarded to the Aga Khan Trust for Culture.
2. Which criteria was used to pick the said investor?
3. To table a copy of the said agreement and
4. Why was the term of the said agreement varied from 6 years to 25 years?

Thank you, Mr. Speaker Sir.

MOTION**APPOINTMENT OF MEMBERS TO SELECT AND SECTORAL COMMITTEES**

Hon. Leader of Majority (Mr. Elias Otieno): Yes, Mr. Speaker, I would like to move the following motion, pursuant to the Standing Order number 156, this Assembly may approve the appointment of the following members nominated by the Committee on Selection to the following Sectoral Committees:

SECTORAL COMMITTEES**1. Committee on Agriculture, Environment and Natural Resources**

- 1) Hon. Margaret Sewe
- 2) Hon. Hellen Katangie
- 3) Hon. Catherine Apiyo
- 4) Hon. Mike Obonyo Guoro
- 5) Hon. Janet Wala Ayako
- 6) Hon. Zulfa Hakim
- 7) Hon. Dorcas Njoroge
- 8) Hon. Rosemary Macharia

2. Committee on Water and Sanitation

- 1) Hon. Celestine Ongera Owino
- 2) Hon. Hawa Dafala
- 3) Hon. Maurice Akuk
- 4) Hon. Oscar Otieno Lore
- 5) Hon. Vitoria Alali
- 6) Hon. Monica Ndegwa
- 7) Hon. Nancy Mwaura
- 8) Hon. Peter Wanyoike

3. Committee on Health Services

- 1) Hon. Susan Karimi
- 2) Hon. Rose Nancy Luchiri
- 3) Hon. Elizabeth Sang'
- 4) Hon. Florence Athembo
- 5) Hon. Mumo Matee
- 6) Hon. Tabitha Juma
- 7) Hon. Mohammed Abdi
- 8) Hon. Karen Wanjiru

4. Committee on Planning and Housing

- 1) Hon. Joyce Bocha

- 2) Hon. Carolyne Muga
- 3) Hon. Beatrice Kwamboka
- 4) Hon. Rachael Kamweru
- 5) Hon. Mumo Matee
- 6) Hon. Abdi Ibrahim

5. Committee on Trade, Tourism and Co-operatives

- 1) Hon. Jacqueline Awino Nyang'ala
- 2) Hon. Petronilla Nafula
- 3) Hon. William Abuga
- 4) Hon. Emmaculate Musya
- 5) Hon. Wilson Ochola Ongele
- 6) Hon. Zulfa Hakim
- 7) Hon. Rachael Kamweru
- 8) Hon. Amina Mohammed
- 9) Hon. Dorcas Njoroge

6. Committee on Justice and Legal Affairs

- 1) Hon. Jacqueline Nyang'ala
- 2) Hon. Jane Muasya
- 3) Hon. Manoah Mboku
- 4) Hon. Elias Otieno
- 5) Hon. Mercy Kariuki
- 6) Hon. Jackson Kiama
- 7) Hon. A. Kamau
- 8) Hon. Maina Njoroge

7. Committee on Transport and Public Works

- 1) Hon. William Abuga
- 2) Hon. Tabitha Ndigirigi
- 3) Hon. Maxwell Ochar
- 4) Hon. Amina Mohammed
- 5) Hon. Mark Ndung'u
- 6) Hon. Paul M. Kados

8. Committee on Culture and Community Services

- 1) Hon. Elizabeth Sang
- 2) Hon. Asha Abdi Sosso
- 3) Hon. Nancy Luchiri
- 4) Hon. Tabitha Ndigirigi
- 5) Hon. Janet Kimondo

- 6) Hon. Benedetta Wangui
- 7) Hon. Janet Wala Ayako
- 8) Hon. Nancy Mwaura

9. Committee on Labour and Social Welfare

- 1) Hon. Asha Abdi Sosso
- 2) Hon. Rose Ogonda
- 3) Hon. Alexina Muddy
- 4) Hon. Samwel Nyang'wara
- 5) Hon. Marion Githinji
- 6) Hon. Rosemary Mwaura
- 7) Hon. Christine Abuto

Hon question that the Nairobi City County Finance Bill (Nairobi City County Assembly Bill No.2 of 2013) be now read a third time.

- 8) question that the Nairobi City County Finance Bill (Nairobi City County Assembly Bill No.2 of 2013) be now read a third time.
- 9) Magdalene Mbogori
- 1) Hon. Jane Muasya
- 2) Hon. Elizabeth Sang
- 3) Hon. Florence Athembo
- 4) Hon. Mercy Kariuki
- 5) Hon. Imelda Nafula
- 6) Hon. Ruth Njeri
- 7) Hon. Karen Wanjiru

SELECT COMMITTEES

1. Public Accounts Committee

- 1) Hon. Margaret Sewe
- 2) Hon. Rose Ogonda
- 3) Hon. Alex Otieno
- 4) Hon. Andrew A. Mbau
- 5) Hon. Julius Mwaniki
- 6) Hon. Tabitha Juma

2. Budget and Appropriations Committee

- 1) Hon. Petronilla Nafula
- 2) Hon. Herman Azangu
- 3) Hon. Emmaculate Musya
- 4) Hon. Joash Omwenga

- 5) Hon. Kennedy Onduru
- 6) Hon. Isaac N. Ngige
- 7) Hon. Ngaruiya Chege
- 8) Hon. Samwel Irungu
- 9) Hon. Benadetta Wangui
- 10) Hon. Victoria Alali

3. Public Investment Committee

- 1) Hon. Alexina Muddy
- 2) Hon. Hellen Katangie
- 3) Hon. Catherine Apiyo
- 4) Hon. Martin K. Mungai
- 5) Hon. Mark Ndung'u
- 6) Hon. Janet Kimondo

4. Implementations' Committee

- 1) Hon. Magdalene Mbogori
- 2) Hon. Celestine Ongere Owino
- 3) Hon. Susan Karimi
- 4) Hon. Anthony Kiragu
- 5) Hon. Imelda Nafula
- 6) Hon. Ruth Njeri
- 7) Hon. Marion Githinji, replaced Hon. P. Wanyoike

5. Delegated Legislations' Committee

- 1) Hon. Joyce Bocha
- 2) Hon. Hawa Dafala
- 3) Hon. Caroline Muga
- 4) Hon. Martin K. Kingethu
- 5) Hon. Christine Abuto
- 6) Hon. Amina Mohammed
- 7) Hon. Monica Ndegwa to replace Hon. Anthony Kiragu

Thank you, Mr. Speaker. So, I beg to call upon my counterpart to come and second the motion because from today henceforth, Mr. Speaker, I do not think we shall still have 'monos'. The nominated Members are just going to be upgraded today as we absorb them into committee memberships. So, they know what they are going to do and they are just going to show us their beauty here. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Point of Order not granted!

Hon. Leader of Minority: Thank you, Mr. Speaker sir. I rise to support the motion and also urge the House to support it. It is of great importance and essence to pass this motion so that our colleagues who have been staying out of the Committees can be able to come and join the Committees and render their services to the said committees. Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Members I now propose the question that pursuant to the Standing Order number 156, this Assembly approves the appointment of the following Members nominated by the Committee on Selection be the Members of the following Sectoral and Select Committees:

SECTORAL COMMITTEES

1. Committee on Agriculture, Environment and Natural Resources
2. Committee on Water and Sanitation
3. Committee on Health Services
4. Committee on Planning and Housing
5. Committee on Trade, Tourism and Co-operatives
6. Committee on Justice and Legal Affairs
7. Committee on Transport and Public Works
8. Committee on Culture and Community Services
9. Committee on Labour and Social Welfare
10. Committee on Children, Early Childhood Education and Vocational Training

SELECT COMMITTEES

1. Public Accounts Committee
2. Budget and Appropriations Committee
3. Public Investment Committee
4. Implementation Committee
5. Delegated Legislation Committee

Thank you. *(A Member raises an issue)* It has been by-passed. Thank you. Debate, Members. Hon. Onduru.

(The question has been proposed and debate ensues)

Hon. Member for Lucky Summer Ward (Hon. Kennedy Onduru): Thank you, Mr. Speaker sir. My fellow comrades, may I take this opportunity to welcome our new comrades in the House. Mine is very simple. I stand here to concur or to support the motion in that it is a very good move to absorb our new comrades. As I have seen in both select and sectoral committees the list is well distributed and this means that our Assembly is going to move forwards versus our County Government. So, there is no point of anybody contradicting this. I think everybody here, in the House, is going to support this. Thank you very much. *(Loud consultations)*

Hon. Deputy Speaker: Point of order on what? Welcome.

Hon. Hawa Dafala (Nominated Member for Makadara): Thank you Mr. Speaker sir, point of order, Standing Order number 80. Is it in order Mheshimiwa Speaker for Waheshimiwas to sit on plastic chairs? Thank you.

Hon. Deputy Speaker: Can we proceed? I will have the answer for the Hon. Member later. Okay, welcome.

Hon. Leader of Minority: Mr. Speaker, thank you. I was standing on a point of order but that matter, we will deal with it after this. I would want to support the motion before us that we absorb the various Members into our committees. It is important that we have our beautiful ladies in our committees. Ours was a garden that was not decorated but from today onwards it will be a garden that is well decorated. So, we welcome them to the committees to bring the expertise, the experience and other skills. Thank you.

Hon. Deputy Speaker: Hon. Kitavi.

Hon. Member for Laini Saba Ward (Mr. Bonface Kitavi): Thank you, Mr. Speaker sir, for granting me this opportunity. I think it has been well said by my colleagues that we are looking forwards to the contributions of our newly absorbed Members and I would urge that you just put the question so that we can be able to move forwards. Thank you.

Hon. Deputy Speaker: Hon. Members, I hope you are all in consensus that we move to the next stage and that gives me a reason to put the question. May as many as of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it. Thank you.

(Question was put and agreed to)

Interim Clerk (Mr. Jacob Ngwele): Order number 9; Committee of the Whole Assembly; The Nairobi City County Finance Bill (The Nairobi City County Assembly Bill No.2 of 2013).

COMMITTEE OF THE WHOLE ASSEMBLY

(The Deputy Speaker vacates his chair)

(Hon. Pius Otieno takes the seat in between the two clerks as the temporary Chairman for the Committee of the Whole House)

Hon. Member for Sarang'ombe Ward (Hon. Pius Otieno): Hon. Members of the first County Assembly of Nairobi City County, now we are in the Committee of the Whole House and we are considering

the Nairobi City County Finance Bill 2013. As you have noticed Hon. Members, from the order paper, we have three sets of amendments and the said amendments are being led by:

1. The Chairman of the Budget and Appropriations Committee, Hon. Michael Ogada
2. Hon. Jacqueline Nyang'ala
3. Hon. Elizabeth Manyala

Hon. Members, it is important for you to underscore the fact that while contributing to this Bill, I would wish you to be precise, clear and concise. Please remain focused on the subject matter. I propose that clause 3 be--- We start with clause 3.

Interim Clerk: Clause 3

Hon. Pius Otieno: I propose that Clause 3 be part of the Bill. As many as are of that opinion say 'aye'--- (*Laughs*). I said we are in the Nairobi City County Finance Bill 2013, yes. You even have it in your order papers, yes. We shall repeat again Hon. Members. I propose that Clause 2 be part of the Bill. As many as are of that opinion say 'aye' as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

You have a point of order? We are in the Bill. We move to---

Interim Clerk: Clause 3

Hon. Pius Otieno: I propose that Clause 3 be part of the Bill. As many as are of that opinion say 'aye'. As many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put and agreed to for Clauses 2 and 3 of the Bill)

Hon. Members, this Bill has three clauses. Last week we dealt with Clause 1, so, today we shall be dealing with Clause 2, Clause 3 and then the Schedule and then we shall come back to Clause 1.

Interim Clerk: Schedule

Hon. Pius Otieno: I propose the question that Schedule be part of the Bill. The Mover. Hon. Members, as we had said before, we have three sets of amendments and we shall be calling the Movers concurrently.

AMENDMENT TO PARAGRAPH 1: LEGAL SERVICES

Interim Clerk: Paragraph one; Legal Services, on page 4 of the Bill.

Hon. Pius Otieno: Hon. Jacqueline Nyang'ala.

Hon. Jacqueline Nyang'ala (Nominated Member for Kileleshwa): Thank you, Mr. Chairman, I want to amend the Schedule on Legal matters; the four areas, namely; preparation of lease, extension of lease, agreement of lease and assignment. So I want to amend preparation of lease from Ksh25,000 to Ksh30,000 and extension of lease from Ksh25,000 again to Ksh30,000 and agreement of lease to Ksh10,000; assignment Ksh10,000. My reason being, that as we speak, most of these rates by the former City Council have not been increased for the last 15 to 20 years.

After doing some research and talking to lawyers, for preparation of lease as we speak right now, Mr. Chairman, the lawyers are charging from Ksh10,000 per month for 12 months. So preparation of lease goes up to Ksh120,000 for a year. So, I was of the opinion that; why don't we put it at Ksh30,000 instead of Ksh25,000? The extension of lease is the same, charges are Ksh10,000 per month for 12 months which totals to Ksh120,000 per 12 months and I was of the opinion that the County should increase it to Ksh30,000. Now, agreement of lease usually goes from Ksh15,000 to Ksh20,000 and even up to Ksh50,000 and I was thinking instead of doing Ksh7,500 and the assignment Ksh7,500 why don't we do a blanket Ksh10,000. Thank you.

Hon. Pius Otieno: Fair enough. I now propose the question that paragraph one be amended as proposed. Hon. Imwatak.

Hon. Member for Makongeni Ward (Mr. Peter Imwatak): I think, Mr. Chairman, it is very important as we amend this Clause in the spirit of adding value to our County as the proposer has said this rate is not commensurate with what is happening to the land rates currently in Nairobi. As the Chairman last time intimated here, the last valuation for Nairobi was done in 1972, before I was born and currently the value of land is going high. So I support we amend this rate to in fact a much higher rate. In the same breadth, Mr. Chairman, as much as are going to amend this rates for lease, agreements through the Chair of the Budget and Appropriations Committee I believe in the near future they are going to bring a Bill in this House so that all these lands--- the County of Nairobi is missing out on these rates simply because from Umoja, Kayole, Utawala and all those areas have no lease agreements. Thank you.

Hon. Pius Otieno: Fair enough Hon. Hon. Alexina

Hon. Alexina Muddy (Nominated Member for Kabiro): Mr. Chairman, Hon. Members, I urge that this Bill be looked at very critically. Why? Because we all know that in Nairobi, we have people who have come to make money. We all know that in Nairobi, since 1982 life is not stagnant. We know that level of life for Nairobians is escalating every day every night. We cannot remain looking at what was done in 1982 to still be there and maintained to date yet life is moving higher every day. All these Hon. Members need money and resources to do what we are supposed to do for Nairobians.

Hon. Pius Otieno: Fair enough!

Hon. Alexina Muddy: I therefore support the motion.

Hon. Pius Otieno: I now put the question that paragraph one be amended as proposed. As many as are of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to paragraph one on Legal Services and agreed to)

Hon. Members, the sets of amendments that are being made now are appearing in the back pages of the order paper. So it is important that while we are dispensing off this Bill, you go through the Bill *vis-aviz* the amendments as proposed on the order paper, so that Members, you don't get lost.

AMENDMENTS TO PARAGRAPH 1.2: CITY INSPECTORATE

Interim Clerk: Paragraph 1.2: City Inspectorate, page 4 of the Bill.

Hon. Pius Otieno: I now invite the Chairman of the Committee, Hon. Ogada.

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Thank you very much, Mr. Chairman. My Committee having sat down and looked at the proposed Finance Bill we did come up with recommendations as they are appearing in the order paper. I therefore urge this House to adopt them as they are. Thank you.

Hon. Pius Otieno: I now propose the question that paragraph 1.2 be amended as proposed. Sorry, Hon. Members, there are some typographical errors in this Bill. The place that has been indicated as 1.1 should read as 1.2. Just make that correction so that it reads 1.2 on page 4. So, I now put the question that paragraph 1.2 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to paragraph 1.2 and agreed to)

AMENDMENTS TO PARAGRAPH 2.0: FINANCE ADMINISTRATION AND ECONOMIC PALANNING; 2.1 LAND RATES

Interim Clerk: Paragraph 2.0; Finance Administration and Economic Planning. Paragraph 2.1; Land rates within paragraph 2.0, that is page 6 of the Bill.

Hon. Pius Otieno: Committee Chairman Hon. Ogada.

Hon. Michael Ogada: Thank you, Chairman. Also having looked at the proposed Finance Bill as was proposed by the Executive, the Committee came up with the following amendments that rates for 0.1 acre plot be increased from Ksh1,000 to Ksh1,280, between 0.1 and 0.2 acres be increased from Ksh1,200

to Ksh1,600, between 0.2 to 0.4 be increased to Ksh2,000 and above 0.4 be increased to Ksh2,400. I urge this House to adopt it as it appears.

Hon. Pius Otieno: I propose the question that paragraph 2.1 be amended as proposed. Chief Whip.

Hon. Chief Whip of Majority (Mr. David Mberia): I think, Mr. Chairman, we would like to be told, before the new charges, how much was being charged before.

Hon. Michael Ogada: They are appearing in the Bill and in the order paper. Mr. Chairman, the way they appear initially for 0.1 acre land they used to charge Ksh640. So in essence what I have done, you just look at the proposed figures, I have doubled it from the original ones. So, the proposed figures are doubled from the original ones.

Hon. Pius Otieno: Fair enough. Hon. Imwatak.

Hon. Peter Imwatak: Mr. Chair, with the support of the Budget and Appropriation Chairman, I think Nairobi has very very big idle lands and the chair will forgive me for this. I didn't see this clause. If it was within my powers, we could have increased these figures so that we discourage idle land and people grabbing land knowing very well that the charges are minimal.

Hon. Pius Otieno: Fair enough!

Hon. Peter Imwatak: So can we propose to Ksh100,000 especially for Majority Leader and those who live on those lands?

Hon. Pius Otieno: We cannot do that if it is not on the order paper and among the proposed amendments. I now put the question that paragraph 2.1 be as amended. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for first amendments to paragraph 2.1; Land rates and agreed to)

SECOND AMENDMENTS TO PARAGRAPH 2.1; LAND RATES

Interim Clerk: Paragraph 2.1; Land rates; page 6 of the Bill again.

Hon. Pius Otieno: Hon. Jacky Nyang'ala

Hon. Jacqueline Nyang'ala: Thank you, Mr. Chairman, land rates on--- *(Loud consultations)*

Hon. Pius Otieno: Hon. Members let us consult quietly.

Hon. Jacqueline Nyang'ala: I was of the opinion that--- the CEO of Finance when they brought this Bill, they proposed to increase from 17% to 34% this is as per an improved site value in 1982 again. They increased, but the land values in areas such as Lavington, Dandora, Upper Hill and Karen have gone up as high as 100%. I was of the opinion that if they are paying- let's assume that they are paying Ksh10,000 per year, I don't think there is a problem if we do it at 50% instead of 34%. So, I am of the opinion that we increase the land rates from the 34% proposed by the Finance people to 50%. Thank you.

Hon. Pius Otieno: Fair enough. I now propose the question that paragraph 2.1 be amended as proposed. Hon. James.

Hon. Member for Ngara Ward (Mr. James Chege): Mr. Chair, I beg to oppose the increment because, this is the first year of the County Government, I think we should go bit by bit, slowly and systematically as possible. We should not ambush the same people we want to get taxes from, because we want, as the chairman said, 100% compliance as opposed to grabbing everything and getting everything for the first year and finding defaulters in the following year. I think what the Committee had proposed at 34% is fair enough to start with. If we see how it is working, probably in the next Financial year we can increase.

Hon. Pius Otieno: Fair enough Hon. Hon. Jacky could you please clarify; what are you moving?

Hon. Jacqueline Nyang'ala: On the Finance Bill, page 6, under the headline for Land rates, going down to the areas and the proposals, up from the one they have indicated 34% and I was looking down at the areas and the value of land that has come from, for example Lavington, Ksh304,000 which is now Ksh100 million. It is in the Finance Bill.

Hon. Pius Otieno: That one is not appearing on the order paper and so we shall dispense it off. Sorry it is there. Well, Hon. Members, that is why I am telling you that in as much as it is not appearing here, the communication was done. I now put the question that paragraph 2.1 be as amended. As many as are of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'nays' have it.

(Question put for the amendment of paragraph 2.1 land rates from 34% to 50% and negatived)

(Loud consultations)

Hon. Pius Otieno: It has passed. There were no five Members standing up. You could have stood up immediately. Order!

THIRD AMENDMENT ON PARAGRAPH 2.1; LAND RATES

Interim Clerk: Another amendment on paragraph 2.1: Land rates.

Hon. Pius Otieno: Hon. Jacky Nyang'ala. (*Loud consultations*) Order Members!

Hon. Jacqueline Nyang'ala: Thank you, Mr. Chairman. On tenancy of returned cheques, we all know that currently---

Hon. Pius Otieno: Order Ndigirigi!

Hon. Jacqueline Nyang'ala: I propose that instead of Ksh5,000 we put Ksh10,000 to discourage people sending bouncing cheques.

Hon. Pius Otieno: Page 6, Hon. Members. Cheques. The second item; bounced cheques. There is a small tabular on the Finance Bill, on page 6. Yes. Order!

Hon. Jacqueline Nyang'ala: The second one. I propose Ksh10,000 because we know that if you have a bounced cheque the average amount you pay---because you pay your bank and the other bank which goes up to Ksh10,000. I can say that these rates have not been changed by the County, I do not know for how many years. So, if we charge Ksh10,000 may be it will discourage people from sending bouncing cheques.

Hon. Pius Otieno: Fair enough. I propose the question that paragraph 2.1 be amended as proposed. Hon. Adow. Hon. Members, it is important that you pay attention and you remain careful while you are returning the microphones on the table.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Chair. I stand to oppose that amendment. I think it is too punitive. Can you imagine a cheque of Ksh1000 running to Ksh11,000 at the end when it has bounced may be for no fault of your own? Sometimes things which you are not aware of and in control of can go wrong. I think it is too punitive and Ksh5,000 would be a more appropriate amount to charge. Thank you very much.

Hon. Pius Otieno: Hon. Imwatok.

Hon. Peter Imwatok: Mr. Chairman, we want to discourage the culture of pretenders of payment of services in this County. The only way we can do this is to make it that when you give a bouncing cheque it becomes painful for you so that next time instead of giving a bouncing cheque of Ksh1000 you pay cash. So, Mr. Chairman I support the amendment so that we get enough revenue and at the same time we discourage irresponsibility.

Hon. Pius Otieno: Fair enough, Hon. Imwatak. Hon. Maxwell.

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Chairman. This House is a House of Hon. Members and we cannot agree to allow impunity. If somebody will give a bouncing cheque then that man or that person must be punished according to the law. So, I support that whoever will give a bouncing cheque, should be given a punishment of paying Ksh10,000!

Hon. Pius Otieno: Fair enough! Hon. Isaac

Hon. Member for Mwiki Ward (Mr. Isaac Njoroge Ngige): Thank you, Mr. Chair. I think on the same issue--- and I also want to add as a banker in the field, that 70% or 75% of people who give bouncing cheques do it intentionally. So, I also support that we punish those who engage in such behavior.

Hon. Pius Otieno: It is okay. I now put the question that paragraph 2.1 be amended as proposed. May as many of the same opinion say 'aye' and many of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to paragraph 2.1: Bounced Cheques, and agreed to)

FIRST AMENDMENT ON PARAGRAPH 2.2

Interim Clerk: Paragraph 2.2: General Traders, Shops and Retail Services, page 6.

Hon. Pius Otieno: Hon. Jacky Nyang'ala. Hon. Members, just resume your seat, it is important that we take note that the amendments that are being proposed by Jacky Nyang'ala have higher figures and in case her proposal are going to sail through, we are going to drop the amendments that are being proposed on paragraph 2.2, page 6. So, we will drop the amendments being proposed by the Chair of that Committee. Hon. Nyang'ala. Switch your microphone on, please.

Hon. Jacqueline Nyang'ala: Thank you, Chairman. I was going through the General Traders shops and retail services and I was speaking to a couple of people and if we start with the Hyper supermarkets of 100 employees over 500 square meters, I think the Committee suggested Ksh100,000 and I was saying why don't we do Ksh200,000? The Mega supermarkets with 100 employees, I was suggesting Ksh100,000 and the small traders, on the next page, page 7; small traders, retail services and kiosks and other general merchants I was thinking we give a blanket of Ksh5,000 instead of Ksh4,000. Thank you, sir.

Hon. Pius Otieno: I now propose the question that paragraph 2.2 be amended as proposed. Hon. Imwatak.

Hon. Peter Imwatok: Mr. Chair, being a Member from Makongeni-Mbotela Ward, and initiating the modern kiosks in my Ward, I oppose this amendments so that we maintain the status quo as proposed by the Chair of the Budget and Appropriation Committee.

Hon. Pius Otieno: That's fair enough. Hon. Manyala.

Hon. Member for Kayole South Ward (Ms Elizabeth Manyala): Mr. Chair, having come from a Ward, where people are really suffering and if the charges are increased like this at almost 100%, it is going to spill over to the common mwananchi, who voted for us. These Members of our Wards cannot even eke a living. They find it difficult even to get one meal a day. So, I propose that we leave it as it is. We---

Hon. Pius Otieno: Fair enough, Hon. Manyala. Hon. Masiga.

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Shukrani, Kinara wa mjadala huu. Mimi, kwanza ningependa sana kuupinga mswada huu kwa sababu naamini ya kwamba, Wadi ambapo natoka ina watu wengi ambao hali yao ya maisha iko chini na kama tunaongeza ushuru kwa wale wanaofanya biashara kule, basi tunaweza kutia misumari moto kwenye vidonda ambavyo viko kwa sasa hivi. Itafika wakati ambapo tutakuwa tukitembea huko kwa Wadi, watu watakuwa wakibeba matawi na kusema kwamba "*Masiga must go!*" kwa sababu ya kuongeza ushuru kwa bidhaa ambazo wale wanabiashara wanawauzia na ni za muhimu katika maisha.

Hon. Pius Otieno: Hiyo ni kadri, Mheshimiwa Masiga. Lakini tukirekebisha kidogo, kwa sasa hili ni pendekezo tu, ambalo Mheshimiwa ametoa. Mtaniwia radhi, katika kipindi kingine, itabidi utumie pendekezo wala si hoja, hoja ni 'motion' kwa lugha ya kingereza. I now put the question that paragraph 2.2 be amended as proposed. As many as are of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'nays' have it.

(Question put for first amendment to paragraph 2.2 and negatived)

SECOND AMENDMENT TO PARAGRAPH 2.2

Interim Clerk: Paragraph 2.2: General Traders, Shops and Retail Services, page 6 of the Bill.

Hon. Pius Otieno: The Chair of the Budget and Appropriations Committee, Hon. Ogada.

Hon. Michael Ogada: Thank you very much, Mr. Chair. Members, having discussed the proposed amendments by the Hon. Nyang'ala, it seems Members were in agreement with what was proposed by the Budget and Appropriations Committee. Members, you know this is the law, you have to consult otherwise you mess yourself up.

So, now what we are saying is that initially, the Hyper supermarkets used to pay a singular permit of Ksh60, 000 per month and my Committee, after discussing, we realized that because they make a lot of money and some of them are too big, we proposed that we increase it to Ksh150,000, though the Member who just left wanted it to be increased to Ksh200,000. So, I thought my Committee was reasonable enough to have talked because we did a lot of consultations. So I propose we do agree with the amendments as it was proposed by the Budget and Appropriations Committee. Thank you, Mr. Chairman.

Hon. Pius Otieno: Fair enough.

Hon. Michael Ogada: Ksh150, 000 instead of Ksh200, 000. I think you have the amendments; they are in this paper and so---

Hon. Pius Otieno: Hon. Members, it is on page 6; General Traders, Shops and Retail Services, Hyper Supermarkets. (*Loud consultations*).

Hon. Michael Ogada: Members, it was a technical work today, the printing of the papers was done late so there are some different sets. The proposal of the Committee was Ksh120,000 not Ksh150,000. So, let us go with Ksh120,000. Thank you.

Hon. Pius Otieno: Fair enough Chair. I propose the question that paragraph 2.2 be amended as proposed. Hon. Mari

Hon. Member for Ruai Ward (Mr. Daniel Mbugua Mari): Thank you, Mr. Chair. I rise to oppose the increment from Ksh60,000 to Ksh120,000 and I go by what Mheshimiwa had proposed Ksh100,000 because the same people we are taxing on rates are the same people we are hiking the payments on the hyper markets on. So, I oppose the increment and let it stay as it is.

Hon. Pius Otieno: I now put the question that paragraph 2.2 be amended as proposed. Order! As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for second amendments on paragraph 2.2 and agreed to)

Hon. Members, it is important that we realize that before us, we have the draft of the Finance Bill that we were discussing while we were at the Kenya School of Government and we also have amendments that were proposed by Hon. Members. Then we also have the third set of amendments that have been proposed by the Budget and Appropriations Committee. So it is important that while we are discussing we lay emphasis on those three things; the one that is being proposed by the Chairman of the Budget and Appropriations Committee after the analysis and the views from Members versus the one that was being proposed by the Executive and the draft as it was. Thank you.

FIRST AMENDMENT TO PARAGRAPH 2.3

Interim Clerk: Paragraph 2.3; Transport, Storage and Communication, that is on page 7.

Hon. Pius Otieno: Committee Chairman, Budget and Appropriations Committee, Hon. Michael Ogada. Paragraph 2.3.

Hon. Michael Ogada: Thank you, Mr. Chairman. We are dealing with amendments under Transport, Storage and Communications. So, Members, one thing we did look at, because it seems we need to give you some little explanation about this; one thing we did look at is that we have got a serious budget deficit and that is actually what made our budget to pass. We had a deficit occasioned as a result of the Government reducing what they were supposed to give to the Counties.

The Government was actually supposed to give to the County Ksh17 billion, but they reduced it drastically after the preparation of the budget to Ksh9 billion and as we look at things right now I see them reducing it to Ksh7 billion. So we are going to have a very big deficit and that is why we realized that for us to make sure that we cover for our expenses and we realize development we can only try to affect the rich and that is why you realize that most of the increments are geared towards the rich but the poor we have tried to make sure that we really cushion them. We don't want the poor to suffer so sometimes when you are looking at it please look at it that way because it is offering services to the poor. We have not just increased it for the sake of increasing.

So, now under transport my committee looked at the mega transport companies, like Bayusuf, the people with big trailers, instead of paying for the single business permit per year Ksh80,000 and he has fifty trailers we decided to increase it to Ksh160,000, then large transport companies with between 30 and 50 trucks, between 30 and 50 buses or vehicles we increased it to Ksh100,000. The large petrol stations, you know how they increase this things, we proposed that they pay, that is with over six pumps, instead of Ksh20,000 we proposed they pay Ksh30,000. Medium petrol stations between Ksh15,000 and Ksh20,000.

Mega Communication companies like Safaricom and I don't know whether it is Celtel or Airtel, those ones are going to pay from Ksh90,000 to Ksh200,000 because Safaricom makes around Ksh12 billion per month and over Ksh20 billion in terms of interest. So that is where we can get money. So that one, we proposed to increase it from Ksh90,000 to Ksh200,000. Then larger telecommunication companies with between 41 and 60 employees from Ksh55,000 to Ksh100,000 and other transport companies like these other ones around we increased from ksh7,000 to Ksh10,000. So, Members, I do plead with you that we do approve it as we did propose. Thank you, Chairman.

Hon. Pius Otieno: Fair enough. I now propose the question that paragraph 2.3 be amended as proposed. Hon. Isaac

Hon. Isaac Njoroge: Thank you. Bwana Chairman, I am not here to propose or oppose. But I feel, the documents we have are sort of different because, the one I have, I was actually shocked to see Ksh25,000 to Ksh3,000. I don't know how many have that copy of the order paper.

Hon. Pius Otieno: Which amendment are you looking at? *(Hon. Isaac consults with the Chair)*

Hon. Isaac: I rest my case Hon. Chair.

Hon. Pius Otieno: I now put the question that paragraph 2.3 be amended as proposed. As many of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for first amendments of paragraph 2.3 and agreed to)

SECOND AMENDMENT TO PARAGRAPH 2.3

Interim Clerk: Paragraph 2.3 again; Transport, Storage and Communication, page 7.

Hon. Pius Otieno: Hon. Jacky Nyang'ala

Hon. Jacqueline Nyang'ala: Thank you, Mr. Chair. After consultations with the Chairman of the Budget and Appropriation Committee, I realized that there are some places where I had reduced the charges but they had already discussed that. So, I drop my proposed amendment.

(Hon. Jacqueline's amendment to paragraph 2.3 was dropped)

Hon. Pius Otieno: Fair enough. Hon. Members, if you look at your order papers you will realize that we have three notices;

1. Notice being given by the Chair of Budget and Appropriation Committee, Hon. Michael Ogada
2. Notice by Hon. J. Nyang'ala
3. Notice by Hon. Elizabeth Manyala

So, it is important when you are rising to contribute a point, you should actually reflect on those three notices and alienate whichever you will be contributing to so that you don't become irrelevant. Thank you.

FIRST AMENDMENT TO PARAGRAPH 2.4

Interim Clerk: Paragraph 2.4; Accommodation and Catering, page 8 of the Bill

Hon. Pius Otieno: Committee Chair, Hon. Ogada.

Interim Clerk: Page 8, paragraph 2.4.

Hon. Michael Ogada: Thank you very much, Bwana Chair. According to my set of documents, Bwana Chair, we did propose that the high standard hotels like Intercontinental and the Serena Hotel, we increase their annual license fee to Ksh200,000, then medium standard like the Stanley, that is the four star, to Ksh150,000; the small high standard to Ksh100,000; the large lodging houses with restaurants to Ksh50,000; mega restaurant with a bar and a membership club of over 70 members to Ksh100,000; medium restaurant with between 11 and 30 members, that is the members club, to Ksh35,000; then a large night club with a casino of over 500 square meters be increased to Ksh100,000. I do beg this Assembly to approve it. Thank you.

Hon. Pius Otieno: Fair enough, Hon. Ogada. I propose the question that paragraph 2.4 be amended as proposed. Hon. Imwatak.

Hon. Peter Imwatak: As per the mood of the House, I support. Can you put the question, please? We are travelling.

Hon. Pius Otieno: I reject because it is of serious County importance, Hon. Imwatak. Hon. Chege.

Hon. James Chege: Mr. Chair, I do not rise to oppose or propose but I stood to remind you, that while you are in that sit, you are the Speaker and people should respect you. Those who are tired can leave so that the ones who are not tired can remain and debate the motion. Thank you.

Hon. Pius Otieno: Thank you. I now put the question that paragraph 2.4 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the first amendment to paragraph 2.4 and agreed to)

SECOND AMENDMENT TO PARAGRAPH 2.4

Interim Clerk: Paragraph 2.4; Accommodation and Catering, page 8 of the Bill

Hon. Pius Otieno: Hon. J. Nyang'ala

Hon. Jacqueline Nyang'ala: Thank you, Mr. Chairman, I have noticed that there are some changes that are lower than what the Budget and Appropriation Committee had proposed and I feel that I will drop my proposal at this point.

(Second amendment to paragraph 2.4 dropped)

Hon. Pius Otieno: Fair enough.

AMENDMENTS TO PARAGRAPH 2.5

Interim Clerk: Paragraph 2.5; Professional and Technical Services, page 10 of the Bill.

Hon. Pius Otieno: Hon. Jacky Nyang'ala

Hon. Jacqueline Nang'ala: Thank you, Mr. Chairman. Professional and Technical Services, I was of the opinion—first of all I would like to bring your attention to the first column; large professional business firm with over 50 employees, professional technicians *et cetera* is from Ksh90,000 and the Committee had proposed Ksh120,000 and I say Ksh150,000. Going down to column five; large Financial Services including SACCO and Co-operative Societies with over 25 employees from Ksh95,000 to Ksh150,000 and I was of the opinion that between those two they give the same services. I was wondering why from Ksh95,000 to Ksh150,000 and Ksh90,000 to Ksh120,000 and I propose Ksh150,000 for both.

Hon. Pius Otieno: Well, the proposals are not made by the Committee but the proposals are in the Bill.

Hon. Jacqueline Nyang'ala: Okay, the proposals are in the Bill. Coming down to money points; ATMs, money machines there was a proposal of Ksh35,000 and I say Ksh50,000. I say this because we all know when you go to an ATM every person is charged between Ksh30 to Ksh50 per transaction for that small machine. So, I was thinking even if only 20 people made use of the service for one week, it would have already paid Ksh50,000 for us, us being the County. The large cyber cafes of over 20 computers and machines; I do use a lot of cyber cafes and I was of the opinion that they can pay Ksh50,000. With the small cyber cafes bureau with two to five computers, I do use them, in fact when I was typing this I was in that cyber café and I asked them how come they were paying Ksh15,000. I was of the opinion that they pay Ksh10,000 because of the flow of the business. Two to five computers, there is only so much that you can earn from the clientele that comes in and you have rent to pay. So I was of the opinion--- and some of them are in the stalls and the County, I think has separated the stalls, and this is not even two hundred metres from here. So, I was of the opinion that this comes down to Ksh10,000. Thank you.

Hon. Pius Otieno: I now propose the question that paragraph 2.5 be amended as proposed.

Hon. Leader of Minority: Thank you, Mr. Chairman. I wish we were better facilitated to access the right copies of the documents.

Hon. Pius Otieno: Be audible, please.

Hon. Leader of Minority: I am saying that I am supporting the amendments half-way. If you look at the cyber cafes that are there, this is the era of technology and we should make technology as cheap as possible. I support the large cyber cafes and the medium and small cyber cafes proposals. But for the Financial Services, I would not be as lenient and I wouldn't mind them being hit. I support the amendments.

Hon. Pius Otieno: I now put the question---oh, Manyala, you must catch the eye of the Chair, how else would I know that you are there.

Hon. Elizabeth Manyala: I oppose the amendments, reason being that; remember we are at the County level and in reference to our Standing Order; if you refer to your Standing Order what we have been mandated to do is youth empowerment. Talking about youth empowerment, most of the things we are going to empower them with will be resource centres where they will be coming up with a one stop shop like cyber café whereby they can do some little business here and there. If we charge this facility so much, Mr. Chairman, I think we will not be able to empower our youth at the Ward level and then at the County level in this era of Information Technology (IT).

Even if you compare with the developed world like Europe, IT, Cyber cafes are cheap. I mean, some are just free because knowledge is power and we need to enhance our world view. Again when it comes to ATM just recently through the Kenya Bankers Association, and I happen to be a banker, they came up with an arrangement that any time you use an ATM you are charged 10% of what you are withdrawing. If we again, put some money or tax them again, this County will be so expensive to the common mwananchi that they will not be able to bear. So, if we again go back to this advert where somebody is putting money in the mattress, I beg to oppose.

Hon. Pius Otieno: Fair enough. Hon. Masiga

Hon. Nelson Masiga: Mr. Chair, I am standing on point of order number 31; that the House does not have a quorum to continue with the business. *(Chair consults with the Clerk)*

(Loud consultations)

Hon. Pius Otieno: Hon. Members, order! In the spirit of respecting the Standing Orders, a Member has risen on the Standing Order that seeks clarification on the quorum. Now I will ask you to stand up so that we can revert to the Assembly and address the issue of quorum.

(The temporary Chairman of the Committee of the Whole House vacates his seat)

(The Deputy Speaker resumes his seat)

IN THE ASSEMBLY

Hon. Deputy Speaker: Hon. Members, it has been brought to my attention that there is lack of quorum in the House. For that reason I order the Serjeant-At-Arms to ring the bell for 10 minutes. As he rings the bell, may the Clerk get the clear number by way of counting the Members present in the House?

There are 38, that means less by 4. We are going to ring the bell for 10 minutes.

(The bell is rung)

Members are not allowed to leave the House. Serjeant-At-Arms, please! Hello! Members, don't leave the House!

(The bell is rung for 10 minutes)

Okay, Members, let's get seated. Let's be seated Members, we are doing the counting. Can you sit down, Hon. Sewe! Okay, Members, it is now confirmed that we have the quorum and for that reason we will proceed. We can now proceed from where we left; that is going back to the Committee of the Whole House.

(The Deputy Speaker leaves his Chair)

(The temporary Chair for the Committee of the Whole House resumes his seat between the two clerks as the Committee of the Whole House resumes business)

IN THE COMMITTEE OF THE WHOLE ASSEMBLY

(Resumption of discussions)

Hon. Pius Otieno: Point of order granted.

Hon. Peter Imwatok: My proposal is may be outside of the Standing Orders; that those who have amendments may read their amendments once and we just pass it at once. Thank you.

Hon. Pius Otieno: *(Laughs)* I have never heard that in the Commonwealth tradition. *(Laughs)* Well, Hon. Members we were in paragraph 2.5: Professional, Technical and Financial services. I will now put the question that paragraph 2.5 be amended as proposed. As many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for amendments to paragraph 2.5 and agreed to)

FIRST AMENDMENT TO PARAGRAPH 2.6

Interim Clerk: Paragraph 2.6; Private Education, Health and Entertainment, page 11 of the Bill.

Hon. Pius Otieno: Chairman of the Committee, Hon. Michael Ogada.

Hon. Michael Ogada: Thank you, Bwana Chair. Under the private education and health services, we did propose from Ksh100,000 to Ksh150,000; from Ksh60,000 to Ksh90,000; from Ksh45,000 to Ksh50,000; from Ksh100,000 to Ksh150,000 again, that is for large private health facilities like Nairobi Hospital; then traditional, we agreed from Ksh15,000 to Ksh25,000 and large entertainment facilities from Ksh80,000 to Ksh100,000. I therefore do urge the Members to agree with the proposals of the Committee. Thank you.

Hon. Pius Otieno: I now propose the question that paragraph 2.6, be amended as proposed. I now put the question that paragraph 2.6, be amended as proposed. As many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for first amendments to paragraph 2.6 and agreed to)

SECOND AMENDMENT TO PARAGRAPH 2.6

Interim Clerk: Paragraph 2.6; Private Education, Health and Entertainment, page 12 of the Bill.

Hon. Pius Ogada: Hon. Jacky Nyang'ala

Hon. Jacqueline Nyang'ala: Thank you, Mr. Chairman. I would like to say that at the point when I was doing the amendments, we had not been given the circulated copies of the amendments from the Chairman of the Budget and Appropriation Committee, so I would like to propose to drop it. Thank you.

(Second amendments to paragraph 2.6 dropped)

Hon. Pius Otieno: Fair enough.

AMENDMENT TO PARAGRAPH 2.7

Interim Clerk: Paragraph 2.7: Industrial Plants, Factories and Workshop Contractors, page 12 of the Bill.

Hon. Pius Otieno: Hon. Jacky Nyang'ala

Hon. Jacqueline Nyang'ala: Thank you, Mr. Chairman. Again I have looked at the proposal of the Chairman of the Budget and Appropriation Committee and I would like to propose to drop it.

Hon. Pius Otieno: Fair enough.

(Amendments to paragraph 2.7 dropped)

AMENDMENT TO PARAGRAPH 3.1

Interim Clerk: Paragraph 3.0: Environment and Forestry. We are going to move to paragraph 3.1, that is Parks and Recreational Services, on page 13 of the Bill.

Hon. Pius Otieno: Hon. Elizabeth Manyala.

Hon. Elizabeth Manyala: Thank you, Mr. Chair. I propose that the tax levied on religious rallies using main dias, Uhuru Park and lawns per day, and lunch time preaching in lawns per hour be deleted. Tax on the use of Givanjee Garden for the purpose of spreading for spreading the word of God be deleted.

This is because, the Word of God is a lamp unto my feet and to everybody's feet and having gone some years back, President Moi, gave us the freedom of worship and with the strength of the Constitution, Chapter 4 on the Bills of Rights which I will quote, if the above mentioned taxes or rates or duty are passed into law then this section of the proposed Bill will contravene Chapter 4 of the Constitution on the Bill of Rights Article 32, section 2 that gives every person the right either individually or in community with others in public or in private to manifest any religion or belief through worship pra-

Hon. Pius Otieno; Fair enough

Hon. Elizabeth Manyala: Practice, teaching or observance including observance of a day of God. Please, do not play with God.

Hon. Pius Otieno: Fair enough. I propose the question that paragraph 3.1 be amended as proposed. Hon. Chief Whip.

Hon. Chief Whip of Minority (Mr. Kamau Hassan): Thank you, Mr. Chairman. I rise to oppose the amendment. These people must pay this County, Mr. Chairman. They must pay up. You know, if Uhuru Park is full and the Prophet Dr. Edward Owuor is preaching, do these people pay 'sadaka'? They pay 'sadaka'. So, this people must pay this County; this County needs money. Thank you.

Hon. Pius Otieno: Hon. Adow, in the interest of religion. One last one.

Hon. Osman Adow: Thank you, Mr. Chair. As a member of this Committee, we have deliberated a lot on this issue and the County needs the money as the Chairman has indicated earlier. I don't see how levying a church for using a service is against the freedom of religion. I therefore oppose this amendment. Thank you.

Hon. Pius Otieno: Fair enough. I now put the question- Hon. Emmaculate

Hon. Emmaculate Musya (Nominated Member for Highrise): I beg to oppose the amendments, because when those people have their rallies down there, they break the trees, they step on the grass and we pay the Council workers to go and repair those things. They also put a lot of stickers on the road, in the field and we use a lot of energy to remove them. So, I stand to oppose.

Hon. Pius Otieno: Hon. Kioko

Hon. Member for Ngei Ward (Mr. Daniel Mutiso): Mr. Chairman, I rise to support the amendment. Mr. Chairman, with the tremendous respect that I can possibly command in this Assembly, when we are looking at these matters, let us not look at them as if we are focusing at one level religion. When we are saying religious organizations--- (*Loud consultations*)

Hon. Pius Otieno: The tone of consultations is too high.

Hon. Daniel Mutiso: Mr. Chairman protect me there. I am saying, when we are talking about religion, we are not talking about Christians per se we are talking about Hindus, Muslims and we are talking

about every other organization that would want to use Uhuru Park. Mr. Chairman if I would get my facts right, look at the Standing Orders, the prayer we make everyday. (*Loud consultations*) Chairman protect me, I have not exhausted my 5 minutes.

When you look at the prayer we say at the start of the Assembly or meeting "*Almighty God, who in your wisdom and goodness has appointed offices and leaders of this County, we beseech you to behold us with a lot of favour*" what we are saying is that let us not always look at the business aspect. Going by what happened just six months back, you saw our President kneeling even before taking the sword of power. That is ambition, I would want to---

Hon. Pius Otieno: Fair enough. Hon. Maxwell.

Hon. Daniel Mutiso: Mr. Chairman I beg to support.

Hon. Maxwell Ochar: Mr. Chairman, thank you. I beg to oppose this amendment and the reason why I am opposing this motion is that, you see in our parks, we have running water which these people use. We have trees planted there and we are looking after these trees. The people who gather in the parks, destroy the trees, the grass and everything we put there. Even the big rallies cause destruction and in this matter, the people who are accessing our parks are people who have a lot of money because for one the religious people have churches for their Sunday whatever. So, please, if we allow this, and we in this Assembly, we need revenue---

Hon. Pius Otieno: Order!

Hon. Maxwell Ochar: Revenue. Thank you.

Hon. Pius Otieno: Hon. Imwatok.

Hon. Peter Imwatok: Mr. Chairman, with all due respect, being a Christian, I wish these two charges for the parks and lawns could be separated; the political rallies from the religious ones. As a Christian my hands are clean on this. The Churches must be allowed to spread the gospel but I don't know how the Budget and Appropriation Committee can separate this clause so that we separate the Church from the state rallies. Mr. Chairman. (*Loud consultations*)

Hon. Pius Otieno: Hon. Members order! Order! Everybody to freeze! Hon. Manyala, you can make clarifications on this.

Hon. Elizabeth Manyala: Mr. Chairman, actually what I meant to be deleted was the use of Uhuru Park and Gevanjee Gardens for Religious rallies, lunch time preaching and religious rallies using lawns. But for political parties to pay even 100 times but for God draw a demarcation because even if you refer to Father Augustine, the City of God or Aquinas, please don't go there.

Hon. Pius Otieno: Chairman.

Hon. Michael Ogada: Thank you, Bwana Chairman. Now this is a controversial issue, where some Members have washed off their hands. I sat, when we were looking at this, it was a very controversial issue. We realized that there are religions in the Country where most of us are very committed members and we must understand there is a day of worship and so, people must worship. There are designated areas of worship which are churches people must worship also in churches. The other thing, we were very categorical and clear and we talked about Givanjee Garden, Uhuru Park and Kamukunji. Why did we say this?

We have allowed them to use whatever facility we have outside those areas because we have realized that so many people, so many religious leaders are applying to use the parks and so there is even congestion and difficulty on how you can allocate the space for worship. Secondly, when these people are going for crusades, remember, they do a lot of advertisements. These vehicles they use they do not use them for free. They can go to the extent of hiring trucks to ensure that they go and advertise even in the mass media. So, what happens if the County also allow them, for the sake of the trees we have planted and for sake of the water we provide and for the sake of the security we are giving you; for the sake of the lights, because we pay for this floodlights; for the sake of all this why can't you give us something? What is wrong with that? And besides---

Hon. Pius Otieno: Fair enough, Chairman.

Hon. Michael Ogada: They collect offerings from the members, they can get the money from the members and pay the County.

Hon. Pius Otieno: Fair enough. I now put the question that paragraph 3.1 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'nays' have it.

(Question put for amendment to paragraph 3.1 and negatived)

AMENDMENT TO PARAGRAPH 3.5

Interim Clerk: Paragraph 3.5: EPM Services, page 18 of the Bill.

Hon. Pius Otieno: Hon. Chairman, Ogada

Hon. Michael Ogada: Thank you very much, Mr. Chairman. I wish to urge this Assembly to adopt the amendments as they are indicated on the order paper, save for one thing which I think was overlooked. It is about the incinerator; there is a problem, because when they are placing charges on it they have a problem. When the officers look at it they have a problem differentiating it from furnace and boiler. With the incinerator, they put incinerator/furnace/boiler and the figure remains the same at Ksh20,000 as proposed. Thank you very much, Mr. Chair.

Hon. Pius Otieno: I now propose the question that paragraph 3.5 be amended as proposed. I now put the question that paragraph 3.5 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the amendment to paragraph 3.5 and agreed to)

AMENDMENT TO PARAGRAPH 4.0

Interim Clerk: Paragraph 4.0; Health Sector, that is on page 24 of the Bill; City Mortuary. We are now on paragraph 4.3 City Mortuary.

Hon. Pius Otieno: Hon. Chairman, Michael Ogada.

Hon. Michael Ogada: Thank you, Chair. About the City Mortuary, they did propose that burial permits be Ksh1000 but the Committee decided we do reduce it because most of the people affected are the poor and then the burial permit for non-citizens we did agree that most of the people who have come to this Country are may be the working people so we increased it from Ksh1000 to Ksh2000. So, I do beg the Assembly to support it and pass it the way it is on the order paper. Thank you.

Hon. Pius Otieno: I now propose the question that paragraph 4.3 be amended as proposed. I now put the question that paragraph 4.3 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the amendment to paragraph 4.3 and agreed to)

AMENDMENT TO PARAGRAPH 5.0

Interim Clerk: Paragraph 5.0; Physical Planning, Land and Housing. We are going to paragraph 7 within 5.0 that is Housing on page 41 of the Bill.

Hon. Pius Otieno: Committee Chair, Hon. Michael Ogada

Hon. Michael Ogada: Thank you, Bwana Chair. I think you will realize that this was one of the most controversial areas we had. If you look at the faces of the Hon. Members you will realize that they are very comfortable. We did a lot of consultations with them and we have actually agreed and therefore I do urge the House that we pass it as we agreed but save for, - there is something under Kariobangi South- is it Kariobangi South?

Thank you, very much, we need to consult a lot because we are passing laws. Under Kariobangi South Category one, two, three, four, then you go down, there is a mansionette 3 bed-roomed with a corner. It was proposed to be Ksh20, 000, but my Committee reduced it to Ksh17,000. The figure

Ksh17,000 was not included. So you indicate that. Otherwise the rest we have all agreed. Secondly if you look again, there is---

Hon. Pius Otieno: Just pause for a moment. Would you mind, to repeat the set of amendments that you are saying? It is not reflected here, properly.

Hon. Michael Ogada: So this is under Housing---

Hon. Pius Otieno: Which page?

Hon. Michael Ogada: Under Housing; this things are not paged! Under Housing, so when you are in Housing, for the amendments, you go to, let's page three of the Housing.

Hon. Pius Otieno: Is it in the order paper?

Hon. Michael Ogada: Yes. Under Housing, have you seen it?

Hon. Pius Otieno: I have seen it.

Hon. Michael Ogada: So page three of the Housing, you can even see a space there. In that space they were supposed to write Buru Buru. Under Kariobangi South, category four, in that space there is Buru Buru.

Hon. Pius Otieno: Just a minute. Okay. You are saying, they indicate. It is not indicated

Hon. Michael Ogada: Yes. Buru Buru is not written. So you write Buru Buru, just above mansionette 3 bed-roomed. So, immediately after Buru Buru, that is where we are saying, the 3 bed-roomed mansionette was Ksh20,000 but after consultations we did agree that they charge Ksh17,000. Thank you, Mr. Chairman.

Hon. Pius Otieno: It is from Ksh20,000 to Ksh17,000. I now propose the question that paragraph 5.7 be amended as proposed.

Hon. Peter Imwatok: Mr. Chairman if there is anything I would commend the Chairman of the Budget and Appropriation Committee and the entire committee on, is this part. The Chairman was very much accommodative to the representatives of the respective places and I am very happy that our Members will understand why the Chair had to accommodate all the representatives from the respective areas.

On behalf of Kaloleni and Mbotela area, Mr. Chairman, and Makongeni Ward we appreciate your work and I believe all the Members will not ask us "*Tutahama lini?*" but they will support the cause of the social class people in our communities including Rona in Buru Buru who lives in a mansionette but is still a social class and Mheshimiwa Mbatia. Thank you very much, chairman and for me, I will only demand service from the County Government, in particular the sewer system and the cleanliness of our estates. Next time we will support you in your cause. May you put the question.

Hon. Pius Otieno: I now put the question that paragraph 5.7 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the amendment to paragraph 5.7 and agreed to)

AMENDMENT TO PARAGRAPH 6.0

Interim Clerk: Paragraph 6.0; Public Works and Infrastructure. We are going to go to paragraph 6.1, that is Transportation Unit Services on page 45 of the Bill.

Hon. Pius Otieno: Committee Chairman, Hon. Michael Ogada. (Loud consultations) Order Members! Order! Hon. Sewe, order! When we say, point of order, you freeze. You remain on your feet. Serjeant-At-Arms, make sure nobody leaves the House. Yes, make sure nobody leaves the House.

Hon. Member: Point of order!

Hon. Pius Ogada: Your point of order is rejected. Proceed, Chairman.

Hon. Michael Ogada: Thank you, Chair-

Hon. Pius Otieno: You freeze, Hon. Kagiri! You freeze!

Hon. Michael Ogada: Thank you very much, Chair. I want to urge the House, because we have consulted, I would like to urge the House to adopt the amendments as were proposed by the Committee. Thank you.

Hon. Pius Otieno: I propose the question that paragraph 6.0 be amended as proposed. I now put the question that paragraph 6.0 be amended as proposed. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the amendment to paragraph 6.0 and agreed to)

LONG TITLE

Interim Clerk: Long title

Hon. Pius Otieno: I propose the question that the long title be part of the Bill. I now put the question that the title be part of the Bill. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the long title to be part of the Bill and agreed to)

CLAUSE 1

Interim Clerk: Clause 1

Hon. Pius Otieno: Hon. Kagiri, sit down! Point of order rejected! That point of order is rejected.

Interim Clerk: Clause 1

Hon. Pius Otieno: I propose the question that Clause 1 be part of the Bill. I now put the question that Clause 1 be part of the Bill. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the Clause 1 to be part of the Bill and agreed to)

Hon. Pius Otieno: I now call the Mover.

Hon. Michael Ogada: Thank you very much, Mr. Chairman. I beg to move that the Committee report to the Assembly its considerations in respect to the Nairobi City County Finance Bill 2013 and I do also request that they do report it for approval with the necessary amendments. Thank you.

Hon. Pius Otieno: I will put the question, which is that the the Committee report to the Assembly its considerations of the Nairobi City County Finance Bill (Nairobi City County Assembly Bill No. 2 of 2013 and its approval thereof with amendments. As many of that opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(Question put for the Committee to report to the Assembly the considerations of the Finance Bill 2013 and agreed to)

(The Temporary Chairman left his seat)

(The Deputy Speaker resumed his seat)

IN THE ASSEMBLY

Hon. Pius Otieno: Thank you, Mr. Speaker. Hon. Speaker, I beg to report that the Committee of the Whole House has considered that the Nairobi City County Finance Bill (Nairobi City County assembly Bill No.2 of 2013) and its approval thereof with amendments.

Hon. Michael Ogada: Thank you, Mr. Speaker sir and welcome back, after keeping you out for that long. Mr. Speaker sir, I beg to move that the House do agree with the report of the Committee. Thank you.

Hon. Deputy Speaker: Hon. Members, I do propose the adoption of the report. I do propose the question, which is that the House do agree with the Committee in the said report. I will put the question which is that the House do agree with the Committee in the said report. May as many of that opinion say 'aye' and those of a contrary opinion say 'nay'. The "ayes" have it. The mover.

Hon. Michael Ogada: Thank you very much, Mr. Speaker, once again. I now beg to urge this honourable House to read the--- (Loud consultations as some Members attempt to leave the House)

Hon. Deputy Speaker: Hon. Members, Hon. Margaret Sewe, Hon. Imwatak, please we are at a crucial stage, kindly come back.

Hon. Michael Ogada: Thank you, Mr. Speaker. I beg to move that the Nairobi City County Finance Bill 2013 be now read for the third time. I would like to call Hon. Osman Adow to come and second.

Hon. Deputy Speaker: Okay, Hon. Members, I am very sorry for that, because I did not notice Hon. Adow coming to second. May because, he didn't build the motion--- the Bill. Hon. Members, I now propose the question that the Nairobi City County Finance Bill (Nairobi City County Assembly Bill No.2 of 2013) be now read a third time.

Hon. Michael Ogada: Thank you, Mr. Speaker, once again. As the other Members would like to contribute briefly about the third reading, let me take this early opportunity to really thank the Members of this House. You have been very accommodative, very friendly and very much willing to listen to the views of the Chairman and also of the Committee. Them, who had several issues, although I think we did not get time to thrush them out the way they expected, but we came to an agreement.

We did discuss and we have got a general agreement. What my Committee can now promise is that once the Finance Bill has become law, we are not going to sleep on the job. We are going to make this County move. We are going to make sure that we give the oversight checks and balances that are expected of our Committee together with the other Committees also. We are delighted as a Committee of Budget and Appropriation for the good work you have offered to us.

It was a very serious thing. It is one of the most difficult task I have gone through, particularly in looking at the budget because it was quite controversial; quite controversial. But as you look at us today, you realize that everybody is friendly, because we tried to be as accommodative as possible. Mr. Speaker, I am really happy and I want to thank your office for that great opportunity you gave us and also the Clerk's assistance. Thank you, very much, Hon. Members. Thank you, as you prepare to pass the Bill at the third reading. Thank you very much.

Hon. Deputy Speaker: Hon. Imwatak

Hon. Peter Imwatak: Mr. Speaker--- I am sorry. Thank you for your correction. I come back to give my submissions on the Bill. First and foremost, I would say thank you to the Chairman and the entire Committee on Budget and Appropriation. Being one of those who touched accountancy live, it is a tedious exercise. As you will understand, Mr. Chairman, what you go through is tough, balancing the interested parties, the stakeholders, the County on one hand and the individual interests on the other hand. You have to juggle, like Michuki said, it is like juggling liver, it can either fall or be delivered safely.

Thank you, the Budget and Appropriation Committee for delivering the Finance Bill safely to this House and now as it is; may be to put one or two things, Mr. Chairman, as you have said in your speech,

the most important thing now is to put checks and balances on how this money is going to be utilized in this County. In particular and of concern to me as a Member, is that Nairobi as a County; we have not done, so far, what we call resource mapping. In as much as we have passed this Bill, we can't articulate on our own, say, how many houses do we have in Nairobi? How many land rates are we going to collect?

I think Mr. Chairman the ball will still come back to you and your Committee to make sure we have proper mapping of resources in Nairobi. So that when we talk about projections in the budget, we understand particularly where does it come from? I think Mr. Chairman you will understand that sometimes back there was an advert which---

Hon. Deputy Speaker: Order Member! You should address the Chairman through the Speaker.

Hon. Peter Imwatok: Mr. Speaker, sorry. Mr. Speaker, sometimes back, there was an advert which was put in the papers and people were to tender to do resource mapping for Nairobi. But there are a few individuals in this County, who are not ready to allow the County Government to understand and to know where do we really get our revenue from? I think with the passing of this first County Assembly Finance Bill, we have enough powers as a County Assembly to interrogate those issues of why and how it failed, because in as much as we stand as Members of this County Assembly we do not know exactly where our projections are coming from. So, Mr. Chairman, through your Committee and through the Speaker, I beg to support the passing of this Bill, but other motions will come attaching to it to make sure that we effectively collect Ksh1.6 billion per month in this County. I understand we were late by two months, but it is not yet too late, because the Bill now is the law after passing it. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Margaret Sewe.

Hon. Margaret Sewe (Nominated Member for Makadara): Mr. Speaker sir, I can hear some Members saying that I want to justify why I was leaving but I want to say that I came back to contribute to this Bill. I want to thank the Finance Committee for giving us a hearing and listening to the Members' contributions and concerns. What I want to say is that as Nairobi County Assembly Members we have really to put into consideration the less fortunate members of the society.

What I want also to stress this afternoon is that even as we increase some of these levies, let us streamline them so that we do not have a situation whereby, for instance, when it comes to collecting parking fees, we do not have the attendants negotiating with the customer with regard to payment. This is because we may increase and not realize what we projected due to the motorist continuing with negotiations with parking attendants. I beg to support the Bill.

Hon. Deputy Speaker: Hon. Chege

Hon. James Chege: Thank you, again, Mr. Speaker. I thank the Chairman for seeing this Bill through and the Speaker for bringing Imwatok back. A Member of Imwatok's standing should not be reminded to come back because he should know that this is a very serious issue to run away from. Anyway, having said that, well, I want to commend the Budget Committee for having given us the first Finance Bill. A few of the observations that I would like to make are; this is one of the most rigorous

exercise that this Committee has undertaken. As one Member once said, that there are some Committees that are bigger than others, it is true that some Committees have more weight than others.

Surely, we urge the Chairman, now that he has additional Members to his Committee, to ensure that we do not have quorum hitches in the Budget making process. Mr. Speaker, this Committee has maintained absence from the House. I am sure most of those Members are not here. So, I just want to urge the Chairman to ensure that when the Budget Committee is making its proposals, the Members by the man should be in this House to support. Even if we are going to create the necessary challenges and blockages; his team should be the first ones to support him. It is very important that they should be present because they are there for our sake; for us to present our recommendations to them. So if half or three quarters of them are not here then it shows lack of seriousness and I am saying that with a lot of respect.

Secondly, Mr. Speaker, I want to push that the Committee looks at the County having a budget for building homes in Nairobi, Mr. Speaker. You realize one of the most contentious issue in the budget is housing. You look at the budget that was brought, there was no single amount or cent set aside for building houses in Nairobi. I think they should push the Governor that we should in future either get that done or set aside some money for building houses. Otherwise, with those of us who are always asked "*Tutahama lini?*" we will always remain in that camp.

Thirdly, Mr. Speaker, you will realize that it is the City Inspectorate who are prominently vested in this budget. The Department of City Inspectorate should not have targets as an implementing department but an enforcement unit. So, in as much as we have passed this Bill, I think, we should relook at this in future, because those of us who come from areas with informal settlements, especially the slums, you find that the residents pay their rates but they are still harassed by the City Inspectorate.

So, in future we will look at a way of removing the City Inspectorate from getting targets and also having services. Let them give the cess collectors the necessary backing to collect cess and meet those targets. Finally, there are those that we had already discussed with the Committee and I am sure they have handled them under the Chairmanship of their good Chair. Thank you and I support.

Hon. Deputy Speaker: The final one being, Chief Whip.

Hon. Chief Whip of Majority: Thank you, Mr. Speaker sir. I had the opportunity to sit on this Committee. Secondly Mr. Speaker, this Bill is now a law. It is a law and the fastest the Hon. Governor can ascend to it the better so that we can start our business of collecting revenue for this County. Thirdly, Mr. Speaker, there are several residential welfare groups who used to collect rates on behalf of the defunct City Council of Nairobi. One is in Langata, it is called Lang'ata Welfare Association. Mr. Speaker, we would like to know if they will still continue to collect rates on behalf of this County. Lastly, the Committee on Budget and Appropriation Mr. Speaker, should come up with another Bill to punish rate defaulters, for instance in Karen, people do not pay rates to the County. So, I would like the Chairman and his Committee to come up with another Bill. This County is a rich County and we need money to develop our Wards, Mr. Speaker. Thank you.

Hon. Deputy Speaker: Hon. Members, before I put the question, allow me to complement you for seeing the need to stay behind and make sure that this Bill sees the light of the day. For those Members who had no reason to be in the House and kept away from the House, I must say I am very sorry for them, because this Bill is very vital and especially to the elected Members who gave out pledges. Were it not for you Members, who are seated here now, then we could have been in a very big problem. Thank you, Members and now I have a reason to put the question that the Nairobi City County Finance Bill (Nairobi City County Assembly Bill No.2 of 2013) be read for a third time. Clerk? Okay, confirmed. May as many of the same opinion say 'aye' and those of the contrary opinion say 'nay'. The 'ayes' have it.

(The Nairobi City County Finance Bill 2013 was agreed to at the Third Reading.)

Interim Clerk: The Nairobi City County Finance Bill 2013; an Act of the Nairobi City County Assembly to provide for the various taxes, fees and charges for services and for other revenue raising measures by the County Government and for matters incidental thereto. Third Reading.

Hon. Deputy Speaker: Thank you very much. Members, the House adjourns to tomorrow, Thursday, 29th August 2013 at 2.30pm.

(The House rose at 5.26pm)