



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – First Session

Tuesday, 3rd September, 2013

The House met at 2.30 p.m

(Mr. Speaker in the Chair)

PRAYERS

PAPERS

The following paper was laid on table:

The County Integrated Development Plan 2013/2015

Hon. Member for Imara Daima Ward (Mr. Jairo Atenya Asitiba): Thank you, Mr. Speaker sir, allow me to present the County Integrated Development Plan 2013/2015. I hereby forward the above plan for your action. This plan has been prepared and produced as per the County and Government finance agreement rules and guidelines which compel the County to have the plan by September 1st. I know members are aware of the master plan of Nairobi County, so mine is just to table and the committee will go through the document and after that it will come back to the House for discussions.

Hon. Speaker (Mr. Alex Ole Magelo): Hon. Members, the County Integrated Development Plan has been submitted to you as per the County Government Act and the Public Finance Management Act which compels the County to have the plans by 1st September 2013. And therefore I direct the Sectoral Committee on Physical Planning, Housing and Lands to review the same and report to the Assembly soonest.

NOTICE OF MOTION

MOTION- ON LEGAL DOCUMENTS FOR PROPERTIES

Hon. Member for Lucky Summer Ward (Mr. Kennedy Onduru): Thank you, Mr. Speaker sir. I have a notice of motion: **WHEREAS** most of the plot owners of Nairobi City County do not have the legal documents to their properties, which has largely fuelled the culture of land grabbing and duplication of ownership; further **AWARE** that the department of City County Planning cannot generate adequate revenue through the approval of plans and land rates and that the department of the City County Engineer cannot supervise the construction of properties built on such land thereby leading to collapse of such illegal structures and the consequent loss of lives; **CONCERNED** that City residents who do not have legal titles to their properties cannot access bank loans and other opportunities; this Assembly urges the County Executive Committee to immediately fast track issuance of valid allotment letters, Title Deeds or lease certificates to all the deserving residents of Nairobi City County. I beg to end there, sir.

NOTICE- MOTION ON ESTABLISHMENT OF A COUNTY MEDIA CENTRE

Hon. Member for Laini Saba (Mr. Bonface Kitavi): Thank you Mr. Speaker, I beg to give notice of the following motion; that **WHEREAS** section 95(1) of the County Government Act mandates each County Government to formulate a County communication Framework in order to facilitate public communication and access to information in the form of media with the widest public outreach in the County; **AWARE** that our Standing Orders also provide for the establishment of a County Assembly Broadcasting Unit for purposes of broadcasting the Assembly proceedings; **ACKNOWLEDGING** that public participation which is an essential element of governance as enshrined under article 10 and 17 of the constitution has not been actualized due to lack of a County Communication Framework; **CONCERNED** that to date, no media house covers the proceedings of this Assembly or affairs of the County Executive leading to information "gaps" and distortion of facts; this Assembly urges the County Executive Committee to immediately formulate the County Communication Framework and establish a County media centre/ station.

NOTICE- MOTION ON COUNTY STAFF SALARY ARREARS

Hon. Leader of Minority (Mr. Abdi I. Hassan): Thank you, Mr. Speaker sir. I beg to move a motion under Standing Order number 30, on the issue of importance to the County of Nairobi. I am hereby seeking the leadership of this House to discuss the welfare of the staff of the County in relation to their salary arrears negotiated through the collective bargaining agreement and order by the industrial court, Mr. Speaker sir.

Hon. Speaker: Once again good afternoon Hon. Members. This, as you are aware is a very important issue. I call upon Hon. Members to allow that we debate this after our motion of the Bill, number 8, thank you.

NOTICE- MOTION ON CITY ASKARIS

Hon. Member: Thank you, Mr. Speaker. I beg to give notice of the following motion; **AWARE** that the constitution of Kenya 2010 has granted the citizens of this republic comprehensive rights and fundamental freedoms; further **AWARE** that law enforcement on our streets is conducive to orderly conduct of business in this city; **NOTING** that the enforcing mechanisms and practices of our County askaris is

outdated, out rightly illegal and unconstitutional and not only does it infringe on the rights and fundamental freedoms of our citizens but also exposes the County Government to a marmoth of damages; this Assembly urges the County Executive committee to immediately bring to an end to the brutal practice of askaris and establish a better and more humane mechanism of enforcing County rules and regulations which is compatible with the constitution. Thank you.

STATEMENTS

REQUEST FOR STATEMENTS

REQUEST- STATEMENT ON KSH80 BILLION FROM CHINA

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you, Mr. Speaker sir. I wish to request a statement under Standing Order number 41(2c). I would like to request a statement from the chairman of Budgets and Appropriations Committee;

1. Whether he is aware that from the recent tour of the Governor to china, that he was given Ksh80 billion and above
2. If it is true; what is the exact figure or amount?
3. Was it a loan or grant?
4. If a loan, what was the terms and conditions and
5. When is it expected to be approved by this Assembly as provided for under the new constitution?

Thank you, Mr. Speaker.

REQUEST- STATEMENT ON DEMOLITIONS IN KANGEMI AND MOUNTAIN VIEW

Hon. Member for Kangemi Ward (Mr. Peter Vukindu Isuha): Thank you, Mr. Speaker, I request for a statement under Standing Order number 40. My request goes to the chairperson of Justice and Legal Affairs Committee concerning the demolition of Mountain View and Kangemi market on 30th August 2013, where one person lost his life.

Mr. Speaker, I would like to know from the chairman of Legal Affairs, who instructed the demolition exercise whereby even our Hon. Member here, was even called all sorts of names like 'malaya' concerning the demolition. I also want to know from the chairman whether the Governor was aware about the demolition exercise. Lastly, I would like to know the fate of the people whose properties were destroyed and whether the County has been collecting revenue from the same market.

Mr. Speaker sir, this market has been there for so many years; for about 25 years and the County Government, the Nairobi County has been collecting revenue from this market. Mr. Speaker sir, with due respect, please, I urge the chairman of that committee, since we come from the same constituency, Westlands and he is aware of the demolition, to please handle the matters urgently because the lives of

Hon. Members of Mountain View and Kangemi are in danger because we can't even go to our houses because of this demolition. Thank you, sir.

Hon. Speaker: Actually, Hon. Members, I want to inform the chairperson of Justice and Legal Affairs Committee, that this report should be on the floor of the house latest Wednesday 2.30pm and to add to what the Hon. Member is asking, there was loss of life, we would like to know, this House should be notified of the extreme brutality of the demolishing squad, wherever it came from. Hon. Members, this is a particular matter concerning our elected or nominated Members and it must be taken with a lot of care. Further to that chairperson, I want also, a point inserted in this, that any more demolitions intended to be carried out within the Constituencies, Members must be notified physically of the same. And it will only be prudent for the Members of this House to help the demolition squads in logistics, because if they had notified the Members of that Constituency, they would not have killed an innocent person. So, this report Hon. Members should be here, latest Wednesday, 2.30pm and we also want to know what action the Governor has taken on the errant members.

Hon. Members, I had a meeting yesterday with the Hon. Governor in regard to this and as you wait for the report, you will be shocked of the rot in the Director of Inspectorate's office. I am not saying the Director but the Directorate of Inspectorate, because some of these things I would like to absolve the Governor from them at the earliest opportunity. He was as shocked as most of you are today.

The other point that I want to add on this is that after the report from the chairperson of this committee, I want it to be known that we will take drastic actions to stop such barbaric, outdated and obsolete to say the least, humiliation of the Members of this County Assembly. I will stand with you because I refrain myself from going to that place in Kangemi because I know as the civilized people we are, we are going to follow the law. But I want to say the Members of the County Assembly of Nairobi were on that day humiliated to the core. Thank you.

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Mr. Speaker, first I want to thank you for the bold move and for the position that you have held as far as this issue is concerned. But again rising on a point of order number 80; Mr. Speaker, that one alone is not enough but now that one demolition has taken place under our watch I feel it is an opportunity to the Justice and Legal Affairs committee to come up with what I would call an eviction guideline Bill.

The former Nairobi City Council has been known for abuse of human rights. It is time that the committee on Justice in that report must recommend to this House that as a result of what happened, we must as Members of this County Assembly come up with a Bill that is now going to deter those errant City Inspectorate officers and in fact in that Bill again, they must recommend to the County Assembly of Nairobi that the first thing, that the school of inspectorate should be upgraded so that it can give that education that is proper to the inspectorate because what they are learning is obsolete as far as the current dispensation is concerned. So, in that report, I want two things:

1. I want the report to recommend to this House that we start a process of coming up with a Bill known as Nairobi City County Eviction Guidelines Bill;

2. A motion that is going to recommend that the school of Nairobi City Inspectorate be upgraded so that other Counties can also come and learn from this place and we even introduce the subject called Human Rights to the City Inspectorate of Nairobi.

STATEMENTS ON MACMILLAN LIBRARY

Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you, Mr. Speaker sir. Passing to Standing Order number 41(2c) and on behalf of the Culture and Community Services Committee, I rise to give a statement as to what necessitated the indefinite closure of MacMillan Library. MacMillan library was established under cap. 217 of 1931. The City Council took over the running of the library in 1962 and currently the library is classified as a national monument alongside the National Museum and the National Archives amongst others. However the library does not receive any assistance or grants from the national government. The library has sections on education, culture and sports formally social services and housing departments and it provides library and information services to Nairobi residents and the entire readership across the world. MacMillan library is located along Banda Street next to Jamia Mosque. Its core functions are:

- (a) Facilitate research in every sphere for scholars, general members and reference documents;
- (b) Provide essential information for advancement in community based activities;
- (c) Provide recreational and leisure readings;
- (d) Promotion of reading culture.

Objectives;

- (a) Establishment, maintenance of reference lending and reading room for members of the public both junior and adult readers;
- (b) Establishment of public library services and branches;
- (c) Organization of information for ease of access by readers;
- (d) Cooperation with either libraries for example Kenya National Library Services which is a public library, lap trust and Kenya Library Association;
- (e) Automation of the library services in order to ensure effective services to the users of the library is organized into the following sub sections; circulation, reference, periodicals, serials, children sub section and Africana.

The services provided include the following:

- (a) Issuing and lending of books or documents for home reading for both children and adults;

- (b) Advisory and library services;
- (c) User education;
- (d) Field attachments to students;
- (e) Researcher's services;
- (f) Technical services;
- (g) Referral services;
- (h) Reservation services;
- (i) Inter library cooperation.

Library holdings:

The stock has grown from 1,300 to approximately 400,000 books covering various subjects of knowledge.

Membership:

Any resident within Nairobi County is eligible because the borrowing period is two weeks hence access to information is guaranteed to all. Adults pay an annual subscription fee of Ksh100 while children pay Ksh50. Research is Ksh200 per week to access the periodicals and the Africana section that are accessible despite the ongoing renovations. Film shooting charges are Ksh20,000 for residents and Ksh50,000 for non residents.

Renovations:

The library has been closed roughly for a year now for renovations. The renovation works are being undertaken in-house using the labor and artisans provided by the City engineer. So far quite a lot of work has been done to the extent that the research section and Africana section have been opened and can be accessed through the back entrance. The remaining area that is closed is the reading area.

Challenges:

- (a) Procurement procedures for building materials take long;
- (b) In ability by the City engineer to provide workers as and when required;
- (c) Prioritizing other works like renovation of offices at City Hall;
- (d) Suppliers delaying delivery of procured materials citing delays in payment.

Progress of work so far:

- (a) Painting of walls and doors completed;
- (b) Replacement of leaking roofs completed;
- (c) Replacement of ceiling boards completed;
- (d) Fixing of toilets, doors and tiling of the floor completed;
- (e) Re-wiring and face lift of voltage still pending;
- (f) Tiling of the floor is half way done. This is the reading area and the entrance to the library and this is the main reason the library is closed. However the work is 80% done.

The work is bound to resume on 2nd September 2013 once the 100 bags of adhesive needed and tiles and cement procured is delivered.

The remaining work is projected to be completed during the week of 24th September 2013 and normal services and full operations to the public are expected to commence by 1st October 2013. Mr. Speaker, I beg to table the statement.

Hon. Member for Karura Ward (Mr. Stephen Kamau Thuo): Hon. Member: Thank you, Mr. Speaker. I'd earlier asked for a statement from the Budget and Appropriations Committee and I've not been given feedback. When am I going to get the feedback?

Hon. Member for Embakasi Ward (Mr. Michael Ogada): Mr. Speaker sir, I will be giving them the feedback on Wednesday next week.

Hon. Stephen Thuo: Thank you, Mr. Speaker sir. First I want to thank the chairman of Culture and Social Services and also register with you that I got that report last week on Wednesday as you had indicated and I must say it is a comprehensive statement. But I must say we are looking forward to the 1st of October to see to it that the library is opened.

Mr. Speaker, further to that I had also requested for two other statements and this is the second week. Mr. Speaker, this statements were supposed to be reported to this House last Wednesday and this has not happened Mr. Speaker. I would want your guidance as far as those reports from the chairperson of Transport and also the chairperson of Environment are concerned. Are these people taking the House for granted Mr. Speaker? Fourteen days; fourteen working days, Mr. Speaker, is a long time. I want to believe that you are acting on this.

Hon. Speaker: Thank you very much. Order chairman for Labour! Sit down. Hon. Members, you have heard the Hon. Thuo. He has not been answered and can we know from the Environment and Works why we don't have the statements on the floor? (*Loud consultations*) Order! Order! Order Hon. Members! This is the second time the Hon. Member has come to the defense of the chairman of Environment, could we be told if there is a problem with him answering these questions or whether he has abdicated his responsibilities or he is indeed with us.

This is the second time you've talked and given us the same promise. In as much as you would want to speak on behalf of your able chairman as a speaker, I don't think he is able because he is not answering questions. Could we be told why? Secondly, there was a question to be answered from Works; Hon. Diana Kapeen should be here. Now this is very serious, could I have the Hon. Ken Ng'ondi, Chairman of the Liaison Committee approach the Speaker please.

Hon. Chairman of Chairmen (Mr. Kennedy Ng'ondi): Hello Mr. Speaker, thank you sir. With regard to the chairperson of the committee not being capable of answering questions in the House, I kindly request you, the Hon. Speaker to deal with this issue by tomorrow at 10.00am. Now allow us to do so during the committee meeting which is coming up tomorrow and report to the house on Tuesday afternoon.

Further to that, we want the question asked by Hon. Kamau to be tabled in this House on Thursday 2.30pm and the Chairman of the Committee should take note of that. Before you stand up we have a statement, this was in regard to Hon. Wilson Ochola, chairman of the Labour and Social services Committee. Thank you very much, Mr. Speaker sir.

Hon. Member for Utalii Ward (Mr. Wilson Ochola): I would like to say something as a Minister for Sports; I want to say something which is sensitive Mr. Speaker sir and allow me on this. We as the Labour and sports Ministry, have seen things which are not going right. The Members are not transporting players, they are carrying their women companions and girlfriends! (*Loud consultations*)

Hon. Speaker: Order! order!

Hon. Wilson Ochola: Mr. Speaker, could you allow me to speak?

Hon. Speaker: Order! Go to the statement.

Hon. Wilson Ochola: As a minister of Sports and as a Minister for Labour, you could have let me finish Mr. Speaker, there's a burning issue on sports.

Hon. Leader of Majority: Is the chairman, in order to purport, to be the County Executive for Labour? Is he in order, Mr. Speaker sir? I think he is just a messenger for the County Executive, Mr. Speaker sir.

Hon. Speaker: Order! Point of order from Elizabeth.

Hon. Member for Kayole South (Ms Elizabeth Manyala): Before the Labour, Sports, Welfare and Social Services talks, it is important that he briefs the House on the status of the head count which is long overdue and which was supposed to have been presented last week. Thank you.

Hon. Speaker: Point of order. Order chairman of Labour!

Hon. Member for Dandora III Ward (Mr. Charles Thuo): Thank you, Mr. Speaker sir, I am seeking your direction and I-

Hon. Speaker: Order Member!

Hon. Charles Thuo: Mr. Speaker sir, now that you have raised the issue of the chairman of the committee. The chairman of this particular committee is not responding in time and as you have noticed, you have heard the chairman referring to himself as Minister and he has not been responding to questions on time. The outcome of the head count is long overdue.

Mr. Speaker sir, would it be in order for the Chairman of Chairmen to start disciplinary action on all the chairmen who do not act in time? This is because the questions that are asked in this House by Members are supposed to serve the public of this County. I think time has come that the chairmen of all committees must know that they are answerable to this House and when Members- (*Interruptions*) I am speaking in this House, ask a question!

Hon. Speaker: Point of order Hon. Nyang'wara!

Hon. Member for Viwandani Ward (Mr. Samwel Nyang'wara): Is the Member in order to complain about other chairmen when he is also a chairman? Mr. Speaker, is he himself in order to complain when we know very well, he is in the Liaison Committee with the other chairmen?

Hon. Charles Thuo: Thank you, Mr. Speaker sir. I would like to inform the Members that the Liaison Committee is a mini House of the Members. The duties they perform are duties delegated to them by this House and the able membership of the chairmen. Mr. Speaker sir, what we do in that House is what you as the Chair and the Members of this House have delegated to us to do. So it is in order for me to do the duties that I have done in the Liaison Committee in this Assembly because this Assembly is the mother of all committees including the Liaison Committee. Thank you.

Hon. Speaker: Thank you, Hon. Member. Chairman of Labour, please?

Hon. Wilson Ochola: Thank you, Mr. Speaker sir. I have the following statement to deliver. On 22nd August 2013, pursuant to the Standing Order number 41(2c), Hon. Osman Adow Ibrahim, requested a statement following remarks by the Governor that the 500 ghost workers were recently indicted from the Nairobi City County payroll. The Member requested to know from the chairperson of Labor and Social Welfare the following:

- (1) The actual number of persons who have been withdrawn from the payroll of the Nairobi City County as ghost workers;
- (2) Whether or not the culprits have been prosecuted;
- (3) Whether the money lost so far can be recovered by the County Government and;
- (4) The measures put in place to end the practice now and in future.

Mr. Speaker sir, the committee through a letter drawn to the Interim County Secretary, dated 26th August 2013 requested a statement on the above. The Interim County Secretary in a letter dated 30th August 2013 gave the following response:

- (1) The verification on the actual number of staff in the various stations is still ongoing. The exact number of ghost workers will be established at the end of the verification process. Am I clear?
- (2) That following the head count process, all culprits were identified and they will face disciplinary action instituted according to the collective bargaining agreement.
- (3) We are instituting measures to enhance supervision and to lower the levels of such occurrences and to end this practice. In terms of employees, we will check at sectoral levels where the employees can be physically identified. We therefore request for more time; one month to enable us to provide a comprehensive report which we will draw from a comprehensive report on who have drawn salary from the County and do not actually report on duty, those whom you have called ghost workers. Mr. Speaker sir, on 3rd September 2013, I wish to table the response. Before I say thank you, Mr. Speaker, can I go back to sports again?

Hon. Speaker: Order Hon. Members!

Hon. Wilson Ochola: Mr. Speaker sir-

Hon. Speaker: Order! Order!

Hon. Wilson Ochola: Thank you, Mr. Speaker sir, I will come back.

Hon. Speaker: Hon. Member are you satisfied or? Hon. Adow, do you have any remarks?

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Mr. Speaker, I think it is in order, they requested for one month for the end of the verification exercise, which I think is adequate.

Hon. Speaker: Hon. Nyang'wara

Hon. Samwel Nyang'wara: Mr. Speaker, I want the chairman of the Labour Committee, to come and tell us what he exactly means by one month. From which time to which time do they require so that they can send the report here? One month can be even next year, Mr. Speaker sir. Let him tell us when and from which time to which time.

Hon. Wilson Ochola: Thank you. We are going to respond in two months time.

Hon. Speaker: Order! Order! Can you Hon. Members- may I bring to your attention again the word 'decorum', and I want to add Hon. Members the word 'respect' in this Assembly. Hon. Chairman of Labour, it has come to my attention that you are taking the business of this House very lightly and that is indeed a

very worrying trend if it has to go on. As young as we are, having teething problems does not warrant the kind of shenanigans and side shows that are brought before this House.

I actually guarantee you that I will not tolerate that for now. I want to tell you that the honeymoon has ended and we are in business and Hon. Chairman of Labour, could you use the Parliamentary language that you have been taught and the one that you have been taught by your God. Hon. Chairman, give us the time frame for completion.

Hon. Member: Thank you, Mr. Speaker, I am sorry and I have apologized for that. I would like us to continue still. Yes, I would like to mention the date on which we are going to submit our report, in a month's time. In a month's time, maybe we will be able to respond. On the 14th I think that will be appropriate. Thank you, Mr. Speaker. (*Loud consultations*) I have said 14th of next month.

Hon. Speaker: Hon. Member! Next order Members. Next order please! Hon. Chege you have a burning issue?

Hon. Member for Ngara Ward (Mr. James Chege): I am rising to request a statement from the Committee of Education, regarding bursaries Mr. Speaker.. You have seen the wild cat striking out here, and we would not want the money allocated in the budget for bursary to be probably channeled to pay staff, Mr. Speaker, you will be aware or you must be aware that almost all the schools country wide are opening this week. You also know that by the guidance of the Budget Committee, we did approve the budgets as from end of July and at the beginning of this financial year; we are three months into this financial year. You should also recognize that before the elections were called there were cheques that were written to be issued towards bursaries in the last council and which were stopped when the new administration took over. We don't want that kind of thing happening to us. This is why I am standing here to request a very specific and comprehensive detailed statement on:

1. When is the bursary money going to be available for the Wards?
2. We want to know the amounts of money going to be disbursed per Ward, owing to the fact that a third of the financial year is gone and in the budget that we passed Ksh1, 500, 000 be issued and distributed in three terms. Now that probably one term has already gone, we need to know the specific amount and we need to know when this money is going to be available, and at how much per scholarship a needy person is entitled to. People would want to know.
3. And lastly, for the avoidance of doubt, Mr. Speaker, we would like to know depending on the mandate we have who qualifies for these bursary, is it the people who are in tertiary, secondary or both, so that Mr. Speaker, we are very clear on who can qualify for the bursary.

Mr. Speaker, I would also like to request if you could, to fast track this answer possibly between now and Thursday or latest Tuesday because I will not be around.

Hon. Speaker: Thank you very much, Hon. Chege. Before I call upon Elizabeth on a point of order; the chairperson for Education, you have heard from the Hon. Chege. I am sure that the same question is on the lips of all the Members here. So, we would like to get answers as quickly as possible. A point of order is raised, Hon. Elizabeth please!

Hon. Elizabeth Manyala: Mr. Speaker sir, is the Member in order to pre-empt the debate because what he is requesting is part of motion number 9, which we are going to talk about?

Hon. Speaker: Okay, Hon. Members, I see you have a point but all the same, he was adding charcoal to a burning fire. I missed the point when we started and this is to welcome back Hassan Abdi back to the Assembly and once again this House is with you in prayer in regard to the loss of your loved one. Thank you.

Hon. Speaker: Next order, please.

Hon. Member: Thank you, Mr. Speaker sir, we have kept quiet yet in the morning, we saw the strike. The chairman of Labour, you have not come up to explain why there is a strike in this County, and you know these are the workers of the County who labour in the raising of revenue. Today we want you to explain why the strike is still on and what you have done to assist our people?

Hon. Speaker: Hold on! Hold on! Excuse me, can the member please- I got distracted, can you please repeat. I am extremely sorry.

Hon. Member: It is a very burning issue. This morning we saw a strike. We have the chairman of Labour in the House and we want to know-

Hon. Speaker: Order! We will discuss that. The reason why I am asking you is because there is already a motion discussing the issue on today's strike. If you are with us, it's easier to second the Hon. Members. I can assure you that I will not hesitate to send you out, if we have to buy discipline. We must abide by the laws. Mr. Clerk, we must help these people of Nairobi, it's time that we had our TV's in this County Assembly so that the people of Nairobi would see for themselves and know what is presented in this County Assembly. Next order please.

Interim Clerk: Order number 8, Committee of the whole Assembly; the Nairobi City County tax waiver Bill number 4 of 2013.

(The Members rise to their feet as the Speaker leaves his seat and the Chairman of Chairmen takes a seat between the two clerks. The mace is lowered to the lower deck)

Hon. Chairman of Chairmen: Order Hon. Members. Hon. Members, we are now in the committee of the whole Assembly and we are considering the Nairobi City County Tax Waiver Administration Bill 2013 and we will start with clause two, Clerk can you call the clause. Hello Members, the Sergeant-At-Arms please can you restrict movement in the House. Hon. Members we are now in the committee of the whole

Assembly and we are considering the Nairobi City County Tax Waiver Bill 2013 and we will start with the Bill at clause 2 can you call the clause 2.

Interim Clerk: Clause 2.

Hon. Chairman of Chairmen: Hon. Members, I propose that clause 2 be part of the Bill. Hon. Members I put that clause 2 be part of the Bill. As many as are of that opinion say 'aye' and may as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 3

Chairman of Chairmen: Hon. Members, I propose that clause 3 be part of the Bill. Hon. Members, I put that clause 3 be part of the Bill. May as many as are of that opinion say 'aye' and may as many of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 4

Chairman of Chairmen: Hon. Members, I propose that clause 4 be part of the Bill. Hon. Members I put that clause 4 be part of the Bill. Are we together Hon. Members? May as many as are of that opinion say 'aye', and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 5

Chairman of Chairmen: Hon. Members, I propose that clause 5 be part of the Bill. Are we together Members? Hon. Members, I put the question that clause 5 be part of the Bill; may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 6

Chairman of Chairmen: Hon. Members, I propose that clause 6 be part of the Bill. Hon. Chege you have an amendment?

Hon. James Chege: Thank you, Mr. Speaker. On clause 6 I wish to request that we have an amendment so that it can read '*where the committee member wants to waive any tax, he or she shall report to the Assembly and publish such intention in the gazette*' and then in the second amendment, Mr. chairman, I also want to insert that after the gazette notice we add '***and in at least one newspaper of national circulation***'.

Mr. Speaker, you will realize the importance of the House being part of the waiver process because once we are able to be in the loop of things, then our oversight of activities becomes easier. I also want to remind you that the famous Goldenberg scam was a tax waiver, so this amendment is very important to ensure that we will not be reacting but we will be proactive in the sense that we have a period in between, a chance before it is finally gazetted, to debate and see the merits of it. Thank you, Mr. Speaker, I beg to move.

Chairman of Chairmen: Thank you, Hon. Members. Just sit. No, no! No! Hon. Members, I now propose the question that clause 6 be amended as proposed. Hon. Members I put the question-

Hon. Samwel Nyang'wara: Mr. Chairman, I just want to thank the Member on the first amendment and on the second amendment. He is seeking for us to approve the words at least one newspaper publication which can be put immediately after the word 'gazette'. Mr. Chairman, the government of Nairobi normally communicates through the gazette which is recommended by the Acts and it is the law. Mr. Speaker, we cannot allow that the newspaper becomes the means of communication from the government to its people. With those few remarks, I oppose.

Chairman of Chairmen: Hon. Kamau

Hon. Stephen Kamau Thuo: Thank you, Mr. Chairman. I rise to support the amendment bearing in mind that it is the only clause that is going to give this House the stamp of authority on its oversight work, but again on the second amendment, I want to maybe through you chair, inform any Hon. Member that he is not deleting the word gazette completely. There are so many members of the society that do not have access to the Kenya gazette, but they can afford to get access to other national newspapers, so we are asking for this information to go across to our citizenry, can he at least put it in one of the national newspapers plus the gazette? Thank you sir, I beg to support.

Chairman of Chairmen: Hon. Maxwell

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Thank you, Mr. Speaker. I beg to oppose the first amendment of inserting the words '**to the Assembly and**' immediately after the expression he or she shall. The reasons why I oppose this is that when the waiver is reported to the Assembly first, the Assembly does not have the powers to know exactly what is happening or what is at the back of the mind of this executive officer. So, when we agree and the Assembly nods to his request, then we will be part and parcel of the wrong doing of the executive.

So, we cannot and will not supervise this executive because whatever mess he does, the Assembly will be part and parcel of that mess. I will support the amendment on publishing in at least one newspaper. This I will support because this one will give us opportunity to get the message, even we Members, let us not cheat ourselves, many times we do not know what the Kenya gazette is saying but after putting this in the national newspapers, we shall be enlightened and we shall enquire and know how it happened. So, please Members I beseech you not to agree to be part and parcel of the wrong doing which the executive might do. Thank you.

Hon. Member: Thank you, Mr. Speaker. Personally I am not going to agree with this or any amendment simply because I believe the County Assembly has three roles; representation, oversight and legislation and playing an oversight role, I believe when you get to insert the word reporting to the Assembly is like we are implementing this, we are not going to be over-sighting it. So, I beg to reject it and disagree with it in totality. Thank you, Mr. Chairman.

Hon. Member for Nyayo Highrise Ward (Mr. Maurice Akuk): Thank you, Mr. Chairman. I stand before you to oppose this amendment with a reason. Hon. Chege is a very good friend of mine and a good debater. I always agree with everything you bring to the floor of the House, but in this particular one, I want you to change your mind and understand what your role is in this particular House. The moment you insert such wordings and you go back to read the whole thing again, you realize that you are actually hanging us. You are hanging us, because you are making us become part of this process. We do not intend to be part of this process. All we intend to do is to oversight after the process has been done. There is a reason for that, the moment we accept and we are involved in the process, tomorrow if the Goldenberg scam that you have given us as an example does occur in this County, it definitely means that all the 127 Members of this House including those who will not be present when that is passed will be involved in that particular scam.

We will not have an opportunity to put checks and balances to this particular executive. As a matter of fact Hon. Chege, I would like to suggest to you that this County has already made a mistake by housing the Governor here. We have housed the Governor here and all the mistakes that are going on are as a result of having him within us. If we don't have him within us, take an example of the national government, where is our President Uhuru's house? Where is President Uhuru's office? Is it connected to the legislative wing of this country? No, why is the legislative wing being given the opportunity to act on its own? So that it can actually offer that oversight role to the national executive wing. Hon. Chege, you are telling us that if we do not include this in the national newspaper, most of our people will not get to know about it. I do not concur. Why do I say that? You have owned land before, (*Loud consultations*) protect me, I have so many minutes left so that I finish-

Chairman of Chairmen: You need to be brief, Hon. Member

Hon. Maurice Akuk: We own land some of us and we know other procedures apart from land. We know procedures of how government actually does put its adverts in the Kenya gazette. Putting it in a newspaper with national circulation, Mr. Chairman, will not augur well with what we intend to do. The reason is it can still be hidden same as the advertisement for the jobs of this County. How many Members were aware? We were not aware, so we will still miss it, let us leave it as per the government directions. Thank you.

Hon. Member for Roysambu Ward (Mr. Peter Warutere): Thank you, Mr. Chair. Allow me to stand here and support the amendments with some very valid reasons. One of the reasons why maybe I would want to support what Hon. Chege has put as an amendment is the very reason why we are here. When we say like we want the executive authority to involve us in this particular issue of giving waivers, as it was rightfully put by Mr. Chege, we must all agree we have a responsibility and this we might go to the long part of history if we start now renege on our responsibilities, two wrongs do not make a right.

Therefore as it is, I see a situation whereby we are going to create a power for one person. What we are saying is let's remove a little bit of these powers, let's share the same powers so that we can do checks and balances. When we talk about oversight, what do we mean? We want to be part of this, why is it like it is becoming an issue when we say give us this small power, let's oversight, let's not give you so

much that you can abuse so that at any given time, we are in tandem with what the executive is doing and I think it is for this very reason that we don't want to create more of Goldenberg.

Let's go into history as checking out and making sure that the issue of Goldenberg will never happen again. We don't want to sit here and say we fear that this situation might come and we might be held to account. That is basically our situation, let's not be part of this, let's be involved in whatever small matter that will be-

Chairman of Chairmen: Order Member! We are in committee of the whole House and you need to check your time.

Hon. Maurice Akuk: I think it's for these two reasons, we pray that we agree to amend as Chege has said and again it will not do any harm when we have a wider section. Thank you.

Hon. Elizabeth Manyala: Mr. Chair, I do not support the amendment, going by the doctrines of powers, checks and balances. Our role actually is oversight and if we are part of this and going by what Hon. Akuk said, then we will not be drawing a line, and also, if we advertise in the national circulation newspaper, remember, ignorance is no defense. We are supposed to communicate through the gazette notice, so you are supposed to be proactive enough Hon. Members, to read the gazette. Thank you very much.

Chairman of Chairmen: Hon. Ogada, the last one

Hon. Michael Ogada: Thank you very much, chairman sir. I stand here maybe to give part of my contribution not as the chair of Budget and Appropriations but as a Member of this House, because maybe in clause 2, I will agree with the amendment because it doesn't have an adverse effect but in part 1, I am opposed to it, the reason being the Hon. Member who has just spoken has talked about the separation of power which I think is anchored in the Constitution and whatever law we try to make, anything that is inconsistent with the Constitution is null and void. Therefore if we don't separate powers, the law we are going to make is going to be inconsistent with the Constitution and it will be null and void. One thing we need to realize when we are talking about waiver is that waiver is very broad.

People look at it as waiver on land rates, waiver can even be on the house of an old woman who has passed on and the council wanted to take over the house, so when you say that even for you to assist an old woman or the executive to assist an old woman who is suffering in a house which is rented by her from the County Government they have to come and report here, give us all the day, it is as if we are going to supervise the executive from doing their work. So, Hon. Members, I thought the work of the Public Investment Committee and Public Account Committee is to audit and they have also talked about keeping proper records, these are the things which the House is going to be, whatever the executive member is going to keep, the PAC account is going to audit and they can always report that to the House.

But Members if we do start supervision until now whenever a dead body is going to be given a waiver in the hospital it must be reported here then it might be a bit cumbersome and it's going to be very tiresome. So, Hon. Members, I agree with the amendment number two but not number one. I would

beseech the Hon. Members, please let us not tie ourselves up. Let us respect the separation of power in the Constitution. Thank you.

Hon. Member: Thank you, Mr. Chairman, for giving me this opportunity. I rise to oppose this amendment and the reasons as to why I am opposing this amendment is I don't understand the intentions and motives behind these amendments. This is a situation whereby we are sneaking something through, the back door. This amendment shows that we have some mistrust when it comes to the County Executive, the County Government. Mr. Chairman, the government of the Nairobi City County also has its secrets and we as Hon. Members are entitled to the gazette notice. Mr. Speaker, let us not run this government like the defunct Nairobi City Council. Because that is where we are going back to, Mr. Chairman. I think if we amend these things like the one on publishing in at least one newspaper, I will support that. I think we should protect our government, it has its own secrets Mr. Chairman and thereby I want to know or to understand the motives behind these amendments which have been brought to this House. Thank you, Mr. Chair.

Chairman of Chairmen: The last one, Hon. Njoroge

Hon. Member for Woodley Ward (Mr. Njoroge Kairu): Thank you very much, Mr. Chair. I want to second the amendment but only on roman (ii) Mr. Chairman, and the reason I am saying that is that we need to agree on the separation of power. So, if we ideally say that it must be reported to the Assembly we are going to be part of that doing, Mr. Chairman. But again, the concern of the Hon. Member, Mr. Mwaura, is that we can say that this amendment roman (ii) be reported in a newspaper and then it is hidden inside the newspaper where people cannot see. So, the concern of the Member is that if this amendment is published then let it be reported in the front page of the newspaper so that everyone can see and read. Thank you.

Chairman of Chairmen: Hon. Member, may the mover reply.

Hon. James Chege: Mr. Chairman, English is a very good language and its quite simple. What we are saying and I don't know I've heard people saying there are sinister motives. Mr. Chairman we can read the same thing and I will read it twice, the way it is and the way we want to amend it because what we are saying is that the first stanza where the committee member intends to waive any tax he or she shall publish. Shall publish which means it will be open any way, such intentions in the gazette in not less than 14 days before the intended date

Mr. Chairman, what we are saying in this amendment is that the committee member intends to waive any tax he or she shall report to the Assembly and publish such intentions in the gazette and the newspaper, in at least one newspaper of national circulation not less than 14 days before the intention. Mr. Chairman, we are not refusing that the Minister will have power to waive, all we are saying is that as the waiver is being given in the newspapers and the Kenya gazette which my Hon. Friend, I am so sure has ever read, the same reporting should be said here in the House so that the Members understand.

I am a Member who reads newspapers and I can assure you I never saw when the committee advertised the work for the County Assembly staff in the papers. We never saw, so in the event that you don't see, if you are in the Assembly, you will hear it. It will not be subject to debate, it will be just in passing that we will be told. The same information that is going to be published, the same information that is going to be in the paper is the same information that will be read for people to hear. Mr. Chairman, I ask that when you put the question, you listen well and here it very clearly. Thank you, Mr. Chairman.

Chairman of Chairmen: Thank you, Hon. Members, let's limit our movements in the House. Hon. Members in clause 6, you will allow me to put the question in 2 phases that is 1 and 2 so Hon. Members, I now put the question that clause 6 in 1 be amended as proposed, may as many as are of that opinion say 'aye' and may as many as are of the contrary opinion say 'nay', let me repeat (*laughs*) I am calling on roman 1 amendments on clause 6 Hon. Members, I have now put the question that by inserting the words report to the Assembly and immediately after the expression he or she shall, may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'.

Okay, Hon. Members, I am advised by the Clerk that the law requires that I make a decision then when the Speaker or Chairperson cannot make the decision based on the sound, then we call for the division. So we go for the division. Okay Clerk, Hon. Members this is very sensitive, sergeant ring the bell. Sergeants-At-Arms please, order! order! Members, Sergeant-At-Arms call in the Members. Can you close the door please? Can we get the two tellers? Okay Members get seated.

Members tell us the 'ayes' from the 'nays', and Members get seated! We are calling out the names.

Interim Clerk: Alvin Olando Palapala. Okay Alvin Olando Palapala, Abdullahi Hassan

Chairman of Chairmen: Hon. Members, can you sit down! Sergeant-At-Arms can you close that door? Alvin Olando Palapala you need to tell us are you for the 'ayes' or 'nays.' Tellers can you come here, you are for? Nays? Sit, Hon. Members you have three options, when your name is called you either support the Bill by way of saying I vote yes or I vote no or I abstain.

(The Clerk calls out the names as each called Member declares his/her vote)

Chairman of Chairmen: Members don't bring 'mambo ya mchezo'

(The voting proceeds and a number of Members stand to move about the Assembly)

Chairman of Chairmen: Members can we sit down? We are in the Assembly, please Members get seated. Mheshimiwa Jeffer, sit down. Silence please! We want to receive the results. Can we receive the result and (*Addressing the tellers*) can you hold the paper the two of you?

Hon. Members, allow me to announce the results. I now repeat the question that by inserting the words report to the Assembly and immediately after the expression he or she shall, now I put the question may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. Then we

got the results: The ayes at 34 and the 'nays' at 34, which means we tie and now the motion is lost. Thank you.

I now proceed with the amendments roman (ii) b. Open the door. Hon. Members I now put the question that there will be amendments in roman (ii) b may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Hon. Member's clause 7 will be read.

I propose that clause 7 be part of the Bill. I now put the question that clause 7 be part of the Bill, may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 8, 9 and 10

Chairman of Chairmen: Hon. Members, I propose that clause 8,9 and 10 be part of the Bill. Hon. Members I put the question that clause 8, 9 and 10 be part of the Bill, may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Title

Chairman of Chairmen: Hon. Members I now propose that the title be part of the Bill. Hon. Members allow me to put the question that the title be part of the Bill; may as many as are of that opinion say 'aye' as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

Interim Clerk: Clause 1

Chairman of Chairmen: Hon. Members, I propose that clause 1 be part of the Bill. Debate? No debate. Hon. Members, I put the question that clause 1 be part of the Bill; may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it. I now call upon the mover of the motion to reply.

Hon. Michael Ogada: Thank you, chairman sir. I beg to move that the committee do report to the Assembly and consider the Nairobi City County Tax Waiver Administration Bill number 4 of 2013 and approve it with amendment thereof if any. Thank you.

Chairman of Chairmen: Hon. Members, I repeat the question that the committee do report to the Assembly its consideration of the Nairobi City County Tax Waiver Administration Bill number 4 of 2013 and now without amendments may as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

(The Speaker returns to his seat, the mace is returned to the upper deck and the Chairman of Chairman vacates his position in between the two Clerks, as the Members rise to their feet)

Mr. Speaker sir, I beg to report that the committee of the whole Assembly has considered the Nairobi City County Tax Waiver Administration Bill number 4 of 2013 and approved the same without amendments. Thank you, Mr. Speaker, may the mover come forward.

Hon. Michael Ogada: Thank you, Mr. Speaker sir. I ask this House to adopt the Committee report without amendments. Thank you.

Hon. Speaker: Hon. Members I propose the question that the Assembly does agree with the committee in the said report. I put the question which is that the House does agree with the committee in the said report. Hon. Members, it seems my documents have been mixed up here. May as many as are of that opinion say 'aye' and as many of the contrary opinion say 'nay'. The 'ayes' have it.

Now I call upon the mover to move the motion.

Hon. Michael Ogada: I beg to move that the Nairobi City County Tax Waivers Administration Bill number 4 of 2013 be now read for the third time. Thank you.

Hon. Speaker: Hon. Members, I will propose the question, which is that the Nairobi City County Tax Waivers Administration Bill number 4 of 2013 be now read for the third time. Hon. Members.

Hon. Chairman of Chairmen: Hon. Speaker I support the motion that the Bill be read for the third time. It is necessary that we pass this Bill in good time so that we can give power to the Executive to implement the requests that are coming from the Assembly. Thank you, Mr. Speaker.

Hon. Members I will now put the question which is that the Nairobi City County Tax Waivers Administration Bill number 4 of 2013 be now read for the third time and as many as are of that opinion say 'aye' and as many as are of the contrary opinion say 'nay'. The 'ayes' have it.

(Bill on Tax Waivers was passed)

Next order

(Loud consultations)

Order Members! Order please! Hon. Members notice of motion from the Hon. Minority Leader, Abdi Hassan

MOTION: ADJOURNMENT ON AN URGENT MATTER OF COUNTY IMPORTANCE

(COLLECTIVE BARGAINING AGREEMENT FOR COUNTY EMPLOYEES' SALARIES)

Hon. Leader of Minority: Thank you, Mr. Speaker for giving me this opportunity to move this motion, pursuant to standing order number 30 on an issue of importance to this County. *(Loud consultations)*

Hon. Speaker: Members, please consult in low tones.

Hon. Leader of Minority: Mr. Speaker sir, as you know today there was a strike of the staff of this County. The staff assembled at 8.00 am at the County Assembly and started agitating for their salaries as they had been agreed upon through the collective bargaining agreement and which the industrial court ordered they should be given. Mr. Speaker sir, as we are speaking now, Nairobians are not getting services because workers have downed their tools, and as we are aware the workers have exercised their constitutional right to picket.

When they did so, it is very unfortunate to say that the County Government ordered them to be teargassed which is against their human rights. Mr. Speaker sir, teargassing people who are agitating for their rights as guaranteed under the Constitution of Kenya is not right and I think it is illegal to do so. We are urging the County Government to be sensitive to the workers' issues. As you are aware the cost of living has sky-rocketed and you know the issue of salaries; even the Members of this County Assembly are agitating for the same because the living standards of this City have sky-rocketed and with the meager salaries which these people are getting they cannot sustain themselves. With those few remarks Mr. Speaker sir, I beg my brother, Mr. Nyang'wara to second the motion. Thank you.

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker sir. I stand before you to second this very important motion, because the issues at hand are really wanting and this particular Assembly is supposed to take care of its people in Nairobi because we represent the same people who went on strike. As my good friend the Minority-

Hon. Speaker: There is a point of order from Hon. Masiga

Hon. Member for Eastleigh South Ward (Mr. Nelson Masiga): Thank you, Mr. Speaker sir. I am standing on a point of order number 30. I believe the Minority Leader is misleading the House simply because the workers are striking because of an increment not salary, so he must abstain from referring to salary and increment of salary at the same time. Thank you, Mr. Speaker.

Hon. Speaker: Order Member can-

Hon. Leader of Minority: I think the Hon. Member did not hear me well, I said even this honorable House is agitating for an increment of salaries, that is what the staff are also doing, Mr. Speaker sir. The Member should learn to listen when Members are speaking.

Hon. Samwel Nyang'wara: Thank you, Mr. Speaker. I would like the Hon. Member to support this motion because the issues we are talking about, leave alone the salaries and the increment, the welfare of the people of Nairobi and at the same time the welfare of the staff of the County is of paramount importance and we must expound on all those issues, Mr. Speaker. It is not only salaries, the Hon. Member here, at the same time was accosted by the police who were throwing teargas canisters and it was quite unfortunate that this happened unexpectedly, Mr. Speaker. We saw the police officers running towards this Assembly and throwing the canisters. Some Members were also caught up in the fracas. I would like to go into details about this issue, Mr. Speaker, so that we can actually check and balance the issue. With those few remarks, I beg to second this motion, Mr. Speaker.

Hon. Speaker: Hon. Elizabeth

Hon. Elizabeth Manyala: Thank you, Mr. Speaker sir. I beg to add my voice on the motion and mine, Mr. Speaker sir, through you, is a challenge to the Minority Leader, because I didn't expect him to bring that motion. The reasons being, they know the hierarchy when it comes to the legislature whereby the Speaker is our head followed by the Leader of Majority and I think the Minority is also there. So, when there is a crisis, it is upon these Members to come and ask or demand from the government which is the executive to tell us why the workers have not been paid and the person who is supposed to give us that answer is either the Minority Leader or the Majority Leader. When he comes to this House and starts bringing such questions here, then Mr. Speaker sir, I think it is becoming irrelevant.

Hon. Speaker: Point of order

Hon. Leader of Minority: Mr. Speaker sir, is the Hon. Member in order to mislead this House that the Minority Leader, the Speaker and the Majority Leader are part of the executive? We are not part of the executive, Mr. Speaker sir. Our forum is the Assembly and I think I did right to bring this motion to this House, Mr. Speaker sir.

Hon. Speaker: Hon. Chairman of Appropriation

Hon. Michael Ogada: Mr. Speaker, he did not hear me right when I was talking of hierarchy because when you take for example Parliament, when Members raise issues it is Adan Duale who supports the actions of the government and when the Majority Leader is not there, you are all aware that the Minority Leader steps in for the Majority Leader (*Jeers from other members*) therefore he cannot mislead us by saying that he doesn't know what is happening Mr. Speaker. I have a feeling that Members should demand from the Minority Leader to furnish us with the report on why the workers have not been paid, tomorrow. They must tell us why the workers have not been paid.

Hon. Speaker: Order! Members, Hon. Members, I am delighted that this is a lively debate but at the same time a very hurting one; at the same time extremely difficult to the citizens of the County of Nairobi. Yes indeed the leadership of the House includes the Speaker, Hon. Abdi Hassan, Hon. Ken Ng'ondi, Hon. Otieno, Hon. Hashim Kamau and Hon. Mberia. But here now is a burning question, actually the chairman of the Budget and Appropriation Committee has actually answered you, (*Loud consultations*) just hold on, you will respond. He has said, we are supposed to actually tell the Members what just happened, in one way or another- (*Interruption from a Member*) Hon. Member just a minute, I am not misleading the House, I can never mislead the House. But never the less what we are discussing here concerns the people who work in the County Government regardless of our positions, whether you are the Speaker or whoever else.

The chairman and the Leader of Minority are talking the same language and their concern is; why are members or the workers of the County Assembly not paid? That is question number one. Question number 2 is a question with regard to the way the demonstrating workers were dispersed. Now that one Hon. Nyang'wara, I am not aware of; that our Members got into the mix. I am not sure because all that time,

I was in the office, so I never at any time heard a complaint from any Member that he or she was affected by the strike.

Nevertheless, let us take this issue as our own issue. That man or woman that was outside there agitating for his pay does not know the boundaries between the County Representative and the Governor. This is one thing that you must understand and I am sure that you have heard it; they all say 'nyinyi watu wote wa County', they will lump you together but what I want us to come out of here with is a solution or a resolution as to what we should tell the executive because definitely the question is why are they not paid?

That is the biggest question then the other one that will come is the issue of why they were dispersed. But then again, you will come into segments of security of the city, and also the County which is beyond me and you, but first of all let us discuss about why they have not been paid and I would like us not to mix the salary and the collective bargaining agreement. We should not mix the salary and the worker's own agitation, because I think I heard they were asking for or talking about the collective bargaining agreement.

That is the most important thing that we should ask because if I was asked, I would not know unless the question comes from the executive and I think we should do it in a very sober manner, because it affects both sides, this is something to do with the workers of Nairobi County. It has nothing to do with the political divide. I am sure something somewhere is terribly wrong in regard to the finances of the County that is why you see even us Members, you the County Assembly, do not have vehicles and offices. It's a big question that is going on and I don't want to go into details but can we just- Leader of Minority, can we just stick to why their salaries have not been paid? I think that is the direction, Hon. Manyala

Hon. Elizabeth Manyala: I have a point of information; I sit on the Labour and Welfare Committee that touches on the employees that were striking today.

Hon. Speaker: Hon. Member, we are in the House and she is not informing an individual but the House.

Hon. Elizabeth Manyala: I am standing here as a Member of Labour and Social Welfare, whose jurisdiction and mandate includes those striking workers. Now, the brief history of the collective bargaining agreement goes back to 2012 during the tenure of the defunct City Council, when the City Council signed the agreement that they were to give an increment in salaries to the employees, but this did not take place and Hon. Members, Mr. Speaker sir, there was a gap and this gap arose because of- (*Loud consultations*) protect me, Mr. Speaker

Hon. Speaker: Continue.

Hon. Elizabeth Manyala: The gap arose during the election and after election, you are all aware that we came up with the new dispensation under the new Constitution whereby at the County level we have two levels of government; the executive and the legislative. We carried all those debts up to date and actually even as Members of the Labour and Social Welfare Committee, we have met the lower cadre

union; they aired their grievances. We met the management who also informed us that they are aware of this and they are trying as much as possible to solve the problem.

Hon. Speaker: Order! Order Members! I think in view of the strike, the County Secretary has requested Members of the County Assembly to bring two people each, tomorrow morning at Marble Ark Hotel by 6.00a.m tomorrow. You are to bring original Identity Cards plus copies. I've just received a communication from the Hon. Members that the Assembly Business Committee meeting is at the rise of the Assembly, at the committee room. We will continue with the debate tomorrow at 2.30pm.

(The House rose at 4.55pm)