



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 27th November, 2018

The House met at 2.30 p.m.

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

PRAYER

Hon. Acting Speaker: Clerk I am being informed that we are properly constituted, please proceed to Order number 1.

PAPERS

Hon. Acting Speaker: The Deputy Leader of Majority.

Hon. James Kiriba : Mr. Speaker sir, pursuant to section 163 (1) of the Public Finance Management Act 2012, I beg to lay the following paper on the table of the Assembly today Tuesday 27th November 2018, The Nairobi City County Government report on the financial estimates for the financial year quarter ended on November 30th 2018.

Hon. Acting Speaker: Thank you. It will be committed to the House Business committee for onward processing. Next order!

STATEMENTS

Hon. Acting Speaker: Honorable Chair for budget.

REQUEST FOR EXTENSION OF TIME FOR CONSIDERATION AND APPROVAL OF FINANCE BILL 2018

Hon. Robert Mbatia: Thank you Mr. Chair. I rise pursuant to Standing Order 131, 140, 229 and 230 to request for extension of time for the County Assembly to consider and approve the Finance Bill 2018.

Mr. Speaker, as you are aware, the provisions of section 133 of the PFM Act 2012 and Standing Order 229 require that the County Assembly considers and approves the Finance Bill not later than 90 days after passing the Appropriations Bill. The Assembly passed the Appropriations Bill on the 27th June 2018 implying that the County Assembly should have passed the Finance Bill not later than 27th of September, 2018.

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However Mr. Speaker sir, due to the technicalities of the Bill, the finalization of the drafting of the Bill took long resulting in the late submission for consideration. The committee in this regard invoked the provisions of section 90 of the PFM Act 2012 and our own Standing Orders and requested for leave of the House for the Assembly to extend the timelines for consideration of the Bill by 2 months effective 27th of September 2018.

This hence implies that the committee should have tabled this report not later than Tuesday 27th November 2018 which is today. Mr. Speaker, the committee wishes to reiterate that Finance Bills are critical documents that provide basis for collection of fees and charges necessary for implementing the budget for any respective financial year. It cannot be said that the decision on the fees and charges imposed on our people is an important matter that requires sobriety at all decision making levels.

Mr. Speaker once again I want to assure members that the delay of the passage of the Finance Bill will not in any way affect the collection of fees and charges as the County would continue to rely on the provisions of the Nairobi City County provision of collection of Revenue Act 2013, which allows the County Government to impose charges in an interim basis pending the approval of the relevant law on the fees and charges.

Mr. Speaker Sir, I beg to request your indulgence that this House approves the Finance Budget and Appropriation Committee tables its report on the Bill on Tuesday 4th December, 2018 for the Second Reading of the same. Thank you, Mr. Speaker.

Hon. Acting Speaker: So, Chairman you are seeking a further extension by one week, if I heard you right? Chair!

Hon. Robert Mbatia: Yes and I actually meant 4th of December, 2018 which is next week.

Hon. Acting Speaker: Fair enough, I think it is reasonable and justifiable considering we were also proposing to have been out this week because of the Blue Economy conference. So extension is approved. The leader of Minority Whip do you have a point of order.

Hon. Peter Imwatak: Where I sit Mr. Speaker, it is a very important seat in the Assembly- on the opposing side of the Government. As at 8.00 a.m. to 12.00 p.m. we were very much prepared to debate on the Finance Bill.

Therefore as the opposition side, our members of our side who are in the Committee of Budget and Appropriation said categorically and advised us that the Finance Bill is coming today.

Hon. Acting Speaker: Order! You are off the record Minority Whip. I know you are the one who nominates Members to Committees and you are also in the House Business Committee. As you are aware last week we missed quorum on Thursday and so the House was not scheduled to be held today, if you look at the Order Paper. It was supposed to be this week on Tuesday if we were going by the 60 days extension we gave them in September.

However, I am also aware because we had an extensive meeting with the Committee and they were ready to move. But then again we also had our own processes in term of the disruption due to the Blue Economy conference and you know what was supposed to happen in this place.

Therefore we give an extension to our serious Committee of this House a further one week, not more than 10 days which makes a lot of sense. So I hope you will be prepared as you are today, for next week on Tuesday.

Hon. Peter Imwatok: Let me acknowledge and thank you and also to put it across that we agree with the one week but we have a final copy of the draft that was supposed to be tabled today and nothing was going to change in that Finance Bill.

As the opposition we are keenly looking at it and why it was changed and we have both a soft and hard copy of the same. So let it go on HANSARD that next time...

Hon. Acting Speaker: You are preempting the debate. Wait on Tuesday and come with all your fire power and execute the debate on the floor but you are out of order. Proceed Clerk. Moses Ogeto you have a statement request?

Hon. Moses Ogeto: Hon. Speaker, I have not signed it [statement] because I was somewhere. So I don't have it, may be next week.

Hon. Acting Speaker: We are going to move the other ones [statements] also to Tuesday. Hon. Mark Mugambi, are you prepared with yours also?

STATEMENT REQUEST ON STRAY DOGS MENACE IN THE COUNTY

Hon. Mark Mugambi: Yes. Thank you Mr. Speaker I am fully prepared. Hon. Speaker, pursuant to Standing Order 42 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Agriculture, Livestock and Fisheries regarding the stray dogs menace in the County. Hon. Speaker, the number of stray dogs roaming in the streets in various neighbourhoods in the County particularly in Umoja I Ward has swollen especially over the past few years thus posing health and security threats to the residents.

Hon. Speaker, it is been noted that some street urchins rear the stray dogs with the sole purpose of using them to terrorize, extort and steal properties from the defenseless residents and passersby. Hon. Speaker in the statement the Chairperson should inquire into and report on:

1. Measures the Agriculture, Livestock and Fisheries department is putting in place to get rid of the County as whole and the Ward particularly of the stray dogs; and
2. Policies the department is instituting to forestall the re-emergence of stray dogs hazard.

Thank you, Mr. Speaker.

Hon. Acting Speaker: Chairman Agriculture? Proceed.

Hon. Joseph Komu: Thank you Hon. Speaker. We request for 10 days to respond.

Hon. Acting Speaker: Hon. Mark Mugambi, the Chairman is requesting for 10 days.

Hon. Mark Mugambi: Thank you Mr. Speaker I agree with the 10 days. Also Mr. Speaker is there something that can be done before they respond to the statement since it is a matter of urgency. He can organize with his department to see whether we can kick start the department since I understand Mr. Speaker, in our hey days when we were young, we used to have the dog unit within the County that used to collect and deal with the stray dogs. You can attest that of late I think the dog unit is no longer functional.

The Chairman with his indulgence he can work a mechanism with the Executive to see what we can be doing before the 10 days because I understand what our residents are facing... for instance in my Ward I have a case whereby the children are---

Hon. Acting Speaker: The Hon. Mark Mugambi, I think your point has been captured---

Hon. Mark Mugambi: Thank you Mr. Speaker.

Hon. Acting Speaker: But I am also aware that within 10 days we will be out for recess. I would like to ask the good Chairman - as they lay ground for how they are going to finish up next week - may he can

call you and co-operate so that the relevant department starts working in that direction so that by the time we get the proper response in February, they can start working on the issues you raised. Chairman Agriculture?

Hon. Joseph Komu: The Hon. Member rest assured that Agriculture Committee will respond appropriately.

Hon. Acting Speaker: Are you comfortable Hon. Mugambi?

Hon. Mark Mugambi: Thank you again Mr. Speaker. With your indulgence, I think it will be in order as I wait for the statement at least the Chairman to look into how he can handle it because you understand that the residents cannot wait till we come back in February after recess for the dogs to be dealt with. So---

Hon. Acting Speaker: I think I have given you good directions because the committees are still going to be in session between now and next week. I think when they are preparing to start working on your question they will take that into consideration and may be the good Chairman can also invite you in one of the sessions so that you can see that the work has continued. Proceed to the next Procedural Motion.

Hon. Peter Imwatok: On statements Speaker it is important if this house and all the committees and chairs take their job seriously. I am happy the deputy Majority Leader is there and in fact this house must recognize one great man Hon. Peter Warutere who got a first class honours which I have not seen the assembly appreciate. We must appreciate our own, who got first class honours despite being MCA in the county assembly of Nairobi. Hon. Warutere congratulations for being one of the sitting MCA with a first class honours.

Speaker I was asking that I sent a statement in this house and it is now two months and the statement was to the Planning committee. I had asked a question on Avic Construction Company on Waiyaki way. Up to date I have not got a response despite the fact that statement requests which were given on that day have got response but this Avic is proving a hot potato for this committee. Can I get my response or if not I expunge it from the assembly.

Hon. Acting Speaker: You are aware that you cannot expunge a statement requested. The Clerk has taken note of your request. We will work on it and by next week you can bring it to the House Business committee as an issue because I know even the chairman of Planning is also in the House Business committee. We will be able to handle it there and hopefully dispense with it before we go for recess. Proceed!

PROCEDURAL MOTION

ALTERATION OF THE ASSEMBLY CALENDAR

Hon. Acting Speaker: The Deputy Majority Leader, Hon. Kiriba.

Hon. James Kariuki: Mr. Speaker sir, THAT, pursuant to the provision of Standing Order 28 (2), this Assembly resolves to alter the County Assembly Calendar and adjourn until Tuesday, 4th December 2018 (Regular Session).

Mr. Speaker you are aware that there is an ongoing international conference in this great city and we wish to allow members to attend and also interact with the visitors around. Hon. Ogeto can you please second the motion.

Hon. Moses Ogeto: Thank you Hon. Speaker, I wish to second the motion for one reason. Since there is a Blue Economy conference it is good that honorable members - and I believe your office has ensured that all of them have got the badges - to attend this very great conference.

Hon Speaker it is also good for us to adjourn so that the members can meet the Mayors, other honorable members from various countries so that they can interact and intermingle and get contacts.

I also wish to second this motion due to the circumstances which the members at times experience so much traffic in the city. If we adjourn this session the members will be able to attend the conference and we will also make friends in the conference so that members can be invited for benchmarking which I hope you, Mr. Speaker, will approve for purposes of education. I beg to second.

(Question proposed)

Hon. Acting Speaker: Hon. Mbugua Kabiro. You had requested?

Hon. Mbugua Kabiro: I have something to say, Mr. Speaker. I oppose the Motion for the very reason that the National Assembly and the Senate have not gone on recess. I don't think *mama mboga* has gone for recess because of the Blue Economy conference. We should be left to sit for the two days and visitors can come to the gallery and see our debating skills. Thank you very much, Mr. Speaker.

Hon. Acting Speaker: I was briefed that the committee sittings are still on. It is just the plenary sessions because of the traffic caused by the exhibition that is happening. Hon. Charles Thuo.

Hon. Charles Thuo: Thank you, Hon. Speaker and the members of staff for working so hard to make my life easier. It is important that we adjourn because some of us are business people and entrepreneurs and what is going on in that conference is of great importance to us. Some Hon. Members in this Assembly also want to learn from us. We want to take them through the steps of doing business and making international networks so that when they leave this House, they can lead a good life. We don't want to see our Hon. Members washing cars for us at the parking. So, it is important for Members to take time to attend that conference and learn how to do business. It is always through doing business that you can create wealth.

Hon. Speaker, before I conclude my remarks, I also wish to congratulate my brother for attaining bachelor's degree. Although he did it at 50 years, I wonder what he was doing in his twenties. It is still a degree anyway and he did it very well and we are proud of him. I hope it is going to improve his accent.

(Laughter)

I also wish to remind the Hon. Peter Imwato, who is the Minority Whip that he must learn that you are no longer his colleague but you are his boss because I have seen it has not sunk to his mind. Hon Chege is no longer the Majority Whip but he is the boss. He needs a proper respect from you, you don't share office anymore *(Laughter)*. Thank you so much, Hon. Speaker.

(Hon. Imwato spoke off the record)

Hon. Acting Speaker: Is there something that was out of order?

Hon. Peter Imwato: *(off the record)* -- the Member to mention my name in good taste. You are aware, Mr. Speaker, that when we elected you as the Speaker of the House, one of the most notorious noisemaker who was not ready to accept you as the Speaker is Hon. Thuo. I am happy today that he has accepted you are the Speaker of Nairobi County Assembly. Congratulations once again, Hon. Speaker. Kamau Thuo, please--

Hon. Acting Speaker: Order! The Hon. Member is Charles Thuo. The mover to reply.

Hon. James Kariuki: Mr. Speaker and the House, once again I must say a big thank you. As I wish you the best in your interaction with our foreign guests--- and Hon. Imwatok, I am sure you have already started making good connections with those beautiful girls you saw from Ethiopia.

(Laughter)

Sorry, Mr. Speaker. I must appreciate you for supporting the Motion, thank you so much. I also wish to thank Hon. Warutere for becoming the newest doctor in town and in Nairobi County, and I hope you are not a doctor of initiatives.

(Question put and agreed to)

MOTION

ADOPTION OF A SITE VISIT REPORT TO EASTLEIGH MARKET, KIAMAIKO AND CITY MARKET

Hon. Acting Speaker: The Vice Chair, Trade?

Hon. Jeremiah Themndu: Thank you Mr. Speaker. I beg to move the following motion:

That, this assembly adopts the report of the sectoral committee on trade, tourism and co-operatives on the site visits to Eastleigh market, Retail market, Kiamaiko (goat) market and City market held between 25th and 28th June 2018, laid on the Table of the Assembly on Tuesday, 13th November 2018.

Hon. Speaker, in accordance with the Third Schedule to the Standing Order---

Hon. Acting Speaker: Order, Vice Chair. We are resuming debate. Your Chairman requested that you make a reply. Why don't we push it to Tuesday when we come back and have everything?

Hon. Jeremiah Themndu: Okay sir.

Hon. Acting Speaker: The motion resumes on Tuesday when we come back. Thank you. The Chairman of Environment is not around. So, we also push it to Tuesday.

ADJOURNMENT

Hon. Acting Speaker: Members, during the two day recess, I hope you have you enjoy to the final day of the Blue Economy conference and learn as much as possible. I will be closing as by the calendar, next week on Thursday. From Tuesday, we finish all the pending business so that we go for the long recess without any pending issues. So, we adjourn until Tuesday 2:30 p.m.

(The House rose 3:35 p.m.)