



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### Second County Assembly – Second Session

Tuesday 2<sup>nd</sup> October, 2018

The House met at 2.30 p.m.

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

#### PRAYERS

**Hon. Acting Speaker:** Thank you. Can the Clerk ascertain that there is enough quorum?

We may proceed with the first order.

#### COMMUNICATION FROM THE CHAIR

##### LACK OF OPERATION OF THE ASSEMBLY CAFETERIA

**Hon. Acting Speaker:** Hon. members I wish to make the following communication; you recall that there has been an issue with our cafeteria and I want to bring to your attention that the Chair is alive to the concerns from the Membership regarding lack of operation of the Assembly cafeteria and subsequent absence of the necessary tea for the committee meetings, the same having been abruptly stopped in the recent past without much explanation.

Hon. Members, the Chair had committed to make a communication on this matter as soon as possible, I now wish to report that the Office of the Speaker has taken up the matter and is working round the clock to ensure that the cafeteria resumes its operations as soon as possible. The welfare of the members is my utmost duty and that to the extent of the County Assembly Service Board to put in place the mechanisms that are necessary for resumption of provision for tea for committee meetings and for membership in general. The Chair will also keep the House apprised on the matters regularly until such a time when the operations will fully resume at the cafeteria. Based on what I have been informed so far, I think it may be like a week or so.

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#### THE RATIONALIZATION AND THE REBALANCING OF COMMITTEES

Further, I wish to make a communication regarding the rationalization and the rebalancing of committees. The Hon. Members the Chair is similarly alive to the simmering disquiet amongst members regarding the membership of various Assembly committees. Indeed members have personally complained and we have taken up the matter and accordingly the Hon. Members, the leadership of the parties has made the assurances to the Chair that the rationalization of the committees will be undertaken forthwith. It is my hope that this rationalization truly aligns the membership of the Assembly committees with the face of the Assembly as represented by the various parties.

#### THE WOMEN CAUCUS

To my third communication, Hon. Members the Women Caucus of the County Assembly is a critical avenue for channeling of matters affecting the womenfolk amongst the Members of the County Assembly. As such you may be aware that the Women Caucus brings together leadership from various facets of our society and is represented by the Honorable women folk who sit in this August House. Hon. Members, I am also in receipt of a request for the Caucus to formally communicate that they shall be having a meeting tomorrow 3<sup>rd</sup> of October, 2018 at 10.00 a.m. at the Assembly Chamber for purposes of dispensing off with the number of urgent pending businesses. I thank you.

Still on the same communication, Members I wish to draw your attention to Standing Order No. 18; the discharge of a member from the Chairperson's Panel. It has come to my attention that we need to have reorganization and I have been informed that the Minority side may want to have reorganization on the same. As the Assembly I have no query but the due process must be followed. The process for such a direction means that the House Business Committee must be involved. Therefore, I commit the issue to the House Business Committee to take up the matter and report within 14 days for this Assembly to make its decision and determination. I thank you.

#### NOTICES OF MOTION

**Hon. Acting Speaker:** Chairman Culture?

**Hon. Abraham Njihia:** Hon. Speaker, I beg to give Notice of the following Motion. That this Assembly adopts the report of the Sectorial Committee of Culture and Community Services on the inspection visit to Tom Mboya fire station to establish the capability of the fire station to put off fire in the County laid in the Assembly on Wednesday 26<sup>th</sup> of September, 2018. Thank you Hon. Speaker.

**Hon. Acting Speaker:** Hon. Members, the Chairman of Culture and Community Services has issued a Notice of Motion regarding the Sectorial Committee of Culture and Community Services. The Assembly Business Committee shall schedule when it shall be debated upon. Next order!

*(Point of Order)*

**Hon. Acting Speaker:** You are on a Point of Order Hon. Osman?

**Hon. Osman Adow:** My point of order Mr. Speaker is number 31, I just wish to remind you that you are in violation of Standing Order No. 31. That says that; the Assembly should be sitting from 2.30 p.m. and we sat today at 3.00 o'clock.

**Hon. Acting Speaker:** Thank you for your direction. I think the Whips from both sides have taken note, the bell was actually ringing from 2.15 p.m. and the procession to this place was ready by 2.30 p.m. So it was a matter of concluding the issue of ensuring the quorum is set. However, I think we shall facilitate the offices of the Whips to ensure that there is enough quorum to set the business rolling.

**Hon. Osman Adow:** I beg to differ with that Mr. Speaker. Most of the people are waiting for you to come in so that they can also come in, if you wait out there then they will also be outside there. So it is better that you come in and then you ring the bell rather than the bell ringing for half an hour and nobody is in the Assembly.

**Hon. Acting Speaker:** I take note and I take the direction from you, I will ensure that the Chair at the Chamber is usually punctual and I hope you will do that for yourselves and ensure that your colleagues also observe time. Is that okay? Thank you.

Proceed. Yes Hon. Karani.

**Hon. Patrick Karani:** Mr Speaker, there is an issue that I have seen as if the House has bypassed. I am aware that last week public members from Utawala brought a public petition in this House and it has not been mentioned here, it has not been relayed or tabled to the relevant committee. I am just concerned whether the House Business Committee has received the Petition or not. Thank you.

**Hon. Acting Speaker:** Hon. Member, was the petition a public or a private one?

**Hon. Patrick Karani:** Sorry Mr. Speaker.

**Hon. Acting Speaker:** I am asking you if the Petition was a public or a private one. Was it your Petition or from the members of Utawala?

**Hon. Patrick Karani:** It was a Public petition from members of Utawala community regarding public utility land that has been grabbed and is in the hand of private developers.

**Hon. Acting Speaker:** When did they table it or when was it presented?

**Hon. Patrick Karani:** I think last week on Monday, Mr. Speaker.

**Hon. Acting Speaker:** Okay. We will just read for the benefit of Members to note that when we get public petitions, the Clerk needs to have satisfied himself that--- let me read for you Article 208 of your Standing Orders. That;

1. *A petition to the County Assembly should be:*
  - (a) *submitted to the Clerk by the petitioner and reported to the County Assembly by the Speaker or;*
  - (b) *Presented by the Member on behalf of the petitioner with the consent of the Speaker.*
2. *Notwithstanding Paragraph (1) (b), a Member shall not be eligible to present a petition on his own behalf.*
3. *The Clerk shall, within 7 days of the date received of the petition, review the petition to ascertain whether it meets the requirements of these Standing Orders and of the law.*
4. *Where the Clerk considers that a petition does not comply with Paragraph (3), the Clerk may give directions as are necessary to ensure that the petition is amended to comply with that paragraph.*

5. *The Clerk shall, if satisfied that the petition meets the requirements of Paragraph (3), forward the petition to the Speaker for tabling to the County Assembly.*

I have consulted the Clerk, they are still reviewing and once they satisfy themselves they will bring it to my office, and I will forward it for tabling. Thank you.

### STATEMENTS

**Hon. Acting Speaker:** The Hon. Chair for Budget? Hon. Anne Thumbi, do you have a statement request?

#### STATEMENT REQUEST REGARDING STREET URCHINS IN THE STREETS OF NAIROBI

**Hon. Anne Thumbi:** Thank you Mr. Speaker. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the Chairpersons of the Sectoral Committees on Justice and Legal Affairs and on Children, Early Childhood Education and Vocational Training regarding the street urchins in the streets of Nairobi.

Hon. Speaker, the number of street children begging and selling sweets and other items in the streets at night and during evening hours is becoming an epidemic that must be arrested before it spirals out of control. Hon. Speaker, the children peddling sweets in the streets are young and vulnerable pedophiles and have been denied their fundamental right to education and this has far reaching effects on the socio-economic fabric of the County and the Country at large. Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- I. Measures put in place by the County Executive to help the children get back to school; and
- II. Measures put in place by the County Executive to ensure that the streets urchins are not exploited by the parents/guardians and pedophiles.

*(Hon. Acting Speaker left the Chair)*

*(Hon. Anthony Kimemia took the Chair as Temporary Deputy Speaker)*

**Hon. Temporary Deputy Speaker:** Chairperson Justice Committee to respond

**Hon. Jayendra Malde:** Thank you Hon. Speaker. Can we have two weeks?

*(Hon. Anne Thumbi was inaudible)*

**Hon. Anne Thumbi:** Hon. Speaker.

**Hon. Jayendra Malde:** Hon. Speaker, we need to investigate and bring a comprehensive report and that is why I am humbly requesting for two weeks.

**Hon. Temporary Deputy Speaker:** Hon. Thumbi, would you consider one and a half?

**Hon. Anne Thumbi:** Yes.

**Hon. Jayendra Malde:** Yes Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Hon. Mwaura Samora

**Hon. Mwaura Samora:** Mr. Speaker sir, I don't have the statement here with me. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Roads, Transport and Public Works regarding the inadequate road construction machinery in the County. Hon. Speaker, there is only one grader serving all the 85 Wards at the moment in the County and more often than not it's broken down or lacking fuel. Hon. Speaker, sometimes, Members have to dig into their pockets to fuel the grader when it comes to their Wards and many at times it is not available when required.

Hon. Speaker, in the statement the Chairperson should inquire into and report on;

1. What measures have been put in place to ensure that more equipment like graders are bought to serve the people of Nairobi?
2. What is the County Executive doing to ensure that the equipment operated in the county is mechanically sound, fueled and available?

Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Chair Transport? Please have some manners.

**Hon. Mark Mugambi:** Mr. Speaker, you have put my---

**Hon. Paul Silaho:** Thank you Mr. Speaker. I think that the graders have been procured and it is corrupt for one to fuel the grader as fuel should be provided for by the Executive. I will provide a full answer in the next two weeks.

**Hon. Temporary Deputy Speaker:** Hon. Mwaura.

**Hon. Mwaura Samora:** Mr. Speaker sir, two weeks is in order. However, I wish to correct the Chairman by saying that it is not corruption to fuel a grader. For example, if the grader was to be in my Ward for three days and lacks fuel yet people are demanding for roads to be made then I do not see any cause of corruption on deciding to fuel the machine.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Mberia

#### STATEMENT REQUEST REGARDING CONSTRUCTION STATUS OF KAREN MARKET

**Hon. David Mberia:** Thank you Mr. Speaker for the opportunity. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Trade, Tourism and Cooperatives regarding the construction status of Karen market in Karen Ward. Hon. Speaker, the said market was burnt down and reconstruction works initiated but two years down the line, nothing much has happened. The project has since stalled at the roofing level. The contractor has never been paid and traders continue being battered by the elements.

Hon. Speaker, in the statement the Chairperson should inquire into and report on:

1. Measures put in place to ensure the project is completed within the current fiscal year; and
2. Measures put in place to ensure the contractor is paid his arrears so that he can retake the site and complete the pending works within this fiscal year.

Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Chairman Trade? Vice Chairperson?

**Hon. Jeremiah Themendu:** Two weeks

**Hon. Temporary Deputy Speaker:** Hon. Mberia

**Hon. David Mberia:** I agree with the Chair because it has now become a norm that statements take two weeks to be responded to. I have another statement Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Carry on

STATEMENT REQUEST REGARDING CURRENT OCCUPATION AND USAGE OF PART OF PUBLIC LAND NEXT TO NAIROBI WEST HOSPITAL

**Hon. David Mberia:** Pursuant to Standing Order number 45 (2c), I wish to request for a statement from the Chairperson of Sectoral Committee on Planning and Housing regarding the current occupation and usage of part of public land next to Nairobi West Hospital in Nairobi West Ward.

Hon. Speaker, the said portion of parcel of land is public land but is currently being used by Nairobi West Hospital, a private business entity, under plan number CPF- AM 346 without indicating the plot number of the property in question, as a construction site without proper approval from the County Government.

Hon. Speaker, in the statement the Chairperson should inquire into ad report on;

1. Who authorized the usage of the land by the said hospital?
2. Nature of construction going on at the said property and the approvals for the ongoing project?
3. Who authorized the development approvals without indicating the LR No. of the said property?
4. How many units were approved for construction on the said property? Thank you Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Chair planning. Vice Chair planning? Any member?

**Hon. Ruth Ndumbi:** We beg to be given two weeks.

**Hon. Temporary Deputy Speaker:** Hon. Mberia.

**Hon. David Mberia:** As I said before, I will not object to the two week limit put. Thank you

**Hon. Temporary Deputy Speaker:** Hon. Imwatok.

**Hon. Peter Imwatok:** Point of Order Speaker. As the only leader in the House, I believe that this two week agenda is becoming ridiculous. What *Mheshimiwa* Mberia is asking is very pertinent to this County. This is a hospital that has grabbed public land and it does not need rocket science. It requires the Chair of planning to ask the Chief Officer of planning to appear before the Committee tomorrow, present approval and therein give a report so that we stop impunity in this County. Some of us have lived in Nairobi west and we know that this is public land. Can we be practical and have this in one week so that justice can be for the people of Nairobi West.

**Hon. Temporary Deputy Speaker:** Do you really want to respond to this and yet your member already agreed to the two weeks?

**Hon. Ruth Ndumbi:** Yes .

**Hon. Temporary Deputy Speaker:** Chairmen take note that what *Mheshimiwa* has said is important. Two weeks is becoming synonymous but now since the Member has agreed to it, then we do not need to respond to that. Okay. Just sit down

**Hon. Ruth Ndumbi:** Yes Mr. Speaker but this is a procedure and I believe that the two weeks are enough. I wish to tell Hon. Imwatok to relax as all will be well. Thank you.

**Hon. Peter Imwatok:** Thank you Member; however, I would appreciate it if you addressed me with all my titles as the leader of opposition, Minority Whip, Hon. Peter Imwatok

*(Laughter)*

**Hon. Temporary Deputy Speaker:** You are welcomed. Hon. Paul Shilaho, you have a statement.

**Hon. Paul Shilaho:** Thank you Mr. Speaker for giving me this opportunity to request for a statement. That pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee of Planning and Housing regarding the ownership status of plot LR no. 336/11 in Baba Dogo Ward.

Hon. Speaker, the controversy surrounding the aforementioned property has led to insecurity in the locality. Different militia groups have been deployed by the parties laying claim on the property and many times they have clashed, leading to the injuries and destruction of property.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

- a) History of ownership of ownership of the property; and
- b) Current state of ownership and documentation of property.

Mr. Speaker, I have another one. Kindly allow me to proceed.

**Hon. Temporary Deputy Speaker:** Is it the same department?

**Hon. Paul Shilaho:** No.

**Hon. Temporary Deputy Speaker:** Then sit down and let them respond first. Hon. Ndumi, Planning?

**Hon. Ruth Ndumi:** Thank you Speaker. I would like to tell the Hon. Member that we will respond within two weeks. In two weeks' time, we will bring the report to the House.

**Hon. Temporary Deputy Speaker:** *Mheshimiwa*. Continue with the other statement if you agree with the two weeks.

**Hon. Paul Shilaho:** Thank you Mr. Speaker. I will agree with the two weeks but, as I stated, we have a problem on the ground. People are fighting and this matter must be tackled with immediately.

**Hon. Temporary Deputy Speaker:** Thank you. Next statement.

**Hon. Paul Shilaho:** Thank you Mr. Speaker. Pursuant to Standing Order no. 45 (2) (C), I wish to request for a statement from the Chairperson of Sectoral Committee on Planning and Housing regarding the ownership status of a plot LR no. 1870/1/112 in Westlands.

Hon. Speaker, it is alleged that the aforementioned property is a surrender to the County Government of Nairobi for development by an expatriate but it has been grabbed by a private developer who is intending to put it under a different use it was not originally meant for.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:

- a) History of ownership of the property and whether indeed it was surrendered to the public; and
- b) Current state of ownership and documentation of the property.

**Hon. Temporary Deputy Speaker:** Planning, again.

**Hon. Ruth Ndumi:** Mr. Speaker, the Hon. Member has two statements and I want to inform the House that we will respond to the two statements within 4 weeks. Thank you

**Hon. Temporary Deputy Speaker:** It can't be 4 weeks. It is within the two weeks. Hon. Ndumbi, it can't be 4 weeks for every statement.

**Hon. Ruth Ndumi:** One will take two weeks and another one, two weeks. So, we will take 4 weeks.

*(Hon. Speaker summons the Clerk)*

*(Clerk approaches the Chair)*

**Hon. Temporary Deputy Speaker:** Madam Ndumi, we believe that the Committee has the capacity to run the two issues concurrently in two weeks. So, I will give you two weeks for the two issues.

**Hon. Ruth Ndumbi:** Thank you Mr. Speaker. I cannot lie to this House. If after two weeks both statements are ready, we will bring.

**Hon. Temporary Deputy Speaker:** Two weeks.

**Hon. Peter Imwatok:** Thank you my MP and Speaker. You know, he is my MP in 2022 with no apologies to make. So, as I have said, I know Hon. Ndumbi and understand that all these statements go to the County Secretary. They are tabled on the same day today, including Mberia's statement which will definitely land at the Clerk's office from here, presented to the County Secretary, who is the CEO of the Executive. Then from there, he marks to the same officer who is supposed to answer Mberia and Shilaho. That is why I say there is an incompetency in the Executive Government side. You cannot portion two weeks for every question because it lands on the same desk.

**Hon. Temporary Deputy Speaker:** I agree with you.

**Hon. Peter Imwatok:** Kindly, Hon. Ndumbi, with all due respect, allow us to answer all these topics within two weeks as agreed so that we know whether our lands are safe, whether buildings are safe, because there is a lot of business in the issue of land and buildings in this County. Remember, in most of the buildings, you will hear "we have stopped that building. We have arrested an Indian. We have arrested so and so. He has brought money". All of a sudden the construction is still going on. So, Mr. Speaker, this is something very serious and planning must be very serious, starting from the Chair.

**Hon. Temporary Deputy Speaker:** Thank you very much. That is very helpful. Hon. Ndumbi.

**Hon. Ruth Ndumbi:** We have to follow the procedure. We have to write a letter to the Chief Officer and it is 7 days. It is good to tell the House the truth.

**Hon. Temporary Deputy Speaker:** Thank you very much. We all agreed on two weeks. You have agreed on two weeks, right?

**Hon. Ruth Ndumbi:** Yes, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you.

**Hon. Ruth Ndumbi:** I am a Christian and I cannot lie to this House. Thank you.

**Hon. Temporary Deputy Speaker:** Thank you. She just declared that she is a Christian and cannot lie. Mwangi Njihia, you have a statement?

**Hon. Abraham Njihia:** Hon. Speaker. Pursuant to Standing Order no. 45 (2) (C), I wish to request for a statement from the Chairperson of Sectoral Committee on Budget and Appropriation regarding the effects of budget deficit on County development.



Hon. Speaker, the County had a budget deficit of 9 billion in the fiscal year 2017/2018 which is a threat to development projects within the County. Hon. Speaker, in the statement, the Chairperson should enquire into and report on:

- a) Measures the County Executive is putting in place to achieve this year's budget target;
- b) What the County Executive has done with the last financial year 2017/2018 payments done outside the budget; and
- c) What are the effects of the budget reduction on development projects in the County?

Thank you Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Njihia. Chairman, Budget?

**Hon. Robert Mbatia:** Thank you Mr. Chair. I commit that we will give the Hon. Member an answer within 12 plenary days.

**Hon. Temporary Deputy Speaker:** Thank you very much, Chairman. Njihia, do you agree on 12 days?

**Hon. Abraham Njihia:** How many days?

**Hon. Temporary Deputy Speaker:** 12 days.

**Hon. Abraham Njihia:** 12 days are okay.

**Hon. Temporary Deputy Speaker:** Thank you. Next order. Hon. Ndumi, do you have a response for issues of urban renewal initiative with you? Acting Chair, do you have a response for the issue of urban renewal for the Acting Speaker.

**Hon. Ruth Ndumbi:** To which Hon. Member?

**Hon. Temporary Deputy Speaker:** The acting Speaker is Hon. Chege Mwaura. You had a response for him.

**Hon. Ruth Ndumi:** I don't have it and I cannot give a response for what I don't know. I would like someone to ask again so that we know what it is.

**Hon. Temporary Deputy Speaker:** Hon. Akama! I can see your hand was raised up, do you have the same issue.

**Hon. Jared Akama:** Not really!

**Hon. Temporary Deputy Speaker:** If not can you sit down, I will follow it up.

**Hon. Jared Akama:** It is just a Point of Information.

**Hon. Temporary Deputy Speaker:** Point of Information, Okay!

**Hon. Jared Akama:** Hon. Speaker, Thank you, very much, there is a concern because we have asked questions on Statements and I can assure you that my Statement it is now eight months old. I am wondering whether I'm supposed to commemorate a year so that I can get it.

There is a Statement that I asked the Budget Committee in regards to revenue streams, I am requesting for your attention because this is very serious.

Hon. Speaker, I just wanted your assurance that the two weeks which is circulating does not translate to one year because I want you to make a commitment especially to the Chairmen of the Committees that when we are asking a question we are not asking for the purpose of decorations but to get a response.

Therefore, I have two Statements and I want you to give guidance on a serious note and at the same time there is a pending statement which the response was not fully given and I am happy that you brought it back to the Chairman of Culture in regards to the issues of fire, there was something that was pending in Westland in regard to the site that was grabbed and there is a building there

**Hon. Temporary Deputy Speaker:** Thank you and the information is noted. While I must say that the Chairman is alive to that issue because I am also a Member here. I want to say that there are many issues that have not been replied to and this two weeks are becoming too much.

Sometimes they are moving as the way Hon. Akama is saying it can move to one year. I remember we had a statement about liquor issues in Harambee Ward and it was to be dealt with by Chairman of Social Services, but up to now it has been almost eight months and it has not yet been responded.

Therefore, I would like to inform all the Chairmen that they should take this matter seriously, because of Hon. Members can now see that there are issues that are coming up on Statements as they are delaying too much.

So, I want to give my word that tomorrow the Chair is going to report on that issue and I want to hear what the Chairmen are going to say about those issues of delay with the Statements. Thank you very much Hon. Hon. Akama for reminding the House about the issue. Hon. Mbatia, my neighbour!

**Hon. Robert Mbatia:** Thank you, Hon. Speaker, on the response from the Budget Committee actually we responded but it was not satisfactory according to him. Therefore, we have been looking for him to come to the Committee so as to point out the issues that he thought were not answered.

So it is eight months since he came to our Committee, we have been looking for him to inform him to come to our Committee.

**Hon. Temporary Deputy Speaker:** Thank you, Chairman, I think it is a problem that all of us have now. I think we should take this House seriously, those who are asking for Statements should not sit back; they should liaise with the Chairmen.

**Hon. Jared Akama:** Hon. Chair whom I respect so much if they can...

**Hon. Temporary Deputy Speaker:** No it is okay address me please I have given you the chance.

**Hon. Jared Akama:** You know it is very wrong for a very senior person whom I respect to make that allegation that he has been looking for me, and yet I am very visible and I do not know how he was looking for me.

I would like Hon. Members to take this matter very seriously and take the issues of this House very seriously.

**Hon. Temporary Deputy Speaker:** I agree on these points and I am also alive to those issues. I sit amongst you and sometimes a Member is looked for and he is nowhere to be found. I also agree.

### PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF NAIROBI CITY COUNTY FINANCE BILL 2018 (BILL NO 6 OF 2018)  
FROM SEVEN TO SIX DAYS

**Hon. Temporary Deputy Speaker:** Majority!

**Hon. Peter Warutere:** Thank you, Speaker, I must say that I am holding a brief for the Majority Leader and for that allow me to move the Procedural Motion number eight which is on a reduction of publication period of Finance Bill, 2018 from 7 to 6 days.

THAT, notwithstanding the provisions of Standing Order No. 127, this Assembly resolves to reduce the publication period of the Nairobi City County Finance Bill, 2018 (Bill No. 6 of 2018) from seven (7) days to six (6) days.

The reason behind this as you are all aware is that the Finance Bill is supposed to come 90 days after the calendar year that starts in June. Therefore, that would take us to September and we have not enacted this Bill and therefore we need about a day to reduce from seven that is mandatory so that we can be within the timelines of the law. This is the reason why we need to basically reduce the seven days to six days.

**Hon. Temporary Deputy Speaker:** Who is seconding you?

**Hon. Peter Warutere:** On the other side I cannot see the Leader of Minority. Can I ask our Minority Whip to second?

**Hon. Peter Imwatok:** I Second!

*(Question proposed)*

**Hon. Moses Ogeto:** Thank you, Hon. Speaker, I want to stand here to oppose this Motion. This publication period for this Finance Bill of No.6 of 2018 is not here. This Bill was supposed to be tabled before this House before 30<sup>th</sup> of last month. Now this Bill which is been purported to be tabled before this House is not here and we have not seen it.

Therefore, Hon Speaker, I want to register by opposing this Bill because it will contravene PFM Act Section 133 and 90 which is guided under the Constitution of Kenya Article 223. So, Hon. Speaker for us to be able to move forward let the House adopt serious Bills which will be tabled within the timelines of the Constitution of the Republic of Kenya.

Hon. Speaker, you saw what happened in Parliament where the Finance Bill was introduced and most Members tried to vote for the reduction of VAT Bill to zero, but what happened is that the computer generated results of 352. Therefore, Hon. Speaker, I am opposing this Motion because it is violation of Section 133 and 90 of the PFM Act. Thank you, Hon. Speaker.

**Hon. Temporary Deputy Speaker:** Anybody else, *Mheshimiwa Mbatia!*

**Hon. Robert Mbatia:** Mr. Speaker I rise to support the Motion that the publication of this Bill be moved from seven to six days and I wish also to make clear that this Bill, as per the procedures of the PFM Act and the Standing Order 230, was brought before this Assembly after the pronouncement by the CEC member of Finance. I do agree partly with Hon. Ogeto in agitating that we don't reduce it. After listening to him he says that this Bill is needed but again he is opposing it!

*(Point of Information)*

I am actually informing him so I would not like him to inform me. Mr. Speaker let me inform him that I would be available for him to inform me after this. We need this Bill as soon as possible. This Bill, for obvious

reasons, there were some technical reasons that made it not to be tabled by 27<sup>th</sup> of September which is a 90 day period after the pronouncement of the passing of the Appropriation Bill. That is why I would implore this House to support this so that we can rush this Bill for publication and we go to the second stage of this Bill which the members can be able to interrogate it, give their input, we go for public participation such that by the end of Third Reading we can have an Act and allow the Executive to collect the fees and charges. Thank you.

**Hon. Temporary Deputy Speaker:** What I have picked from the Chairman of Finance, Budget and Appropriation Committee is that the Bill is available and we are still within the timeframe. Yes Hon. Ogeto?

**Hon. Moses Ogeto:** Hon. Speaker with due respect of this House the Bill itself under the PFM Act Section 133 has been tabled now which is against the Constitution of the Republic of Kenya. We have been supplied a Bill which was published and was supposed to be tabled before this House before 30<sup>th</sup> of September and passed before that day.

**Hon. Robert Mbatia:** The Member already contributed and the procedures of this House indicate that you can only contribute once on a particular...

**Hon. Temporary Deputy Speaker:** I agree, it was a Point of Order.

**Hon. Robert Mbatia:** He was not on a Point of Order, we were very keen on it Mr. Speaker. Still on the same Point of Order, today is the first available day after the 27<sup>th</sup>. Today is the first plenary day after the 27<sup>th</sup>. So when could we have brought this Bill before this House?

**Hon. Temporary Deputy Speaker:** Thank you very much. Mover to reply.

**Hon. Peter Warutere:** Thank you Hon. Members for finding it prudent to support this Bill overwhelmingly. You all know we need to cess and collect taxes as a County for us to move forward this is the right step. Thank you very much.

*(Question put and agreed to)*

#### *First Reading*

THE NAIROBI CITY COUNTY FINANCE BILL 2018, ASSEMBLY BILL NO. 6 OF 2018.

(A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO AMMEND COUNTY LEGISLATION RELATING TO TAXES, FEES AND CHARGES FOR SERVICES AND FOR OTHER REVENUE RAISING MEASURES BY THE COUNTY GOVERNMENT AND MATTERS INCIDENTAL THERETO)

**Hon. Robert Mbatia:** Thank you Mr. Speaker, I thank the Assembly for that and I rise pursuant to provision of 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.

As you are well aware Mr. Speaker the period that lapsed was the 27<sup>th</sup> as we had been debating earlier. Mr. Speaker as you are aware section 133 of the Public Finance Management Act 2012 and Standing Order 229 require that the County Assembly considers and approve the Finance Bill not later than 90 days after passing the Appropriation Bill.

The Assembly passed the Appropriation Bill on 27<sup>th</sup> of June 2018 implying that the County Assembly should have passed the Finance Bill not later than the 27<sup>th</sup> of September 2018. However, Mr. Speaker sir

due to the technicalities of the Bill the finalization of the drafting of the Bill took long resulting in late submission for the consideration. The Committee in this regard wishes to invoke the provision of section 90 of the PFM Act and our own Standing Order to request leave of this House to extend the timeline for consideration of the Bill by not later two months. So, we will report not later than 27<sup>th</sup> of November 2018. The Finance Bills are critical documents that provide for basis of collection of fees and charges necessary for implementing the budget for any respective financial year.

This time we would allow this Assembly to engage the public, the County Executive and other organized groups on the content of the proposed law. I want to assure the Members including *Mheshimiwa Ogeto* that the delayed passage of the Finance Bill would not in any way affect the collection of fees and charges as the County would continue to rely on the provision of the Nairobi City County provisional collection of Revenue Act 2013 which allow the County government to impose charges on an interim basis pending approval of relevant law on the fees and charges.

Mr. Speaker I beg to request your indulgence and that the House approves the two month time extension as requested. I thank you Mr. Speaker.

Hon. Temporary Deputy Speaker: Thank you Chairman. Hon. members I believe it is proper that the House allows the Chairman of the Budget Committee sufficient time to process the Bill. I will allow the Chair the time requested. Thank you.

#### MOTION

ADOPTION OF REPORT OF SECTORAL COMMITTEE ON HEALTH SERVICES ON INSPECTION VISIT TO MAMA LUCY HOSPITAL

**Hon. Temporary Deputy Speaker:** Chairperson, Warutere?

**Hon. Peter Warutere:** Hon Speaker I beg to move that this Assembly adopts the report of the Sectoral Committee on Health services on inspection visit to Mama Lucy hospital on August 2018 laid on the Table of the Assembly on Tuesday 14<sup>th</sup> August 2018.

**Hon. Temporary Deputy Speaker:** Chairman is the report available for the Members?

**Hon. Peter Warutere:** I was shocked as you are. I expected the report to be with everyone.

**Hon. Temporary Deputy Speaker:** How do we proceed from there, Clerk?

Members I will refer this matter to the House Business Committee so that we can have the Chairman prepared. I will give it up to tomorrow. Thank you.

#### ADJOURNMENT

**Hon. Temporary Deputy Speaker:** There being no any other business, the House adjourn to tomorrow 2.30 p.m. The House Business Committee to meet after this. Thank you.

*(The House rose at 3.56 p.m.)*