



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday 4th December, 2018

The House met at 2.30 p.m.

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

PRAYERS

Hon. Acting Speaker: Clerk, are you ready to proceed? We have a quorum. Order Members! Let's proceed. Hon. Kiragu, please assume your seat. Deputy Majority Leader, please take your seat.

PAPERS

Hon. Acting Speaker: Chairman, Budget and Finance?

Hon. Robert Mbatia: Mr. Speaker, pursuant to Standing Order no. 199 (3), I beg to lay the following paper on the Table of the Assembly, today, Tuesday, 4th December 2018: The 9th report of the Select Committee on the Finance, Budget and Appropriation on the irregular transfer of funds meant for education bursary to Maryland University Health Services fund account. Mr. Speaker, I beg to lay.

(The paper was laid on the Table)

Hon. Acting Speaker: Thank you. The next report from the Chairman of Budget and Finance?

Hon. Robert Mbatia: Mr. Speaker, pursuant to Section 133 of the Public Finance Management Act, 2012, and Article 229 of the Standing Order, I beg to lay the following paper on the Table of the Assembly, today 4th of December 2018: The 8th report of the Select Committee on Finance, Budget and Appropriations on the Nairobi City County Finance Bill, 2018. Mr. Speaker, I beg to lay.

(The paper was laid on the Table)

Hon. Acting Speaker: Thank you. The next paper to be laid is from the leader of Minority or a representative. The Chairman or Vice Chair of implementation? Okay, we defer it to tomorrow.

The Hon. Deputy Majority Whip.

Hon. Waithera Chege: Thank you, Mr. Speaker. Pursuant to Article 185 (4) of the Constitution of Kenya, I beg to lay the following paper on the Table of the Assembly, today, Tuesday 4th December 2018; The Nairobi City County Policy on Water and Sanitation. Mr. Speaker, I beg to lay.

Hon. Acting Speaker: The Deputy Majority Whip, you also have another report on behalf of the leader.

Hon. Waithera Chege: Thank you Mr. Speaker, pursuant to Standing Order 191 (6), I beg to lay the following paper on the Table of the Assembly, today today 4th December 2018; The report of the delegation that visited the Borough of Lewisham, United Kingdom as from 6th to 10th August 2018. Mr. Speaker, I beg to lay.

(The paper was laid on the Table)

Hon. Acting Speaker: Thank you. Next order.

NOTICES OF MOTION

Hon. Acting Speaker: Chairman, Budget. Deputy Majority Whip, you know that you also have a notice, right? Okay. The one for implementation will also be deferred to tomorrow.

IRREGULAR TRANSFER OF FUNDS MEANT FOR EDUCATION BURSARY TO MARYLAND UNIVERSITY HEALTH SERVICES FUND ACCOUNT

Hon. Robert Mbatia: Mr. Speaker, I wish to give notice of this Motion: The 9th report of the Select Committee on the Finance, Budget and Appropriations on the irregular transfer of funds meant for education bursary to Maryland University Health Services fund account. Thank you.

Hon. Acting Speaker: So, you have the report of the irregular transfer of funds for education. Minority Whip, you were very passionate when the issue of bursaries showed with other accounts. So, the report is out. I would request that the Table Office circulates it to the Members so that by the time we allocate time for that debate, the members of the public will have a better understanding. Deputy Majority Whip, on behalf of the Majority Leader?

ADOPTION OF THE REPORT ON DELEGATION VISIT TO THE BOROUGH OF LEWISHAM, UNITED KINGDOM

Hon. Waithera Chege: Thank you Mr. Speaker, I beg to give notice of the following Motion: That this Assembly adopts the report of the delegation that visited the Borough of Lewisham, United Kingdom, as from 6th to 10th August 2018.

Hon. Acting Speaker: Thank you. That is the report of one of our delegations that had traveled. The report is out so that members of the 4th estate can understand that every time we go for a trip, there is a report that accompanies it. The Vice Chair of Implementation requested that he be allowed to lay the papers and also put a notice so, I will give him that discretion. Proceed.

PAPER

Hon. Pius Mbono: Thank you Mr. Speaker. Pursuant to Standing Order 191 (6) of the Standing Order, I beg to lay the following paper on the Table of the Assembly, today, Tuesday 4th December 2018: The report of the Select Committee on Implementation on the implementation status of the Assembly resolution by the County Executive.

Hon. Acting Speaker: Lay the paper and then do a notice.

(The paper was laid on the Table)

NOTICE OF MOTION**IMPLEMENTATION STATUS OF THE ASSEMBLY RESOLUTION BY THE COUNTY EXECUTIVE**

Hon. Pius Mbono: Thank you once again. I beg to give notice that this Assembly adopts the report of the Select Committee on Implementation on the implementation status of the Assembly resolution by the County Executive.

Hon. Acting Speaker: Thank you. The House Business will allocate time for the proper debate. Let us proceed to the next order.

STATEMENTS

Hon. Acting Speaker: The Hon. Member for Eastleigh North.

REQUEST TO A STATEMENT REGARDING IMPLEMENTATION STATUS OF ENACTED LAWS IN CULTURE AND COMMUNITY SERVICES DEPARTMENT

Hon. Osman Adow: Thank you, Mr. Speaker. Pursuant to Standing Order No. 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Culture and Community Services regarding the implementation status of enacted laws in this department.

Hon. Acting Speaker: Chairman, what is the problem?

Hon. Osman Adow: I was waiting for your attention. I also have a problem with the statement. It is not what I had requested.

Hon. Acting Speaker: Hon. Osman Adow, we give you up to tomorrow so that you can agree on how you wanted the elements that you feel were not very clear.

Hon. Osman Adow: That is okay.

Hon. Acting Speaker: So, we pull down the statement request until tomorrow.

Hon. Osman Adow: Yes, until tomorrow when it will be redone.

Hon. Acting Speaker: Have you organized with the Table Office for the same?

Hon. Osman Adow: Yes.

Hon. Acting Speaker: Thank you.

(The statement was deferred)

BILLS*First Readings*

THE NAIROBI CITY COUNTY PUBLIC ROAD TRANSPORT AND TRAFFIC MANAGEMENT BILL (NO. 7 OF 2018)

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

THE NAIROBI CITY COUNTY TRADE LICENSING BILL (NO. 8 OF 2018)

Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

THE NAIROBI CITY TOBACCO CONTROL BILL (NO. 9 OF 2018)

Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

Hon. Acting Speaker: The Bills that have been read for the first time be committed to the relevant committees so that they can also give us a report and proceed with it once they are done with the findings. Proceed, Clerk.

Second Reading

THE NAIROBI CITY COUNTY FINANCE BILL (NO. 6 OF 2018)

Hon. Robert Mbatia: Thank you Mr. Speaker. I beg to move the Nairobi City County Finance Bill, 2018, Assembly Bill No. 6 of 2018. I beg to move that it be read a second time. Thank you.

Hon. Acting Speaker: Chairman, Budget, do you have a seconder?

Hon. Robert Mbatia: Thank you Mr. Speaker. This is the first time in the second generation of the County Government the County Assembly has had the opportunity to interrogate and make recommendations on matters related to mobilization of resources to fund the budget. Finance bills are annual legislations that are meant to adjust the various taxes, fees charged by the County Government with an aim of meeting the targets pronounced by the County Executive Committee Member for Finance in June of each year.

Mr. Speaker, the Budget Committee, has used this Finance Bill as a tool to correct the many mistakes that have occurred in the past as far as rising revenues are concerned. It is the unreserved view of the Finance Committee that we must consider the challenges that we have experienced in rolling out this new structure, not as reasons to abandon the journey but as vital lessons on how the trip can be made more exiting.

Mr. Speaker sir, having considered the Finance Bill 2018, which was read for the first time in this Assembly on the 2nd October 2018, the Committee noted a number of material and structural deficiencies that it is purposed to cure through the proposed amendments.

One, the Finance Bills are by their very nature an amendment to legislations meant to effect changes on other laws that are related to taxes, fees and charges. The Commission on Revenue Allocation has continued to remind this Assembly on the need to pass individual laws on various revenue streams as permanent solution to the enforcement and compliance challenges. Through these amendments, the Finance Committee has proposed to anchor the various fees and charges to the specific laws that have so far been enacted by this County Assembly. Going forward, the Committee recommends the Nairobi City Solid Waste Management Act, 2015, the Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014, the Nairobi City County Outdoor Advertising and Signages Control and Regulation Act, the Nairobi City County Betting, Lotteries and Gaming Act, 2014 shall have the various fees and charges related to the respective acts.

Mr. Speaker, the Nairobi City County Revenue Act of 2015 has further been amended to include provisions for enforcement and compliance on revenue payment by various persons expected to enjoy the benefits of the County services.

On the solid waste management, the Committee is aware of the importance of having a clean city but notes that there must be a balance to ensure that youths are not driven to unemployment and criminal activities in this undertaking. It is for this reason that the Finance Committee has proposed that all solid waste collection and transportation charges be scrapped off. Further, to provide clarity on the fees and charges, the Committee has categorized the zones into two categories being CBD and uptown and outside CBD.

Following the consistent clarion call from the members during the public hearing on the Finance Bill, the Finance Committee has proposed reduction of garbage fees for religious bodies by 75%. To support the growth of small scale business in the County, the Committee has proposed that garbage collection charges for small businesses, shoe makers, electronic gadget repair shops, informal dry-cleaners and informal carpenter shops be reduced from between Ksh.500 to Ksh. 200 in all categories.

In the same breath, the Committee has proposed that going forward, tailor shops and saloon shops would pay not more than 100 shillings as garbage collection fees. To increase revenue generation, the Committee has recommended that petrol stations pay Ksh.20,000 as garbage fees while dispensaries are expected to part with Ksh.5000.

Mr. Speaker, during the public participation, the public informed the Finance Committee that any singular charge for garbage collection would be detrimental to parents as such costs would be transferred to them. The public also submitted that any garbage charges on households would not support the many youths who rely on this sector as a source of income. The Committee has hence recommended that garbage charges of all schools as well as households be reduced to zero.

The Committee believes on the important place that churches and religious sectors play towards promoting a just and morally upright society. It is on this basis that the Committee has agreed with the members of the public and reduced charges for church time preaching on lawns at both central park and the city park to zero.

Mr. Speaker, excavators and borehole operators have continued to enjoy the County services without adequately supporting the County in delivery of services. To ensure that they are properly captured, the Committee has proposed to introduce a borehole operation permit of Ksh.100,000 per annum while increasing the charges related to excavation from Ksh.20,000 to Ksh.30,000.

On the transport sector, during this deliberation the Committee was presented with figures on how the collections from parking have remained shy of the projection despite the robust measures that have far been put in place. For example, doubling of parking fees in the year 2014 has not in any way had a significant impact on the revenue out-turn from parking fees. Based on this background, the Committee has proposed to reduce as promised by the Governor the parking fees for all categories of on street and off street parking to Ksh.200. *(Applause)* At the same time, the Committee has made it easier for the County to collect parking fees from country bus by making the charges daily instead of hourly.

Further, Mr. Speaker sir, the Committee is aware that there are a number of enterprises who have been granted single business permits for shops and structured buildings but have gone ahead to engage in the parking business. To ensure that these are captured in our resource framework, the Committee has revised single business permits for malls, complexes and other business running parking bays in the City who have engaged in parking business. Going forward, all businesses including malls operating parkings with capacity of more than 100 vehicles shall pay Ksh. 500,000 annually to the County. In addition, the County wishes to net into the transport network companies like Uber, Taxify, Little Cabs and others by imposing on them an annual single business permit of Ksh.300,000.

Mr. Speaker sir, in the full knowledge that food handlers' certificates are acquired by the common Nairobian, the Committee has proposed costs for acquiring the same and through the Finance Bill, the Committee has reduced the cost of food handlers certificates for those working in bars and restaurants from Ksh.7, 000 to Ksh.1, 000. Those who work in posho mills will now pay Ksh.1,000 instead of Ksh. 3,000 while those handling food in fish joints, chips, eateries, milk shops will now pay Ksh.1,000 instead of Ksh. 2,500.

Mr. Speaker sir, the County has continued to seize property belonging to the poorest of Nairobian and the process of retrieving has sometimes led to heart attacks. To ease the burden and make this second County Government responsive to the aspiration of our people, the Finance Committee has proposed the daily charges for impounded items be reduced by 80%. Going forward, the daily charge for impounded motor vehicle and *tuk tuk* are proposed at Ksh.200 instead of Ksh.2,500 that is never realized.

Lastly, Mr. Speaker, the Committee wishes to ensure that those businesses at the high risk of fire pay the most in terms of fire certificates. In this regard, the Committee has proposed that the cost of the fire certificates for petrol stations be revised from Ksh.17,500 to Ksh.100,000. Petrol tankers from Ksh.10,000 to Ksh.20,000 and a new charge be introduced from plant industries engaging in flammable substances at Ksh.100,000 p.a. The Committee has also heard the cry of the small business operators who have lamented that the Ksh.4,500 charged on them for fire certificates is exorbitant and cannot be sustained. Therefore the Committee has proposed that the cost of fire certificates for small and medium shops be reduced to Ksh.1,000.

Mr. Speaker, by passing this Bill, the County Assembly would have given the common Nairobi residents a deserved Christmas present and a break from the very many tough happenings of the year 2018 that have threatened to scatter our mission of being a city to invest, work and play.

Mr. Speaker, I beg to move and call upon Hon. Emily Oduor to second me. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. Hon. Emily Oduor, proceed.

(Hon. Emily Oduor seconded by bowing)

Hon. Acting Speaker: Thank you.

(Question, that the Bill be read a second time proposed)

Hon. Acting Speaker: Hon. Minority Whip

Hon. Peter Imwatok: Mr. Speaker, allow me to first give my heartfelt congratulations to the Committee on Finance, Budget and Appropriations and more importantly to appreciate the entire Assembly of Nairobi County, more so, your office and that of the Governor of the City Mike Mbuvi Sonko. In history, you must appreciate leadership and respect leadership because it is God's call and he calls us to responsibility. One of the responsibilities that God envisaged to us is to respect leadership but the book of Timothy speaks about correcting leadership with humility. Therefore I want to say a thank you to the Governor of Nairobi for listening to the cry of the people of Nairobi yesterday and now our mothers and those unable to walk can operate freely because transport has resumed to normalcy. That said, I must also appreciate all those who stood to speak for those who cannot because the Bible says that it is better off that we speak for those who cannot speak and also speak to those we differ with so that we can be able to understand one another.

Hon. Speaker, Nairobians are facing a real Assembly that believes in the ideals of the common *mwananchi*. I say that to mean that the Governor of this great City has always been the defender of the less fortunate and I believe that this Bill envisages the spirit of the less fortunate in this society. I remember during the campaigns the Governor promised that the middle class will get good rates for parking in the CBD and the Budget Committee has reaffirmed that by making sure that parking in the CBD is at Ksh. 200 and we are waiting for the Governor to sign this Bill without any question.

Secondly, allow me to appreciate the Finance, Budget and Appropriations Committee for scrapping off all charges proposed to residential houses on waste management. We say thank you for considering the plight of the less fortunate people especially from Makongeni, Mbotela, Kaloleni and the rest of Nairobi. Back in the day I used to sing with the Makongeni choir in Kencom and I am happy that the charges have been reduced and for those who want to get saved know that it is not costly.

Mr. Speaker, allow me to dwell into the transport sector. We have a challenge there and we cannot bury our heads in the sand by saying there is no challenge brought about by the *matatus*. This is a challenge that we need to take on. The County Government under the leadership of the Governor must come up with a traffic regulations Act or a decongestion Act that can deal with these issues so that we don't face what we faced yesterday in our capital City and I believe that the Budget Committee through the Chair Hon. Mbatia know what it is that needs to be done. I have sat in that Committee and I know that it has men and women who are professionals including the Vice Chair who is smart and precise and I wish him the best.

Mr. Speaker let me encourage the whole Assembly by saying that history is written by us and not for us and times such as this the *mwananchi* asks you what we have done for them. Let us talk about those who are supposed to be charged exorbitant monies and thanks to the Budget Chair. Thank you for taking care of a mother and father in Kibra in mathare. I believe that this County has something to give. No one goes for midwifery unless they are poor. Rich men do not go for it. We need to support our own people. I beg the Speaker to give me one minute to wind up.

Hon. Speaker: Proceed

Hon. Peter Imwatok: Thank you. Hon. Members, allow me to say that this is the best Bill we can have for the interests of our common *mwananchi*. I applaud the Governor Mike Mbuvi Sonko that by tomorrow afternoon he will have signed it and the Capital City of Nairobi will have the greatest Finance Bill signed by himself. I beg to support the Bill

(Laughter)

Hon. Acting Speaker: Thank you. Hon. Anthony Kiragu

Hon. Anthony Kiragu: Thank you Hon. Speaker. I beg to support this Finance Bill. It is an understatement to say that it is one of the best when actually it is the best. I believe that the time has come where politicians must live to their campaign promises as the Governor and the Committee on Budget has done. However, I have noted a few new charges that have been introduced. The City has almost 10,000 uber, taxify, little cab cars which have been paying nothing to this County. It is good that the Finance Bill allows us to collect monies from these companies which are hiding among residents and are using our roads, lighting, sewer systems and polluting our air.

Hon. Speaker, for a very long time the Finance Bill has been used by cartels to extort money from Nairobians. I have noted that the towing charges for County breakdowns has been reduced by almost 50% and I believe that it is a good move headed in the right direction so that cartels operating in the transport and parking area will now have no motivation to steal and inflict damages on Nairobians. I am however disturbed that some staff of the County Executive were lobbying for an increase of the parking fees.

Hon. Speaker, we have noted that senior staffs from the parking department have been changed with a lot of concern. These are the same people who failed the last regime and are now in charge of parking which in this age and time they cannot clearly tell you how many parking slots the County has. This has been captured very well by the Chairman for Budget by noting that in 2014 when this Assembly increased the parking fees from Ksh.140 to 300, there has been no notable increase in revenue. Hon. Speaker, I beg to support and believe that we will leave up to the aspirations of Nairobians by passing this Bill. Thank you.

Hon. Acting Speaker: Hon. Mary Arivitz. Order Hon. Mberia, Hon. Arivitz placed the request first. I will give you time

Hon. Mary Arivitz: Thank you Mr. Speaker sir. I am an English teacher and I know that the term Sir is more powerful than Mister in English and that is why you people like Kamuzu Kabanda, the great leader of Malawi was called Sir. Therefore I would like to correct the person who said that when I called you Sir it was wrong. I would like to appreciate the people who have put a lot of effort towards the Finance Bill and also want to seek corrections on a few issues. When Uber, Taxify and little cabs come into the City they made the other taxi cab drivers not to overcharge. Before when one wanted to go to Hurlingham then they would be asked to pay ksh.1000 but now someone can pay up to Ksh.250 and so they have helped make the process competitive. However, I need a clarification of the charge of Ksh. 300,000 on taxify because I believe that it is too expensive. I have friends who operate this business and I am sure that they will not be able to pay monies they owe to companies with this kind of fee and so I wish to know if it is payable by the individual or the company. If it is to be paid by the company then I believe that it is okay but if it is to be paid by the individual then I am sure that it will be too much on them. People operating Ubers and Taxify are not

rich and maybe even pay 9,000 shillings per month for sustenance. So I don't mind them being taxed but I think that Ksh.300,000 is a bit too high.

Secondly, if you compare that fee with that levied in petrol stations of an annual fee of Ksh. 20,000/Ksh.23,000 then it is not wise. People in petrol and oil industry are well endowed and with money and I think that is the area we were supposed to tax a little bit more. Thirdly, just before I was removed from the Transport Committee, we had talks about transport in Nairobi---

Hon. Speaker: Order!

Hon. Mary Ariviza: Yes.

Hon. Acting Speaker: There is a Point of Order from Hon. Mugambi. Let us hear what he has to say.

Hon. Mark Mugambi: Thank you Mr. Speaker. I wish to respond to one Madam Mary Ariviza.

Hon. Acting Speaker: Do not respond to her. What is the issue?

Hon. Mark Mugambi: Okay. I am seconding the same Motion Mr. Speaker.

Hon. Acting Speaker: No! No! You are not in order. Unless.

(Loud consultations)

Hon. Acting Speaker: Did Hon. Ariviza say something that was out of order?

Hon. Mark Mugambi: It is a Point of Information Mr. Speaker.

Hon. Acting Speaker: No! No! No! Hon. Ariviza, do you want to be informed?

Hon. Mary Ariviza: Thank you Mr. Speaker.

Hon. Acting Speaker: Do you wish to be informed by Hon. Mark Mugambi?

Hon. Mary Ariviza: I can let him inform me.

Hon. Acting Speaker: Proceed, Hon. Mugambi .

Hon. Mark Mugambi: Thank you, Madam Ariviza. I wish to inform her that the taxes we have to pay for seasonal tickets for parking within the CBD and the Ubers, 25% of their earning revenue goes to a foreign Country and as our Country, we do not get any revenue from them and other online taxi businesses. This is a very big disadvantage to us as Nairobi County and our Country at large. This is because the condition that we are facing on our roads is mostly caused by the operation of these taxis on a daily basis.

Therefore, Madam Ariviza I think it will be in order to support whatever the Budget Committee came up with because I think they deliberated and dug deep into and as the Vice Chair of Roads, I was thinking of coming up with the same, to introduce a levy for the Uber company to be paying a certain amount of money to us as a County because our roads need maintenance and the air is being polluted by the same vehicles. As much as these Ubers are creating employment, as a County we need to get something little because 25% is too much to send to a foreign Country, *(Applause)* yet as a County, we are getting nothing. Thank you, Mr. Speaker.

Hon. Acting Speaker: Hon. Mary Ariviza, proceed!

Hon. Mary Mwami: Thank you, Hon. Mugambi. What I would like to inform you is that I have some knowledge on how Uber and Taxify operate. The people that own are Kenyans, it is just that they are in the

upper class of Kenyans who have sublet them. In fact, they are the ones who are giving our fellow Kenyans little money which is 15% but they were initially given very good amount from a foreign company.

(Point of Information)

Hon. Acting Speaker: Hon. Ariviza, allow me to cut you short again. Hon. Adow, do you have an Interjection or a Point of Order on what the Member is speaking about?

Hon. Osman Adow: Yes, Hon. Speaker, I want to inform the Member that it is the company and not individual Taxi owners. At the same time, she has not said if she is supporting or opposing the Bill, she should be clear on that.

Hon. Acting Speaker: Hon. Kiragu, do you also have a Point of Order on the same?

Hon. Antony Kiragu: With respect, I think Hon. Adow has captured what I wanted to inform my sister and it is also good to add that Uber has about 7,000 vehicles in this City with a capacity of between one and fifty passengers, which is being charged at Ksh.50,000 so it is close to seven shillings per year a vehicle. Therefore, I believe this is actually not a lot that warrants discussion, it is actually seven shilling per year.

Hon. Acting Speaker: Hon. Ariviza, proceed!

Hon. Mary Mwami: So that clarification is very good, Mr. Speaker and in that way, if it is about seven shillings per vehicle per year then that is doable, but I was thinking if it was to an individual vehicle then it would have been hard on our taxi owners because they need to pay the loans.

I was coming up with the idea of what happened here yesterday, and I think it is something that we had discussed before I was removed from the Transport and Infrastructure Committee. It is a good idea also for us to decongest the City. I walked in the City yesterday and it was good since you could walk with ease without any problem. However, I happen to have gone to Israel recently and they have some trains that get to the City and use the same roads like the ones the vehicles use, it was a good idea but it was just introduced a bit earlier.

We need to organize ourselves so that we can have vehicles that could bring people in the City, we cannot allow to see people walking all the way from Muthuruwa to GPO which is quite a distance. So we need to have vehicles or means of transport that would bring them from one end to another in an expressway where they are not being held up within the CBD. It was a good idea but it was brought in too early. But also I think there was sabotage and if we had held on it, it could have gone through. There were some people that held traffic within CBD and if we should have been able to hold on we would have succeeded, but since it has been called off we need to organize ourselves so that we give our people the right service. Thank you, Mr. Speaker.

Hon. Acting Speaker: Thank you. Hon. Warutere Peter.

Hon. Peter Warutere: Thank you, Hon. Speaker, for allowing me to contribute on this very important Bill. From the onset allow me to rise and applaud the good work that has been done by Mr. Good and his Committee. We are all in concurrence that this indeed is a good Bill. However, allow me also to raise some reservation on this issues that I have found them wanting and particularly on schedule six, I have reservations that I feel---

(Point of Order)

Hon. Acting Speaker: Hon. Minority Whip, what is your Point of Order? Hon. Warutere, have your seat.

Hon. Peter Imwatok: Hon. Speaker, the man that I respect so much with a first class honour, has not been on HANSARD to tell this House whether he is supporting the Bill or not before contributing.

Hon. Acting Speaker: Hon. Warutere, Proceed!

Hon. Peter Warutere: Thank you, Hon. Minority Whip, I have said and I still repeat on what I had read earlier that I rise in support of this Bill with amendments. I need to raise the grey areas which I feel they are wanting. As much as I am in support of this Bill, I feel they are some few grey areas that the Hon. Chairman and his Committee could have improved and could have built consensus for some reasons.

Therefore, looking at schedule six---

Hon. Acting Speaker: Order! Hon. Member, the Clerk is raising my attention because if you mentioned the Chairman Budget as Good, for the HANSARD record it will not be captured. I know that is his nickname. So just correct and proceed.

Hon. Peter Warutere: I want to submit that it was on the light note. I am in support of what Hon. Mbatia and his Committee have done. However, I would want some confusion because looking at the statistics here we have to look at numbers.

I am at schedule six and we are looking at the parking, if it serves him right I think to remind all of you that we have been collecting about Ksh.2 billion every year. When we reduce the parking from Ksh.300 to Ksh.200, we are doing a reduction of about 30%. The 30% of Ksh.2 billion is a cool Ksh.600 million.

I have an issue with the Ksh.600 million because I feel strongly that probably for no reason unless we have mechanisms of recovering the same. We are talking about budget constraints we cannot collect enough and here is a situation whereby this good Committee in their wisdom has snatched a whole Ksh.600 million. I want to be convinced by Hon. Mbatia and his Committee how they are going to recover this.

(Point of Order)

Hon. Acting Speaker: Hon. Kiragu, is it an Information or a Point of Order.

Hon. Antony Kirangu: No, I have no business informing a first class honour graduate, *(Laughter)* but it is an insult to this Assembly and also it is actually a waste of our time for somebody who has been here for two terms and also has listened to the Chairman saying that in 2014, when we increased the parking fee from 140 to 300 shillings there has been no change in income. What has changed is the size of the pocket of people who are in charge of that Department.

What we need to do, Hon. Speaker is to ensure that it is no longer easy or allowed to steal parking fee. Having said that, I have also added that we have seen a resurrection of people who were sacked for stealing in that department. We cannot continue like that and we cannot charge Nairobians for being corrupt and we cannot oil the pockets of these people by charging Nairobians more. Let him not waste our time and let them go directly to the point. The 200 shillings is what the Governor promised the people of Nairobi and here it is because we have an opportunity to pass it. Thank you.

Hon. Acting Speaker: The Hon. Warutere, resume to your contributions.

Hon. Peter Warutere: Hon. Speaker, we could not have shared the same class with Hon. Bishop but one thing that I know for sure is that for a long time I thought he is a man who can measure his words with facts. I did not get first class honours by default (*Laughter*) or neither by design, so I know numbers.

I want him to convince me the class that he went when you reduce a figure from Ksh.300 to Ksh.200 at 30% deduction and what he is saying if there is any relevance. There is no relevance for any reason, let me advance my case with facts. It is a fact that when you reduce parking from a particular unit to the next unit it is a reduction and it is a percentage that you will take away from our revenue streams, that is a fact you cannot take away.

I want to be convinced that we are addressing the right issues. How I wish we address the issue of compliance, efficiency and effectiveness that indeed is where the problem is. The problem is not on the reduction but the issue is on compliance, how I hope these issues will be addressed once then I will be contented.

However, I stand and in support of this Bill but with my reservations, thank you, Mr. Speaker.

Hon. Acting Speaker: Hon. Kennedy Obuya.

Hon. Kennedy Obuya: Hon. Speaker, thank you. I wanted to bring to your attention that you should remind Hon. Members that is a very crucial Bill and day, so Members should not leave the House earlier.

I am standing to support this Bill in totality and I want it to go into the record that Hon. Member representing Imara Daima supported the Bill. I have gone through this Bill and as a representative of small-scale traders I have realized that the shoemakers, their interests are properly catered for. Without wasting time the mover should reply.

Hon. Acting Speaker: Hon. Obuya, you are out of order as you cannot first of all contribute and then you close the gate for others who want to contribute. (*Laughter*) Secondly, I was consulting about your dress code and I am informed that you are inappropriately dressed but I did not want the people of Imara Daima not to have your representational discussion on the debate to proceed, but in future just ensure to follow Speaker's rules.

(Hon. Ndumi walked in)

Order! Hon. Ndumi, go back, the Speaker is on his feet.

So Hon. Members ensure that your dress code is adhered to, otherwise next time I will not be as lenient. Hon. Ndumi, you can proceed to your seat.

Hon. Silas Matara.

Hon. Silas Matara: Thank you, Hon. Speaker, I rise to support this Bill on two aspects. One, everyone in this room is an Hon. Member and they are aware that the world over and Nairobi not being exceptional, that when it comes to payment of taxes or any levies to the Government the tax payers are always lacking an element of goodwill. This is because the countries and counties where revenue collections are made easier, there is an element of goodwill. So let me congratulate the Committee of Budget especially the Chair for the good work they have done because I know by the end of the day, the Bill will cure the element of having goodwill. To address the concern of our able senior Warutere, the issue about the drop from Ksh.300 to Ksh.200 is about creating the goodwill of Nairobians to be able to pay the parking fees.

So what I would like to also urge the Executive, once pass this bill they institute measures to seal the loopholes where we lose this revenue after passing this Bill.

I would also like to congratulate our able Governor, for retracting on the ban of matatu to CBD and going forth, I would like the Transport Committee to introduce measures to address the issues amicably. Thank you, Hon. Speaker.

Hon. Acting Speaker: Hon. David Mberia.

Hon. David Mberia: Thank you, Mr. Speaker, I want also to join my colleagues to congratulate the Chairman of Budget and Appropriation and his Committee for a job well done. I happened to be a Councillor with Hon. Mbatia and we used to pass financial statements then. We also happened to be the first Members of the First Assembly and this is the best Financial Bill we have ever passed as a House. I also hope that the Governor accent the Bill immediately and the implementation of the same to begin immediately. I beg to support the Bill, thank you.

Hon. Acting Speaker: Thank you. Hon. Charles Thuo.

Hon. Charles Thuo: Thank you, Hon. Speaker, I rise to support this Bill. You are aware that I Chair of the Committee on Trade and in this Bill, the County is now able to collect money from casinos and other gaming premises. What I feel we have missed for a long time is the devolved functions and the National Government has been clean to it.

Finally, the Budget Committee through their able Chair have finally given us a chance as a County to collect money because we really need the money and I believe, even when you do an exam and get 90% you are sure you have passed that exam, and this Bill has surpassed 90% mark.

The few issues that Hon. Warutere is raising, it is good there is an opinion and we all have opinions its only that some opinions do not matter. We are with him in this Assembly, and as Hon. Bishop has said when the parking was 140 shillings, we increased parking by almost 100%. There was uproar from Nairobians but there was no change in the amount of money that was being collected, even now that we have reduced the money there will be no change.

The only reason why we want it to remain at Ksh.300 is that they are worried about their cut in the evening. I am very sure Hon. Warutere does not partake that cut because he cannot and he is learned with his first-class honours at 50 years (*Laughter*) I was wondering what he was doing in his 20's. I really don't know if he will join his son in class when he is pursuing his Masters. But then he should perform and he should be up to the task as someone who has first-class honour otherwise he will be insulting that name of first class honours.

Hon. Speaker, we are all in support of the Governor and he is a lucky one because the Assembly supports him. We have never fought the Governor because he has not given us a reason to fight him. It is then wrong for some people who are our colleagues in this Assembly to want to seem like they are the ones who are fighting for the interest of the Governor, which is very wrong. This Assembly is for the Governor and it is for the success of this Government because if the Governor fails we also fail. Therefore, we are part of this Government and we mean well for the Nairobians and we want to pass Bill that will work for the Governor and also work for our people. It is for the people's power that we are seated in these seats.

Therefore I want to warn any member who might want to feel like he is closer to the Governor than the others, that you are pursuing an endless pit that will not get you anywhere, it is like a dream that will never come true and I want to warn you that you should only continue sleeping because you will never realize that dream. We are all supporters of the Governor, and we are doing this on goodwill and we love our Governor. He is trying to work despite the many hardships he is going through.

Hon. Speaker having said so much, I want to support the Bill and congratulate the Hon. Chair of the Budget Committee for doing good work. Thank you.

Hon. Acting Speaker: Thank you. The Hon. Maurice Gari?

Hon. Maurice Gari: Thank you Mr. Speaker sir for giving me this opportunity to support this Bill. Mr. Speaker I am in total support of this Bill, I have gone through the Bill and I have seen the Committee has sat down and done a very wonderful job; I congratulate them for that.

Mr. Speaker, I want to make a reservation on the same Finance Bill, to my able Chairman who was the Chairman then of PAC and we did a wonderful job to Nairobi counter checking the Governor by then. On the next Finance Bill Mr. Speaker, will help even this County to decongest the City if we come up with toll stations on the lorries and trailers which pass through the CBD. The roads should also be classified and I remember when I travelled to Japan in the last Assembly, the city is well managed, the transportation, the lorries come to the city at night. There are no lorries at day time and they do not offload the goods during the day. So Mr. Speaker in the next financial year, when we will be doing these things, we must consider things which will help the Governor to decongest the city, Mr. Speaker.

And again, the reduction of parking, Mr. Speaker I am in support because it will allow those who have kept their vehicles back at home and cannot be able to pay the parking to come to CBD and again we must encourage the Governor so that we can come up with a lot of parking slots like sunken parking. It should be a parking which has lifts and can carry more than 3,000 vehicles. You find here in Africa we don't have earth quakes but we still have one car one park.

If you go in a foreign country Mr. Speaker, you find a storey building which can contain or can carry more than 3,000 vehicles Mr. Speaker. We could not be having this menace of matatus and whatever. Mr. Speaker I beg to support and congratulate my able Chairman for the good job.

Hon. Acting Speaker: The Hon. Millicent Jagero. Hon. Jagero, proceed.

Hon. Millicent Jagero: Thank you Mr. Speaker. I rise to support the Bill more so on the Business Enterprise Fund. You find that the revenues that have been reduced will encourage the entrepreneurial minds and it will bring more people to work because getting a license at a Ksh.1,000/= is not much and this will encourage entrepreneurship. Another thing is, it is a relief to the business people, previously they were paying between 5,000 to 7,000, but now with the 1,000 bob and 2,000, it is a relief to them.

On the parking, I have my reservations because statistics is about numbers and we don't have clear numbers on the number of parking that are being managed by the County government and we need to have them so that we know where the revenue that is being collected and the work they are doing because there is no transparency and accountability in that sector. I rise to support.

Hon. Acting Speaker: The Hon. Cecilia Ayot.

Hon. Cecilia Ayot: Thank you Mr. Speaker for giving me this opportunity to support the Bill and also participate in this very important process for the great County Assembly of Nairobi. I want to begin by saluting the Chair and congratulating the entire team for the good work done. I have gone through the Bill, of course there are areas that I don't fully understand but with time I will be able to interpret and understand them but generally it speaks to collective aspirations of the great people of Nairobi County and therefore gives an opportunity for business people to interact and do business well.

I also want to thank the great Governor of Nairobi County for lifting the ban on *matatus* in the CBD. Nevertheless we realize that there are serious issues that need to be taken care of; therefore this time gives an opportunity for further engagements so that we can find a way out and a lasting solution. I beg to support.

Hon. Acting Speaker: The Hon. Leah, then we do final....

Hon. Leah Supuko: Thank you Mr. Speaker sir. I would like to congratulate the Chairman of Budget and the entire committee. Secondly, I would like to also congratulate *Mheshimiwa* Imwatok because in the history of this House and for the first time, you have really expressed kind and good words towards our Governor.

(Applause)

It is always good to know when to support and when not to support and I would beg you *Mheshimiwa* Imwatok to support the Governor because he does good things to this County and that is why actually have the Finance Bill which---

(Point of Order)

Hon. Acting Speaker: Hon. Mary you know how to request for a Point of Order. It is not there and you have requested to speak. Proceed, Hon. Leah. What is your Point of Order?

Hon. Mary Mwami: Thank you Mr. Speaker sir. It is not a bad thing for the Minority Whip to be able to say good things when they need to be said, and bad things when they need to be said.

Hon. Acting Speaker: Order! What is the specific Order? You are off record. What is the Point of Order that she is out of?

Hon. Mary Mwami: She should speak on the Bill which is before us and tell us what is good about it and what is bad.

Hon. Acting Speaker: Order! Proceed Hon. Leah. It is part of contribution.

Hon. Leah Supuko: Mr. Speaker sir, with all due respect for Hon. Mary Ariviza, I have all the rights in this House to speak on what I want to speak and for your information, Hon. Imwatok is a person that I respect a lot is my good friend. So, the moment you hear me mentioning your name here, is when you have the right to reply or to comment on your name. But I was referring to Hon. Imwatok. Are you Hon. Imwatok? Mr. Speaker sir, let me go on to support the Bill.

Hon. Acting Speaker: Proceed.

Hon. Leah Supuko: Thank you the entire team for thinking of 'Wanjiku'. I have seen a very good Bill which affects the common *mwananchi* and if it is implemented, it is a good thing for the Nairobians and also a good thing for Governor Sonko who went on campaign trail promising the Nairobians that he will look into their welfare. Thank you Mr. Speaker sir.

Hon. Kennedy Oyugi: Thank you Mr. Speaker for the opportunity. Let me begin by saying I am in support of this Bill. Allow me not to repeat what the other speakers have already said. However Mr. Speaker, there are areas which are bringing a lot of concerns to me, probably I am not understanding. Therefore, I would request page 9 to be specific; retail, vendor shop or outlet, per month in low I want to believe that these are low income areas, 2,000 outside CBD. If indeed that is true, we are subjecting these retail shops to a levy of over 20,000 yearly, I think that must be relooked into.

Again, on the same page; butcheries per month low again 2,000 per month. Sorry---

Hon. Acting Speaker: Hon. Oyugi the Chair want to inform you. You accept to be informed? Proceed Chair.

Hon. Robert Mbatia: Thank you Mr. Speaker. I want to inform the Member that he can check on page 8, the heading of that; this is the Solid Waste Management charges which are optional. When the County collects on your behalf, you can always seek other alternatives to collect the solid waste.

Hon. Kennedy Oyugi: Thanks for the clarification Mr. Chair and if that is indeed how it is, then I have got no other word to add. I support.

Hon. Acting Speaker: You are done? We have to bring the debate to the end. So I will give the final one and I know the Budget Committee members have been requesting and I have been giving them chance for members to sample out what they have been working on. I am not denying you a chance to speak it is only that I wanted the other members also to contribute because you have interacted with the report and I know that you are supporting it. I would like the other members to interact with it but I will also give you a few minutes if it is necessary.

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker. I rise to support the Bill and it is a good Bill. I have looked at it, a few proposals and a few adjustments here and there. The thing that I would actually like clarified is on page 18; the reserved parking bays for all PSVs. The matter that Hon. Mary Ariviza was raising regarding the taxi drivers including Uber, Taxify and Little Cab and all the other taxi hiring services, all of them are classified as PSVs. As much as we are saying that we are not going to pay the Ksh. 300,000, this is another thing that may be interpreted wrongly to actually mean that they are classified as PSVs and should pay this amount of Ksh. 250,000 for an allocation of a parking slot within Nairobi since I believe all PSVs must pay for parking within the CBD and it is actually supposed to be this Ksh. 250,000 not unless I am getting it wrong. So, I rise to support but I wish that the Chair clarifies for me that.

Hon. Acting Speaker: Chairman, did you hear what the Member wanted clarified so that Members have an understanding because this is going to be interesting for Members to know, they want to interact with the Bill?

Hon. Robert Mbatia: Thank you Mr. Speaker and *Mheshimiwa* Kabiro. Actually this is a slot, this is the reserved parking, it is not for the vehicle itself but it is slot that mostly is reserved for loading zones, those businesses or offices that want to reserve parking for their particular businesses, these are the slots that are reserved for them.

On page 18 the first one, we have changed it to one slot for Ksh. 250,000/=, initially they had indicated two slots for Ksh. 250,000/= but is one slot for Ksh. 250,000/= and this is a particular slot. I hope *Mheshimiwa* Kabiro got it, not for a vehicle but as the slot which has being reserved by the business enterprises for their own use.

Hon. Acting Speaker: Hon. Kabiro, have you been clarified to?

Hon. Mbugua Kabiro: Thank you very much Chair. The only thing that I am actually worried about is the stages which are in town for example, Khoja and other stages which before they are taken out of town, I want to believe those are PSVs which actually park there and they pay money about 4,000/= every month to have that spot. Is this increasing that spot or is it inclusive or it is only reserved parking for PSVs for a different... because I am not seeing any other place that is captured in this Bill.

Hon. Acting Speaker: Hon. Majiwa Geophrey?

Hon. Majiwa Geophrey: Thank you Mr. Speaker. As I rise to support this Bill, I want to emphasize on an area that has majorly guided the Committee as I congratulate them for the work that they have done which is commendable, there is an area that a few of us who I had the opportunity to share with them off the cuff, I heard them talk of, and this is an area of lack of enforcement by the County officers and the achievement on the part of performance.

We think now that the Committee has done a good job. It is also incumbent upon them to make sure they protect their good job by coming up with measures that will enable the County officers who are charged

with the responsibility of enforcing this proposals to make sure that they collect maximally. This is something that they can sit down with the Committee and come up with ad hoc decisions to make sure that the Executive collect maximally so that we don't pass bills here then they end up in shelves, then we don't collect again, then next year we come here we say that we thought we were going to collect, we did not collect, we keep changing our goal posts left right and center. I support Mr. Speaker.

Hon. Acting Speaker: Thank you. Hon. Silvyia Moseiya?

Hon. Silvyia Moseiya: Thank you Mr. Speaker for the opportunity and I am glad to be back in the House.

Hon. Acting Speaker: Welcome back.

Hon. Silvyia Moseiya: Thank you. I rise on a Point of Order pursuant to Section 32 and my Point of Order is on this; that, 'A Member may at any time, for any reasons stated seek leave of the Speaker to move the House to be adjourned'. I wish to seek for adjournment for this matter because of the following; that, pursuant to the County Government Act Section 8 on citizen participation, Section 11 on County Planning and Finance; that, *citizen participation is at the core of law making process in this country*, and they were done. I am aware that two were done; one in Waitthaka Social Hall on 29th of October and another one in Jericho? Makadara on the 30th of October 2018, another one was also done here in City Hall.

But, Members have not been privy to the report and we are discussing matters of outmost importance. One of the things that has been done is that we can see the scandal we are in right now because of the issue of the removal of buses from CBD. We have had to ask the Governor to recall his position earlier. So, I am asking for the adjournment on these very reasons so that Members can look into the report that they were given, what do the citizens of this County want?

I am so sure that as we discuss matter right now, we have not looked at what they want. Do they even want the parking fees to be reduced or not. I seek for adjournment of this House top the time when we can be privy to the report or when members of the Budget Committee can at least brief this House on what the citizens of this noble County want in the Finance Bill which can be done on another day.

I therefore pursuant to Article 32 of the Standing Orders seek to --- and I urge on the same Point of Order Hon. June Julliet Ndegwa to second my Point of Order.

Hon. Acting Speaker: Order! First of all let it be properly on the floor and then I will leave it for debate. So, hold your horses. Hon. June Ndegwa?

Hon. June Ndegwa: Thank you Hon. Speaker for this opportunity. Reading the mood of the House, I tis definite that members of this House are not privy to the nitty-gritties of this Finance Bill. As much as we are in support of this bill, Mr. Speaker I ask and I seek your guidance in this; that we can postpone to tomorrow then we continue discussing on the same issue tomorrow. Thank you, Mr. Speaker.

Hon. Acting Speaker: Order! Have your seat! Hon. Members, this is a House of rules---

(Loud consultations)

Order! Hon. Kamau, Chairman of Environment, be on your seat! We are having a debate and if a Member brings in another angle of the debate, it will be subjected to a debate. If we have numbers it moves but if we don't have we proceed. I will give everyone time, but as far as the Standing Order that she is quoting that we defer the Motion and it has been seconded, what I will do is to put that to question whether to support what Hon. Moseiya is saying or not. If it fails we will proceed with what we were doing, if it passes then we will defer it to tomorrow.

Let me get clarity on this because it has never happened before. Clerk.

(Hon. Acting Speaker consulted with the Clerk)

(Loud consultations)

Order, Hon. Members! Hon. Benson, Order! Order! Members, assume your seats! Hon. Kamau, have your seat! Order! Hon. Members, I am also informed that the deadline for passing this Bill is today. Understand that the Finance Bill had a deadline. I will let you ventilate on it, you must rise up and make decisions on behalf of Nairobians. So, when a Member has raised an issue, let us have a debate about it and then we proceed. There is nothing wrong with that, let me give you a chance to speak on it and then I will make a ruling.

Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker---

(Loud consultations)

Hon. Acting Speaker: Order! Hon. Obuya, let the Member contribute.

(Loud consultations)

Hon. Acting Speaker: Order! Consult in low tones. Hon. Chair Budget, I will give you a chance.

Hon. Jeremiah Themendu: Hon. Speaker, the issue before us is very important and we cannot defer it. We are requesting you to call the mover to reply because this Bill will pass today. The Bill is favourable to the people in the ground. We have never seen a Bill like this one, for example the posho mill fee was Kshs.3000 but now it is Kshs.1000. I like eating ugali. What we will do to save money in this County is to replace Jambo Pay with another company to collect parking fees. Thank you, Hon. Speaker.

Hon. Acting Speaker: Hon. Mwangi Njihia:

Hon. Abraham Njihia: Thank you, Hon. Speaker---

(Loud consultations)

Hon. Acting Speaker: Hon. Njihia is on the floor!

Hon. Abraham Njihia: Hon. Speaker, what we have in front of us is Wanjiku based Bill and we must pass the way it is. *Bwana Spika, lazima tupitishie kama ilivyo.*

(Loud consultations)

Hon. Acting Speaker: Hon. Njihia, are you done?

Hon. Abraham Njihia: *Mheshimiwa Spika, ninaunga mswada huu mkono kwa sababu ni ya Wanjiku na lazima tumsaidie. Kama si sasa ni sasa hivi. Ahsante Bwana Spika.*

Hon. Acting Speaker: Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Mr. Speaker. As I stand here, this Bill should have been passed like three months ago. I am telling Members to be sober because if this Bill is not passed today and someone goes to court, it will be illegal to collect any taxes in Nairobi. Thank you.

Hon. Acting Speaker: Hon. David Ruongo.

Hon. David Okello: Thank you, Mr. Speaker sir. The Bill is very nice and we are in support of it but the only problem with the Bill is the impounding fee of motorbikes. They put it Ksh.2000 but in my suggestion, the impounded fees should have been Kshs.1000.

(Loud consultations)

Order, Members! We need to read the lips of our Governor. He is able Governor---

(Loud consultations)

Hon. Acting Speaker: Order! Hon. Komu.

Hon. Joseph Komu: Thank you very much for the heated debate that is in this House. It is always good to moderate issues. I am standing as a Member of Kahawa Ward. I have been given instructions by my electorates that they must get the Bill today. I am calling all those representatives of various wards that we must deal with this document.

Mr. Speaker, I need to make few clarifications here that money Bills have timelines. We extended last time, and in the event like my colleague has said that if we don't pass this Bill today or oppose it today, then the Governor should be advised that from tomorrow we should not get any attendant in the parking lot.

I wish to bring to the attention of the House for future purposes and reference that money Bills as some Hon. Members have indicated cannot be just amended. The County Government Act Article 21 (4) says:

"For the purposes of this Act, "money Bill" means a Bill that contains provisions dealing with—

(a) taxes;

(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;

(c) the appropriation, receipt, custody, investment or issue of public money;

(d) the raising or guaranteeing of any loan or its repayment."

When we come to our Standing Order No. 218 on restrictions with regard to certain financial measures, it reads:

"218. (1) If, in the opinion of the Speaker, a Motion makes provision for a matter listed in the definition of "a money Bill", the County Assembly may proceed only with the recommendation of the County Finance, Budget and Appropriations Committee after taking into account, the views of the Member of County Executive Committee responsible for finance."

This document was submitted three months and we have gone through it as Budget Committee and we submitted seven days ago for the Members to have a look at it and that is done. For future purposes, it is important to note that money Bills cannot be amended by any other Member but by a Member of Budget Committee or the Chairman. I stand to support this Bill, thank you.

(Applause)

Hon. Acting Speaker: Hon. Members you remember there was an issue that was raised in the course of debating the Bill, so I wanted us to have a discussion. You have heard clearly the mood of the House. I have given two Members to speak on the issue of what Hon. Silvyia brought on the floor. Instead of making a ruling directly, I allowed Members to express themselves so that we know whether to defer it or proceed as it is.

Hon. Members, having heard your various voice on this issue, I would wish that the Bill proceeds because there is a timeline to this Bill. *(Applause)* However, I think for the flavor of the House, the Hon. Member is entitled to bring in an interjection or a different opinion and it will be debated then you make a decision. As I have heard from you Members, the Bill proceeds as it is. There is a reason why I gave Members time to speak. I was very particular that I did not want the Budget Members to speak because they had already interacted with the Bill. However, if you hear other Members speaking, it is good to enrich the report. Even if it is not this one, it will be the following report. I will give Hon. Silvyia chance again and I will call the Chairman of Budget to reply.

(Hon. Anthony Karanja spoke off the record)

Hon. Chairman Planning, Order! Hon. Moseiya, I am giving you a minute to wrap up so that people do not think you are sabotaging the Bill.

Hon. Silvyia Moseiya: I will stick to the same idea that as I respect the elected Members that have wards and interact the electorates every day, but for purposes of understanding, it is crucial that the voice of the electorates is brought forward especially because there are cost implications to public participation meetings. So, we needed a report---

(Loud consultations)

Hon. Acting Speaker: Proceed, Hon. Moseiya. Are you done?

Hon. Silvyia Moseiya: I am not done, I am waiting for---

(Loud consultations)

Hon. Acting Speaker: I am now going to call the Chair so that we can proceed and reply.

(Hon. Anthony Karanja spoke off the record)

Chair Planning, allow Members also to express themselves on the Bill. You are not on record, Hon. Kiragu. Let her mislead and then you will correct later. Proceed, Hon. Moseiya.

Hon. Silvyia Moseiya: I am done. I can barely speak.

Hon. Acting Speaker: Chairman Budget, I am calling you to reply.

Hon. Robert Mbatia: Mr. Speaker, I rise to reply. I want to thank the Members of the Assembly for the support they have given us. I also want to thank Members of Budget and Appropriations Committee---
(Loud consultations). Mr. Speaker, protect me.

Hon. Acting Speaker: Proceed, Chairman.

Hon. Robert Mbatia: I also wish give gratitude to my members who worked overnight and went to details. As you can note that since 2015, we never had a Finance Bill while we had Revenue Act. These Members were ready to work on the Revenue Act and this is how we got this Finance Bill.

Mr. Speaker, I would also like to appreciate those Members that were opposing, those that they thought we never had enough time to interact with the Bill, even the members of the public. I want to notify then that for the first time through your guidance and indulgence, we were able to have public participation in two areas ever since we started the previous Assembly. Up to this point, we only had one public participation for Finance Bills. Let me notify them that going forward, we will improve on that. We want to go to many other areas even to the villages to get the feeling of the multitude.

Mr. Speaker, it is actually contradictory that this Bill took the aspirations of these people and it is the one that again the same Members want to kill it at this point. I want to notify this Assembly that this is a Finance Bill and has a deadline of today, which is 4th December 2018. Failure to which, we are not supposed to collect any cent except the transfer from the National Government moving forward until we pass this Bill.

With these few remarks, I replay. Thank you

(Applause)

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Mr. Speaker left Chair)

IN THE COMMITTEE

[Hon. Chair (Mr. John Nyumu) took the Chair]

NAIROBI CITY COUNTY FINANCE BILL (ASSEMBLY BILL NO. 6 OF 2018)

Hon. Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to consider Nairobi City County Finance Bill, 2018 (No.6 of 2018). We will start with the Bill from Clause 2.

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Clause 2

Hon. Robert Mbatia: Mr. Chair, I propose clause 2 be part of the Bill as amended in the Order Paper.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

(Clause 2 as amended agreed to)

New Clause 2a – 2e

Hon. Robert Mbatia: Hon. Members, I propose the new clause 2a to 2e be part of the Bill.

(Question that New Clause 2a – 2e be part of the Bill)

(Question put and agreed to)

Schedule

Hon. Robert Mbatia: Hon. Members, I propose that it be amended as proposed in the Order Paper.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

(Schedule as amended agreed to)

New Schedules 1a to 1t

(Question that New Schedules 1a to 1t be part of the Bill)

(Question put and agreed to)

Title

Hon. Robert Mbatia: Hon. Members, I propose that the Title be part of the Bill.

(Question that the Title be part of the Bill)

(Question put and agreed to)

Clause 1

Hon. Robert Mbatia: Chair, I propose that Clause 1a be part of the Bill.

(Question that Clause 1 be part of the Bill)

(Question put and agreed to)

Clause 1b

Hon. Robert Mbatia: Chair, I propose that Clause 1b be part of the bill as amended in the order paper.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

(Clause 1b as amended agreed to)

Hon. Robert Mbatia: Consideration that Nairobi City County Finance Bill 2018, Assembly Bill No. 6 of 2018 and its approval thereof with amendments.

(Question put and agreed to)

(The House resumed)

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

REPORTS AND THIRD READINGS

NAIROBI CITY COUNTY FINANCE BILL 2018 (NO.6 OF 2018)

Hon. Acting Speaker: I call upon the Chairman to report to the Assembly.

Hon. Deputy Speaker: Mr. Speaker sir, I beg to report that the Committee of the Whole House has considered the Nairobi City County Finance Bill 2018, Assembly Bill No.6 of 2018 and approved the same with amendments.

Hon. Acting Speaker: The Mover of the Bill, do you concur?

Hon. Robert Mbatia: Mr. Speaker, I beg to move that the Assembly does agree with the Committee in the said report.

(Question proposed)

Hon. Stephen Gikonyo: Hon. Speaker, as I stand here as the MCA for Pipeline Ward, I am seeing the mood of the House I rise to move this Motion of the Financial Bill 2018, that everyone, we are in support of this financial Bill so that we can see Nairobi moving to another stage. Hon. Speaker, I stand to move the Motion and I encourage---

Hon. Acting Speaker: You are not moving Hon. Gikonyo, you are just supporting.

Hon. Stephen Gikonyo: Reading the mood of the House I request---

Hon. Acting Speaker: You will not request just support. I gave you a chance. Just support the Bill and take your seat.

Hon. Stephen Gikonyo: I am rising to support it. Thank you.

(Question put and agreed to)

Hon. Acting Speaker: Chair of Budget, do you have a mic?

Hon. Robert Mbatia: Mr. Speaker, I beg to move that the Nairobi City County Finance Bill be read a third time.

(Question proposed)

Hon. Peter Imwatok: Mr. Speaker, allow me to first of all say thank you for the patience but more importantly to the entire House. I know for a fact that the Chair and the Committee of Budget & Appropriation and the entire Assembly has been patient enough and when we walk out of that door, I think we have written history that no other Assembly has written including our 1st Assembly, that for the first time my other friends cannot fear parking in the CBD because where they coughed up 100 shillings for a parking boy they will now cough 200 shillings to the County Government. Mr. Speaker, allow me to also say thank you so much to the NASA side for standing firm with the Government side, the handshake is really working. *(Laughter)*

In the spirit of the handshake, not on individualistic interest but for the common purpose of the common *mwananchi* envisage on a nine point agenda outlined by the President H.E Uhuru Kenyatta and His Excellency the right Hon. Raila Amollo Odinga and now the people should be selecting the County Assembly, the NASA side and the Jubilee side. You know, in history we say there is a day we will be NASA/Jubilee, I don't know what the name of the party will be but I am sure that Nairobians this afternoon, by tomorrow at 8a.m. when Tom Tinega moves to the CBD he will have to charge the Nairobians KShs.200 as parking fee. Mr. Speaker, that opens another door, what next. We have done our bit as the people's representatives but also there is a cycle that must do its bit, the point of collecting this revenue on behalf of the Nairobians.

Mr. Speaker, we are going to account for each penny, each coin and if we say as an Assembly of 122 that JamboPay must close doors in this Assembly it must close them. Mr. Speaker, in the weeks to come as the side of opposition we are bringing motions and statements that will reinforce the standing of this Assembly and that we said in three months JamboPay must close shop in this county, it has to. Mr. Speaker, we must also say that there are people of reputable questionable characters that have been recycled in different sectors in this county especially parking. We will say it as it is. We request the County Government side to give us reasons as to why in the parking sector that one individual in every given administration is

sent out of the office but he gets himself back in office. Mr. Speaker, why? Because revenue must be collected but it must be collected by people of integrity.

If you failed in 2000 to collect 2 billion and you were sent out of office, then you come back in 2003, you fail to collect and you are sent out then you come back in 2007 and the same thing happens and you are sent out and now you are back in 2017 purporting that you can collect more, that is wrong! We cannot have one mistake followed by another then another to make a different answer. So, Mr. Speaker and the entire House, as we support the other side in the spirit of the handshake, that handshake will not be extended to corrupt deals or shortcuts by the County Government especially when the hard working Nairobians braved the entire jam yesterday to pay their taxes that will be pocketed by a few people, as the Chair says.

Mr. Speaker, you know in this county there are billionaires who do not park within the precincts of the County Government, they park on the upper side of town because the cars they drive as executive members are so big and voluminous than even this house and why, Mr. Speaker? It is because half of the revenue that is supposed to be collected for the county coffers goes to their pockets and that is why we want our Excellency, the Governor to work on it and get all the revenue streams working towards the public coffers not to a few individuals.

Therefore, Mr. Speaker, as we stand on the opposition side in the weeks to come we are going to help the governor of the city collect enough revenue which I know – as the Chair puts it - accumulative collecting of revenue not just one stream. We can now collect more than 30 billion and with 30 billion we do not need to beg for Ward Development Funds. With 30 billion our nominated ladies do not want to beg for offices and those who believe the ideals of their parties cannot fail to contribute KShs.5000 to promote their parties.

Mr. Speaker, with 30 billion in the County Government excluding the Exchequer, what we are given, then this County can move. We might even request and we are given the big bottle of water because we will be having money. Therefore, Mr. Speaker, we cannot close our eyes and say that we have opened the Pandora's Box for people to collect money for JamboPay to swallow. I am happy that the Governor said yesterday before the Senate that JamboPay is swallowing more than 22 billion. Can we get this right, is JamboPay setting, collecting and swallowing our money? Thank you, Mr. Speaker.

Hon. Acting Speaker: Hon. Members, I am happy that we are able to dissect such a strong and important Bill up to this time and I know you are tired but let us come to the conclusion so we know if we are going forwards. I will now put the question.

Question put and agreed to)

(The Bill was accordingly read the third time and passed)

ADJOURNMENT

Hon. Acting Speaker: Hon. Members, there is no other business therefore we adjourn until tomorrow, 5th December 2018 at 2.30 p.m. House Business Committee, we meet at the rise of the house immediately after this. Thank you.

(The House rose at 5.30 p.m.)