



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday 23rd April, 2019

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Acting Speaker: Sergeant-at-Arms ring the bell for ten minutes.

(Quorum bell was rung for 10 minutes)

Hon. Acting Speaker: Order members, I am informed we have attained quorum, so we can proceed for business. Clerk, proceed.

NOTICE OF MOTION

Hon. Acting Speaker: The Hon Mbugua Kabiro? Anyone holding brief for the member? Ok, we stand it down till tomorrow. Next order.

STATEMENTS

Hon. Acting Speaker: The Hon member for Ngei, Hon. Redson Otieno. Anyone holding brief for the Hon. Redson Otieno? Hon. Redson? You have a statement request. Clerk, facilitate.

REQUEST FOR A STATEMENT REGARDING DELAYED PAYMENT OF CONTRATORS WORKING ON COUNTY INFRASTRUCTURE

Hon. Redson Onyango: Pursuant to Standing Order 45 (2)(c) I wish to request for a statement from the chairperson of the select committee on County Finance, Budget and Appropriation regarding delayed payment of contractors working on county infrastructure.

Hon. Speaker infrastructure development is an important item in the economic development of this county and we recognize the various projects that are ongoing in various wards across the county. Of note

are the roads and drainage works that are ongoing ahead of the long rains season to avert flooding in the estate.

However in as much as the county engages contractors and suppliers it deems competent who delivers in terms of raising certificates of works done or evidence of supplies made the county finance department takes longer than expected to pay these contractors and suppliers both on certification and supply basis.

For instance a contractor working on improvement of drainage along Daniel Komboni road along Ngei ward has reportedly raised a certificate worth Kshs. 2.5 million and that is yet to be paid despite remarkable works being done on the ground.

Hon Speaker in the statement the chairperson should inquire and report on:

1. Why the payments of contractors and suppliers take longer than expected even after they delivered per agreed terms.
2. What is the county doing to make the process expeditious in the wake of contractors abandoning site and suppliers shying away from doing business with the county?
3. When certificate of contractor e.g. Santech construction company working on drainage works in Ngei ward will be paid to have the works completed?

Thank you.

Hon. Acting Speaker: Thank you hon member. The chairperson of Finance?

Hon. Patrick Mbatia: Thank you Mr. Speaker. I know it is a general concern of the members and because we are to inquire from the executive let him give us two weeks.

Hon. Acting Speaker: Hon member for Ngei ward, the chairman is requesting for two weeks and also he think it is not just in one area therefore he can give us a comprehensive report on the ongoing works. Is that sufficient or do you have an intervention?

Hon. Redson Onyango: It is Okay, no problem.

Hon. Acting Speaker: Thank you. Hon. Redson, again.

REQUEST FOR A STATEMENT REGARDING DRILLING OF BOREHOLES AND PROVISION OF WATER TANKS TO WARDS

Hon. Redson Onyango: Hon Speaker pursuant to Standing Order 45 (2) (c) I wish to request for a statement from the chairperson of the sectoral committee on Water and Sanitation regarding drilling of boreholes and provision of water tanks to wards.

Hon. Speaker Article 43 (1) (d) of the constitution provides that every person has a right to clean and safe water in adequate quantities. It is therefore a prerogative of the county government to ensure that citizen fully enjoy this right.

However Hon Speaker it is understood that Nairobi City County is experiencing shortage of portable water with the result that Nairobi Water Company is distributing the same in a schedule manner given that the demand is higher than the supply.

Hon Speaker it is worth noting that Nairobi County needs 700 million liters against supply of 500 million liters per day. It is because of the foregoing reasons that the county made a commitment to drill boreholes and provide water tanks to wards in an endeavor to take care of the deficit.

However Hon Speaker this pronouncement is yet to be realized in some wards for instance Ngei ward. In the statement the chairperson should inquire into and report on:

1. The list of wards that have benefitted from boreholes initiative so far and whether the initiative cover all the wards in the county.
2. The list of wards that have been benefitted from distribution of tanks by the county in the latest effort.
3. When the rest of the wards that are yet to benefit from the boreholes and tanks imitative can expect to begin to enjoy the same especially Ngei ward, and
4. To what extent are both initiatives both expected to mitigate against water shortage in the county?

Hon. Acting Speaker: Thank you hon member. Chairman, Water and Sanitation?

Hon. Kados Kiguathi: Thank you hon Speaker, I request nine days.

Hon. Acting Speaker: Nine days. I think maybe you already know the direction of the question and you have ready answers. Can we have it before we go for recess next week? Maybe Thursday next week?

Hon. Kados Kiguathi: Mr. Speaker, one week

Hon. Acting Speaker: Hon Redson? The chairman looks he already has a gist of the answers that is why he doesn't need a lot of time. He is requesting for next week before we go for recess.

Hon. Redson Onyango: It is Okay, no problem.

Hon. Acting Speaker: Thank you. Next week Thursday for chairman, Water. I will revert to order six, because the member has requested and I can see him. The Leader of Majority?

Hon. Abdi Hassan: Thank you Mr. Speaker sir. I stand under order 45 (2) (b). I want to ask my chairmen of various sectoral committees to expedite the process of supplementary budget so that next week before we go for long recess we can be able to pass the supplementary budget.

On the same note last week when members were in Kisumu in the County Assemblies Forum when you were moderating and speaking on behalf of Nairobi County Assembly which you did very eloquently and very ably- even some Senators were asking, is this guy an MCA? I told them he is not an MCA. He is the Speaker of the county assembly of Nairobi.

Mr. Speaker sir when you were doing that there was a member who was saying 'Chege is not our Speaker but he is just a mere MCA'. If I remember well we elected the Speaker with 89 votes in this chamber. *(Applause)*. That one cannot be disputed by anybody. By trying to undermine your authority and the authority of this house I will wish to name the said member and ask you to refer the matter to the Powers and Privileges committee so that the matter can be deliberated on and acted upon.

The said member is one Hon. Mary Ariviza. On the same breadth I want to refresh some people's memories that the county assembly of Nairobi on 9th September impeached one Beatrice Elachi. Irregardless of the outcome of the case, Elachi cannot and will not be our Speaker.

Mr. Speaker I want to inform members that a court cannot impose a servant on employers. A court cannot ask you to stay with your maid when you don't need her services any longer. We no longer need the services of one Hon Beatrice Elachi. We are confident in the leadership of one Chege Mwaura and this house will support you. On the same breadth I want to tell Hon Mary Ariviza that when this assembly elected Chege Mwaura as acting Speaker we did it through the law. We did not circumvent any law, we followed the due

process of the law; that is the reason why you are there as the acting Speaker of Nairobi and the laws allow you – section 9(5) – to continue discharging that mandate until the end of this assembly. We were within the law and I want to tell Elachi that as much she is going to many breakfast meetings and shows in the media that cannot change the lost confidence in her by the members of the county assembly.

Nobody, nobody can bring back that confidence. We lost confidence in her. I don't know if going around, making a lot of noise, making a lot of political machinations will bring her to this assembly. I want to tell her here on this floor, categorically, that the county assembly of Nairobi will not accept her back.

(Applause)

She can take that to the bank. On the same I want to congratulate her for doing work at the Building Bridges Initiative. She is doing a wonderful work, she should continue doing that on behalf of the people of Nairobi. We love her when she do that job. We have no problem with personality of madam Elachi. We just lost confidence in her and we have issues with her leadership qualities. No one has a personal issue with her and we are fully behind the handshake. We want her to assist the BBI so that Kenyans can speak in one voice. With those few remarks I beg to ask the members to expedite the process of the chairmen of various sectoral committees to expedite the supplementary budget. Thank you Mr. Speaker and I want to remind you to refer the said member to the Powers and Privileges committee.

Hon. Acting Speaker: Noted Leader of Majority. I can see two issues you raised. One on the expedition of the supplementary budget and two you are raising matter where you mentioned a member. I will allow the chairman of Budget to have a say on the supplementary bit then I open the floor for this other matter. I see the Hon Ariviza is also here so that we hear from her before I make a ruling on the same. Chairman, Budget?

Hon. Patrick Mbatia: Thank you Mr. Speaker. On the issue of the supplementary budget, under Standing Order 228 it is very clear of the process. I request my colleagues in the sectoral committees to hasten so that by the end of the week they could submit their reports. That is before we go for recess I want to assure the assembly that the Finance and Budget committee can be able to finish off on this process.

Hon. Acting Speaker: Alright. Leader of Majority, the chair is promising us that before we go the recess we should have tabled the supplementary budget. Are you okay with that?

Hon. Abdi Hassan: It is obliged Mr. Speaker sir, thank you.

Hon. Acting Speaker: Thank you. On this other issue, the Standing Order 115 states that a member may be suspended after being named. It says: *Any member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.* What I want to do, because I have seen the Hon Ariviza is here and I can see some requests, I will allow us to deliberate on the issue and then I can make a ruling based on the Standing Order 115, if that is clear. Leader of Minority?

Hon. Elias Otieno: Thank you Mr. Speaker. I want to echo what Majority has just said. Even if we have differences in this house we should not wash our dirty lines in the public. If somebody go all the way-almost 400 km away from Nairobi- and go to Kisumu to say "that is not our Speaker", is that the only important thing you can say? I was there and your speech was very nice. You were the most handsome if you saw all the Speakers there. I think you were followed by the Speaker of Kisumu Onyango Oloo. Nairobi was number

one, number two was Kisumu. Your speech was very nice and powerful. I don't see reason why someone can go and say that was not our Speaker and yet when that person wants to speak in this house she always say 'Mr. Speaker can you allow me to speak'.

One time I found the lady we are talking about in your office wanting permission to go abroad. She wanted your signature. If she doesn't recognize you why did she come to seek your permission? Even if you are member of ODM and you don't have respect I can't defend you. Powers and Privileges committee is letting us down. Sometimes back one man called Masiga was punished for 90 or 120 days. That is the only way you can punish this rogues. We must have respect in this house. If we go outside there you must be ambassador of this county. When you talk about your colleague outside there – did you hear any county talk ill about their leaders in that conference? It is only Nairobi. *Kwani mumerokwa?* This is nonsense. No! This time! I was supposed to be in that committee of Powers and Privileges and I just decided to give my slot. I think I should be in that committee. If I was there I know how to deal with rogues! One person is always giving us problems in this house. One time you pull your pant and lie on the floor. When you go to Kisumu, everywhere¹ when you go to media you talk about your county and you rock the boat while inside! That is rubbish. I don't want to entertain nonsense. Powers and Privileges you have the teeth to bite. Thank you.

Hon. Acting Speaker: Thank you. The hon Patricia Mutheu.

Hon. Patricia Mutheu: Thank you Mr. Speaker. I stand as very offended member of this county and I think stern action should be taken. There is tendency of trying to create political relevance using wrong medium. It is okay to have activist within us but again it is good to ask, is it right time to strike. If at all you are offended there are mediums where you can air your grievances. It is shame that one of us can stand up in a crowd of more than 4000 and disrespect Nairobi County.

Hon. Patricia Mutheu: If it is that bad, you can as well as resign; it happens in other countries where if people feel they serve a government that doesn't serve the interests of mwananchi and we are here to legislate. In honor I will call my fellow Hon. Member and a madam in this case; some things should not be aired in front of people. It is a shame. I believe we belong to a House of honour, so I demand an apology to our very effective Speaker.

(Applause)

We will not and cannot allow double standards. You cannot sign and then again if we elect an Acting Speaker you stand in front of everyone and say this is not our Speaker, speak for yourself. If he is not your Speaker, you shouldn't be in this House at this moment. I rest my case. Long live Nairobi Assembly.

(Applause)

Hon. Acting Speaker: Thank you.

Hon. Juliet Ndegwa: Thank you Mr. Speaker. Mine is very short. Nairobi City County Assembly is one of the biggest county assemblies in this country if not the biggest. This far we have come, we are a family and even in a family you can find a husband and wife or a child having conflicts, but then we do not air our dirty linen in the public. I do not know what the Powers and Privileges Committee the punishment they will give to the hon. member but we are at a point where it is safe to be in this House, we are at a point where strife is no more and a point where we are moving on smoothly.

Mr. Speaker to be honest I do not think we want to get back into the shenanigans of fighting other than serving Nairobian. I apologize to you because I know it must have been embarrassing and on behalf

of the women of this House, I apologize for what happened to you while you were in another county. Thank you.

Hon. Acting Speaker: Thank you. The Hon. Peter Wahinya, the member for Ngando.

Hon. Peter Kumuhu: Thank you Mr. Speaker. I want to make my contribution to this debate also and state clearly that there can be no condition that can exist in which anybody can ridicule the Nairobi City Assembly or even any other assembly for that matter. The business of impeachment of the former Speaker was done in accordance with the law. The first provision of the law was that a person or member needed to raise an issue in respect to the Speaker.

According to Article 9 of the County Government Act 2012, we were to elect a member to preside over the assembly in the business of discussing the matter before us about the conduct of the Speaker which we followed to the letter. Immediately thereafter, we collected one third of the members' signatures to be able to support a motion to be presented in this assembly. We managed to secure that way beyond one third of that business.

Mr. Speaker immediately thereafter, the motion was introduced and the debate passed with 75% of the Members of the County Assembly for the purposes of the impeachment of the Speaker. There can only be only one condition where I can support Hon. Mary, It is if we went against our own Standing Orders, if we contravened any law under the sky, then I can easily support her. But in the presence of Hon. respectable, genuine and legal assembly constituted today under the leadership of the Speaker, Mary must be subjected to the serious punishment that she deserves.

I will agree with the Minority Leader, Powers and Privileges Committee; I was a member in the last dispensation. It is extremely lenient and if it continues with that mode of action or operandi, we will need to revisit the Powers and Privileges Committee because it is not becoming a deterrent and yet we need to punish people or the Mheshimiwa for that matter so that it becomes a lesson to the rest of us. I say in respect to the matter before us, we know that on Friday there is a judgment that is going to be given by court regarding the court case which Madam Elachi had taken to court. It is my submission that irrespective of whether the judgment is in her favour to come back here, as the Leader of Majority has said, it is impossible to force an employee who is not required by the employer no matter what you do we cannot employ somebody we are not interested in irrespective of how the law takes its course.

Mr. Speaker as I summarize, gross misconduct even in the private sector is anchored in the law of the Labour Relations Act. This conduct as it stands, is subject to instant dismissal, it has got no debate under the sky. Once you are found have conducted yourself in gross manner, no negotiations can take place. I am holding that Madam Elachi must never be allowed to feature in this precincts of this assembly irrespective of how the court rules on Friday.

Hon. Acting Speaker: Thank you, the Minority Whip?

Hon. Peter Imwatok: Mr. Speaker, allow me to apologize first, I was not in Kisumu during the first days; I joined you in the last days. My leader was telling me he was present in person in that hall when the incident took place. Secondly, allow me also to say that this is a House of rules and procedures and at any given time you are bound by it and we must all follow it.

Thirdly, on behalf of the Commission for NASA on this side, on behalf of the leader seated next to me, in consultation with our spirit of goodwill, I would also like to implore the member who has been mentioned by the Majority Leader that this is unethical act and should not be entertained in this House. More so, for her to be humble enough to stand before this assembly if possible, I ask as a leader on this side to apologize to the House and also to you Mr. Speaker for the misconduct that took place.

Fourthly, this I will say without fear of contradiction that this is a house of rules and procedures. I am aware that there is a lot of pausing on social media on the issue of the ruling on Friday. Let me put it right

that we are in this House and we were all here and we made our minds clear that one Beatrice Elachi is not welcome as the Speaker of Nairobi City County Assembly and no rule can change that because we have an Act in this House that guides us; the Powers and Privileges Act. That what we do not like, we do not like.

Therefore, just to inform those who may be doubting this affirmative action that we believe that she was not best for us, she remains not good for us and she will still not be good for us as a House. Mr. Speaker, I want to ask the political divide; the NASA side and the Jubilee side that it should not be the story but it should be how do we move forward our assembly? The story should be, how do we move Nairobi forward? Because I have gone through the Standing Order from page one to the last page and I have never been told the procedure of replacing an Acting Speaker to date. In the County Government Act that brought the Acting Speaker, I have not been told how to replace that Acting Speaker.

What we are saying as a House affirmatively, let us respect the leaders across. I might not be good because I am short, some people may hate me because I am a Teso, but remember I am a human being. Mr. Speaker is an MCA like us but at least now as per the Constitution, he is the father of this House. Let us respect each other. I want to stand her honourably Hon. Mary Ariviza as your leader, requesting you with humility that you stand without any question and apologize to the House and the Speaker in the Chamber. Thank you, Mr. Speaker.

Hon. Mellab Lumalah: Thank you very much Mr. Speaker for this opportunity. First I want to apologize on behalf of Mary; she is from our party. It is in bad taste for there to have said that if at all she said it. I wouldn't say that I have heard but I was so surprised and so shocked from what I have heard from the Majority Leader. It is very shaming if it happened. We were in Kisumu together and I kept giving you my moral support from day one up to the last day when you were doing your work up there. I believe Nairobi we had conducted ourselves so well at that time that I did not expect something like this to have happened. But we are human beings and it is not very good for me to speak behind what my leader has said already; the Minority Whip, but what I am saying is, even when Elachi issue I have tried so many times to reach out even to you the leadership and a few leaders who are here that it is good to forget a matter that has been around, that is making us drag behind and from not performing well. Let the House move forward with the practice so far.

As woman who has ever been married, if you are married and the people there refuse you or reject you, it is always an honorable thing not to force yourself on the people which I think Elachi has done. Wherever she is, she is not even wishing and even she is not forcing herself to come back to Nairobi because she has seen the body language and the clouds that are around Nairobi County Assembly that she is not needed here. I am happy she is doing other good things outside there that are also productive to the county and she can be placed somewhere else where she can work constructively.

As a House, I would just tell give her my blessings and if others are also willing we bless her so that she can continue working outside there. I have said willing, I have not said a must. I am saying if other women are willing---

Hon. Acting Speaker: Order! Address the Chair!

Hon. Mellab Lumalah: You are not the only woman in the house. What I am saying Mr. Speaker, kindly please forgive us as the part of this House and I would also ask Mary if at all she did that she has to do what the Minority Whip has said. It is very shameful for us. I have known you for so many years and I know what you can do. You can still perform as a Speaker the way you are doing. I sincerely tell Mary as my sister to apologize. Thank you.

Hon. Ruth Maingi: Thank you Mr. Speaker. First and foremost I want to thank you for the good English which you spoke in Kisumu.

(Applause)

I was so proud of you being my Speaker. As one of the old Hon. Members in this House, I am not happy with what happened in Kisumu. We are proud of you and we are very happy, and you know that we are very loyal. One of the things that I don't understand with Hon. Ariviza because she is my age mate and you are like our son, I don't know how comes a mother can say to a son such words. I have no words. When she came to the assembly I have not had time to tell her how old women live in this assembly. I want to tell Hon. Ariviza and the entire House that all members are behind you Mr. Speaker.

If Hon. Ariviza has another Speaker by the name Elachi, please with all due respect go and make your own chamber because we respect our leadership and our Speaker. I want to tell this to Ariviza, old women do not behave like that. If I am given a chance I can show you how old women behave in a House like this. I and Hon. Ariviza are old women and we should not behave like children. Go and tell Elachi that she should never step her feet here and if you have other powers you can go back to where you want to be, we don't care.

Mr. Speaker sir we are not happy and I stand to apologize to you. We want to promise this House that we are going to work together. Hon. Speaker I would like to request you not to give Hon. Ariviza a very tough punishment because she will continue doing wrong but her vote is only one and she cannot bring Elachi back to this House. Mr. Speaker with all due respect, we apologize and leave Hon. Ariviza to finish her four years in this House because for the four years we are sure you will still be our Speaker. Just let her be. Thank you Mr. Speaker and we are behind you, we are loyal. Can all the women here stand?

Hon. Acting Speaker: Thank you. Order! Hon. Member you have done your contribution. I will give two other members because I think I am getting the direction, and then I will give the Hon. Ariviza a chance. Hon. Clarence I will give you a chance and wrap up in very few minutes and then I will give Hon. Ayot then I finish.

Hon. Clarence Munga: Thank you Mr. Speaker for giving me this chance. I want to echo the sentiments made by our Minority Whip of extending a hand of forgiveness. I know possibly a member could have uttered words that are not impressive to this House Mr. Speaker but because we want to move as team and we are actually here as Hon. Members, it is not good to demean a member every time.

On behalf of my colleague Mary Ariviza, let me apologize on her behalf. For the members who feel aggrieved or feel that the member totally let us down as an assembly, kindly receive our apologies. Mr. Speaker, I know you are above this and you are a man of your words, I know you have a big heart and I know you will forgive her. As our Speaker we love you as the members of this County Assembly and that is the reason we gave you that position. We are behind you, kindly find a place in your heart to forgive her and let us move as a team. I rest my case. Thank you.

Hon. Cecilia Ayot: Hon. Speaker thank you so much for giving me this opportunity. With a lot of humility I also want to express my sincere apologies for what might have taken place and as most members have said in different ways, as a family when we correct we do it in love. Let us allow each one of us to heal in their own way and in their own speed, and let us come together in unity in this House. Thank you so much.

Hon. Acting Speaker: Thank you. Order! I will give the Hon. Chair Women Caucus.

Hon. Doris Kanario: Thank you Mr. Speaker for this opportunity. I am not happy at all about the utterances of Hon. Ariviza at Kisumu. It is uncouth, barbaric and it is uncalled for. I also stand to apologize on behalf of every woman in this House because in your office we are normally attended like any other member of this House.

I want to pinpoint a case recently when we had the opportunity to attend the CSW, every letter in regards to this trip you assisted us regardless of our party affiliations. Even Hon. Mary Ariviza's name was there and you did not discriminate on her. I just want to say that let us not be good to people when we need them, let us be ourselves. Let us know that the office is an institution and respect the Speaker and I want to

assure you Mr. Speaker that we are loyal and we respect you and you won't see this happening again. Thank you very much Mr. Speaker.

Hon. Acting Speaker: Lastly, Hon. Emily Waithaka.

Hon. Emily Waithaka: Thank you Mr. Speaker for giving me this chance. First, I want to apologize to you for what happened in Kisumu. Secondly, I congratulate you for the speech you made in Kisumu. *(Applause)* It was good, we were overwhelmed.

On the other hand, I belong to that age group of fifty years and above. On behalf of Hon. Mary and the other women here, I will say sorry and apologize sincerely to you Mr. Speaker. Sometimes some of us fall short of our faith and we utter things that are not good. I am begging you to receive our apologies for anybody who has apologized and come to terms and do your work as you are supposed to. Don't look behind, whether somebody says this or that. Forgive everyone as God will do to you. Thank you.

Hon. Acting Speaker: Thank you. I now give chance to Hon. Mary Ariviza to have a right of reply before I make a ruling.

Hon. Mary Ariviza: Good afternoon everybody?

Hon. Members: Good afternoon.

Hon. Mary Ariviza: Thank you, Mr. Speaker sir. I am quite overwhelmed with what has gone on here. I came here very happy coming to meet my group but I am shocked at what I have seen. But what my Hon. Whip has said, I don't want to go into a lot of details.

When Hon. Mwaura gave a speech in Kisumu, I was not in that----

(Loud consultations)

(Point of order)

Hon. Acting Speaker: What is your point of order, Leader of Majority? Order, Hon. Mary!

Hon. Abdi Hassan: Mr. Speaker sir, are you allowing Hon. Ariviza to address you as Mwaura?

Hon. Mary Ariviza: I said Honorable.

Hon. Abdi Hassan: It is very serious, Mr. Speaker sir, and it means she has still not accepted you as our Speaker. You need to deal with her under Standing Order No.115. She has to leave this House.

Hon. Acting Speaker: Hon. Mary Ariviza, I am giving you latitude because I do not want the issue to be about me. I just wanted it to be owned by the House because the decisions that are going to be made in the House are binding. That is why I have given members time to express themselves before you have done so. So, I allow you to proceed within the parameters that are given for an ordinary member. Stop looking me as me; look at the position of the Chair so that it is easier for us to proceed. Otherwise, I am going to allow you to proceed and confine yourself to the dictums and procedures of this House. Proceed.

Hon. Mary Ariviza: What I was saying is, when the Hon. Speaker of the County Assembly of Nairobi gave the speech, I was not in the house. I am quite shocked that I did anything during the plenary. The only time I came in because I had a problem with my leg. I came in later on when you were a moderator and I didn't talk about anything. However, in the Women Caucus, which most of us were not present except, Hon. Ayot, Hon. Immapet and I, we found out that we were the only Assembly without any workers and I expressed that.

When my Minority has spoken, I don't want us to go into a lot of details. I apologize. Probably sometimes when somebody just looks at you, they may feel like saying something because the orders give them to come here. I may not go against it. I apologize unequivocally, without any reservations. I have even forgiven all of you before I sit down because I never did anything anywhere.

Hon. Acting Speaker: Order, Hon. Chairman of Water! I will give the following ruling because I had initially told you about Standing Order No.115. It says:

115. (1) Any Member may at any time, on a point of order, invite the Speaker or the Chairperson of Committees to name another Member for grossly disorderly conduct, but the decision whether or not to do so shall remain with the Speaker or Chairperson.

Hon. Members, I think it is important that we agree amongst ourselves. We have found ourselves in the circumstances that we are in and we must conduct ourselves in a manner that befits the City of Nairobi. I do not sit here because I am the most powerful or a person who was able to persuade many people, but I sit here because of the courtesy of the members who are seated on the other end. Just like when I am a member of Ngara Ward, I sit on the other end.

For the benefit of those who have spoken, I am not the one who raised the issue because when I was on the podium I could not tell what was happening. So, if the issue was raised and you can hear the sentiments--- and that is why I allowed members to speak so that it doesn't look like it is a fighting match. So many people know I will easily go the lenient way, but again when we are out of town or out of these precincts, we must be able to carry ourselves in a dignified manner because of the responsibility we carry.

Having said that, and I know there is a Committee on Powers and Privileges, I will allow it to take a very short time in investigating the matter. The people who were in that room that day should also present themselves. I don't think there were cameras on. Any person who saw what happened, present your issues to Powers and Privileges. Clerk will give a notice when they will be doing those sittings.

Not that I want to punish but because I want us to set standards that will be good for everyone moving forward. Remember precedence are set by cases that can be looked at and people look back and say we are able to move this for the benefit of the decency of the County Assembly of Nairobi.

Committee of Powers and Privileges should set up a time and work with the Clerk to give you specific dates before we go on recess so that members can come and make their contributions. The Hon. Member will also be invited to make her own presentation in that Committee so that they can bring a report. I also know you do unbiased reports. We will discuss the report and move forward. At the end of the day as the Leader of Majority has put it, if that is what happened in Kisumu, imagine what other counties who were seated next will carry us. That is very important. No one had a badge that shows you are from Nairobi, Elgeyo Marakwet or wherever.

For purposes of posterity, Hon. Mary Ariviza, I will allow that Committee to take up the matter that set dates which will be broadcasted using our SMS platform so that members are told when to bring the issues. Whatever decision is going to be made, we will come and table it and we move forward.

Otherwise, for me, I hold this office with a lot of respect, not because of the person I am but because of the person I want the Speaker of Nairobi to be. I hope you get what I am saying. We need to hold our

offices in the best interest of what we were elected to do. With that, I think we let the matter rest as the Powers and Privileges will work with the Clerk proceed and give dates. Thank you.

Next Order.

NOTICE OF MOTION

Hon. Acting Speaker: Hon. Mbugua Kabiro.

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker. I would like to thank you for the opportunity to read this Notice of Motion, but before I do that, I probably would want to say that let bygones be bygones and people should do and believe in the handshake. I saw the Majority and Minority Whips sitting together. In the event they are considering a trip to the Commonwealth, kindly may my name be considered.

Hon. Acting Speaker: Order! Hon. Member, you know where the leadership offices are. You can go and canvass that there. Move your Motion.

(Laughter)

DEVELOPMENT OF THE COUNTY YOUTH COUNCIL POLICY

Hon. Mbugua Kabiro: Mr. Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 55 of the Constitution provides for the State to take measures, including affirmative action programmes to ensure that the youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life, access employment and are protected from harmful cultural practices and exploitation; further aware that Part Two of the Fourth Schedule to the Constitution of Kenya provides for the functions of the County Government which include ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; concerned that a majority of young people in Nairobi and Kenya at large have high hopes and ambitions, however, poor macroeconomic performance, a lack of labor market opportunities, an education system that suffers from problems of access, quality, and relevance, and a society that negates the self-expression of young people mean that many young people are unable to translate their aspirations into a productive and fulfilling future; noting that high expectations, disappointing employment and life prospects, and marginalization among young people fuels frustration and desperation and in response, some of these youths have turned to criminal behavior, violence, substance abuse, commercial sex work and even suicide, which have negative repercussions on the young people themselves and contribute to growing physical insecurity for society as a whole; this Assembly urges the County Executive to develop a policy to establish Nairobi City County Youth Council to address issues bedeviling youth in the County.

Thank you very much.

Hon. Acting Speaker: Thank you, Hon. Member. I take the notice to the House Business Committee to allocate time for debate. Next Order.

BILL*Second Reading*

NAIROBI CITY COUNTY TRADE LICENSE BILL, 2018

(ASSEMBLY BILL NO 8 OF 2018)

Hon. Acting Speaker: Chairman of Finance.**Hon. Robert Mbatia:** Thank you, Mr. Speaker. I propose the Nairobi City County Trade Licensing Bill, 2018 (Assembly Bill No 8 of 2018) be read a second time.

Mr. Speaker, This Bill has been in our minds for a long time. We all know we have no existing legal framework of trade business. As we know that the laws that we apply, we only apply them from the Finance Act that was enacted. So, they are never binding. In times like this when people are well versed with the laws, they can challenge whatever steps we are taking. The wisdom behind bringing this Trade License Bill was to bring a legal framework of trade business on how to apply, issue and even how to enforce the laws that should go along.

Mr. Speaker, I don't want to belabor these points for long but this Bill is not very broad. It has several sections. The first section consists the preliminary provisions of the Bill. The second section is the administration of this trade license. Part three contains how the enforcement will be done. Part four is the power on how to make more regulations. Attached to it, there will be a schedule of the fees and charges that will be charged.

Mr. Speaker, as I urge the Assembly, this Trade License Bill will allow the traders to pay their licenses for a period of 12 months. Currently, we pay for a calendar year. Someone paying this April, the license will expire in December regardless yet it is for a period of 12 months. But for this, this will be a 12 month period license. It will allow the traders a period that they can plan themselves.

It also addresses a lot of leakages. A trader who is willing to start business today would not walk in here and pay a license say of kshs.10,000, they will prefer to collude with unscrupulous workers to deny us of revenue. So having a standard way of payment allows us ways to draw a lot of revenue. Also, it contains that it can be paid in installments. It can be paid quarterly, half yearly or even a full year. It also allows our traders an avenue to be able to plan because most of these traders operate hand to mouth. Some would be very willing to pay their licenses for the entire period but they are not able. But when we give that avenue, then we will allow ourselves even an opportunity to continue to draw much revenue.

So, Mr. Speaker, this is contained in this Bill. I would request my colleague, Hon. Ogada to second me.

Hon. Michael Ogada: Thanks a lot, Mr. Speaker sir. The Bill before us is such a huge and important Bill because in many aspects, it is really going to help the County. As my Chair has spoken, we have been relying on Finance Bill, and in many occasions, there has been a threat of challenging Finance Bills. At times when such challenges are done in court, and the Acts are suspended, it becomes very difficult for a County to raise revenues. It is therefore important that we have stand-alone Act that deals with each and every revenue.

The other thing that this Bill once passed into Act is going to help is to assist the County to enhance its revenue. What we discovered is that some traders claim that the fees and charges are a little bit high therefore making it difficult for them to afford at once. It made them to bribe the revenue officers. When the Bill becomes an Act, it is going to allow the traders to split the figures and can even pay four times. It will be cheaper for them and bribery to be expensive. Because if you split Kshs.10, 000 into four, you will only be paying Kshs.2, 500 per quarter. This is affordable to a trader. If an officer goes and was to look for a bribe, then I don't think that trader will be willing to part with money in form of a bribe. I thought that is very necessary.

Mr. Speaker, I think one of our core responsibilities in this House is to assist the County to enhance and hasten their development programmes. This can only happen if we have enough money. One of the ways of getting enough monies is by passing this document.

Mr. Speaker, as I second this, I appeal to the leadership of the House particularly led by you that it is the high time that we encourage the committees to work effectively in terms of supervising the works that the Executive does. You have just made a ruling about one of the members who did something which many thought it was not wise. I am in agreement with what you decided but I was contemplating bringing some chairmen of committees in this House before you. With collective responsibility, and this one I am putting clearly to our Majority Leader, it is only important that chairmen support other chairmen because the benefit of us all is to ensure development is realized in the City and the monies we collect are properly used. That is our basic work. But you find chairmen working without pay, spending his money because sometimes he is not paid on time. If I round four or five chairmen chairing other committees, intrude a meeting and start scuttling, that is not in order. I think we need to respect chairs and committees. We should allow committees to run smoothly. Mr. Speaker, it is upon you to control together with the Majority and Minority Leaders.

Some chairmen should not see themselves superior than the others. All are chairmen and they should need to understand that. Respect others so that we can also respect you. If you invade meeting of another chairman, the next time he will group all members of this House to come and invade your meeting. It will not be in order.

So, Mr. Chairman, it is because of revenue raising measure. It was a discussion and some people feel that they are really tight when it comes to that, and I thought it was not proper. I had to use this forum to really put it across to you because I feared coming to meet you in your office alone. So, this is where I decided to put it across so that I could look like I was talking about things which are not true. Otherwise, we can say that some of them should go for further training so that we really understand what we are supposed to be doing as chairmen.

Hon. Acting Speaker: Hon. Ogada, I know you are not a sitting Chair. Are you holding a brief for a specific Chair? I think, for most of us who were not in the meeting that was invaded, bring us to speed so that we are now clear on what specifically---

Hon. Michael Ogada: I am really supporting this document because it was about revenue. One, my age allows me to talk anyhow. Because when you are old, you can really be allowed to give some words of knowledge and wisdom at any time. The other thing, as a member of a committee, I am a person who respects leadership because that is what the Bible tells me. It tells me that leadership comes from God. That is why I

respect you. That is why I respect everybody else. And I don't like my leader being disrespected. I sit in budget committee---

Hon. Acting Speaker: Order! I want you to go very clearly on the specific issues that were disrespectful because all committees are open for all Members. So, if Members decided to come to a committee, I think the Standing Orders allow them. Proceed.

Hon. Michael Ogada: Hon. Speaker, what I was raising---

Hon. Acting Speaker: Hon. Ogada, your leader is on a point of order, let me give him a chance.

Hon. Elias Otieno: Mr. Speaker, I think Ogada just fears what he wants to say. I am aware and know that during that time, even the Chairman of Budget and Ogada and some other Members called me. Some Chairpersons invaded that committee's meeting in Mombasa. I think the trade chairman was there. The planning chairman was there. Ward Development Fund chairman was there. Health chairman was also there. So, I call upon these rogue chairmen to respect other chairmen. In any case, the Budget chairman stops respecting them, how will they feel? It is time they should give him total support and respect. I don't think they are very serious with their committees like the Budget chairman. Even if leaves the budget committee for them today, I don't think they will be able to perform in that committee the way he is doing it. I am in budget committee and that day I was not there because I was at home. If I were there that day, I would box one of them. I know they cannot fight me. Those are just like mosquitoes. We cannot fight. So, we cannot allow them to behave like that. Next time, I will attend your retreat and I will be there. Let them dare to come. I will deal with them. We will not allow them to invade our committees. Thank you.

Hon. Acting Speaker: I will allow Mike to proceed, but I have seen Hon. Kimuhu again. I will give you a chance so that I take it back to Mike. Remember we are not yet debating the bill.

Hon. Peter Kimuhu: Mr. Speaker, I am standing on a point of order, not because I am opposing anyone who is speaking on this matter. The matter that is being raised by Ogada. I just wanted to let you know that today, in the morning, under the leadership of the Leader of Majority and the Hon. Deputy Speaker, the issue of disrespect among chairpersons was deliberated in great details. And it was taken up by Leader of Majority and the Hon. Deputy Speaker and we are even having and another meeting which will be called for shortly so that to be able to bring order among the chairmen of this House. I stood on a point of order so that I save the Assembly time because the matter is already under deliberation. I know the Leader of Minority was not in today because of his busy schedule, but it is already on course. And we are looking for ways and means of introducing harmony and respect among the chairmen. So, if you don't mind, let us save time and move on with the matter that is before us.

Hon. Acting Speaker: Noted. Chairman, Trade, because you were mentioned, I will give you a minute.

Hon. Charles Wakarindi: Thank you Hon. Speaker. I am late because I was in a meeting with the deputy president of Kenya. Hon. Speaker, the Liaison Committee is a very serious committee and the Leader of Majority and Leader of Minority are members of that committee. It is not a committee that jokes, it takes its business very seriously because as the Leader of Majority always says it is the cabinet of this Assembly. It is wrong for anybody to insinuate or try to imply that there has been some sort of jokes or hooliganism in that committee. It is not possible. Most people who say those things have never been chairpersons. Hon.

Speaker, the business of this Assembly is lead through numbers. We have rules in our standing orders that stipulates how business should be carried when there is a disagreement. It is never about might or physical energy. If there has been a disagreement that has been brought to your attention, it has not been a disagreement. I wish to state as a member of that committee that there are no disagreements and the business is run properly under the leadership of the Hon. Deputy Speaker, Leader of Minority and Leader of Majority. If there are mistakes, they are going to be corrected, but we don't deserve the dressing down that is happening on this floor. Thank you.

Hon. Acting Speaker: Thank you. Hon. Ogada, on that specific issue, had you exhausted it so that we proceed to the next order? I think the Chairman of Liaison is here. I suggest that since Hon. Ogada was making references amongst all the Chairs, I would want him to get a chance to come to your committee and present his case in front of the Chairs that he is accusing and then we are able to make a direction. I think he was talking because his Chair is also a Member of Liaison. That is a good direction Hon. Ogada?

Hon. Deputy Speaker: He is most welcome.

Hon. Acting Speaker: Thank you. Most of us here are senior members. We know that you might put the person you are holding brief for in bigger problems. So, it rather be conversed amongst your committee. Conclude of the seconding, then we proceed.

Hon. Michael Ogada: Thanks a lot Hon. Speaker for your wise decision. I am really looking forward to that meeting and we are really going to deal with it.

The other thing is that we were discussing the issues of revenue and one thing we need to understand is that we have a problem in terms of development not because the governor is not working. He is working within his means. One thing that is necessary is that we have enough to spend. We do a budget and the budget that is done in this county, we are not able to actualize it simply because we don't have money. As we talk today, I sit in the budget committee. So far, in terms of local revenue, we have not hit 9 billion. Hopefully it will go to around 10 billion. We used to raise over 12 billion. What has happened? There are loopholes. We were in a revenue raising thing about the market and people came and confessed before the officers that when vehicle comes, there are trucks that pay 6000 shillings as they enter. And they said they are given receipts for 300 shillings. And they were speaking in front of those officers. And they say up to 400 vehicles can come, but the ones captured are less than 10. They were speaking in front of those people. So, those are loopholes. And that is why it is important we have this kind of a bill. One of the cries of the officers is that you find an officer who is being supervised by his junior. When we have this kind of a bill and it is passed, definitely the structures of running that sector is going to be proper and in order. Everybody will be held accountable. So, I second this second this motion and I urge Hon. Members to assist in passing it. Thank you.

(Question proposed)

Hon. Acting Speaker: Hon. Members, the floor is open for debate. Hon. Silas Matara.

Hon. Silas Matara: Thank you Hon. Speaker for this opportunity. I had pressed the mic to give an input on the earlier dispensed issue about Hon. Ariviza, because as the first officer in the panel, my input was important. But anyway, since you have already chosen me to give an input to this bill being tabled by our able Chair for budget. What I can say is that Nairobi has suffered. The people who engage in trade are really

suffering in the hands of the officers of the county and as an Assembly, whatever measure that can be put in place to ensure that we realize that much revenue for us to facilitate the respected programs that we get to put in place to take Nairobi forward. So, this bill is necessary and should been put in plce long time ago, but I am happy that I am participating towards making revenue collection be anchored in law and streamlining the processes of the same. With that, I beg to support.

Hon. Acting Speaker: Thank you. Hon. Pius Mbono.

Hon. Pius Mbono: Thank you Hon. Speaker. I raise to support this bill. I was a member of Trade Committee in the last Assembly, when Hon. Warutere was the Chairman and the Vice Cahir was Hon. Odalo. They can bear me witness that I was bringing the same idea into the committee. I was telling them that the people are requesting whether we can do something on licenses. That the community were so much willing to pay for licenses if they are asked to pay quarterly. They were also asking whether if someone pays in July, if the license can go up to January next year. Hon. Speaker, the revenue pattern in this county is very clear. That the county is able to collect high revenue in the months of January to May and June. Then from there, the county staggers. That is when the revenue officers and the inspectorate go to the ground trying to see whether they can get some traders who have not paid. Actually, what happens is just a hide and seek game because the traders feel like it is approaching the end of the year and paying for those licenses is like waste of money. So, the revenue officers probably are able to get very few traders because what normally happens is that the traders just look for someone who can stand somewhere and look out for those county vehicles. They know them. They go round, look for few traders there and make them pay. They only get a few of them. Most of them close the business until the revenue officers disappear from the ground. So, if payments are split in instalments, we shall be getting revenue throughout the whole year, from January to December. So, I support the motion. The bill is very nice. The traders will be happier when they get this information that the county is now working on this. Harassment will also cease. We won't even need many inspectorate officers because the business will be sorted out. Thank you.

Hon. Acting Speaker: Thank you. The Hon. Member for Komarock.

Hon. John Muthiga: Thank you Mr. Speaker. I have been trying to press the mic button here, but you didn't see. But before I support the motion, in this House are some people who have reached political menopause and they are supposed to go home. Somebody reaching political menopause means that we cannot be having circus every now and then and we are a very serious House representing Nairobians. Circus means this. We are people who have been elected by the majority of Nairobians to come and articulate their issues in this House. And every three months, we are sending people to powers and privileges committee. That means that some of us have to go home because we want Nairobians to have the best. We don't want circuses in this House. We want serious business in this House. Can I continue now?

Hon. Acting Speaker: I will allow you to continue. I note that you are using figurative speech. It is flowery, but we already made a ruling on where you are going to. So, proceed with the motion at hand.

Hon. John Muthiga: I was making that statement because I have been sitting here trying to see if you can catch my eye. I even tried to raise my hand, but it is as if you couldn't see a Member of Komarock who is trying to say something.

Hon. Acting Speaker: Chairman, Environment, are you challenging the order of the Speaker? From where I sit, I have many requests and I have to balance. And since you are a Chair, I am trying to think about a Chair who has the opportunity to speak all the time viz-a-viz a Member like Emily Waitthaka who never speaks. Which one would you choose? Proceed.

Hon. John Muthiga: Thank you. Mr. Speaker, when I stand to support this bill, I am very proud today having this document in front of me. We have been talking about revenue collection. Revenue collection in Nairobi County has a shortfall. Why do we have a shortfall of revenue and we have channels that we can get those revenues. Traders in my ward are so many. When this document becomes an act, they will be very happy because the officers the officers that go collecting or looking for those documents to verify if people have paid for licenses. Those officers are mushrooming everywhere in this city because they only wait for December, they go across the city collecting money from these traders. When 10,000 can be split into four instalments, it means at any particular time, our county will be having money. People will be paying for their licenses without much hustle.

Hon. Speaker, for us to give Nairobians services as we have money that is flowing every now and then. We are not going to be talking about shortfalls in our budget because there are so many traders across the County and because as they are paying we will be having an accumulation of money towards the end of the year.

Therefore, Hon. Speaker, I stand here to support this Bill. Thank you.

Hon. Acting Speaker: Thank you, Hon. Peter Wahinya.

Hon. Peter Wahinya: Thank you, Mr. Speaker, I want to apologize because I am speaking too much today but it is because I have not been in for a while. I would like to support this particular Bill but with reservation and a request for some changes.

Hon. Speaker, as a Chairman of Delegated Legislation Committee, my work commences when a Bill is made and in more so when a Bill reference to a regulation.

These regulations are usually in the Bill, for example, part four-clause 27 (1) which say that “the County Executive Committee Member may make regulation for the better carrying into effect of this particular Bill when it becomes an Act”. This word “may” in certain Bills is represented by the word “shall” and I like it when it is a “shall”.

Recently I had an issue with one of the Executive Member. When I entered his office to ask why the regulations have not been made, the Member said that the Act is reading “may” which means that person has the prerogatives to develop those regulations at the time he or she feels that they should be made.

Hon. Speaker, therefore, I am of the opinion that when the Bills comes to this House so that we make it a standard practice, they should be featuring the word “shall” so that they compel the Member of Executive, to generate these regulations and bring them to us in good time.

Hon. Speaker, if you look at what it is been considered has “may” which is in the next page, it is making reference to trade license fees which are going to be in regulation which this Bill is referring to as they will be an Act. Using the word “may” and yet you cannot operationalize this Act without a trade license fee. That is a fact, which is an impossibility.

Therefore, bills in this House must bear the word "shall" whenever they are making references to regulations and that is the only way I can compel a CEC in charge to be able to develop them within a reasonable time. That is my prayer, Hon. Speaker and I hope we can proceed with this Bill with that simple modification.

Hon. Acting Speaker: Thank you. I think the mover will capture that in when making his reply. Hon. Mbugua Kabiro.

Hon. Mbugua Kabiro: Thank you very much Hon. Speaker for according to me this opportunity to discuss about this very important Bill. Allow me to just highlight a few things in the Bill, which I think require urgent attention.

First, I think that it is the preliminary provisions that should be Article 1. 'This Act may be cited as the Nairobi City County Licensing Act' I believe that it should be corrected to 'Trade Licensing Act'. Therefore, if that can be noted down we can get the name right.

Hon. Acting Speaker: Order! Can you say that again?

Hon. Mbugua Kabiro: Preliminary provisions in Article 1: This Act may be cited as the Nairobi City County Licensing Act of 2018' I believe the title is captured wrongly. It should be Trade Licensing Act of 2018.

Hon. Acting Speaker: No, it is on page three.

Hon. Mbugua Kabiro: They have captured the name wrong and they have forgotten the name 'Trade' before 'Licensing', not unless we have the wrong copies.

Hon. Acting Speaker: Are you saying about the first copy of the first line?

Hon. Mbugua Kabiro: The third page, third line the short title.

Hon. Acting Speaker: Okay!

Hon. Mbugua Kabiro: Therefore, that one should be corrected to include the word 'trade'. I would also want to look at 12 there is a prescribed form, which is an appeal form, which should be clearly put in the Act or specified in the regulations so that we avoid the push and pull on the mechanism of appeal whenever we are having grievances with regard to the processing of trade licenses.

Therefore, in the prescribed form I cannot see it in the Bill, if it is considered as the Chairman of regulation has said that it should be captured in the regulation. But, I would like to correct him and tell him that under Article 27 (2) which he read that without prejudice the generality of these sections and regulations might be prescribed. It leaves all other things but it does not list the prescribed appeals form, which I think it should be captured in the Act.

The thing I would want to talk about in this Bill which is very good, I would wish that we consider the people who suffer loses whenever it is a neglect from our side, in the event of emergencies and fire like the victim of Gikomba. I am talking to reference 20, which says, "The holder of a license, which is lost or deface may apply for another license or a duplicate".

I wish we should capture that whenever such people have licenses and there is an emergence like fire, we should give them licenses without having them to pay anything. This because I want to believe that they have lost enough in the first place and I believe it is an emergency that should have been avoided at the first instance by the County if it is a County problem.

Therefore, the fire victims and any other emergency whether it is a flood or any other should be allowed to apply and be given duplicate licenses, without paying anything to the County. Thank you, very much Hon. Speaker.

Hon. Acting Speaker: All right, although I hold a different view I will allow the Hon. Benson Mwangi.

Hon. Benson Mwangi: Thank you, Hon. Speaker, it is my hope that because the County Assembly Service Board is fully constituted the tailor may visit and fit you in a more deserving outfit of a Speaker, so that each person in this House may believe and see that indeed you are the Speaker of the Nairobi City County in the next four years.

Therefore, Hon. Speaker, I hope from next week we will have a fully fitted Speaker outfit. I rise in support of this Bill because first as a Member of the Trade Committee we had issues in CPSP because they wanted the issue to be raised because it was in a shortfall of revenue collection.

Hon. Speaker, the main source of revenue in Nairobi City County is in trading activities and once we have not regulated how the collection of revenue is done, we are losing more revenues as Nairobians in return.

The development that we saw into our wards and especially for Nairobi, it will be only on papers, it will be realistic, but on the ground, it is not happening. Hon. Speaker, we have a very nice Bill here and I hope this Bill will twinkle down to Sub County levels that we may have many directorates there so that the people at the Ward example as in Embakasi West they will go to Embakasi West Sub County and pay licences fees once their due diligence has been done.

Hon. Speaker, having said that we as an Assembly our main roles are three legislation, oversight and representation. We need the Committee of Implementation to ensure that this Bill is implemented, to the latter. This is because it involves many cartels in Nairobi whom their main source of revenue is from collecting revenue that is accounted for.

Hon. Speaker, once this Bill has passed in this House the Chairman of the budget can give us an Implementation progress report for it. This is because it involves a majority of cartels in Nairobi like the market cartels and licensing cartels. I have information that instead of paying a license of Kshs.50, 000 they give someone Kshs 5,000 and you are given a license for the whole year.

Therefore, Hon. Speaker with those few remarks we just hope that this Bill will be implemented to the latter so that we may be able to plan for our expenditure in recognizance with the revenue that we have collected. Thank you, Hon. Speaker.

Hon. Acting Speaker: Thank you, Hon. Member. I will allow the Mover to reply consolidating all the issues raised. The Chair Trade had not requested; I have not seen any request but I will allow you because you are the Chair of Trade.

Hon. Charles Thuo: Hon. Speaker and Hon. Members of the Assembly am very grateful that Hon. Mbatia thought about this Bill, because it is long overdue. The issues that are articulated here are issues of great importance because you realize that licensing is one of the biggest revenue earners to this County.

Nobody has thought that before because what this means is that if someone had gone to court and refused to pay licences because it is not based in law. I am hoping that the Assembly is going to assist us

with this because we have an issue, when you realize that the law says that, we can regulate trade practice in this County with the exception of professionals.

Hon. Speaker, in my Committee we were considering that when you have a lawyer or a doctor that is a profession that you cannot regulate but then they are still doing business. Therefore, you cannot whether or not they will be Doctors or Lawyers or they practice, but as long as they have a business and an office as I was thinking it is important that the County be allowed to license the business, but of his profession.

This is because we are getting challenges from the professionals as they brought their views. They were imagining if they were banned from regulating professionals then we should not provide for them to pay licences and I think that is right. I hope we are going to get guidance from the proper Committees from the Clerk on that.

Another very important issue that has been addressed on this Bill is the issue of having our licenses to last a full calendar year. It is has been a great service to the people of this County. This is because what happens mostly because the business that started in June people do not pay for their licenses. This is because if they pay they will be required to pay another after one after six months.

Therefore, what has been provided here in this bill is that all licenses should last for 12 months and notwithstanding the end of the calendar year. This is going to ensure that revenue streams are constant. This is going to reduce the rash we have in January and the rest of the year is going to remain without much activity as far as licences is concerned. Hon. Speaker, I beg to support this Bill thank you.

Hon. Acting Speaker: Thank you I will now call the mover to reply. I can see Hon. Ngengi requesting but you are a Member of trade and a Member of Budget. So allow your Chair to respond on issues that have been raised.

Hon. Robert Mbatia: Thank you, Mr. Speaker, I want to appreciate every Member for ventilating on this very important document and also inform this House that Hon. Thuo is aware and the other Members that I have had this document for a while even in the previous dispensation but it has been frustrating.

I want to thank the office of the Clerk and the leadership for this document to see the light of the day. I hope that the traders this time will be able to work in a more convenient environment for every one of them because they are of different abilities Mr. Speaker. I want also to appreciate the concern of the Members and thank you *Mheshimiwa* Kabiro for pointing it out and I believe that was a typo. I believe when the Trade Committee is bringing in the amendments in the Committee of the Whole House I believe it will be factored in on the issue of the short title missing the word 'Trade'.

I would also want to point out another issue that you have raised about the item on a prescribed form in section 12 of the Bill. I believe that there is no prescribed form and it is by writing that you can make an appeal. This is because you have different reasons for the appeal. I believe that they had not envisioned any prescribed form; it is just the person that is appealing to make a formal written appeal to the Executive Member within the 14 days.

Therefore, I believe the issue that has been written in either a prescribed form I believe one of that we must drop should it be a written appeal or a prescribed form in the Committee of the whole House. We need to drop one of that.

I want to point out to the issue of section 20- which according to *Mheshimiwa* and Speaker said he has a contrary opinion but he cannot vote - it is the issue of a fee charged on duplicated issuance. That is why it has been written "may" this will be at the prerogative of the Director of Trade License that they may or not charge because probably because of the fire it might be by you the trader having caused that inferno.

Therefore, it is at the prerogative of the Trade Director to decide whether there will be a fee to be charged. That is why there is a "may" so I would request that my Hon. Wahinya not to insist that in everything we insist that we put the word "shall" we allow that sometimes "may" be used.

The issue of section 27 where *Mheshimiwa* Wahinya was ventilating on the word "may" these prescribed forms, the application forms and all that at the beginning they must exist so time to time they might be reviewed that is why the word "may" appears. I hope I have explained to *Mheshimiwa* Wahinya because when we put "shall" it means that it is necessary that it be revised repeatedly.

In existence, there will be those forms so, time and time they can be reviewed and adjusted when the need arises. That is why I still believe that the House can correct me that the word "may" should be used.

Therefore, Mr. Speaker I want to thank this house and every Member for ventilating on this and I appreciated *Mheshimiwa* Ogada because we have been through this with him thank you, Hon. Speaker.

(Question put and agreed to)

AN ACT OF THE COUNTY ASSEMBLY OF NAIROBI CITY TO PROVIDE FOR THE REGULATION OF TRADE AND FOR CONNECTION PURPOSES

(Second reading)

ADJOURNMENT

Hon. Acting Speaker: Thank you, Hon. Members, I want to thank the team that has remained very committed until this time and I specifically want to mention the leadership that I have seen to be very committed up to now. It is a very commendable gesture for the ones who have remained here to ensure that this Bill has gotten the criticism and the support that it deserves until the end.

I think it is very good direction and I want to congratulate you all for your commitment to Assembly matters. The House adjourns until tomorrow Wednesday 24th April 2019 at 2.30 p.m. and the House Business Committee will meet at the rise of the House.

The House rose at 4:34 p.m.