



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Wednesday, 7 June, 2017

The House met at 2.30 p.m.

*(Hon. Speaker (Mr. Alex Ole Magelo) in the Chair)*

### PRAYER

**Hon. Speaker:** Order, Hon. Members! Phones are ringing in the Assembly which is unacceptable. Can we proceed?

### PAPERS

**Hon. Speaker:** The Report of Sectoral Committee on Water and Sanitation on inspection visit to Northern Water Collection Tunnel project and treatment works and Ndakaini Dam, Murang'a, held on 17<sup>th</sup> to 18<sup>th</sup> February 2017.

**Hon. Member for Njiru Ward (Mr. Kenneth Thugi):** Thank you, Mr. Speaker sir. I beg to lay the following Paper on the table of the Assembly, today, Wednesday 7<sup>th</sup> June 2017: The report of Sectoral Committee on Water and Sanitation on inspection visit to Northern Water Collector Tunnel project and treatment works and Ndakaini Dam, Murang'a, held on 17<sup>th</sup> to 18<sup>th</sup> February 2017.

Mr. Speaker, I have another Paper to lay. I beg to lay the following Paper on the table of the Assembly, today, Wednesday 7<sup>th</sup> June 2017: The report of Sectoral Committee on Water and Sanitation on Water Summit held in Budapest, Hungary from 28 to 30<sup>th</sup> November 2016. I beg to lay, thank you.

## NOTICES OF MOTION

REPORT ON INSPECTION VISIT TO NORTHERN WATER COLLECTOR TUNNEL PROJECT AND TREATMENT WORKS AND NDAKAINI DAM, MURANG'A,

**Hon. Kenneth Thugi:** I beg to give notice of the following Motion; THAT, this Assembly adopts the report of Sectoral Committee on Water and Sanitation on inspection visit to Northern Water Collector Tunnel project and treatment works and Ndakaini Dam, Murang'a, held on 17<sup>th</sup> to 18<sup>th</sup> February 2017 laid on the table of the Assembly, today, Wednesday 7<sup>th</sup> June 2017.

REPORT ON WATER SUMMIT HELD IN BUDAPEST, HUNGARY

**Hon. Kenneth Thugi:** I beg to give notice of the following Motion; THAT, this Assembly adopts the report of Sectoral Committee on Water and Sanitation on Water Summit held in Budapest, Hungary from 28 to 30<sup>th</sup> November 2016 laid on the table of the Assembly, today, Wednesday 7<sup>th</sup> June 2017. Thank you.

*(Hon. Member spoke of the record)*

**Hon. Speaker:** I will give you an opportunity after we are done because you are late.

## COMMITTEE OF THE WHOLE ASSEMBLY

*(Order for Committee read)*

*(Mr. Speaker left chair)*

IN THE COMMITTEE

*[Hon. Chair (Mr. Kennedy Ng'ondi) took the Chair]*

OFFICE OF THE ATTORNEY BILL (ASSEMBLY BILL NO. 4 OF 2016)

*(Governor's reservation to Clause 19)*

**Hon. Chairperson:** We are in the Committee of the Whole Assembly to consider the Governor's recommendation on Clause 19 of the Nairobi City County Office of the Attorney Bill, 2016 (Assembly Bill No. 4 of 2016).

Part 4

**Hon. Member for Parklands/High Ridge Ward** (Mr. Jaffer Kassam): Thank you, Chair. I wish to propose the amendment of Clause 19: The Nairobi City County Office of the Attorney Bill, 2016 (Assembly Bill No. 4 of 2016). I would like to request Hon. Hashim Kamau to second this amendment

**Hon. Minority Chief Whip** (Mr. Hashim Kamau): Hon. Members, I propose that the Governor's reservation to Clause 19 be amended.

*(Question of the amendment proposed)*

*(Question of the amendment put and agreed to)*

INSPECTORATE SERVICES BILL

**Hon. Jaffer Kassam:** Thank you, Chair. I request that we table this Bill tomorrow. We have some amendments and we would like to request for time for us to do this exercise tomorrow.

**Hon. Chairperson:** Thank you, Hon. Jaffer. Your request has been noted and granted.

*(Bill deferred)*

CULTURAL HERITAGE (AMENDMENT) BILL (ASSEMBLY BILL NO. 1 OF 2017)

**Hon. Chairperson:** Hon. Samuel Kagiri.

**Hon. Member for Pipeline Ward** (Mr. Samuel Kagiri): Thank you, Chair. I need some guidance; this Bill has a lot of amendments.

**Hon. Chairperson:** Proceed

Clause 3

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 3 be amended:

- (i) In sub clause 1 by inserting the words "of County importance" between the words "services" and "for"
- (ii) In sub clause (1) (i) by inserting the following new words immediately after the words "cultural heritage" "in consultation with the National Government"

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 3 as amended agreed to)*



Clause 4

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 4 of the Bill be amended:

- (i) In sub clause (1) by deleting the word “Part” and replacing thereof the word “Act”
- (ii) In sub clause (1) by inserting the following new paragraph immediately after paragraph (b)- (c) vested under the national level of government by virtue of the Constitution

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 4 as amended agreed to)*

Clause 5

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 5 of the Bill be amended by inserting the words “with knowledge and experience in culture between the words “officers’ and “to”.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 5 as amended agreed to)*

Clause 6

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 6 of the Bill be amended:

- (i) In sub clause (1) by inserting the words “at the County level” between the words “shall” and “through”.
- (ii) In sub clause (1) (g) by inserting the words “in consultation with stakeholders of that cultural community” immediately after the words “cultural activities”

- (iii) In sub clause (1) (h) by deleting the entire paragraph and substituting thereof the following paragraph- “in consultation with the relevant stakeholders and the national government, determine the compensation, royalties or other benefits to be received by communities or groups for the use of their culture, cultural goods, services, articles or cultural heritage”
- (iv) In sub clause (1) (i) by deleting the words “patent, copyright or otherwise”
- (v) By inserting the following paragraphs immediately after paragraph (i)- .

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 6 as amended agreed to)*

#### Clause 7

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 7 of the Bill be amended:

- (i) In paragraph (a) by deleting the entire paragraph and substituting thereof the following paragraph-  
(a) no person shall compel another to perform, observe or undergo any cultural practice or rite
- (ii) By inserting the following new paragraph immediately after paragraph (a) (b) sufficient information on cultural activities is disseminated to ensure that persons intending to participate in any cultural activities are well informed.
- (iii) In paragraph (c) by deleting the words “which undermine human dignity are discouraged” and substituting thereof the words “do not undermine human dignity and the Bill of rights”
- (iv) By adding the following paragraph immediately after paragraph (c) (d) cultural activities do not undermine national cohesion and security.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 7 as amended agreed to)*



Clause 8

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 8 of the Bill be amended:

- (i) In sub clause (1) by inserting the words “cultural infrastructure and in consultation with the Kenya Cultural Centre,” between the words “establish” and “at least”
- (ii) By inserting a new paragraph immediately after paragraph (d)- (e) focal points for promotion of intercultural dialogue, national cohesion and cultural expression at the County level

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 8 as amended agreed to)*

Clause 9

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 9 of the Bill be amended in sub clause (2) (d) by inserting the following sub paragraph- (iv) “representatives of youth and artistes”

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 9 as amended agreed to)*

Clause 10

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 10 be amended in sub clause (1) by inserting the following new proviso- (a) provided that:

- (iii) The article is not declared to be a national cultural article
- (ii) The determination is made in consultation with the national government

*(Question of the amendment proposed)*



*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 10 as amended agreed to)*

Clause 11

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 11 be amended in sub clause (1) (a) by deleting the word “patenting” appearing between the words “the” and “purchasing”

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 11 as amended agreed to)*

Clause 12

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 12 be amended:

- (i) By deleting the entire marginal note and substituting thereof the following marginal note- “Registration of cultural articles”
- (ii) By deleting the entire clause and substituting thereof the following new clause- The department, in consultation with the recognized elders of a community may register a cultural article .

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 12 as amended agreed to)*

Clause 13

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 13 be amended;

- (i) in the marginal notes by inserting the words “and creative” between the words “cultural” and “industries”

- (ii) in sub clause (i) by deleting the words “patented” or “copyrighted articles” appearing between the words “of the” and “or activities”
- (iii) in sub clause (i) by inserting the words “develop, support and protect creative and” immediately after the word “establish”

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 13 as amended agreed to)*

Clause 14

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 14 be amended in sub clause (1) by deleting the word “Department” and substituting thereof the words “National Government”

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Clause 14 as amended agreed to)*

Clause 15

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 15 be amended;

- (i) in sub clause (1) by inserting the words “in consultation with the national government,” between the words “department” and “shall”
- (ii) in sub clause (1) by inserting the words “of County importance” between the words “site” and “which”
- (iii) in sub clause(1) (a) by deleting the word “patenting”

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*



*(Clause 15 as amended agreed to)*

Clause 16

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 16 be amended in sub clause (1) by inserting the words “in consultation with the National Government” between the words “site” and “and”

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 16 as amended agreed to)*

Clause 17, 18 and 19

*(Question that Clause 17, 18 and 19 be part of the Bill)*

*(Question put and agreed to)*

Clause 20

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 20 be amended:

- (i) By inserting and deleting the words “keep a register and database of all articles of a cultural nature” appearing between the words “shall” and “and cultural” and by substituting thereof the following words develop, manage and keep a register of all traditional knowledge, cultural expressions, cultural articles”
- (ii) By inserting the following new sub clause (2)the complete and validated information contained in the register in subsection (1) shall be transmitted to the National Government.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 20 as amended agreed to)*

Clause 21



**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 21 be amended:

- (i) In the marginal notes by deleting the words 'short term custody' and substituting thereof the word "license".
- (ii) In sub clause 1 by deleting the entire sub clause and substituting thereof the following sub clause- "Where the cultural articles of a community are not being sufficiently exploited, the Department may, with the approval of the Executive Committee Member and the community to which a cultural article belongs, grant a license for exploitation.
- (iii) In sub clause 2 by deleting the words "short term custody" and substituting thereof the word "license"
- (iv) In sub clause 3 by deleting the words "short term custody to display it abroad, to pay surety or" and substituting thereof the word "license to"

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 21 as amended agreed to)*

Clause 22

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 22 be amended in the sub clause 1 by deleting the words "a person who-" and substituting thereof the words "a person commits an offence if he"

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 22 as amended agreed to)*

Clause 23

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 23 be amended

- (i) by adding the word “protected” between the words “use” and “flora” and substituting thereof the words “a person commits an offence if he”
- (ii) by deleting the words “any relevant” appearing between the words “and” and “national

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 23 as amended agreed to)*

Clause 24

*(Question that Clause 24 be part of the Bill)*

*(Question put and agreed to)*

Clause 25

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 25 be amended:

- (i) By adding the words “as long as the said act is in line with the Constitution and the Public Officer code of conduct” immediately after the word “demand”
- (ii) By deleting the words “any relevant” appearing between the words “and” and “national”

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 25 as amended agreed to)*

*(Question put and agreed to)*

Clause 26

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

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THAT clause 26 be amended by adding the words “in consultation with the National Government” immediately after the word “regulations”

*(Question of the amendment proposed)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 26 as amended agreed to)*

Clause 27 and 28

*(Question that Clause 27 and 28 be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 4 (c)

**Hon. Samuel Kagiri:** Mr. Chairman, I propose that the new paragraph 4 (c) be read a second time.

*(Question of the new paragraph 4 (c) proposed)*

*(New paragraph 4 (c) read a second time)*

*(Question that the new paragraph 4 (c) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 6 (j)

**Hon. Samuel Kagiri:** Mr. Chairman, I propose that new paragraph 6 (j) be read a second time.

*(Question of the new paragraph (j) proposed)*

*(New paragraph (j) read a second time)*

*(Question that the new paragraph (j) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 6 (k)

**Hon. Samuel Kagiri:** Mr. Chairman, I propose that new paragraph 6 (k) be read a second time.

*(Question of the new paragraph 6 (k) proposed)*

*(New paragraph 6 (k) read a second time)*



*(Question that the new paragraph 6 (k) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 6 (l)

**Hon. Samuel Kagiri:** Mr. Chairman, I propose that new paragraph 6 (l) be read a second time.

*(Question of the new paragraph 6 (l) proposed)*

*(New paragraph 6 (l) read a second time)*

*(Question that the new paragraph 6 (l) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 6 (m)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 6 (m) be read a second time.

*(Question of the new paragraph 6 (m) proposed)*

*(New paragraph 6 (m) read a second time)*

*(Question that the new paragraph 6 (m) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 6 (n)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 6 (n) be read a second time.

*(Question of the new paragraph 6 (n) proposed)*

*(New paragraph 6 (n) read a second time)*

*(Question that the new paragraph 6 (n) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 6 (o)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 6 (o) be read a second time.

*(Question of the new paragraph 6 (o) proposed)*

*(New paragraph 6 (o) read a second time)*



*(Question that the new paragraph 6 (o) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 7 (b)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 7 (b) be read a second time.

*(Question of the new paragraph 7 (b) proposed)*

*(New paragraph 7 (b) read a second time)*

*(Question that the new paragraph 7 (b) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 7 (d)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 7 (d) be read a second time.

*(Question of the new paragraph 7 (d) proposed)*

*(New paragraph 7 (d) read a second time)*

*(Question that the new paragraph 7 (d) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 8 (e)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 8 (e) be read a second time.

*(Question of the new paragraph 8 (e) proposed)*

*(New paragraph 8 (e) read a second time)*

*(Question that the new paragraph 8 (e) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 9 (2d) (iv)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 9 (2d) (iv) be read a second time.

*(Question of the new paragraph 9 (2d) (iv) proposed)*

*(New paragraph 9 (2d) (iv) read a second time)*

*(Question that the new paragraph 9 (2d) (iv) be part of the Bill)*

*(Question put and agreed to)*

New Paragraph 10 (1a)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that New Paragraph 10 (1) (a) be read a second time.

*(Question of the new paragraph 10 (1) (a) proposed)*

*(New paragraph 10 (1) (a) read a second time)*

*(Question that the new paragraph 10 (1) (a) be part of the Bill)*

*(Question put and agreed to)*

New Sub-clause 20 (2)

**Hon. Samuel Kagiri:** Mr. Chairman I propose that new sub-clause 20 (2) be read a second time.

*(Question of the new sub-clause 20 (2) proposed)*

*(New sub-clause 20 (2) read a second time)*

*(Question that the new sub-clause 20 (2) be part of the Bill)*

*(Question put and agreed to)*

Clause 2

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT clause 2 be amended:

- (i) By inserting the following new definitions in their proper alphabetical sequence: "Culture" means that set of features that includes knowledge, beliefs, arts, morals, lifestyles, customs, value systems, heritage, traditions and beliefs and any other capabilities and habits of a society or social group. "Creative/cultural industries" mean those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property.
- (ii) In the definition of the word "cultural heritage" by deleting the words "includes cultural activities, articles and sites" and replacing thereof the words "cultural activities, articles, sites, community practices, community representations and community expressions of county importance"

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Clause 2 as amended agreed to)*

Title

**Hon. Samuel Kagiri:** Mr. Chairman, I beg to move:

THAT Title be amended by deleting the words "Heritage"

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Title as amended agreed to)*

Clause 1

*(Question that Clause 1 be part of the Bill)*

*(Question put and agreed to)*

**Hon. Chairman:** Thank you, Hon. Members, we have come to the conclusion of the Committee of the Whole Assembly and we may request that the Speaker resume his seat. Thank you.

*(The House resumed)*

*[Hon. Speaker (Hon. Alex Ole Magelo) in the Chair]*

**Hon. Speaker:** You can we proceed.

## REPORTS AND THIRD READINGS

OFFICE OF THE ATTORNEY BILL (ASSEMBLY BILL NO. 4 OF 2016)

**Deputy Speaker:** Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Speaker. I wish to report to the Assembly that the Committee of the Whole Assembly has considered the Governors recommendations in Clause 19 of the Nairobi City County office of the County Attorney, Bill 2016 Assembly Bill No.4 of 2016 and approve the same with amendments.

**Hon. Speaker:** The Hon. Chairperson?

**Hon. Samuel Kagiri:** Mr. Speaker sir, I beg to move that the Assembly agree with the Committee on the same report.

*(The question is proposed)*

*(Question put and agreed to)*

**Hon. Jaffer Kasam:** Mr. Speaker, sir, I beg to move that Nairobi City County Office of the County Attorney Bill 2016 bill No. 4 of 2016 be now read for a third time. Thank you, Mr. Speaker.

*(The question is proposed)*

*(Question put and agreed to)*

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

CULTURAL HERITAGE (AMENDMENT) BILL (ASSEMBLY BILL NO. 1 OF 2017)

**Hon. Samuel Kagiri:** Mr. Chairman Sir, I beg to move that the Committee of the Whole Assembly do report to the Assembly its considerations of the Nairobi City County Cultural Heritage Bill 2017 and its approval thereof with amendments.

**Hon. Deputy Speaker:** Hon. Speaker, I wish to report to the Assembly the Committee of the Whole Assembly has considered the Nairobi City County Cultural Heritage Bill 2017, Bill No. 1 of 2017 with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Samuel Kagiri:** Mr. Speaker sir, I beg to move that the Nairobi City County Cultural Heritage Bill No. 1 of 2017 now be read a third time.

*(Question proposed)*

*(Question put and agreed to)*

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



## BILL

### OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2017 (ASSEMBLY BILL NO 8 OF 2017)

#### Second Reading

**Hon. Caroline Muga (Nominated Member):** Mr. Speaker, pursuant to Standing Order No. 133, I beg to withdraw the Nairobi City County Outdoor Advertising and Signage Control and Regulation Bill 2017. This is to allow for proper drafting of the Bill since it has glaring technical flaws which cannot even be cured by way of amendments. This Bill was originated by the County Executive and is in agreement with the withdrawal. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes, Hon. Carol. It is indeed allowed that the Bill go back for further consideration.

*(Bill withdrawn)*

### PUBLIC OPEN SPACE USE AND MAINTENANCE BILL, 2017, (BILL NO. 11 OF 2017)

**Hon. Samuel Kagiri:** Mr. Speaker, I stand on Standing Order No. 133, I wish to withdraw the Nairobi City County Public Open Space Use and Maintenance Bill, 2017, (Bill No. 11 of 2017). Mr. Speaker, Nairobi City County Public Open Space Use and Maintenance Bill was introduced and read a first time in this Assembly on Tuesday 16<sup>th</sup> May, 2017. As a subsequent Committee to the Sectoral Committee of Culture and---

**Hon. Karen Wanjiku:** Point of Order.

**Hon. Speaker:** Order, Hon. Members! I want to elaborate to you that it does not have to be in the Order Paper. He was supposed to do it in the Statement time but he was late. Please allow him to continue. Hon. Karen, why don't we allow the Member to withdraw his Bill? Let him finish first please. Okay, let us have you on a Point of Order, Hon. Karen.

**Hon. Karen Wanjiku:** Mr. Speaker, Standing Order 133, if you will allow me to read. "*Withdrawal of Bills, it should be done either before the commencement of business or on the order of the day for any stage of the Bill being read by the Member in charge of a Bill who may without notice claim to withdraw a Bill*".

Mr. Speaker, Hon. Caroline Muga has risen to withdraw the Nairobi City County Outdoor Advertising and Signage Control and Regulation Bill, 2017, Assembly Bill No. 8 of 2017 and I believe that she is not the owner of the Bill. Is she in order, Mr. Speaker? The owner of a Bill is the one who is supposed to withdraw a Bill.

**Hon. Speaker:** Hon. Karen, this is the Planning Committee's report. Hon. Karen, I am also informed and I approved the letter today that the CEC Planning has withdrawn that Bill, it was the Executive. Thank you.

**Hon. Samuel Kagiri:** Mr. Speaker, the Committee wrote to the stakeholders about the Bill requesting them to submit their views before Monday 29<sup>th</sup> and the Committee received the submissions from 15 stakeholders to the Bill who requested the suspension of the Bill to allow for editing and redrafting as the current bill has omitted important contents. Mr. Speaker, the Culture and Community Service Committee also found that the Bill predominantly prohibitive, does very little by the way of instructions and does not follow the basic response of urban design.

The postponement of the Bill was also to allow stakeholders to be duly included in the process of redrafting this piece of legislature which would make for a more wholesome and comprehensive Nairobi City County Public Open Space Act. Mr. Speaker, in the Committee it was agreed that I withdraw the Bill from further proceedings in the Assembly pursuant to Order 133 to allow redrafting and the introduction of an all-inclusive Bill on public open space use to serve the same purpose better. I therefore recommend for the redrafting of the Bill.

Mr. Speaker, in view of the foregoing I therefore wish to withdraw the Nairobi City County Public Open Space Use & Management Bill 2017 pursuant to Standing Order 133. Thank you, Mr. Speaker.

**Hon. Karen Wanjiku:** Point of Order, Mr. Speaker.

**Hon. Speaker:** Yes, Hon. Karen.

**Hon. Karen Wanjiku:** Mr. Speaker, the Bill has now been introduced in the House and therefore the Member is supposed to do it in writing. I do not know whether he has done it like that according to Standing Order 133 (4). If a Member in charge of a Bill decides to withdraw a Bill before it is introduced in the County Assembly, the Member shall submit in writing specifying the reasons for the withdrawal and notify the Speaker of the withdrawal and in paragraph 3 shall apply to such a Bill.

**Hon. Speaker:** Hon. Karen, that has been done. He has given me a letter which came to the Office of the Speaker and he is actually reading the letter which he sent so that one was followed. I thank you. Hon. Members, Hon. Kagiri's Bill stands withdrawn.

*(Bill withdrawn)*

**Hon. Deputy Speaker:** Hon. Speaker, I would like to raise your attention that here is lack of quorum in the Assembly under Standing Order No. 32.

**Hon. Speaker:** Okay, can the Serjeant-At-Arms ring the bell?

*(Quorum bell rang)*

## **ADJOURNMENT**

Hon. Members, there is no quorum to continue conducting business and so the House is adjourned until tomorrow, 2.30 p.m. 8<sup>th</sup> June, 2017. I thank you.

***(The House rose at 4:10 p.m.)***