



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 2nd March 2021

The House met at 9.30 a.m.

[Hon. Speaker (Mr. Benson Mutura) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Clerk, confirm if there is a quorum.

(The Clerk-at-the-Table confirmed there was quorum)

PAPERS LAID

Hon. Speaker: Majority Leader, you have Papers to be laid on the Table. There are several Papers to be laid; the County Debt Management Strategy Paper.

Hon. Abdi Hassan: Thank you, Mr. Speaker Sir, pursuant to section 117(6) of the Public Finance Management Act 2012 I beg to lay the following Paper on the Table of the Assembly today Tuesday 2nd March 2021: The Nairobi City County Fiscal Strategy Paper for the year 2021/2022. Thank you, Mr. Speaker Sir.

Hon. Speaker: I think there is confusion. Come again, which Paper are you laying?

Hon. Abdi Hassan: Nairobi City County Fiscal Paper for the year 2021/2022.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Okay, that is in order. There is another Paper also on Debt Management.

Hon. Abdi Hassan: I cannot see it, the Debt Management. I think this is a mix-up from the Clerk's office Mr. Speaker Sir, and I think we need efficiency in the office of the Clerk. I understand that there are Papers which I am supposed to lay but as the Leader of Majority, I had no Paper until when I am on the floor of the House. It is very sad and these things need to be rectified, Mr. Speaker Sir.

Pursuant to section 123 of the Public Finance Management Act 2012, I beg to lay the following Paper on the Table of the Assembly today Tuesday 2nd March 2021: The Nairobi City County Debt Management Strategy Paper for the year 2021/2022.

(The Paper was laid on the Table of the Assembly)

Mr. Speaker Sir, the same thing happened to us when we were discussing the BBI. Your office need to intervene and make sure things in this Assembly runs flawlessly. Thank you, Mr. Speaker Sir.

Hon. Speaker: Thank you. I commit the said document to the Committee of Budget. Chair Budget!

Hon. Robert Mbatia: Thank you, Mr. Speaker, Pursuant to Standing Order 191 I beg to lay the following Paper on the Table of this Assembly today Tuesday, 2nd March 2021: Report of the Select Committee on the County Finance Budget and Appropriation on the consideration of the Nairobi City County Annual Development Plan for the financial year 2021/2022. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you, Chairman.

NOTICES OF MOTION

RESOLUTION TO NAME OR RENAME A ROAD IN CBD IN HONOUR OF MOHAMED YUSUF HAJI

Hon. Abdi Hassan: Thank you, Mr. Speaker Sir, I beg to give Notice of the following Motion: That aware the recognition of the outstanding citizens who have contributed immensely to this National good is provided for in law, by which the states confer orders decorations and medals. Recognizing that in furtherance of this recognition County Government has equally named roads and other County-owned facilities after heroes and heroines, in recognition of their effort and service to the Nation, which service has contributed to Kenyans prosperity. Observing that the late Hon. Senator Mohammed Yusuf Haji has for fifty-five years served Kenya in various capacities, where he began his public service career as a District Officer in 1960 and rose through the ranks to the position of Provisional Commissioner for several years. Noting that from his public Administration experience, Hon. Haji went on to serve as a Member of Parliament for Ijara Constituency, as an Assistant Minister in the office of the President and later on as Minister of State for Cabinet Affairs in 2002, Minister of state for defense, as an acting Minister for Internal Security and Provincial Affairs. During which he was notable for his efforts to promote peace and stability in Somalia and beyond, amongst other achievements. Grateful that before his demise, the Country had further called upon Hon. Haji exceptional negotiation and strategic mediation skills, by entrusting on him the stewardship of the Building Bridges Initiative, which task he took with earnest zeal and delivered a noteworthy Constitutional Amendment Bill whose processing is currently underway. Now, therefore, aware that the naming of the roads and other public places heroes and heroines bestows honours and shows collective gratitude as a nation. This Assembly resolves that the Nairobi City County Government in conjunction with the Nairobi Metropolitan Service name or rename a road in the Central Business District to Senator Mohamed Yusuf Haji in recognition of the late Senator Yusuf Mohamed in measurable contribution to the prosperity and wellbeing of Kenya in his fifty-five years records of public service. Thank you, Mr. Speaker Sir.

ADOPTION OF COUNTY ANNUAL DEVELOPMENT PLAN FOR FINANCIAL YEAR 2021/2022

Hon. Robert Mbatia: Thank you, Mr. Speaker Sir, I beg to give the following Notice of Motion: That this Assembly adopts the report of the Select Committee on the County Finance Budget and appropriation on the consideration of the Nairobi City County Annual Development Plan (ADP) for the financial year 2021/2022 laid in this Assembly on Tuesday 2nd March 2021. I beg to give notice of the Motion, Mr. Speaker sir.

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Mr. Speaker left the Chair)

IN THE COMMITTEE

[Hon. Chairperson (Mr. John Kamangu) took the Chair]

THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2020 (ASSEMBLY BILL NO. 3 OF 2020)

Hon. Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly, being Tuesday, March 2nd 2021 at 9.30 a.m. to consider the Nairobi City County Betting, Lotteries and Gaming Bill, 2020 (Assembly Bill No. 3)

Clause 3 and 4

(Question, that Clauses 3 and 4 be part of the Bill)

(Question put and agreed to)

Clause 5 (1) (e)

Hon. Chairperson: Propose amendments, Hon. Mwangi Njihia.

Hon. Abraham Njihia: Thank you, Chairman. I beg to move:

THAT, Clause 5 (1) (e) of the Bill be amended by inserting the words 'and with 5 years' experience' immediately after the word 'conversant'

(Question of the amendment proposed)

Hon. Chairperson: Anyone who wants to debate? Anyone through zoom? There is none.

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 5 (1) (e) as amended agreed to)

Clauses 6, 7, 8, 9, 10, 11, 12, and 13

*(Question, that Clauses 6, 7, 8, 9, 10, 11, 12, and 13
be part of the Bill)*

(Question put and agreed to)

Clause 14 (g)

Hon. Abraham Njihia: Hon. Chairperson, I beg to move:

THAT, Clause 14 (g) of the Bill be amended by deleting the word 'repeated (b)' and replacing it with the words 'Enforce measures to ensure responsible gambling.'

(Question of the amendment proposed)

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

(Clause 14 (g) as amended agreed to)

Clauses 15 and 16

(Question, that Clauses 15 and 16 be part of the Bill)

(Question put and agreed to)

Clause 17 (2)

Hon. Abraham Njihia: Hon. Chairperson, I beg to move:

THAT, Clause 17 (2) of the Bill be amended by deleting the words 'to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or both' and substituting therefore with the words 'as per Part X of this Act'

(Question of the amendment proposed)

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

(Clause 17 (2) as amended agreed to)

Clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31

*(Question, that Clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31
be part of the Bill)*



(Question put and agreed to)

Clause 32 (1)

Hon. Abraham Njihia: Hon. Chairperson, I beg to move:

THAT, Clause 32 (1) of the Bill be amended by deleting the word 'proceeds' and substituting therefore with the word 'winnings'.

(Question of the amendment proposed)

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

(Clause 32 (1) as amended agreed to)

Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47

*(Question, that Clauses 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47
be part of the Bill)*

(Question put and agreed to)

Clause 48

Hon. Abraham Njihia: Hon. Chairperson, I beg to move:

THAT, Clause 48 (1) (a) of the Bill be amended by deleting the word 'minor' and substituting therefore with the word 'child'

Part VII

THAT, Part VII of the Bill be amended by deleting the words 'The County Lottery Distribution Trust Fund' and substituting it therefore with the words 'Financial Provisions.'

(Question of the amendment proposed)

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

(Clause 48 as amended agreed to)

Clauses 49, 50 and 51

*(Question, that Clauses 49, 50 and 51
be part of the Bill)*

(Question put and agreed to)

Clause 52

Hon. Abraham Njihia: Hon. Chairperson, I beg to move:

THAT Clause 52 of the Bill be amended as follows:

NEW SUB-CLAUSES

- (i) by inserting the following new sub-clauses immediately after sub-clause 2 as follows; -
'52 (3) The County Executive Committee Member for Finance shall appoint the administrator of the Fund'
52 (4) The administrator of the Fund shall allocate 1.5% of the fund for administrative expenses'
- (ii) by inserting the following new Clauses immediately after Clause 52 as follows; -

NEW CLAUSE

Annual Budget and Estimates

"52 A (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared budget estimates of the Fund for that year.

(2) The Board shall approve the annual estimates at least ninety days before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the County Executive Committee Member for final approval.

(3) No expenditure shall be incurred for the purposes of the Board except in accordance with the annual estimates approved under subsection

(4), or in exceptional circumstances, in accordance with an authorization of the Board given with prior written approval of the county executive committee member.

NEW CLAUSE

Books of Accounts

52 B (1) The Board shall cause to be kept proper books of accounts and records of the Fund.

(2) The accounts and financial statements and records of the Board shall be audited and reported upon in accordance with provisions of the Public Audit Act.

(Question of the amendment proposed)

*(Question, that the New Clauses to be inserted
be inserted, put and agreed to)*

(Clause 52 as amended agreed to)

Clause 55

Hon. Abraham Njihia: Hon. Chairperson, I beg to move:

THAT, Clause 55 of the Bill be amended by inserting the words 'for Finance' immediately after the word 'member'

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 55 as amended agreed to)

Clause 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 & 75

(Question, that Clauses 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75 be part of the Bill)

(Question put and agreed to)

New Sub Clause 52 (3)

Hon. Abraham Njihia: Mr. Chairman, I propose that the New Sub Clause 52 (3) be read a second time.

(Question of the New Sub Clause 52 (3) proposed)

(New Sub Clause 52 (3) read a second time)

(Question, that the New Sub Clause 52 (3) be part of the Bill)

(Question put and agreed to)

New Sub Clause 52 (4)

Hon. Abraham Njihia: Mr. Chairman, I propose that the New Sub Clause 52 (4) be read a second time.

(Question of the New Sub Clause 52 (4) proposed)

(New Sub Clause 52 (4) read a second time)

(Question, that the New Sub Clause 52 (4) be part of the Bill)

(Question put and agreed to)

New Clause 52(A)

Hon. Abraham Njihia: Mr. Chairman, I propose that the New Clause 52 (A) be read a second time.

(Question of the New Clause 52 (A) proposed)

(New Clause 52 (A) read a second time)

(Question that the New Clause 52 (A) be part of the Bill)

(Question put and agreed to)

New Clause 52(B)

Hon. Abraham Njihia: Mr. Chairman, I propose that the New Clause 52 (B) be read a second time.

(Question of the New Clause 52 (B) proposed)

(New Clause 52 (B) read a second time)

(Question that the New Clause 52 (B) be part of the Bill)

(Question put and agreed to)

First Schedule

(Question that First Schedule part of the Bill)

(Question put and agreed to)

Second Schedule

(Question that Second Schedule part of the Bill)

(Question put and agreed to)

Clause 2

Hon. Abraham Njihia: Mr. Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended by deleting the word ‘minor’ and substituting it with the word ‘child’

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)



Long Title

Hon. Abraham Njihia: Mr. Chairman, I beg to move:

THAT, the Long Title be amended by deleting the numeric “2020” and substituting with the numeric “2021” thereof.

(Question of the amendment proposed)

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

(Long Title as amended agreed to)

Clause 1

Hon. Abraham Njihia: Mr. Chairman, I beg to move:

THAT, Clause 1 be amended by deleting the numeric “2020” and substituting with the numeric “2021” thereof.

(Question of the amendment proposed)

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

(Clause 1 as amended agreed to)

Hon. Abraham Njihia: Mr. Chairman, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Betting, Lotteries and Gaming Bill, 2020 (Assembly Bill No. 3 of 2020) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Speaker (Hon. Benson Mutura) in the Chair]

REPORT AND THIRD READING

THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2020 (ASSEMBLY BILL NO. 3
OF 2020)

Hon. John Kamangu: Mr. Speaker, Sir I beg to report that the Committee of the Whole House has considered the Nairobi City County Betting, Lotteries and Gaming Bill, 2020 (Assembly Bill No. 3 of 2020) and approved the same without amendments. Thank you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Speaker: Thank you. Is the Chair in the House? You can move.

Hon. Abraham Njihia: Mr. Speaker, I beg to move that the Assembly do agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Robert Mbatia: Thank you, Mr. Speaker. I beg to move that the Nairobi City County Betting, Lotteries and Gaming Bill, 2020 (Assembly Bill No. 3 of 2020) be read a third time.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Speaker: The House Business Committee will meet at the rise of this House.
Hon Members, we adjourn the sitting to today at 2:30 p.m.

The House rose at 10.30 a.m.