

**First Assembly  
Fifth Session  
(No. 035)  
(109)**



**REPUBLIC OF KENYA**  
**NAIROBI CITY COUNTY ASSEMBLY**  
**FIRST ASSEMBLY - (FIFTH SESSION)**  
**ORDERS OF THE DAY**

**WEDNESDAY, JUNE 7, 2017 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

**8. \*.COMMITTEE OF THE WHOLE ASSEMBLY**

- (i.) The Nairobi City County Office of the County Attorney Bill, 2016(Assembly Bill No.4 of 2016)  
(Hon. Jaffer Kassam, MCA)
- (ii.) The Nairobi City County Inspectorate Services Bill, 2017(Assembly Bill No.1 of 2017)  
(Hon. Jaffer Kassam, MCA)
- (iii.) The Nairobi City County Cultural Heritage Bill, 2017 (Assembly Bill No.1 of 2017)  
(Hon. Samuel Kagiri Mwangi, MCA)

**9. \*.THE NAIROBI CITY COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2017(ASSEMBLY BILL NO. 8 OF 2017)**

(Hon. Maxwell Ochar, MCA)

(Second Reading)

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(110)

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**10. \*. MOTION - (Chairperson, Select Committee on Delegated Legislation)**

**THAT, this Assembly adopts THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND) REGULATIONS, 2017, laid on the Table of the Assembly on Wednesday, 31<sup>st</sup> May, 2017.**

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**NOTICES**

**I. THE NAIROBI CITY COUNTY OFFICE OF THE COUNTY ATTORNEY BILL, 2016(ASSEMBLY BILL NO.4 OF 2016)**

**NOTICE** is given that the chairperson of the Sectoral Committee on Justice and Legal Affairs intends to move the following amendments to the Nairobi City County Office of the County Attorney Bill, 2016 at the Committee Stage—

**THAT** the Arrangement of Clauses be amended:

(i) In Part IV, clause 19 by deleting the expression “Deputy County Attorney” and replacing thereof with the expression “County Solicitor”

**II. THE NAIROBI CITY COUNTY CULTURAL HERITAGE BILL, 2017 (ASSEMBLY BILL NO.1 OF 2017)**

**NOTICE** is given that the chairperson of the Sectoral Committee on Culture and Community Services intends to move the following amendments to the Nairobi City County Cultural Heritage Bill, 2017 at the Committee Stage—

**LONG TITLE**

The long title be amended by deleting the words “**Heritage**”.

**SHORT TITLE**

The short title be amended by deleting the words “**Heritage**”.

**CLAUSE 2**

**THAT** clause 2 be amended:

1) 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.

- 2) In the definition of the word **“cultural heritage”** by deleting the words **“includes cultural activities, articles and sites”** and replacing therefor the words **“cultural activities, articles, sites, community practices, community representations and community expressions of county importance”**

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### CLAUSE 3

**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”**

### CLAUSE 4

**THAT** clause 4 of the Bill be amended:

- (i) In sub clause (1) by deleting the word **“Part”** and replacing therefor 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**

### CLAUSE 5

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

### CLAUSE 6

**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 therefor 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)-

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- (j) develop and manage a county database of cultural activities;**
- (k) promote cultural activities, public entertainment and infrastructure for cultural heritage and cultural expression;**
- (l) support programmes to identify, nurture and promote creative talents;**
- (m) put measures to ensure the participation of the people in the development process to ensure development programmes are responsive to the peoples’ needs;**
- (n) support programmes to identify, nurture and promote creative talents;**

**(o)provide institutional framework to support cultural industries**

**CLAUSE 7**

**THAT** clause 7 be amended:

(i) in paragraph (a) by deleting the entire paragraph and substituting therefor 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 therefor 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**

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**CLAUSE 8**

**THAT** clause 8 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**

### **CLAUSE 9**

**THAT** clause 9 be amended:

- (i) in sub clause (2)(d) by inserting the following sub paragraph-  
**(iv) “representatives of youth and artistes”**

### **CLAUSE 10**

**THAT** clause 10 be amended:

- (i) in sub clause (1) by inserting the following new proviso-  
**(a) provided that:**
  - (i) **the article is not declared to be a national cultural article**
  - (ii) **the determination is made in consultation with the national government**

### **CLAUSE 11**

**THAT** clause 11 be amended:

- (i) in sub clause (1) (a) by deleting the word **“patenting”** appearing between the words **“the”** and **“purchasing”**

### **CLAUSE 12**

**THAT** clause 12 be amended:

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

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**CLAUSE 13**

**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”**

**CLAUSE 14**

**THAT** clause 14 be amended;

- (i) in sub clause(1) by deleting the word **“Department”** and substituting therefor the words **“National Government”**

**CLAUSE 15**

**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”**

**CLAUSE 16**

**THAT** clause 16 be amended;

- (i) in sub clause(1) by inserting the words **“in consultation with the National Government”** between the words **“site”** and **“and”**



## CLAUSE 20

THAT clause 20 be amended:

- (i) by 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 therefor the following words **develop, manage and keep a register of all traditional knowledge, cultural expressions, cultural articles”**

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- (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.**

## CLAUSE 21

THAT clause 21 be amended:

- (i) in the marginal notes by deleting the words **‘short term custody’** and substituting therefor the word **“license”**.
- (ii) In sub clause 1 by deleting the entire sub clause and substituting therefor 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 therefor the word **“license”**

- (iv) In sub clause 3 by deleting the words **“short term custody tp display it abroad, to pay surety or”** and substituting therefor the word **“license to”**

## **CLAUSE 22**

**THAT** clause 22 be amended:

- (i) in the sub clause 1 by deleting the words **“a person who-”** and substituting therefor the words **“a person commits an offence if he”**

## **CLAUSE 23**

**THAT** clause 22 be amended:

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

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## **CLAUSE 25**

**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”**

## **CLAUSE 26**

**THAT** clause 26 be amended:

- (i) by adding the words **“in consultation with the National Government”** immediately after the word **“regulations”**

**III. Assembly resolved on Wednesday, February 15, 2017 as follows:-**

**THAT**, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and **fifteen** minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

**IV. Assembly resolved on Wednesday, February 15, 2017 as follows:-**

**THAT**, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, each speech in a debate on **Bills NOT sponsored by a Committee**, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

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V. Assembly resolved on Wednesday, February 15, 2017  
as follows:-

**THAT**, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, each speech in a debate on a **Report of a Committee**, a Sessional Paper or any other Report submitted to the Assembly, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order

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**\* Denotes Orders of the Day**

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