



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – (FIFTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 16, 2017 AT 2.30P.M

1. The Assembly assembled at Thirty Minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. PAPERS LAID:-

The following papers were laid on the table of the Assembly;

- i. THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY EMERGENCY FUND REGULATIONS, 2017

(Chairperson, Select Committee on Delegated County Legislation)

- ii. THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE STATUS OF ECDE CENTERS AT KOMAROCK AND NJIRU PRIMARY SCHOOLS OF NAIROBI CITY COUNTY

(Hon. Ruth Njeri, MCA)

- iii. THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE INVESTIGATION OF COUNTY HEALTH WORKERS ISSUES, INTERDICTION OF SIX OFFICERS FROM INSPECTORATE DEPARTMENT AND MR. BERNARD MOI MULI'S TERMINATION FROM DUTY

(Chairperson, Sectoral Committee on Labour and Social welfare)

4. NOTICE OF MOTION – (Chairperson, Select Committee on Delegated County Legislation)

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY EMERGENCY FUND REGULATIONS, 2017**, laid on the table of the Assembly on Thursday, 16th February, 2017.

5. NOTICE OF MOTION – (Hon. Ruth Njeri, MCA)

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON CHILDREN, EARLY CHILDHOOD EDUCATION AND VOCATIONAL TRAINING ON THE STATUS OF ECDE CENTERS AT KOMAROCK AND NJIRU PRIMARY SCHOOLS OF NAIROBI CITY COUNTY, laid on the table of the Assembly on Thursday, 16th February, 2017.

6. NOTICE OF MOTION – (Chairperson, Sectoral Committee on Labour and Social welfare)

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE INVESTIGATION OF COUNTY HEALTH WORKERS ISSUES, INTERDICTION OF SIX OFFICERS FROM INSPECTORATE DEPARTMENT AND MR. BERNARD MOI MULI'S TERMINATION FROM DUTY, laid on the table of the Assembly on Thursday, 16th February, 2017

7. STATEMENTS PURSUANT TO STANDING ORDER 41(2)(c)

Pursuant to Standing Order 41 (2) (c) the following request to statement was requested:-

- a. Hon. Ngaruiya Chege requested for a statement from the Chairperson, Sectoral Committee on Water and Sanitation regarding the illegal charges by the Nairobi Water and Sewerage Company in the County.

Pursuant to Standing Order 41 (2) (c) the following responses to statements were given:-

- a. Statement requested by Hon. Hashim Kamau from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the process of recruitment of Board of Directors of Nairobi City Water and Sewerage Company Limited;
- b. Statement requested by Hon. Elkana Mauti from the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the construction of Early Childhood Development (ECD) Classes ;
- c. Statement requested by Hon. Zulfa Hakim from the Chairperson of the Sectoral Committee on Children, Early Childhood Education and Vocational Training regarding the increasing number of Children begging and selling sweets in the Central Business District in the County; and
- d. Statement requested by Hon. Ngaruiya Chege from the Chairperson of the Sectoral Committee on Transport, Roads and Public Works regarding the status of graders and roads in the County.

8. COMMITTEE OF THE WHOLE ASSEMBLY

IN THE COMMITTEE

The Chairperson of Committees in the Chair

The Nairobi City County Animal Control and Abattoirs Management Bill, 2016 (Assembly Bill No. 3 of 2016)

Clause 3 amendment proposed –

THAT Clause 3 be amended:

- i. in sub-clause (1) by inserting the words “Nairobi City” before the words “County Public Service Board”.
- ii. by **deleting** sub-clause (2) in its entirety.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 3 as amended be part of the Bill proposed, put and agreed to;

Clause 4 amendment proposed –

THAT Clause 4 be amended-

- (i) by introducing a new title before clause 4 as follows: -
“PART III – REGISTRATION OF AN ABATTOIR”

- (ii) by deleting the words “requirements as spelt out in the first schedule” appearing after the words “complies with the” and substituting therefor the words “prescribed form”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 4 as amended be part of the Bill proposed, put and agreed to;

Clause 5

Question that Clause 5 be part of the Bill proposed, put and agreed to;

Clause 6 amendment proposed –

THAT, Clause 6 be amended by deleting the clause in its entirety.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 36as amended be part of the Bill proposed, put and agreed to;

Clause 7 amendment proposed –

THAT, Clause 7 be amended by deleting the clause in its entirety.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 7 as amended be part of the Bill proposed, put and agreed to;

Clause 8 amendment proposed –

THAT, Clause 8 be amended in sub clause (2) by deleting the word “department” appearing at the end thereof and substituting therefor the words “County director”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 8 as amended be part of the Bill proposed, put and agreed to

Clause 9 amendment proposed –

THAT, Clause 9 be amended in sub clause (2) by inserting the word “County” immediately before the word “director”

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 9 as amended be part of the Bill proposed, put and agreed to;

Clause 10 amendment proposed –

THAT, Clause 10 be amended by deleting the clause in its entirety.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 10 as amended be part of the Bill proposed, put and agreed to;

Clause 11 amendment proposed –

THAT, Clause 11 be amended by deleting the clause in its entirety.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 11 as amended be part of the Bill proposed, put and agreed to;

Clause 12 amendment proposed –

THAT, Clause 12 be amended by deleting the title appearing before clause 12 as

“PART III- REGISTRATION AND LICENSING OF MEAT PROCESSING ESTABLISHMENTS” and replacing therefor the title “PART IV: LICENSING OF ABATTOIR ESTABLISHMENTS”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 12 as amended be part of the Bill proposed, put and agreed;

Clause 13 amendment proposed –

THAT, Clause 13 be amended in sub clause (2) (a) by deleting the words “a processing” appearing before the word “issue” and substituting therefor the words “an abattoir”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 13 as amended be part of the Bill proposed, put and agreed to;

Clauses 14, 15, 16, 17, 18, 19 and 20

Question that Clauses 14, 15, 16,17,18,19 and 20 be part of the Bill proposed, put and agreed to;

Clause 21 amendment proposed –

THAT, Clause 21 be amended-

(i) In sub-clause (1) (b) by deleting the words “at the point of slaughter” appearing at the end thereof and substituting therefor the words “in an approved abattoir”.

(ii) In sub-clause 3 by deleting the sub-clause in its entirety.

(iii) In sub-clause 5 by deleting the words “and is removed from the premises of the abattoir and treated” appearing after the words “contagious diseases” and substituting therefor the words “shall be condemned and destroyed in accordance with the prescribed procedure” and further by deleting the words “such animal may be allowed in the abattoir upon satisfaction by the veterinary officer that the animal is healthy” appearing at the end thereof.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 21 as amended be part of the Bill proposed, put and agreed to;

Clause 22 amendment proposed –

THAT, Clause 22 be amended by deleting the clause in its entirety and substituting therefor the following new clause: -

“Equipment and utensils used for preparing, processing or otherwise handling carcasses and meat shall be of such material as will make them easily cleaned, and disinfected and shall, except for chopping blocks and handles of utensils made of metal or other durable material as prescribed by a veterinary officer.”

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 22 as amended be part of the Bill proposed, put and agreed to;

Clause 23 amendment proposed –

THAT, Clause 23 be amended in sub clause (2) by deleting the words “any abnormal cutting or” appearing after the words “in the event of”

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 23 as amended be part of the Bill proposed, put and agreed to;

Clause 24 amendment proposed –

THAT, Clause 24 be amended by deleting the clause in its entirety and substituting therefor the following clause-

“A meat inspector shall, upon declaration of meat to be unfit for human consumption, order that such meat be destroyed by burning or such other means of disposal as soon as possible. A written notice and reasons for so doing shall be issued to the owner of the animal and the abattoir or his agent.”

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 24 as amended be part of the Bill proposed, put and agreed to;

Clause 25 amendment proposed –

THAT, Clause 25 be amended: -

- (i) by introducing new paragraphs in the existent list as follows: -
 - a) the identity number of the animal or the number of the lot,
 - b) the movement permit number ,
 - c) the name of animal owner or supplier
 - d) the identity of the vessel that delivered the animals.
- (ii) by deleting paragraph of the existent list.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 25 as amended be part of the Bill proposed, put and agreed to;

Clause 26 amendment proposed –

THAT, Clause 26 be amended-

- (i) in sub-clause (3) by deleting the words “the county executive may apply to the Court for an order” appearing after the word “exceed’ and substituting therefor the words “the Director of Veterinary Services shall order”.

(ii) in sub-clause (4) by deleting the words “of section 35” appearing after the words “under the provisions of”

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 26 as amended be part of the Bill proposed, put and agreed to;

Clause 27 and 28

Question that Clause 27 and 28 be part of the Bill proposed, put and agreed to;

Clause 29 amendment proposed –

THAT, Clause 29 be amended-

(i) in sub-clause (1) by deleting the words “and shall in the case of any slaughter dispose of the carcass on behalf of the department” appearing in the end thereof and substituting therefor the words “the carcass thereof shall be disposed by way of sale by the owner or the person in charge of the abattoir”.

(ii) In sub-clause (2) by deleting the word “department” appearing before the words “shall pay” and substituting therefor the words “owner of the abattoir”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 26 as amended be part of the Bill proposed, put and agreed to;

Clause 30 amendment proposed –

THAT, Clause 30 be amended by inserting the word “rodent” after the word “bird”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 30 as amended be part of the Bill proposed, put and agreed to;

Clause 31 amendment proposed –

THAT, Clause 31 be amended by deleting the words “A person under the age of 16 years shall not” and substituting thereof the words “No person shall”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 31 as amended be part of the Bill proposed, put and agreed to;

Clause 32, 33 and 34

Question that Clause 32, 33 and 34 be part of the Bill proposed, put and agreed to;

Clause 37

Question that Clause 37 be part of the Bill proposed, put and agreed to;

New Clause 2A

THAT, the following New Clause be inserted immediately after clause 2

Object and Purpose. **2A.** “This Act is additional to and does not derogate from the provisions of the Meat Control Act, the Public Health Act, the Food, Drugs and Chemical Substances Act and the Veterinary Surgeons and Veterinary Paraprofessionals Act, and any other written law on meat hygiene”.

Motion made and question proposed;

THAT, the new clause 2A be now read a Second Time

(Hon. Benson Amutavi, MCA)

Question put and agreed to;

Question that new clause 2A be part of the Bill proposed, put and agreed to

New Clause 3A

THAT, the following New Clause be inserted immediately after clause 3

County Director of Veterinary Services **3A** 1) There shall be appointed a Director in charge of veterinary services who shall be the head of the department in charge of veterinary services in the County.
2) The Director shall be a veterinarian.
3) The Director shall be responsible for the control and inspection of slaughter and processing of livestock ensuring that any person operating an abattoir observes the appropriate hygienic requirements in the abattoir.
4) The Director may in writing designate official veterinarians, meat inspectors and other officers to carry out any function under this Act.
5) The Director shall specify the health standard requirement for all persons working in an abattoir including the requirement for routine medical examination for all persons working in an abattoir.

Motion made and question proposed;

THAT, the new clause 3A be now read a Second Time

(Hon. Benson Amutavi)

Question put and agreed to

Question that new clause 3A be part of the Bill proposed, put and agreed to;

New Clause 23 A

THAT, the following New Clause be inserted immediately after clause 23-

Duties of a meat inspector 23A (1) The meat inspector shall: -

(a) brand or stamp with the official stamp mark of the department in such places and in such ways as they deem advisable or necessary all carcasses and meat submitted for examination and passed as healthy and fit for human consumption.

(b) at the time of inspection, issue an inspection certificate which shall be displayed at the Butchery sale point.

(c) apply and enforce the provisions of the code of hygienic practice for meat that is set out under the Public Health Act and Meat Control Act.

(2) A person shall not, other than an authorized officer, stamp, brand or mark or attach to or impress on any meat or offal with any official stamp or mark or similar marking.

(3) A person shall not attach to or impress on any meat or offal any forged stamp or mark or any stamp or mark intended or liable to deceive the public or induce the belief that such meat or offal has been inspected and approved by regulations or slaughtered at the abattoir.

(4) All carcasses declared fit for human consumption shall be tagged and stamped by a meat inspector or veterinary officer, according to the standard prescribed by the department.

Motion made and question proposed;

THAT, the new clause 23A be now read a Second Time

(Hon. Benson Amutavi, MCA)

Question put and agreed to;

Question that new clause 23A be part of the Bill proposed, put and agreed to;

CLAUSE 35A

THAT, Clause 35A be amended by inserting the following new sub-clause-

35(2) (a) A County officer is personally liable for any loss sustained by the county government that is attributable to the fraudulent or corrupt conduct, of the officer.

(b) The County Treasury may, by civil proceedings brought in a court of competent jurisdiction, recover damages from a County officer for any loss for which the officer is liable under subsection (1).

Motion made and question proposed;

THAT, the new clause 35A be now read a Second Time

(Hon. Benson Amutavi, MCA)

Question put and agreed to

Question that new clause 33A be part of the Bill proposed, put and agreed to

New Sub-Clause 36 A

THAT, Clause 36 be amended by inserting the following new sub-clause -

36(2) A person who wilfully disobeys or obstructs or hinders or knowingly makes any false or misleading statements either orally or in writing to an officer engaged in carrying out his duties or functions under this Act or regulations commits an offence and shall be liable on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for two years or to both.”

Motion made and question proposed;

THAT, the new clause 36A be now read a Second Time

(Hon. Benson Amutavi, MCA)

Question put and agreed to;

Question that new clause 36A be part of the Bill proposed, put and agreed to;

Clause 2 amendment proposed –

THAT, Clause 2 be amended:

(i) in the definition of “Abattoirs” by inserting the words “purpose of the” before the word “slaughter” and the words “and includes a slaughterhouse approved under section 2 of the Meat Control Act Chapter 356 Laws of Kenya” after the word “consumption”.

- (ii) in the definition of “Approved abattoirs” by deleting the words “director of agriculture” and replacing therefor the words “Nairobi City County director of veterinary services”.
- (iii) in the definition of “County executive”
 - a) by inserting the words “Nairobi City” after the words “means the”.
 - b) by deleting the word “agriculture” and substituting therefor the words “veterinary services”.
- (iv) in the definition of “Department”
 - a) by inserting the words “the Nairobi City” after the word “means”.
 - b) by deleting the words “health and” appearing before the word “services”.
- (v) in the definition of “Director”
 - a) by inserting the words “the Nairobi City” after the word “means”.
 - b) by deleting the word “health” appearing before the word “veterinary” and replacing therefor the word “services”.
- (vi) in the definition of “meat” by inserting the words “and includes poultry” after the word “species”.
- (vii) in the definition of “meat inspector”
 - a) by inserting the words “qualified to inspect meat under the Meat Control Act Chapter 356 Laws of Kenya and” after the word “person”.
 - b) by inserting the definite article "the" “before the word “provision”.
 - c) by deleting the words “or products of animal origin by the county executive member” appearing after the word “meat”.
- (viii) in the definition of “executive member” by deleting the words “agriculture, fisheries and livestock” and replacing therefor the words “veterinary services”.
- (ix) in the definition of “officer” by deleting the words “county officer” and replacing therefor the words “officer and meat inspector”
- (x) by inserting the following new definitions in their proper alphabetical sequence-
 - a) ‘certification’ means inspection, auditing of quality assurance systems and examination of finished products.
 - b) ‘export certification’ means certification of meat and meat products by the National Government”.
 - c) local certification’ means certification of meat and meat products by the Nairobi City County Government”.
 - d) ‘viscera container’ means a container to put all internal organs from an animal’s abdominal cavity.”
 - e) ‘veterinarian’ means a meat inspector or a veterinary officer.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 2 as amended be part of the Bill proposed, put and agreed to;

Long Title amendment proposed –

THAT, the Long Title be amended by deleting the words “Nairobi City County Animal Control and Abattoirs Management Bill, 2016” and substituting therefor the following new words- “The Nairobi City County Abattoirs Bill, 2016”.

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that the Long Title as amended be part of the Bill proposed, put and agreed to;

Clause 1 amendment proposed –

THAT, Clause 1 be amended by deleting the words “Animal Control and Abattoirs Management” appearing immediately after the word “the” and substituting therefor the word “Abattoirs”

(Hon. Benson Amutavi, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 1 as amended be part of the Bill proposed, put and agreed to;

Bill to be reported with amendments

9. ASSEMBLY RESUMED

The Nairobi City County Animal Control and Abattoirs Management Bill, 2016 (Assembly Bill No. 3 of 2016)

Bill reported with amendments

Motion made and Question proposed:-

THAT, the Assembly do agree with the Committee of the Whole Assembly in the said report

(Hon. Zulfa Hakim, MCA)

Question put and agreed to.

Motion made and question proposed-

THAT, the Nairobi City County Animal Control and Abattoirs Management Bill, 2016 (Assembly Bill No. 3 of 2016) be now read a Third Time

(Hon. Zulfa Hakim, MCA)

Question put and agreed to.

Bill read a Third Time and **passed**;

10. **MOTION – ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON SITE INSPECTION VISIT TO EASTLEIGH HEALTH CENTRE.**

Motion made and Question proposed;

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON SITE INSPECTION VISIT TO EASTLEIGH HEALTH CENTRE, laid on the Table of the Assembly on Tuesday 25thOctober, 2017.

(Chairperson, Sectoral Committee on Health Services)

Debate ensued;

Mover replied;

Question put and **Agreed to**.

And the time being twenty five minutes past Four O'clock, the Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

11. **ASSEMBLY ROSE** - Twenty five Minutes to past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, 21st February, 2017 at 2.30p.m

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