



**COUNTY GOVERNMENT OF NAIROBI CITY**

**FIRST ASSEMBLY – FIFTH SESSION**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JUNE 7, 2017**

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;

- a) THE REPORT OF THE SECTORAL COMMITTEE ON WATER AND SANITATION ON THE INSPECTION VISIT TO NORTHERN WATER COLLECTOR TUNNEL PROJECT, NGETHU TREATMENT WORKS AND NDAKAINI DAM HELD IN MURANG'A FROM 17<sup>TH</sup> – 18<sup>TH</sup> FEBRUARY, 2017.
- b) THE REPORT OF THE SECTORAL COMMITTEE ON WATER AND SANITATION ON WATER SUMMIT HELD IN BUDAPEST, HUNGARY FROM 28<sup>TH</sup> – 30<sup>TH</sup> NOVEMBER, 2016.

(Chairperson, Sectoral Committee on Water and Sanitation)

**4. NOTICES OF MOTION – (Chairperson, Sectoral Committee on Water & Sanitation)**

- i) **THAT** the Assembly Adopts **The REPORT OF THE SECTORAL COMMITTEE ON WATER AND SANITATION ON THE INSPECTION VISIT TO NORTHERN WATER COLLECTOR TUNNEL PROJECT, NG'ETHU TREATMENT WORKS AND NDAKAINI DAM HELD IN MURANG'A FROM 17<sup>TH</sup> – 18<sup>TH</sup> FEBRUARY, 2017**, laid on the Table of the Assembly today Wednesday 7<sup>th</sup> June, 2017.
- ii) **THAT**, the Assembly adopts the **REPORT OF THE SECTORAL COMMITTEE ON WATER AND SANITATION ON THE SECTORAL COMMITTEE ON WATER AND SANITATION ON WATER SUMMIT HELD IN BUDAPEST, HUNGARY FROM 28<sup>TH</sup> – 30<sup>TH</sup> NOVEMBER, 2016**, laid on the Table of the Assembly today Wednesday 7<sup>th</sup> June, 2017.

**5. COMMITTEE OF THE WHOLE ASSEMBLY**

Order for Committee of the Whole Assembly read;

**IN THE COMMITTEE**

(Hon. Kennedy Ng'ondi in the Chair)

**The Nairobi City County Office of the County Attorney Bill, 2016  
(Assembly Bill No.4 of 2016)**

**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"

*(Hon. Jaffer Kassam, MCA)*

Question of the amendment proposed

Question put and agreed to;

Question that on the arrangement of Clauses as amended be part of the Bill proposed, put and agreed to.

Bill to be reported with amendments.

**The Nairobi City County Cultural Heritage Bill, 2017(Assembly Bill  
No.1 of 2017)**

Clause 3                    amendments proposed –

**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"

*(Hon. Samuel Kagiri, 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                    amendments proposed –

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

(i) In sub clause (1) by deleting the word "Part" and replacing therefor the word "Act"

*(Hon. Samuel Kagiri, 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                    amendments proposed –

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

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

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

Clause 6                    amendments proposed –

**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)-

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

Question that Clause 6 as amended be part of the Bill proposed, put and agreed to

Clause 7                    amendments proposed –

**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) 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”

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

*(Hon. Samuel Kagiri, MCA)*

Clause 8                    amendments proposed –

**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”

*(Hon. Samuel Kagiri, 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                    amendments proposed –

**THAT**, clause 9 be amended:

(i) in sub clause (2)(d) by inserting the following sub paragraph-

(iv) “representatives of youth and artistes”

*(Hon. Samuel Kagiri, 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            amendments proposed –

**THAT**, clause 10 be amended:

(i) in sub clause (1) by inserting the following new provision-

(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

*(Hon. Samuel Kagiri, 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            amendments proposed –

**THAT** clause 11 be amended:

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

*(Hon. Samuel Kagiri, 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            amendments proposed –

**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

*(Hon. Samuel Kagiri, 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 to

Clause 13            amendments proposed –

**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”

(ii) in sub clause (i) by inserting the words “develop, support and protect creative and” immediately after the word “establish”

*(Hon. Samuel Kagiri, 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

Clause 14            amendments proposed –

**THAT**, clause 14 be amended;

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

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

Question that Clause 14 as amended be part of the Bill proposed, put and agreed to

Clause 15            amendments proposed –

**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”

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

Question that Clause 15 as amended be part of the Bill proposed, put and agreed to

Clause 16                    amendments proposed –

**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”

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

Question that Clause 16 as amended be part of the Bill proposed, put and agreed to

Clauses 17, 18 and 19

Question that Clauses 17, 18 and 19: be part of the Bill proposed, put and agreed to

Clause 20                    amendments proposed –

**THAT**, clause 20 be amended:

(i) by inserting the 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”

(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.

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

Question that Clause 20 as amended be part of the Bill proposed, put and agreed to

Clause 21                    amendments proposed –

**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 to display it abroad, to pay surety or” and substituting therefor the word “license to”

*(Hon. Samuel Kagiri, 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                    amendments proposed –

**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”

*(Hon. Samuel Kagiri, 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                    amendments proposed –

**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”

*(Hon. Samuel Kagiri, 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

Question that Claus 24 be part of the Bill proposed, put and agreed to

Clause 25            amendments proposed –

**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”

*(Hon. Samuel Kagiri, 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            amendments proposed –

**THAT**, clause 26 be amended:

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

*(Hon. Samuel Kagiri, 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

Clauses 27 and 28

Question that Clauses 27 and 28: be part of the Bill proposed, put and agreed to

New Paragraph 4 (c)

**THAT**, Clause 4 be amended 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.

Motion made and question proposed;

That New paragraph 4 (c) be read a Second Time

*(Hon. Samuel Kagiri, MCA)*

Question put and agreed to

Question that New paragraph 4 (c) be part of the Bill proposed, put and agreed to;

New Paragraphs 6(j), (k), (l), (m) (n) and (o)

**THAT**, Clause 6 be amended by inserting the following paragraphs immediately after paragraph (i)-

(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.

Motion made and question proposed;

That New Paragraphs 6(j), (k), (l), (m) (n) and (o) be read a Second Time

*(Hon. Samuel Kagiri, MCA)*

Question put and agreed to

Question that New Paragraphs 6(j), (k), (l), (m) (n) and (o) be part of the Bill proposed, put and agreed to;

New Paragraph 7 (b) and (d)

**THAT**, clause 7 be amended;

(i) 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.

(ii) by adding the following paragraph immediately after paragraph (c)

(d) cultural activities do not undermine national cohesion and security

Motion made and question proposed;

That New Paragraphs 7 (b) and (d) be read a Second Time

*(Hon. Samuel Kagiri, MCA)*

Question put and agreed to

Question that New Paragraphs 7 (b) and (d) be part of the Bill proposed, put and agreed to;

New Paragraph 8(e)

**THAT**, clause 8 be amended 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

That New Paragraph 8(e) be read a Second Time

*(Hon. Samuel Kagiri, MCA)*

Question put and agreed to

Question that New Paragraph 8(e) be part of the Bill proposed, put and agreed to;

New Sub-Clause 20 (2)

**THAT**, Clause 20 be amended:

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.

Motion made and question proposed;

That New Sub-clause 20(2) be read a Second Time

*(Hon. Samuel Kagiri, MCA)*

Question put and agreed to

Question that New Sub-clause 20(2) be part of the Bill proposed, put and agreed to;

Clause 2                    amendments proposed –

**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”

*(Hon. Samuel Kagiri, 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

Title                    amendments proposed –

**THAT**, the Title be amended deleting the words “and Cultural Heritage” which appears immediately before the word “Culture”.

*(Hon. Samuel Kagiri, MCA)*

Question of the amendment proposed

Question put and agreed to;

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

Clause 1                    amendments proposed –

**THAT**, the Clause 1 be amended deleting the words “Cultural Heritage” and replace with the word ‘Culture’ therefor.

*(Hon. Samuel Kagiri, 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.

**6. ASSEMBLY RESUMED:-**

**The Nairobi City County Office of the County Attorney Bill, 2016**  
**(Assembly Bill No.4 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. Jaffer Kassam, MCA)*

Question put and agreed to.

Motion made and question proposed-

**THAT**, The Nairobi City County Office of the County Attorney Bill, 2016 (Assembly Bill No.4of 2016) be now read a Third Time.

*(Hon. Jaffer Kassam, MCA)*

Question put and agreed to.

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

**The Nairobi City County Cultural Heritage, 2017 (Assembly Bill No.1**  
**of 2017)**

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. Samuel Kagiri, MCA)*

Question put and agreed to.

Motion made and question proposed-

**THAT**, The Nairobi City County Cultural Heritage Bill, 2017 (Assembly Bill No.1of 2017) be now read a Third Time.

*(Hon. Samuel Kagiri, MCA)*

Question put and agreed to.

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

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

Order for Second Reading read;

*The Bill was withdrawn pursuant to Standing Order 133 (1)*

**8. THE NAIROBI CITY COUNTY PUBLIC OPEN SPACE USE AND MAINTENANCE BILL, 2017 (ASSEMBLY BILL NO. 11 OF 2017)**

*The Bill was withdrawn pursuant to Standing Order 133 (1)*

And the time being thirty minutes past Four O'clock; the Speaker interrupted the proceedings and adjourned the Assembly without question pursuant to the Standing Orders.

**9. ASSEMBLY ROSE** - thirty minutes past Four O'clock

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**MEMORANDUM**

The Speaker will take the Chair on  
Thursday, June 8<sup>th</sup>, 2017 at 2.30 p.m.

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