



**COUNTY GOVERNMENT OF NAIROBI CITY**

**FIRST ASSEMBLY – (FIFTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, JUNE 27, 2017**

1. The Assembly assembled at 2.30 O'clock.
2. The Proceedings were opened with Prayer.

**3. COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following communication;-

**“Honourable Members**, our sitting this afternoon is graced by the Head-Teacher and pupils from Ushirika Children’s Centre in Kibera.

I wish to recognize the presence of Mr. Ernest Mwale, Head-Teacher Ushirika Children’s Centre and standard six (6) pupils from the Centre in Kibera. I warmly welcome you to the Nairobi City County Assembly. And hope you enjoyed your stay in the Assembly during your auspicious visit. Hon. Members, on behalf of Nairobi City County Assembly family, I wish to extend a warm welcome to the head-teacher and pupils from Ushirika Children’s Centre in Kibera. Feel welcomed and enjoy your experience in County Assembly precincts”.

**4. PAPERS LAID:-**

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

- i. **THE REPORT OF THE SELECT COMMITTEE ON PROCEDURE AND RULES ON THE REPORT OF THE AMENDMENTS TO THE NAIROBI CITY COUNTY ASSEMBLY STANDING ORDERS;**

*(Hon. Karen Wanjiku, MCA)*

- ii. **THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING ON THE CONSIDERATION OF PETITION BY THE RESIDENTS OF BABADOGO REGARDING IRREGULAR OWNERSHIP AND USE OF LAND**

*(Hon. Rachel Kamwero, MCA)*

**5. NOTICE OF MOTION – (Hon. Karen Wanjiku, MCA)**

The following notice of motion was given;

**THAT**, this Assembly adopts **REPORT OF THE SELECT COMMITTEE ON PROCEDURE AND RULES ON THE REPORT OF THE AMENDMENTS TO THE NAIROBI CITY COUNTY ASSEMBLY STANDING ORDERS**, laid on the Table of the Assembly on Tuesday, 27<sup>th</sup> June, 2017.

**6. THE NAIROBI CITY COUNTY EVICTIONS, RESETTLEMENT AND DEMOLITION BILL, 2017 (ASSEMBLY BILL NO. 10 OF 2017)**

Order for Second Reading read;

*Bill referred to the Assembly Business Committee since the sponsor of the Bill, Hon. Nelson Masiga, MCA was absent*

**7. COMMITTEE OF THE WHOLE ASSEMBLY IN THE COMMITTEE**

Order for Committee of the Whole Assembly read;

**IN THE COMMITTEE**

(Hon. Karen Wanjiku, MCA in the Chair)

**The Nairobi City County Childcare Facilities Bill, 2017 (Assembly Bill No. 6 of 2017)**

Clause 3                    amendments proposed –

**THAT**, clause 3 be amended:

- (i) by inserting the expression **“the protection of a child under the care of a child care facility in line with the Children’s Act,”** immediately before the word **“registration”** ,
- (ii) by inserting the word “therefore” between the words **“facilities”** and **“allowing”**
- (iii) by deleting the words **“and guardians”** appearing immediately after the word **“parents”**
- (iv) by deleting the word **“inspection”** appearing immediately before the expression **“of child care facilities”** and substituting therefor the word **“assessment”**.
- (v) by inserting the word **“child friendly”** immediately after the word **“stimulating and”**.
- (vi) In paragraph 3(a) by deleting the paragraph entirely and replacing therefor the following new paragraph;

**Ensure that every applicant intending to establish or operate a childcare facility does so in a structured manner in line with this Act and any other written law and in doing so, must comply with the best interests of the child**

(vii) By deleting paragraph 3(b) entirely and substituting therefor the following new paragraph-

**Ensure that the minimum standards of hygiene, safety and care are maintained and are in line with the Occupational Safety and Health Act, 2007 and the Public health Act.**

(viii) In paragraph 3(d) by deleting the word **“inspection”** and substituting therefor the word **“assessment”**

*(Hon. David Kitavi, 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 4                    amendments proposed –

**THAT**, clause 4 be amended:

(i) By deleting the word **“Department”** wherever it appears and substituting therefor the word **“Sector”**

(ii) By inserting the following new paragraph immediately after (4)(a)  
**“Assessment of compliance and quality standards within the provisions of this Act”**

(iii) In paragraph 4(e) by deleting the expression **“basic education of children”** appearing immediately after the expression **“regarding”** and replacing therefor the expression **“early childhood care”**.

(iv) By deleting paragraph 4(f) and substituting therefor the following new paragraph:

**“ensuring that the curriculum developed for child care facilities by the County Education Board is implemented”**

(v) In paragraph (g) by inserting the words **“and the county executive committee member”** immediately after the word **“board**

(vi) By inserting a new paragraph immediately after paragraph (g) as follows;

**(gb)“to sensitize the general public on the provisions of this Act and;”**

(vii) In paragraph 4(h) by inserting inserting the expression **“in consultation with the County Education Board”** after the expression **“legislation”**

*(Hon. David Kitavi, 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 be amended:

- (i) By deleting the word **“Department”** and substituting therefor the word **“Sector”**
- (ii) In paragraph 5(a) by inserting a new sub paragraph immediately after paragraph (a)  
**(i) Any officer exercising the power of entry under paragraph (a) shall identify himself to the service provider and shall thereafter file a report with the Sector outlining his findings and recommendations thereon”**
- (iii) In paragraph 5(b) by deleting the expression **“refuse”** appearing before the expression **“to issue”** and replacing therefor the expression **“decline”**.

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

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

Clause 6

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

Clause 7                    amendments proposed –

**THAT**, clause 7 be amended:

- (i) By deleting the word **“Department”** and substituting therefor the word **“Sector”**

Question of the amendments proposed

Question put and agreed to;

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

Clause 8                    amendments proposed –

**THAT**, Clause 8 be amended

- (i) in sub clause (1) by deleting the word **“inspection”** and substituting therefor the word **“assessment”** and by deleting the word **“Department”** and substituting therefor the word **“Sector”**
- (ii) In sub clause (2) by deleting the word **“Department”** and substituting therefor the word **“Sector”**

(iii) By deleting paragraph 8(2) (a) and substituting therefor the following:

**“A sketch or diagram of the facility showing the arrangements and measurements of the rooms including the location of separate toilets for male and female, hand washing facilities, doors and the windows”**

(iv) In paragraph 8(2)(b) by inserting the **expression “and child friendly as per prescribed standards”** after the expression **“fenced”**

(v) In paragraph 8(2)(c) by inserting the expression **“age appropriate”** immediately after the expression **“proposed”**.

(vi) By deleting paragraph 8(2) (d) and substituting therefor the following:

**“A declaration to adhere to discipline and guidance guidelines inclusive of the Child Protection Policy”**

*(Hon. David Kitavi, MCA)*

Question of the amendments 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 1 by deleting the word **“Department”** wherever it appears and substituting therefor the word **“Sector”**

(ii) In sub clause 3 by deleting the word **“Department”** and substituting therefor the word **“Sector”**

(iii) In sub clause 4 by deleting the word **“Department”** wherever it appears and substituting therefor the word **“Sector”** and by deleting the word **“thirty”** and substituting therefor the word **“sixty”**

(iv) In sub clause (5) (c) by deleting the word **“Department”** and substituting therefor the word **“Sector”** and by deleting the word **“fourteen”** and substituting therefor the word **“twenty one”**

(v) In sub clause 6 by deleting the word **“Department”** and substituting therefor the word **“Sector”** and by inserting the words **“within fourteen days”** immediately after the expressions **“in the license”**

(vi) In sub clause 9 by deleting the word **“Department”** and substituting therefor the word **“Sector”**

(vii) In sub clause 10 by deleting the expression **“within ten days following”** and replacing therefor the expression **“prior to”**

*(Hon. David Kitavi, MCA)*

Question of the amendments 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 deleting the word **“Department”** and substituting therefor the word **“Sector”**

(ii) In sub clause 2 by deleting the word **“Department”** and substituting therefor the word **“Sector”**

(iii) In sub clause 4 by deleting the words **“who on compliance”** and replacing therefor the words **“in compliance”** and by deleting the word **“inspectors” and** substituting therefor the word **“quality assurance and standards officers”**

*(Hon. David Kitavi, MCA)*

Question of the amendments 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 by deleting the word **“Department”** and substituting therefor the word **“Sector”**

(ii) In sub clause 2 by deleting the word **“Department”** and substituting therefor the word **“Sector”** and by inserting the expressions **“in consultation with the County Education Board”** between the words **“may”** and **“at”**.

*(Hon. David Kitavi, 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) In sub clause 1 by deleting the word **“Department”** and substituting therefor the word **“Sector”**

*(Hon. David Kitavi, 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 sub clause 1 by deleting the word **“Department”** and substituting therefor the word **“Sector”** and by adding the words **“...within 7 days and shall cease operations immediately”** immediately after the word **“department”**

(ii) By deleting sub clause 2 entirely.

*(Hon. David Kitavi, MCA)*

Question of the amendments 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) By deleting sub clause 1 and replacing with the following new sub clause-

**“A person aggrieved by the decision of the Sector under this Part may appeal, within fourteen days from the date of being notified of the decision, in writing, to the Executive Committee Member.”**

*(Hon. David Kitavi, MCA)*

Question of the amendments 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) by deleting the word **“Department”** and substituting therefor the word **“Sector”** and by deleting the numeral **“11”** and substituting the numeral **“12”** therefor.

*(Hon. David Kitavi, MCA)*

Question of the amendments 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 paragraph (a) by deleting the words **“and emergency phone numbers”** and substituting therefor the following words-

**“,birth certificates, medical records, an updated list of guardians, and emergency contacts and to uphold the childrens’ right to privacy by allowing access to this information only to parents, guardians or authorized persons**

(ii) In paragraph (b) by inserting the words **“the transport hours shall be between 6 am and 6 pm”** between the words **“the children”**.

(iii) In paragraph (c) by deleting the words **“and equipment used by the children”** and substituting therefor the following –  
**“and providing sanitary materials and equipment”**

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

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

Clause 17            amendments proposed –

**THAT**, Clause 17 be amended-

(i) In sub clause (b) by deleting the words **“are at least 18 years old and any staff who is below 18 years of age is working under close supervision of a staff above 21 years of age”** and substituting therefor the following-

**“are 18 years and above, have a certificate of good conduct and a medical certificate evidencing soundness of mind”**



- (ii) In sub clause (c) by deleting the sub clause and substituting therefor the following sub clause-

**“it has put in place fire fighting equipment, first aid and other emergency equipment and non-prescription medicine as the county executive committee member may prescribe.”**

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

Question that Clause 17 as amended be part of the Bill proposed, put and agreed to;

Clause 18                      amendments proposed –

**THAT**, Clause 18 be amended:

- (i) By deleting the words **“accruing to the”** appearing after the word **“rights”**

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

Question that Clause 18 as amended be part of the Bill proposed, put and agreed to;

Clause 19                      amendments proposed –

**THAT**, Clause 19 be amended:

- (i) In sub clause (1) by deleting the sub clause and substituting therefor the following new sub clause-

**“The Executive Committee Member may upon request of the Sector, deploy a public officer working in the sector to assess a childcare facility.”**

- (ii) In sub clause (2) ) by deleting the word **“inspection”** and substituting therefor the word **“assessment”** and by deleting the word **“inspector”** and substituting therefor the word **“quality assurance and standards officer”**

*(Hon David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

Question that Clause 19 as amended be part of the Bill proposed, put and agreed to;

Clause 20                      amendments proposed –

**THAT**, Clause 20 be amended:

(i) In the marginal notes by deleting the word **“inspection”** and substituting therefor the word **“assessment”**

(ii) In sub clause 1 by deleting the word **“inspector”** and substituting therefor the word **“quality assurance and standards officer”** and by deleting the numeral **“19”** and substituting the numeral **“20”** therefor

(iii) In paragraph (1)(a) by deleting the word **“inspect”** and substituting therefor the word **“assess”**

(iv) In paragraph (1) (b) by deleting the expression **“periodic”** and substituting therefor the expression **“quarterly”** In the marginal notes by deleting the word **“inspection”** and substituting therefor the word **“assessment”**

(v) In paragraph (1)(c) by deleting the word **“Department”** and substituting therefor the word **“Sector”**

*(Hon. David Kitavi, MCA)*

Question of the amendments 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 sub clause (1) by deleting the word **“inspector”** and substituting therefor the word **“quality assurance and standards officer”** and by inserting the expression **“with or without notice and ”** between the words **“may”** and **“without”** and by deleting the word **“Department”** and substituting therefor the word **“Sector”**

(ii) By deleting sub clause 2 entirely and substituting therefor the following new sub clause-

**(2) Every quality assurance and standards officer in performance of his duties shall, at the time of assessment, possess the appropriate written authorization, and evidence of identity, and shall produce them to the person in charge of the childcare facility concerned or, as the case may be, the person having**

**possession or control of the books, records, or accounts concerned-**

**(a) on first entering the premises; and**

**(b) whenever subsequently reasonably required to do so by the person in charge.**

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

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

Clause 22

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

Clause 23            amendments proposed –

**THAT**, Clause 23 be amended:

(i) By deleting the entire clause and inserting the following new clause

**1. (1) A person who contravenes the provisions of this Act for which no penalty is specified or fails to comply with any order or direction given under this Act, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment to a term not exceeding one year.**

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed;

Question put and agreed to;

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

Clause 24            amendments proposed –

**THAT**, Clause 24 be amended:

(i) By deleting sub clause (1) and substituting therefor the following new sub clause-

(1) Subject to the provisions of this Act, the Executive Committee Member, in consultation with the County Education Board, shall make regulations-

- (a) for prescribing anything that may be prescribed under this Act; or
- (b) generally for the better carrying out of the provisions of this Act
- (ii) In paragraph (2) (c) by deleting the word “**Department**” and substituting therefor the word “**Sector**”
- (iii) by inserting the following new paragraphs immediately after paragraph (d)-
  - (e) fees payable under part 111 of this Act
  - (f) nutritional portions for food provision
  - (g) qualifications of caregivers of children under this Act
  - (h) guidelines on maintaining an appropriate staff to child ratio depending on age.
  - (i) parameters in relation to assessment of facilities prior to licensing
  - (j) other matters pertaining to licensing including the grounds for refusal to grant a license and conditions under which a license that may be varied or imposed
  - (k) minimum standards for the health and safety of children and for a satisfactory environment for childcare;

*(Hon. David Kitavi, MCA)*

Question of the amendments proposed

Question put and agreed to;

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

New Paragraph 3 (a)

**THAT** clause 3 be amended by inserting a new paragraph before paragraph (a) as follows –

“Ensure that every applicant intending to establish or operate a childcare facility does so in a structured manner in line with this Act and any other written law and in doing so, must comply with the best interests of the child

Motion made and question proposed;

That New Paragraph 3(a) A be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to

Question that New Paragraph 3(a) be part of the Bill proposed, put and agreed to;

New Paragraph 3 (b)

**THAT** clause 3 be amended by inserting a new paragraph after paragraph (a) as follows –

“Ensure that the minimum standards of hygiene, safety and care are maintained and are in line with the Occupational Safety and Health Act, 2007 and the Public health Act.”

Motion made and question proposed;

That New Paragraph 3(b) be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to;

Question that New Paragraph 3(b) be part of the Bill proposed, put and agreed to;

New Paragraph 3 (c)

**THAT** clause 3 be amended by inserting a new paragraph after paragraph (b) as follows –

“Ensure that the prescribed basic minimum standards required to operate are met and that a sleeping bay and furniture are amongst them.”

Motion made and question proposed;

That New Paragraph 3(c) be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to

Question that New Paragraph 3(c) be part of the Bill proposed, put and agreed to;

New Paragraph 4(a) A

**THAT** clause 4 be amended by inserting a new paragraph immediately after (4) (a) as follows –

“Assessment of compliance and quality standards within the provisions of this Act”

Motion made and question proposed;

That New Paragraph 4(a) A be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to

Question that New Paragraph 4(a) A be part of the Bill proposed, put and agreed to;

New Paragraph 4(f)

**THAT**, clause 4 be amended by inserting a new paragraph immediately after (4) (e) as follows –

“Ensuring that the curriculum developed for child care facilities by the County Education Board is implemented”

Motion made and question proposed;

That New Paragraph 4(f) A be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to;

Question that New Paragraph 4(f) A be part of the Bill proposed, put and agreed to;

New Paragraph 4(g) A

**THAT** clause 4 be amended by inserting a new paragraph immediately after paragraph (g) as follows –

“to sensitize the general public on the provisions of this Act and”

Motion made and question proposed;

That New Paragraph 4(g) A be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to;

Question that New Paragraph 4(g) A be part of the Bill proposed, put and agreed to;

New Paragraph 5(a) A

**THAT** clause 5 be amended by inserting a new sub paragraph immediately after paragraph (a) as follows –

“Any officer exercising the power of entry under paragraph (a) shall identify himself to the service provider and shall thereafter file a report with the Sector outlining his findings and recommendations thereon”

Motion made and question proposed;

That New Paragraph 5(a) A be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to;

Question that New Paragraph 5(a) A be part of the Bill proposed, put and agreed to;

New Paragraph 5(b) A

**THAT** clause 5 be amended by inserting a new sub paragraph immediately after paragraph (b) as follows –

“(b) (i) if a license is revoked or suspended under paragraph (b), the Sector shall issue a notice letter to the Service Provider outlining the reasons for the revocation and”

Motion made and question proposed;

That New Paragraph 5(b) A be read a Second Time

*(Hon. David Kitavi, MCA)*

Question put and agreed to;

Question that New Paragraph 5(b) A be part of the Bill proposed, put and agreed to;

New Paragraph 8(2) (a)

**THAT** clause 8 be amended by inserting a new paragraph as follows –

“A sketch or diagram of the facility showing the arrangements and measurements of the rooms including the location of separate toilets for male and female, hand washing facilities, doors and the windows”

Motion made and question proposed;

That New Paragraph 8(2) (a) be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 8(2) (a) be part of the Bill proposed, put and agreed to;

New Paragraph 8(2) (d)

**THAT** clause 8 be amended by inserting a new paragraph as follows –

“A declaration to adhere to discipline and guidance guidelines inclusive of the Child Protection Policy”

Motion made and question proposed;

That New Paragraph 8(2) (d) be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 8(2) (d) be part of the Bill proposed, put and agreed to;

New Paragraph 8(2) (f) A

**THAT** clause 8 be amended by inserting a new paragraph immediately after paragraph (f) as follows –

“(fa)a clearance report from the Ethics and Anti-Corruption Commission, the County Public health Department, the Director of Criminal Investigation and evidence that a firefighting system and equipment has been put in place”

Motion made and question proposed;

That New Paragraph 8(2) (f) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 8(2) (f) A be part of the Bill proposed, put and agreed to;

New Paragraph 8(2) (f) B

**THAT** clause 8 be amended by inserting a new paragraph after paragraph (f) as follows –

“(fb) provide working day contact details”

Motion made and question proposed;

That New Paragraph 8(2) (f) B be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 8(2) (f) B be part of the Bill proposed, put and agreed to;

New Paragraph 16(d)

**THAT** clause 16 be amended by inserting a new paragraph (d) as follows –

“Offer a balanced diet to the children at least every four hours in the prescribed portions”

That New Paragraph 16(d) be read a Second Time

*(Hon. Pius Otieno, MCA)*



Question put and agreed to;

Question that New Paragraph 16(d) be part of the Bill proposed, put and agreed to;

New Paragraph 16(e)

**THAT** clause 16 be amended by inserting a new paragraph immediately after paragraph (d) as follows –

“Outdoor play spaces shall be fenced and free from hazards while any outdoor equipment shall take into consideration the child’s size

Motion made and question proposed”

Motion made and question proposed;

That New Paragraph 16(e) be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 16(e) be part of the Bill proposed, put and agreed to;

New Paragraph 16(e) A

**THAT** clause 16 be amended by inserting a new paragraph immediately after paragraph (e) as follows –

“Provide for the welfare and observe the human rights and ensure safety of the children, caregivers and anyone else at the facility”

Motion made and question proposed;

That New Paragraph 16(e) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 16(e) be part of the Bill proposed, put and agreed to;

New Paragraph 17(c)

**THAT** clause 17 be amended by inserting a new paragraph (c) as follows –

“are 18 years and above, have a certificate of good conduct and a medical certificate evidencing soundness of mind”

Motion made and question proposed;

That New Paragraph 17(c) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 17(c) be part of the Bill proposed, put and agreed to;

New Paragraph 18(c) A

**THAT** clause 18 be amended by inserting a new paragraph (c) as follows –

“(ca) right to provide food for their children if they so wish”

Motion made and question proposed;

That New Paragraph 18(c) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 18(c) be part of the Bill proposed, put and agreed to;

New Paragraph 18(c) B

**THAT** clause 18 be amended by inserting a new paragraph (c) A as follows –

“(cb) right to know the existing policies and management guidelines in the childcare facility and”

Motion made and question proposed;

That New Paragraph 18(c) B be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 18(c) B be part of the Bill proposed, put and agreed to;

New Paragraph 18(c) C

**THAT** clause 18 be amended by inserting a new paragraph (c) B as follows –

“(cc) right to know the qualification levels of the caregivers in the facility.”

Motion made and question proposed;

That New Paragraph 18(c) C be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 18(c) C be part of the Bill proposed, put and agreed to;

New Paragraph 20(d) A

**THAT** clause 20 be amended by inserting a new paragraph immediately after (d) as follows –

“Assess the facility to ensure implementation and adherence with the provisions of this Act.”

Motion made and question proposed;

That New Paragraph 20(d) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 20(d) A be part of the Bill proposed, put and agreed to;

New Paragraph 20(d) B

**THAT** clause 20 be amended by inserting a new paragraph immediately after (d) as follows –

“File a report with the Sector detailing his observations, findings and recommendations from the visit. The report shall be forwarded to the Executive Committee Member who shall give his views in support of the recommendations made or he shall make his own recommendations.”

Motion made and question proposed;

That New Paragraph 20(d) B be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Paragraph 20(d) B be part of the Bill proposed, put and agreed to;

New Sub-clause 11(2) A

**THAT**, Clause 11 be amended by adding the following new sub clause immediately after sub clause 2 as follows;-

“The Sector shall issue the applicant with written notice of 14 days to effect the variation or imposition in sub section 2.”

Motion made and question proposed;

That New Sub-clause 11(2) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to

Question that New Sub-clause 11(2) A be part of the Bill proposed, put and agreed to;

New Sub-clause 12(1) A

**THAT**, Clause 12 be amended by adding the following new sub clause immediately after paragraph (b) as follows;-

“The Sector shall notify the person whose license has been altered, revoked or suspended in writing, within 7 days.”

Motion made and question proposed;

That New Sub-clause 12(1) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Sub-clause 12(1) A be part of the Bill proposed, put and agreed to;

New Sub-clause 14(1)

**THAT**, Clause 14 be amended by deleting sub clause 1 and replacing with the following new sub clause as follows;-

“A person aggrieved by the decision of the Sector under this Part may appeal, within fourteen days from the date of being notified of the decision, in writing, to the Executive Committee Member.”

Motion made and question proposed;

That New Sub-clause 14(1) be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Sub-clause 14(1) be part of the Bill proposed, put and agreed to;

New Sub-clause 14(2) A

**THAT**, Clause 14 be amended by inserting a new sub clause immediately after sub clause (2) as follows;-

“A party aggrieved by the decision of the Executive Committee Member may appeal to the High Court within thirty days.”

Motion made and question proposed;

That New Sub-clause 14(2) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Sub-clause 14(2) A be part of the Bill proposed, put and agreed to;

New Sub-clause 16(1) A

**THAT**, Clause 16 be amended by inserting a new sub clause as follows;-

“Childcare facilities shall take into account the special needs of children with disabilities and shall have special facilities or modifications to accommodate a child with a disability”

Motion made and question proposed;

That New Sub-clause 16(1) A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Sub-clause 16(1) A be part of the Bill proposed, put and agreed to;

New Sub-clause 16(1) B

**THAT**, Clause 16 be amended by inserting the words as follows;-

“In the management of the childcare facilities, the child’s best interests shall be of paramount importance.”

Motion made and question proposed;

That New Sub-clause 16(1) B be read a Second Time

*(Hon. Pius K’Otieno, MCA)*

Question put and agreed to

Question that New Sub-clause 16(1) B be part of the Bill proposed, put and agreed to;

New Sub-clause 21(2)

**THAT**, Clause 21 be amended by deleting sub clause 2 entirely and substituting therefor the following new sub clause as follows;-

“(2) Every quality assurance and standards officer in performance of his duties shall, at the time of assessment, possess the appropriate written authorization, and evidence of identity, and shall produce them to the person in charge of the childcare facility concerned or, as the case may be, the person having possession or control of the books, records, or accounts concerned-

- (a) on first entering the premises; and
- (b) whenever subsequently reasonably required to do so by the person in charge..”

Motion made and question proposed;  
That New Sub-clause 21(2) be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to  
Question that New Sub-clause 21(2) be part of the Bill proposed, put and agreed to;

New Clause 15A

**THAT**, Clause 15 be amended by the following new clause immediately after clause 15 as follows;-

“(16A) The Department may issue the revocation, alteration, suspension orders or notices under this Part through the ward administrator or the local coordinator of the county government who shall issue a public notice in writing through the National language to the locality or ward where the childcare facility is located”.

Motion made and question proposed;  
That New Clause 15A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;  
Question that New Clause 15A be part of the Bill proposed, put and agreed to;

New Clause 17A

**THAT**, Clause 17 be amended by inserting a new clause immediately after Clause 17 as follows;-

“Sexual offences (18)(1) Any caregiver who takes advantage of his or her position and induces or seduces a child in their care to have sexual intercourse with him or her or commits any other offence under the Sexual Offences Act 2014, such sexual intercourse not amounting to the offence of rape or defilement, shall be guilty of an offence of abuse of position of trust and shall be liable upon conviction to imprisonment for a term of not less than ten years.

(2) A person who has been convicted of a sexual offence and who fails to disclose such conviction when applying for employment in a child care facility is guilty of an offence and liable upon conviction to imprisonment for a term of not less than three years or to a fine of not less than fifty thousand shillings or to both

(3) A childcare provider shall confirm that a person seeking employment to any position in a childcare facility has not been charged or convicted of an offence under the Sexual Offences Act, 2014.

Motion made and question proposed”

That New Clause 17A be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to;

Question that New Clause 17A be part of the Bill proposed, put and agreed to;

New Clause 23

**THAT**, Clause 23 be amended by deleting the entire clause and inserting the following new clause as follows;-

“General penalty1. (1) A person who contravenes the provisions of this Act for which no penalty is specified or fails to comply with any order or direction given under this Act, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment to a term not exceeding one year.”

Motion made and question proposed;

That Clause 23 be read a Second Time

*(Hon. Pius Otieno, MCA)*

Question put and agreed to

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

Clause 2 amendments proposed –

**THAT**, clause 2 be amended:

- (i) In the definition of the word **“applicant”** by inserting the words **“legal associations, groups or organizations”** immediately after the word **“individual”**
- (ii) In the definition of the word **“childcare”** by deleting the expression **“may include”** and substituting therefore the word **“shall include welfare,”**
- (iii) In the definition of the word **“child care provider”** by inserting the words **“their agents or representatives”** immediately after the word **“person”**
- (iv) In the definition of the word **“Department”** by deleting the word **“Department”** wherever it appears and substituting therefor the word **“Sector”** and by adding the words **“Youth Affairs, Culture, Children and Social Services”** immediately after the word **“Education”**
- (v) In the definition of the word **“ Executive Committee Member”** by inserting the word **“County”** immediately before the word **“Executive”** and by deleting the words **‘and sports’** and substituting therefor the words **“Culture, Children and Social Services”**.
- (vi) In the definition of the word **“facility”** by deleting the expression **“any place”** and substituting therefor the expression **“designated place”**.
- (vii) In the definition of the word **“inspector”** by deleting the word **“inspector”** wherever it appears and substituting therefor the expression **“quality assurance and standards officer”** and by deleting the numeral **“14”** and substituting therefor the numeral **“20”**
- (viii) by deleting the definition of the word “child” and substituting therefor the following definition-
  - (a) **‘child’ means a child of tender years who for the purpose of this bill is a child below the age of 6.**
- (ix) inserting the following new definitions in their proper alphabetical sequence-
  - a) **‘care giver’ means an individual who takes care of the children while in the child care facility**
  - b) **‘protection’ means the care provider shall take all necessary measures to ensure that the rights of the children under their care are not violated”.**
  - c) **‘working hours’ means the hours between 8am and 5 pm, between Monday and Friday and shall exclude public holidays**
  - d) **“parent” means a mother, father or guardian of a child and includes any person who is responsible under the law to maintain a child or is entitled to a child’s custody;**



Question of the amendments 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 Long Title be amended by deleting the word  
“**inspection**” and substituting therefor the word “**assessment**”

*(Hon. Pius Otieno, MCA)*

Question of the amendments proposed  
Question put and agreed to;

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

Clause 1                    amendments proposed –

**THAT**, clause 1 be amended by inserting the word “**County**”  
immediately before the expression “**Executive Committee Member**”

*(Hon. Pius Otieno, MCA)*

Question of the amendments 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.

**8. ASSEMBLY RESUMED:-**

**The Nairobi City County Childcare Facilities Bill, 2017 (Assembly  
Bill No. 6 of 2017)**

Bill was 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. David Kitavi, MCA)*

Question put and agreed to.

Motion made and question proposed-

**THAT**, The Nairobi City County Childcare Facilities Bill, 2017 (Assembly Bill No. 6 of 2017) be now read a Third Time.

*(Hon. Pius Otieno, MCA)*

Question put and agreed to.

Bill read a Third Time and passed.

**9. MOTION - ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE RETREAT HELD AT SWEET LAKE RESORT NAIVASHA FROM 23<sup>RD</sup> TO 26<sup>TH</sup> JANUARY 2017**

Motion made and Question proposed;

**THAT**, this Assembly adopts the **REPORT OF SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE RETREAT HELD AT SWEETLAKE RESORT NAIVASHA FROM 23<sup>RD</sup> TO 26<sup>TH</sup> JANUARY 2017**, laid on the Table of the Assembly on Thursday, 15<sup>th</sup> June, 2017.

*(Hon. Asha Abdi Sosso, MCA)*

Debate ensued;

Mover replied;

Question put and *agreed to*;

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

**10. ASSEMBLY ROSE** - at fifteen minutes past four O'clock

M E M O R A N D U M

The Speaker will take the Chair on  
Wednesday, June 28<sup>th</sup>, 2017, at 2.30p.m

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