



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Thursday, 11 May, 2017

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Ken Ng'ondi) in the chair)

PRAYERS

QUORUM

Hon. Deputy Speaker: The attention of the Chair has been raised to lack of quorum in the House and I so direct the Seargent-At-Arm to ring the bell for 10 minutes under Standing Order 31

(Quorum bell was rung)

(Loud consultations)

Order Members, can you have respect for Standing Order 31

Hon. Members we have quorum in the House and we may proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Members under order 7 we expect the following responses to be given by the Hon. Members and the Chairpersons of various committees. Hon. Hashim Kamau, is he in the House? Yes he is present. He had forwarded a request to the Committee on Agriculture, Environment and Natural Resources. Hon. Amutavi? Hon. Hashim do you have the report with you?

Hon. Minority Chief Whip (Mr. Hashim Kamau): Thank you Mr. Speaker I have the report and I have no objection.

Hon. Deputy Speaker: Thank you, I hope Clerk you note that. We have Hon. Ngaruiya in the House? He had two statements. Hon. Leah Mumo, you have made a request in regard to garbage collection in the County Creative Consolidated, a private cleaning services. We have Chair of Agriculture, Environment? Do you have a response? Please proceed. Hon. Leah, please before the Hon. Member proceeds have you gone through the response? (*Inaudible*). Are you satisfied? So we may proceed. Thank you very much.

Hon. Petronilla Achieng (Nominated Member): Hon. Speaker I have a response to the statement requested by Hon. Hashim Kamau MCA from the chairperson of sectoral committee on Agriculture, Environment and Natural Resources.

Hon. Speaker sir on Thursday 25th June 2015 Hon. Hashim Kamau, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2)(c) and requested the Chairperson of Sectoral Committee on Agriculture, Environment and Natural Resources...

Hon. Hashim Kamau: Thank you Mr. Speaker, I had indicated that I have no objection with the statement and I am satisfied with it.

Hon. Deputy Speaker: Maybe you just give us overview of the report without going back to the details

Hon. Petronilla Achieng: The final findings are, he wanted the total cost of the contracts which is Ksh. 49, 205,188 financed by the County Government of Nairobi.

Hon. Deputy Speaker: Thank you Hon. Petronilla. We in Transport, Roads and Public Works. Hon. Petronilla, you have five responses from different Members.

Hon. Petronilla Achieng: (*Inaudible*) Two from Ngaruiya, and then Hon. Leah Mumo and the last one Hon. (*Inaudible*)

Hon. Deputy Speaker: Hon. Leah Mumo is actually in agreement with the response. Thank you. Can we move to Transport and Public Works Committee, do we have Hon. Oduru in the House, the Vice-Chair Transport? Any member who was delegated the same, Hon. Ronald you have it? And unfortunately we don't have Hon. Shadrack Juma in the House. Oh you are around, are you privy to the response?


Hon. Member for Baba Dogo Ward (Mr. Shadrack Juma): Yes Mr. Speaker.

Hon. Deputy Speaker: And you are in agreement?

Hon. Shadrack Juma: Yes I am in agreement.

Hon. Deputy Speaker: Hon. Ronald maybe just review it a bit. Hon. Majority Leader, welcome.

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Hon. Member for Harambee Ward (Mr. Ronald Milare): Thank you Mr. Speaker. I think the member is satisfied with the report. So I don't know what you want me to do.

Hon. Deputy Speaker: Then it is okay. We may proceed. We are still on Transport, Roads and Public Works. I don't know whether you have the same response with you Hon. Milare. Request made by Hon. Jackson Kiama regarding construction of Bazone Road in Kayole II Ward. You have the report? Do we have the Hon. Jackson Kiama in the House? You may respond because it is now the property of the House, Hon. Ronald.

Hon. Ronald Milare: Thank you Hon. Speaker. On Tuesday March 2017, Hon. Jackson Kiama, MCA rose on the floor of the Assembly pursuant to Standing Order 41 (2) (c) and requested the Chairperson of Transport, Roads and Public Works Committee for a statement regarding the construction of Bazone Road in Kayole II Ward. According to the Member, a contractor was awarded a tender to construct the Bazone Road in Kayole II Ward but unfortunately to-date nothing has been done on the road. The member further asked the Chairperson to inquire into and report on:

1. The cause of delaying commencing the works; and
2. Measures being taken by the County Executive to ensure that contractors begin working on projects they have been awarded without delay.

Hon. Speaker, the Committee wrote a letter to the Chief Officer Transport, Roads and Public Works and copied to the CEC Member for Transport, Roads and Public Works on 14th March 2017 where the contents of the requests were outlined. Further, the Acting Chief Officer had delivered a response to the Committee on a letter dated 21st March 2017. In this regard Hon. Speaker, I wish to report to the Assembly as follows:

1. The Cause of Delay in Commencing the Works

Hon. Speaker the sector is not aware of the above contract to any contractor, in addition the sector is not in receipt of any dully executed contract agreement between any contractor and the Nairobi City County.

2. Measures being taken by the Executive to ensure that contractors begin working on the projects they have been awarded without delay

Hon. Speaker, upon receipt of the dully executed contract agreement, works commenced within 14 days. Hon. Speaker I beg to lay the response.

Hon. Deputy Speaker: Come again Hon. Ronald. What have you just said?

Hon. Ronald Milare: I beg to table the response, thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you.

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

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): I beg to move that the Nairobi City County Cultural Heritage Bill, 2017 (Assembly Bill No.1 of 2017) be read a second time.

Mr. Speaker, allow me to give the plenary brief importance of this Motion to this County. It will provide legislative framework for promoting and protecting culture and cultural heritage. Key highlights on the Bill. I will take Members through memoranda of the objects and the reason for this Bill. I request the Members if they have the Bill to check the memoranda. Mr. Speaker, if you allow me, I will read the memoranda.

Hon. Deputy Speaker: You are in order.

Hon. Samuel Kagiri: The principal purpose of the Bill is to provide legislative framework for the purpose of promoting and protecting culture and cultural heritage in the County.

Part 1, that is, Clause 1-4 contains preliminary matters. Clause 1 and 2 set out the short title of the Bill and interpretation of the terms respectively. Clause 3 and 4 provide for the objects of the Bill, scope and application respectively.

Part 2, that is, Clause 5-19 provides for the protection and regulation of the cultural activities and heritage. Clause 5 provides for authorized officers whose responsibility is to oversee the activities taking place in cultural sites in accordance with the Act. Clause 6 outlines the responsibilities of the County Government with regard to cultural activities. Clause 7 provides for protection of individuals from being forced to participate in cultural activities. Clause 8 provides for establishment of cultural centers and set out their objectives. Clause 9 provides for establishment of cultural forum. Clause 10 provides for the determination of an article of a cultural nature. Clause 11 provides for their protection. Clause 12 provides for patent or copyright of cultural article. Clause 13 provides for establishment of cultural industries. Clause 14 provides that the Executive Committee Member may, after consultation with the department and after taking into consideration the historical significance and other relevant matters relating to a site and declare any site to be a cultural site which will be protected under the act. Clause 15 provides for protection of these cultural sites. Clause 16 and 17 provides for private cultural sites and admission respectively. Clause 18 requires the department to erect a notice board at the entrance or within a reasonable distance from the entrance of a cultural site indicating the activities that are carried out in the site. Clause 19 outlines the conditions of entry to the cultural site.

Part 3, that is, Clause 20-28 sets out the miscellaneous provisions...

Clause 20 requires a Department to keep a register of all articles of a cultural nature and culture sites declared under this Act. While Clause 21, is on Grant of short term custody to a person seeking to have the article.

Clause 22 makes provision on offences. While Clause 23 gives the Department power to issue the permits relating to the Management of culture centers, sites or institution and the use flora or fauna of culture importance, provided the article is in accordance with the provision of this Act.

Clause 24 provides for declaration of National cultural article, activity or site. While Clause 25 makes protection from personal liability. Clause 26 is on regulations and Clause 27 sets out the powers of authorized persons to enter any Cultural site to ensure compliance on the provision of the Act. While Clause 28 sets out the general penalty;

Mr. Speaker, Clause 26 empowers the County Executive Committee Member with prior to approval of the County Assembly to make regulations for better operationalization of the proposed law. The Committee agrees with the aforementioned Clause and proposes in obligatory terms that the regulations should be developed within 90 days after publication of the proposed Act.

Mr. Speaker, I conclude by reminding the Members that the Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and the nation. It is in this spirit that the Committee admits that this proposed legislation will substantially aid in promoting and protecting culture and cultural heritage in the County. Thus I request Members of this Assembly to pass the Bill so that it can aid in promotion and protection of culture and cultural heritage in the County.

For those few remarks Mr. Speaker, allow me to request Hon. Nancy Mwaura to second the Motion. Thank you.

Hon. Deputy Speaker: Hon. Mwaura Nancy! Okay thank you!

(Question proposed)

Hon. Deputy Speaker: Hon. Janet Kimondo!

Hon. Janet Kimondo (Nominated Member): Thank you, Mr. Speaker and I would like to second the Motion on this Bill.

Hon. Deputy Speaker: Order the Motion has already been seconded.

Hon. Janet Kimondo: Sorry! I would like to support the Motion.

Hon. Deputy Speaker: Okay thank you.

Hon. Janet Kimondo: I would like to support the Motion. Mr. Speaker as you know our Country is of Culture and having this Bill and also having a department that has been so empty without a shell; this Bill has found a nice home. I know culture will be more supported and people tend to enjoy culture better. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Manoah! Is it on!

Hon. Jacqueline Nyangala (Nominated Member): Thank you Mr. Speaker, I hope that public participation on this Bill will be well done because the establishment of this kind of thing will have a lot of public participation. Mr. Speaker, are you listening to me. Thank you.

Hon. Deputy Speaker: Hon. Otieno!

Hon. Member for Sarangombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker and allow me to support this Bill, first by saying that people without culture is like a tree without the roots. So the people leaving in Nairobi will have the opportunity when the enactment of this Bill to safeguard their culture and probably receive loyalty and any other form of compensation because a number of things are going on within this County. Part of them could be part of intellectual property rights, cultural heritage and those things that they have been doing for a certain period of time that now forms a culture of those particular communities. It will be only prudent if the County Government of Nairobi together with the people who will be remaining here to take cognizant of the fact that this Bill actually sees light of the day. It is important for us to understand that this Bill simply seeks to promote social cohesion or social capital amongst the people living in Nairobi. And when we talk of social capital or social cohesion, we mean how we foster that togetherness. How do ensure that we transcend from the normal or the usual dialogue of 'we' and venture into the world of diversity?

In this world, if we cannot diversify our thoughts, if we cannot diversify how we want to socialize with other people, Mr. Speaker, we cannot survive. Through this Bill, I know there will also be an opportunity for different social workers or different people who are pursuing social science to carryout research. In my opinion, there is nothing as important as doing research with a keen objective of furthering one's knowledge. And knowledge is always the biggest realization that an individual can actually yearn to have. So, Mr. Speaker, allow me to thank the Committee, the County Government and the Chairman who saw to it that this Bill sees light of the day and not forgetting Hon. Samuel Kagiri, member of Delegated Legislation Committee. Indeed, you have been a good student and I thank you. A lot of things you have learnt from my Committee on Delegated Legislation and you have put them in practice. And may God bless you and your family. Thank you so much.

Hon. Deputy Speaker: Hon. Nancy Luchiri.

Hon. Nancy Luchiri (Nominated Member): Thank you Mr. Speaker for giving me this opportunity. Once again, I sit in Culture and Community Services Committee. And I would wish to support this Bill plus the Motion because for long, Kenya has been struggling with other cultures that were borrowed from western countries and for the first time, in Nairobi County, we should actually uphold this because Nairobi County is the owner of the 42 communities that we have here in Kenya. And if we have this, it will be a good beginning. Thank you.

Hon. Deputy Speaker: Thank you. Okay, Hon. Kagiri, you may reply.

Hon. Samuel Kagiri: Mr. Speaker, I wish to thank all the Members for supporting the Bill and especially the Committee on Culture and Heritage for the support they gave me concerning the Bill. I will

say the same as members have said, that it is time we start recognizing the cultures and enjoying our cultures with freedom. So, Mr. Speaker, I thank the Members.

(Question that the Bill be read a second time put and agreed to)

The Nairobi City County Cultural Heritage Bill, 2017, Assembly bill no. 1 of 2017.

(Second Reading)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, we are through with our session today and now the Assembly stands adjourned to next week, Tuesday, 2:30 p.m. Thank you.

(The House rose at 3.10 p.m.)