



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Tuesday, 13 June, 2017

The House met at 2.30 p.m.

(Hon. Temporary Deputy Speaker (Mr. Samuel Ny'angwara) in the Chair)

PRAYER

Hon. Temporary Deputy Speaker: Serjeant-At-Arms, can you check what is happening because we do not want that noise. We don't have a quorum, I direct the Serjeant-At-Arms to ring the bell for the next 10 minutes.

(Quorum bell rang)

Hon. Temporary Deputy Speaker: Hon. Members, we now have a quorum, we can proceed.

Order Hon, Member! Serjeant-At-Arms can you please close that door and nobody should get out until we finish the business of the day.

(Loud consultations)

Order, Hon. Members! I want to appeal to you with a lot of humility, there is a backlog of quite a number of businesses in this House simply because Members have been walking out immediately after they get in and others are ready to stand up and say there is no quorum. The business has never been transacted. I now authorize the Serjeant-At-Arms to close that door and don't allow anybody to get out.

Hon. Mugo Kanyi, out of the House for the rest of the day! Hon. Adow, out of the House for the rest of the day! Can we proceed, Clerk?

PAPERS

Hon. Temporary Deputy Speaker: Hon. Chair for Culture and Social Services, can you read the report?

Hon. Member for Harambee Ward (Mr. Ronald Milare): Pursuant to Standing Order 180 (6), I beg to lay the following Paper on the table of the Assembly, today, Tuesday 13th June 2017; the report of the Sectoral Committee on Culture and Community Services on the inquiry into the status of Eastleigh Social Hall, Eastleigh North Ward.

Hon. Temporary Deputy Speaker: Thank you. Chairperson of Select Committee on Powers and Privileges, Hon. Kwamboka?

Hon. Member for Moutain View Ward (Ms. Beatrice Kwamboka): Pursuant to Standing Order 180 (6), I beg to lay the following Paper on the table of the Assembly, today, Tuesday 13th June 2017; the report of the Select Committee on Powers and Privileges on the investigation into invasion of the County Assembly precincts on 7th April 2017.

Hon. Member for Pipeline Ward (Mr. Samuel Kagiri): Pursuant to Standing Order 180 (6), I beg to lay the following Paper on the table of the Assembly, today, Tuesday 13th June 2017; the report of the Select Committee on Loans Management Committee on the proposed Public Finance Management Act, Nairobi City County Assembly Car Loan and Mortgage Scheme Fund Regulation 2017. I beg to lay the papers.

Hon. Temporary Deputy Speaker: There are two Members that I am waiting for their names.

NOTICES OF MOTION

Hon. Temporary Deputy Speaker: Chairman Culture?

STATUS OF EASTLEIGH SOCIAL HALL

Hon. Ronald Milare: Hon. Speaker, I beg to give Notice of the following Motion; THAT this Assembly adopts the report of the Sectoral Committee on Culture and Community Services on the inquiry into the status of Eastleigh Social Hall, Eastleigh North Ward laid on the table of the Assembly, today, 13th June 2017.

Hon. Temporary Deputy Speaker: Next. Can you request please?

Hon. Samuel Kagiri: Hon. Speaker, I beg to give Notice of the following Motion; THAT this Assembly adopts the report of the Select Committee on Loans Management Committee on the proposed Public Finance Management Act, Nairobi City County Assembly Car Loan and Mortgage Scheme Fund Regulation 2017 laid on the table of the Assembly. Today, 13th June 2017. Thank you, Mr. Speaker.

INVASION OF THE COUNTY ASSEMBLY PRECINCTS

Hon. Beatrice Kwamboka: Hon. Speaker, I beg to give Notice of the following Motion; THAT this Assembly adopts the report of the Select Committee on Powers and Privileges on the investigation into the invasion of the County Assembly precincts on 7th April 2017, laid on the table of the Assembly, today, Tuesday 13th June 2017.

Hon. Temporary Deputy Speaker: Hon. Isuha, out of the House for the rest of the day! Hon. Members, I want to request you if you can spare about 10 minutes, we will be through with the business of the day because what we have is not so much.

Hon. Members, I want to make these directions; that there are reports from the Committee of Public Accounts Committee which are long overdue and are supposed to be tabled in this House today. I want to direct that those reports must be tabled on the floor of this House tomorrow. So, members of that particular Committee take note of that. Thank you.

Hon. Temporary Deputy Speaker: Hon. Members, I want to request you that now I won't be on the Chair that you will walk out, I want to request you to stay in the House till we finish the Committee of the Whole House. I want to direct the Serjeant-At-Arms that whoever will get out, you will have the name, and you will be removed from the list of the attendance today.

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Mr. Temporary Speaker left Chair)

IN THE COMMITTEE

[Hon. Chair (Ms. Karen Wanjiku) took the Chair]

INSPECTORATE SERVICE (AMENDMENT) BILL 2017, (ASSEMBLY BILL NO.1 OF 2017)

Hon. Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi County City Inspectorate Service Bill 2017, Assembly Bill No.1 of 2017.

Clause 3

(Question that Clause 3 be part of the Bill)

(Question put and agreed to)

Clause 4

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 4 be amended by deleting sub clause (3) and replacing thereof the following; “The Inspectorate Service Department shall consist of the following units:

- (a) An inspection unit;
- (b) A fire and emergency services unit;
- (c) A disaster and rescue services unit;
- (d) A traffic unit; and
- (e) Such other unit as the Board with the approval of the Assembly may prescribe

(ii) In sub clause (4) paragraph (a) sub paragraph (i) by deleting the word “Chief Inspector” and replacing therefor the word “County Chief Commandant”

(iii) In sub clause (4) paragraph (a) sub paragraph (ii) by deleting the word “Deputy Chief Inspector” and replacing therefor the word “Deputy County Commandant”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 4 as amended agreed to)

Clause 5

(Question that Clause 5 be part of the Bill)

(Question put and agreed to)

Clause 6

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 6 be amended:

- i) In Sub-clause 1 by deleting paragraph (a) in its entirety.
- (ii) By inserting a new paragraph immediately after paragraph (d) “(da)” offer firefighting and emergency services” “(db) “co-ordinate disaster management”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 6 as amended agreed to)

Hon. Chairperson: Order, Hon. Member, we want to do it so that we can go to the next Order.

Clause 7

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 7 be amended:

- i) By deleting the marginal note and substituting thereof the following- "County Chief Commandant"
- ii) In sub clause 1 by deleting the words "overall and independent" appearing immediately after the words "under the"
- iii) In sub clause 1 by deleting the word "County" immediately before the word "Chief" and by inserting the expression " upon recommendations by the Board" after the word "Governor"
- iv) In sub clause 2 by deleting the word "Chief Inspector" and substituting therefor the word "County Chief Commandant"

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 7 as amended agreed to)

Clause 8

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 8 be amended:

- i) In the marginal note by deleting the words " Chief Inspector" and substituting thereof the following- "County Chief Commandant"
- ii) In Sub-clause (1) paragraph (a) by deleting the word "Chief Inspector" and substituting therefor the word "County Chief Commandant"
- iii) In sub clause (1) paragraph (f) by deleting the words "manage and maintain training institutions" appearing immediately before the word "centers".
- iv) In Sub-clause (3) by deleting the words "wherever possible" appearing immediately after the words "officer and"

- v) In sub clause (4) by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 8 as amended agreed to)

Clauses 9 and 10

(Question that Clauses 9 and 10 be part of the Bill)

(Question put and agreed to)

Clause 11

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 11 be amended in Sub-clause 2 by deleting the expression “in a form prescribed by the rules and be signed by a Gazetted Inspectorate officer authorized” appearing immediately after the expression “signed” and by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 11 as amended agreed to)

Clauses 12,13,14,15 and 16

(Question that Clauses 12,13,14,15 and 16 be part of the Bill)

(Question put and agreed to)

Clause 17



Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 17 be amended by deleting the numerical “244” appearing immediately after the words “subject to” and replacing therefor the numerical “24”

Clause 18

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 18 be amended:

- (i) by deleting the Title, “COMPLIANCE” and replacing therefor the Title “INSPECTIONS”
- (ii) In sub clauses (1), (2) and (5) by deleting the words “Chief Inspector” and substituting therefor the word “County Chief Commandant”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 18 as amended agreed to)

Clause 19

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 19 be amended:

- i. In paragraph (a) by deleting the expression “the provisions of this Act” appearing immediately after the expression “contravening” and substituting therefor the expression “any County Laws”
- ii. In paragraph (b) by deleting the expression “apprehend” appearing before the expression “any” and substituting therefore the expression “arrest”
- iii. By inserting a new paragraph immediately after sub clause (b) “ba” to ensure compliance with Article 49 of the Constitution on the rights of an arrested person”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 19 as amended agreed to)

Clause 20

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 20 be amended:

- i. By deleting sub clause (1) in its entirety and substituting therefor the following: "An Inspectorate officer on duty may stop any person whom the officer witnesses doing or suspects of doing any act in contravention of County law or being in possession of anything for which a permit, license, or certificate or pass is required under any county law and has no such permit, license or certificate."
- ii. In sub clause 2 by deleting the expression "unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her" appearing immediately after the expression "warrant"

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 20 as amended agreed to)

Clause 21

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 21 be amended:

- i. In paragraph (a) by inserting the expression "county" immediately before the expression "law"
- ii. By deleting paragraphs (c) (d) and (f) in its entirety

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 21 as amended agreed to)

Clause 22

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 22 be amended:

- i. In sub clause (1) by deleting the words “whether with or without a warrant” appearing immediately after the words “officer” and by deleting the expression “and detention” appearing immediately after the expression “arrest”
- ii. In sub clause 2 by deleting the expression “and detention” wherever it appears
- iii. In sub clause (3) by deleting the numerical “50 and 51” appearing immediately after the numeral “49” and by deleting the expression “or detained” appearing immediately after the expression “arrested”
- iv. In sub clause (4) by deleting the expression “three” appearing immediately before the expression “hours” and substituting therefor the expression “one”
- v. in sub clause (5) by deleting the words “personally guilty of a disciplinary” appearing immediately after the words “offence” and replacing therefor the words “guilty of an”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 22 as amended agreed to)

Clause 23

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 23 be amended by deleting the words “the Constitution and” appearing immediately after the words “conferred by”.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 23 as amended agreed to)

Clause 24

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 24 be amended:

- (i) By deleting sub clause 1 and substituting therefor the following “Upon reasonable suspicion of the commission of an offence or for the enforcement of the provisions of any county law, an Inspectorate officer may enter a dwelling place when accompanied by a police officer and with the consent of the occupant.”
- (ii) In sub clause (3) paragraph (c) by inserting the words “related to the commission of an offence” immediately after the word “items”.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 24 as amended agreed to)

Clause 25 and 26

(Question that Clauses 25 and 26 be part of the Bill)

(Question put and agreed to)

Clause 27

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 27 be amended by deleting sub clauses 2, 3 and 4 and substituting therefor the following; -

“(2) Any items seized by any Inspectorate officer under sub section

(1) shall as soon as practically possible but in any event not later than one hour be handed over to the police station in the jurisdiction within which the offence has been committed”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 27 as amended agreed to)

Clause 28

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Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 28 be amended:

- (i) In the marginal notes by deleting the words „order for restoration and substituting therefore the words “cooperation with National Police Service”.
- (ii) By deleting the clause in its entirety and substituting therefore the following;-

28. (1)The County Chief Commandant may perform his functions under this Act in cooperation with the National Police Service and may in this respect enter into a memorandum of understanding with the Inspector General of Police.

The Memorandum of Understanding referred to in subsection (1) shall-

- (a) provide for the manner and extent to which the Inspectorate shall assist the National Police in implementation of national legislation
- (b) provide for the manner and terms of deployment of national police service officers to the Inspectorate to assist in the performance of the Inspectorate functions.
- (c) provide for such other matters as the Inspector General and the County Chief Commandant may deem appropriate.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 28 as amended agreed to)

Clause 29

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 29 be amended:

- (i) In sub clause (2) by deleting the words “life” appearing immediately after the words “imprisonment for” and replacing therefor the words “for a minimum term of twenty five years”.
- (ii) In sub clause (3) by deleting the words “life” appearing immediately after the words “imprisonment for” and replacing therefor the words “for a minimum term of fifteen years”.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 29 as amended agreed to)

Clause 30

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 30 be amended in sub clause (1) paragraph (b) by deleting the words “pretends to be” and replacing therefor the words “impersonates”

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 30 as amended agreed to)

Clause 31

(Question that Clauses 31 be part of the Bill)

(Question put and agreed to)

Clause 32

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 33 be amended:

- (i) In sub clause (1) by deleting the word “fifty” appearing immediately after the word “exceeding” and replacing therefor the word “five”
- (ii) In sub clause (2) by deleting the word “is” appearing immediately before the word “again” and replacing therefor the word “if” and
- (iii) In sub clause (2) by deleting the words “be punishable upon conviction with double the penalty provided for the offence” appearing immediately after the word “shall” and replacing therefor the words “undergo the disciplinary process and may be released from the service”.

(Question of the amendment proposed)



*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 33 as amended agreed to)

Clause 33

Hon. Jaffer Kassam: Madam Chair, I propose THAT Clause 32 be amended:

- (i) In the marginal note by deleting the word “Rules” and replacing therefor the word “Regulations”.
- (ii) In sub clause (1) by deleting the words “for the” appearing immediately before the word “purpose”.
- (iii) In sub clause (3) paragraph (c) by deleting the words “under section 46” appearing immediately after the word “under” and replacing therefor the words “this section”.

New paragraph 3(a) (A)

Hon. Jaffer Kassam: Madam Chair, I propose that new paragraph 3 (a) (A) be read for the second time.

(Question of the new paragraph 3(a) (A) proposed)

(New paragraph 3(a) (A) read a second time)

(Question that the new paragraph 3(a) (A) be part of the Bill)

(Question put and agreed to)

New Paragraph 4, Sub Clause 4 (b) (A)

Hon. Jaffer Kassam: Madam Chair, I propose that new paragraph 4 Sub Clause 4, Sub Clause (b) (A) be read for the second time.

(Question of the new paragraph 4 Sub Clause 4 (b) (A) proposed)

(New paragraph 4 Sub Clause 4 (b) (A) read a second time)

(Question that the new paragraph 4 Sub Clause 4 (b) (A) be part of the Bill)

(Question put and agreed to)

New Paragraph 4, Sub Clause 7 (a)

Hon. Jaffer Kassam: Madam Chair, I propose that new paragraph 4, sub clause 7 (a) be read for a second time

(Question of the new paragraph 4 Sub Clause 7 (a) proposed)

(New paragraph 4 Sub Clause 7 (a) read a second time)

(Question that the new paragraph 4 Sub Clause 7 (a) be part of the Bill)

(Question put and agreed to)

New Paragraph 19 b (a)

Hon. Jaffer Kassam: Madam Chair, I propose that new paragraph 19 (b) (a) be read for the second time

(Question of the new paragraph 19 (b) (a) proposed)

(New paragraph 19 (b) (a) read a second time)

(Question that the new paragraph 19 (b) (a) be part of the Bill)

(Question put and agreed to)

New Clause 28 (a)

Hon. Jaffer Kassam: Madam Chair, I propose that new clause 28 (a) be read for the second time

(Question of the new clause 28 (a) proposed)

(New clause 28 (a) read a second time)

(Question that the new clause 28 (a) be part of the Bill)

(Question put and agreed to)

First Schedule

(Question that the First Schedule be part of the Bill)

(Question put and agreed to)

Second Schedule

Hon. Jaffer Kassam: Madam. Chair, I beg to move:

THAT Second Schedule be amended:

- (i) In paragraph 1 sub paragraph (e) by deleting the words “guilty of drunkenness” appearing immediately after the word “be” and replacing therefor the word “drunk”
- (ii) By deleting paragraphs (n) and (o) in their entirety.
- (iii) In paragraph (w) by deleting the expression “investigation or other inspector matter” appearing immediately after the expression “any” and substituting therefor the expression “inspection or any Inspectorate matter”
- (iv) In paragraph (v) by deleting the expression “malingering or”
- (v) By deleting paragraphs (y) entirely.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Second Schedule as amended agreed to)

Clause 2

Hon. Jaffer Kassam: Madam Chair, I beg to move:

THAT clause 2 be amended:

- (i) In the definition of the word “arrest” by deleting the words “for suspected of commission of” appearing immediately after the word “person” and substituting therefor the words “suspected of committing”
- (ii) In the definition of the word “Chief Officer” by deleting the expression “Chief Officer” and replacing therefor the expression “County Chief Commandant”
- (iii) By inserting the following new definitions in their proper alphabetical sequence; “county law” means a law made by the Nairobi City County Assembly pursuant to Article 185 of the Constitution. “police officer „ means an officer in the National Police Service by virtue of Article 243 of the Constitution
- (iv) By deleting the definition of the word “commissioned officer” and replacing therefor the definition “means a gazetted officer holding the rank of Assistant Superintendent and above”
- (v) By deleting the definition of the word “Inspectorate units” and replacing therefore the following “Inspectorate units mean any of the following organs of the Service specified under section 4(3)”

- (vi) In the definition of the word “inspector post” by deleting the word “inspector” and replacing therefor the word “Inspectorate” and by deleting the expression “Chief Inspector” and substituting therefore the expression “County Chief Commandant”.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

Title

(Question that Title be part of the Bill)

(Question put and agreed to)

Clause 1

(Question that Title be part of the Bill)

(Question put and agreed to)

Hon. Jaffer Kassam: Madam Chair, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Inspectorate Service Bill 2017, Bill No. 1 of 2017 and its approval thereof with amendments. Thank you.

(Question proposed)

(Question put and agreed to)

(The House resumed)

(The Temporary Deputy Speaker in the Chair)

REPORTS AND THIRD READINGS

INSPECTORATE SERVICE (AMENDMENT) BILL 2017, (BILL NO. 1 OF 2017)

Hon. Chairperson: Mr. Speaker, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Inspectorate Service Bill 2017, Bill number 1 of 2017 and it approved the same with amendments.

Hon. Temporary Deputy Speaker: Yes Hon. Jaffer Kassam

Hon. Jaffer Kassam: I beg to move that the Assembly do agree with the committee in its said report.

(Hon. Speaker on his feet)

Hon. Temporary Deputy Speaker: Order Hon. Members! Get in Hon. Mutiso. Hon. Member for Clay City, I am on my feet! The Speaker is on his feet. Can you freeze!

(Question proposed)

(Question put and agreed to)

Hon. Jaffer Kassam: Mr. Speaker, I beg to move that the Nairobi City County Inspectorate Services Bill, number 1 of 2017 be now read a third time.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the third time and passed)

Hon. Temporary Deputy Speaker: Next order!

INSPECTORATE SERVICE BILL 2017; A BILL FOR AN ACT OF THE NAIROBI CITY COUNTY ASSEMBLY TO ESTABLISH THE NAIROBI CITY COUNTY INSPECTORATE SERVICE AND PROVIDE FOR ITS ORGANISATION, FUNCTIONS AND POWERS AND FOR CONNECTED PURPOSES

(Third Reading)

Hon. Temporary Deputy Speaker: Hon. Members, I want to inform you that there are some Members who have written to my office seeking to adjourn the House for the next one month. That will only get approval depending on your participation on the House from today till tomorrow. I beg that you stay in the House and attend to plenary as usual for that particular request to get approval. Do not blame the Chair on that. Thank you. Clerk, proceed!

MOTIONS

PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND)
REGULATION, 2017

Hon. Temporary Deputy Speaker: Hon. Pius K'Otieno?

Hon. Member for Sarang'ombe Ward (Mr. Pius Otieno): Thank you, Mr. Speaker. I beg to move THAT the Assembly adopts the report of the Select Committee on delegated County Legislation and Public

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Finance Management (Nairobi City County Bursary and Scholarship Fund), regulation 2017, laid on the table of the Assembly on Wednesday 31st May, 2017.

Mr. Speaker, the Public Finance Management Nairobi City County Bursary and Scholarship Fund Regulation, 2016 were laid down on the floor of the Assembly on Tuesday 18th October, 2016. Indeed you can imagine how long it has taken for us to move this Motion.

Pursuant to section 116 of the Public Finance Management Act, the regulations were thereafter being committed to the Select Committee on Delegated County Legislation for scrutiny and a report was laid to this Assembly. The Committee identified and resolved to meet the County Executive Committee Member in charge of Finance and Economic Planning, CEC for Education, The County Attorney and the County Assembly Legal Council before making appropriate recommendations.

Mr. Speaker, Section 16 of the PFM Act 2012 provides for the officer administering the fund to administer the County Bursary Fund for the County Government in accordance to the framework and criteria approved by the County Assembly. All these processes were done a long time ago.

Hon. Members, the objective and purpose of the PFM Act Nairobi City County Bursary and Scholarship regulation 2017 is to operationalize specific provision of Section 116 of the Public Finance Management Act and to provide for a bursary scheme for provision of financial assistance to intelligent students. The Committee included scholarship which will be issued by the County Executive and not the individual office of the Governor. Thereof, the Governors Bursary Oversight Committee will not form part of the committees issuing bursaries/scholarships.

The committee also included scholarship management committee to cater for the overall responsibility of the entire bursary and scholarship award for needy and bright children from vulnerable groups.

Mr. Speaker, I beg to move and ask that Hon. Petronilla to second.

Hon. Temporary Deputy Speaker: Okay. Hon. Petronilla to second.

Hon. Nominated Member (Ms. Petronilla Achieng): Thank you, Mr. Speaker sir. I want to second this particular Motion. I ask the members not to leave the House the same way the Chair for Legal has left after the passing of his Bill. I ask that Members be patient. This is because all the bursaries we were receiving were not within the law and we are enacting the specific law that is going to help on that.

(Question proposed)

Hon. Temporary Deputy Speaker: Are you making any request Hon. Member?

Hon. Member: (INAUDIBLE)

Hon. Temporary Deputy Speaker: Okay.

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Thank you very much, Mr. Speaker for allowing me to borrow a card to speak. My president of the poor and his Committee has done well by bringing this report to the House. This Assembly has been working on the issue of bursaries on favoritism. It is high time Nairobi's know that there is a committee working towards putting everything in a legal perspective. If you go to the bursary offices at the Old Annex, MCAs have been turned into office messengers. They carry files around looking for the signatories. This is because that has not been anchored under the law.

Now that both the Jubilee and NASA manifestos are saying that there will be free secondary education, it is important to have it in the event that an independent candidate wins. I beg to support the Committee on this. It is a very noble cause and I believe that with time Nairobi's and our successors will see this as something substantial.

Hon. Temporary Deputy Speaker: Thank you. I now call the mover to reply

Hon. Pius Otieno: Thank you, Speaker and Hon. Members. I want to say one thing, which is that the next Assembly has a big task in ensuring that they plan and prioritize. Most of the time, the Budget Committee has been doing this on our behalf as if they are magnanimous. It will be upon the Members to allocate the right amount of money that goes towards the bursaries, as much as I know that I will not be there. I want that Assembly to be alive to the fact that if they will not do it then they will be shooting themselves in the foot.

There is no Executive anywhere in the world that will allocate you enough resources. It is upon the members. Be it in London where Teresa May beat Kobbins the other time or in France where Macron is the new President or in America. It is upon the Members to allocate sufficient funds to themselves. With that I thank you.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Next order

DOG CONTROL AND WELFARE REGULATIONS, 2017

Hon. Temporary Deputy Speaker: Hon. Chair, Delegated Legislation.

Hon. Pius Otieno: Thank you once again, Mr. Speaker. I beg to move THAT this Assembly adopts the report of the Select Committee on Delegated County Legislation on the Nairobi City County Dog Control and Welfare Regulations, 2017 with the recommendations of the Assembly for consideration and adoption and laid on the table of the Assembly on Wednesday 31st May, 2017.

Mr. Speaker, the Nairobi City County Dog Control and Welfare Regulation 2017 were laid on the floor of the Assembly on Tuesday 14th February 2017 pursuant to Section 3 of Nairobi City County Dog Control and Welfare Act 2015. The regulations were therefore committed to the Select Committee on

Delegation of County Legislation for scrutiny and report to the Assembly. The Committee met all the stakeholders from members of Livestock and Fisheries, Forestry and Natural Resources, Legal Council, Sectorial Committee on Agriculture, Environment and Natural Resources who gave their views on the said regulations other than the County Attorney General before making appropriate recommendations.

Mr. Speaker, Section 37 of Nairobi City County Dog Control Welfare Act, 2015 provides for the County Executive Committee Member for Agriculture, Livestock and Fisheries, Forestry and Natural Resources to make rules for the carrying out of the provisions of the Act.

The objects and purpose of Nairobi City County Dog Control and Welfare Regulation, 2017, is to implement the Nairobi City County Dog Control and Welfare Act, 2015 and prescribe matters that the Act delegates to the County Executive Member. Mr. Speaker, for quite some time, this County has been operating without a framework that regulates issues of rearing, disposal and providing veterinary services to these dogs. People have been selling their dogs without any proper legislation that has been anchored in law.

This is the first step that this Assembly will be taking to ensure that there is a legal framework that would either protect the buyers or the sellers and even the people living in Nairobi from any illegal practice because there are also marauding dogs. You will think it is a pet only to realize that it is a dog that has never been vaccinated against rabies. These are some of the things that this Committee in collaboration with this House seeks to address.

With those many remarks, I beg to call upon Hon. Petronillah once again to second.

Hon. Temporary Deputy Speaker: Hon. Petronilla.

Hon. Petronilla Achieng: Thank you, Mr. Speaker sir. I wish to second the Motion. I am grateful to the Committee because now we are going to be safe so that we can eat meat in Kilimani and not eat dogs in Chinese restaurants. I second the Motion.

(Question proposed)


Hon. Temporary Deputy Speaker: Hon. Members, allow me to call the mover of the Motion to reply.

Hon. Pius Otieno: Thank you, Hon. Members for your time and the cooperation. I look forward to meeting you in future endeavors.

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Hon. Members, before we move to the next Order, allow me to ease the tension. Hon. Peter Isuha looks as if he is under pressure and has made a request to the Chair concerning a direction that he was given when he was going out for a short call. Indeed, I was informed that he came back for the business of the House. He is still in the House. I want to direct that the Office of the

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Clerk to expunge the wording of him missing the sitting of today from the records. I think he is now comfortable. You are welcome Hon. Isuha.

THE USE OF SASUMUA DAM

Hon. Temporary Deputy Speaker: The Hon. Chair, Water and Sanitation? Can you proceed?

Hon. Hashim Kamau (Minority Whip): Thank you. Mr. Speaker. I beg to move the following Motion: THAT this Assembly adopts the report of the Sectoral Committee on Water and Sanitation on the use of Sasumua Dam, laid on the Table of the Assembly on Wednesday 31st May, 2017.

Mr. Speaker, the drafters of the Constitution were aware that certain recourses, for instance water, will be shared among neighboring counties and as such they provided for mechanisms on how county governments could go to relate with the National Government and other county governments in performance of their functions, management of resources and resolutions of disputes that may arise.

Indeed, Mr. Speaker, Article 189 (2) provides that the Government, at each level, and different Governments at county level shall cooperate in the performance of functions and exercise of powers and for that purpose may set up joint committees and joint authorities. These provisions are strengthened by the provisions of the Intergovernmental Relations Act of 2012. It is against this backdrop that the Committee agreed to the proposal that the Nyandarua County Assembly Intergovernmental Resources Relations and Co-ordination Committee that discussions be held between the two counties, the two committees and other stakeholders in the spirit of Article 189 (2) of the Constitution and the Intergovernmental Relation Act of 2012.

In order to come up with amicable resolution to the unending complains raised by local residents from Nyandarua on the need to have significant degree of control over the Sasumua Dam and other water resources present in the area, the said dam is only operated by Nairobi City Water and Sewerage Company on behalf of Athi Water Service Board which is a national body.

Several meetings have been held on varied dates both in the Assembly precincts and in Naivasha in a bid to find a lasting solution. From this deliberation, it was generally agreed that the use and management of the water resources should be in line with existing national legislations and the Water Bill, 2014, the Mining Bill, 2014 and Natural Resources Bill, 2016 are finally enacted into law and operationalized. This will significantly address the issue of management and sharing of natural resources in Kenya.

However, in the meantime, efforts should be geared towards ensuring that water supply in the City is not disrupted while the host community also feel appreciated for their efforts in conservation of the rivers that supply water to the dam.

Mr. Speaker, this report put to the fore issues surrounding the sharing of natural resources in Kenya which must be addressed through national legislations. It contains the Committee's deliberation with

the Nyandarua County Assembly, Intergovernmental Relations and Coordination Committee and resolution and recommendations amicably agreed upon.

Mr. Speaker, I now call upon Hon. Kenneth Thugi to second the Motion.

Hon. Temporary Deputy Speaker: Hon. Thugi.

Hon. Member for Njiru Ward (Mr. Kenneth Thugi): Thank you, Mr. Speaker. I second the Motion as moved by our able Minority Whip, Hon. Hashim Kamau. He moved the Motion on behalf of the Chair. As the Committee on Water and Sanitation, we are a family and whenever a Member requests to represent a committee in any duty, we normally delegate. I second the Motion.

(Question proposed)

Hon. Temporary Deputy Speaker: I now call the mover to reply.

Hon. Hashim Kamau: Thank you, Mr. Speaker. I am grateful to the Members of the Nairobi City County Assembly Committee on Water and Sanitation and the Nyandarua County Assembly Intergovernmental Relations and Coordination Committee for their commitment during the discussions that finally bore fruits. The Committee also acknowledges the efforts of the Chief Valuer, City County Executive Committee Members, Nairobi City Water and Sewerage Company Ltd, Nyandarua County Water Department and the secretariats for both committees for their support at all times. I reply.

(Question put and agreed to)

FINANCIAL STATEMENT OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY LTD FOR THE YEAR
ENDED 30TH JUNE 2015

Hon. Member for Makongeni Ward (Mr. Peter Imwatok): Mr. Speaker, I am privileged to be acting Chair of Public Investment Committee.

Mr. Speaker, I beg to move the following motion; THAT the Assembly adopts the report of the Public Investment Committee on the report of the Auditor General on the Financial Statement of the Nairobi City Water and Sewerage Company Ltd for the year ended 30th June 2015, laid on the Table of the Assembly on Thursday 6th June, 2017.

Mr. Speaker sir, this 4th audit report from the Auditor General on Financial Operation of Nairobi Water and Sewerages Company for the year ended 30th June 2015 that has been critically scrutinized and analyzed by the Nairobi City County Assembly Public Investment Committee. The main objective of the Committee is to ensure that Nairobi Water and Sewerage Company runs in a physically and sound manner that delivers proper services to the residents of Nairobi City County.

The Public Investment Committee scrutinized the Auditor General's reports interrogating the managing director and various departmental heads on audit queries raised by the Auditor General and come up with recommendations which include;

- 1) The company should provide for taxations since not doing so exposes the company to risk of penalties and this could ground the company.
- 2) All documents relating to property owned by Nairobi City Water and Sewerage Company should be under its custody.
- 3) Nairobi City Water and Sewerage Company should write to the National Lands Commission seeking repossession of the land that has been grabbed by private developers like Kitusuru and many others.
- 4) The company should strengthen its debt collection mechanism to maximize its revenue.
- 5) The management should ensure that the company is registered as a public corporation.
- 6) The Accounting Officer should report back in writing within 60 days of the recommendation passed by the County Assembly as per the Public Audit Act, 2015.
- 7) The company should be re-incorporated as a public entity through legislation by the County Assembly to avoid tax liabilities and tax evasion among others as in the report.

Mr. Speaker, I now wish to call upon Hon. Kimondo to second this report.

Hon. Temporary Deputy Speaker: Okay, Hon. Kimondo.

(Hon. Janet Kimondo Seconds by standing)

(Question proposed)

I now call the mover to reply.

Hon. Peter Imwatok: Mr. Speaker, let me thank the Members of this County Assembly for being very good to us as the Committee of PIC. Of all the 4 reports that we tabled before this Assembly, it is prudent to recognize the full participation of the entire House. We appreciate your Chair and the entire membership. As my president of the poor say, we might meet in the future generation and future life to come because we never know beyond 8th of August. But we still have faith that most of us will be here by God's grace to see Nairobi City County Water and Sewerage Company operates within its lines of duty. Mr. Speaker, I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, I want to thank each and every one of you. I would like to ask the Sergeant-At-Arm to forward the names I had requested for express execution to the accounts department and it is only for those members who went out without permission as we were executing the business of this Assembly. I direct the House Business Committee to meet immediately after this. Thank you.

(The House rose at 4.04 p.m.)