



## NAIROBI CITY COUNTY ASSEMBLY

### OFFICIAL REPORT

#### First County Assembly – Fifth Session

Tuesday, 27<sup>th</sup> June, 2017

The House met at 2.30 p.m.

*Hon. Deputy Speaker (Mr. Kennedy Ng'odi) in the Chair*

#### PRAYER

#### QUORUM

**Hon. Deputy Speaker:** Hon Members, the attention of the Chair has been raised for lack of quorum in the Assembly. So I direct the direct the Serjeant-at-Arms to ring the bell under Standing Order No. 31(2) for the 10 minutes.

*(Quorum bell is rung)*

**Hon. Temporary Deputy Speaker:** Order Hon. Members, consult in low tones please. Thank you. Don't we have the Serjeant-at-Arms to instill order please? Member you are not supposed to walk out of the Assembly when the bell is being rung.

Hon. Members, there is still lack of quorum in the Assembly, I further direct the Serjeant-at-Arms to ring the bell for another 5 minutes. Order Hon. Members, please you cannot walk out when the bell is being rung. Don't you have respect for the Standing Orders? Hon. Asha please get seated.

*(Quorum bell is rung)*

**Hon. Deputy Speaker:** Hon. Members we now have quorum in the Hose and we may proceed.

**COMMUNICATION FROM THE CHAIR**

**Hon. Deputy Speaker:** Thank you Hon. Members, I have a communication to make this afternoon. This is in regards to the visiting delegation from Ushirika Children's Centre Kibra. Hon. Members our sitting this afternoon is graced by the Head teacher and pupils from Ushirika Children's Center in Kibra. I wish to recognize the presence of Mr. Earnest Mwale, the Head teacher Ushirika Children's Center, and standard six pupils from the center in Kibra. I warmly welcome you to Nairobi City County Assembly and hope you will enjoy 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 the children from the Children's' center in Kibra and let them feel most welcome and enjoy the proceedings of the Assembly as they sit to watch. Thank you, you are most welcome.

**PAPERS**

**Hon. Rachel Kamweru:** Mr. Speaker I would like to lay a paper for the Baba Dogo petition by the Sectoral Committee on Planning and Housing.

**Hon. Deputy Speaker:** Hon. Rachael Kamweru, on papers laid members we have the report of the Select Committee on Procedures and Rules on amendment to the Nairobi City County Assembly Standing Orders.

**Hon. Karen Githaiga:** Hon. Speaker, I beg to lay the following paper, pursuant to the Standing Order 180 (6), I beg to lay the following paper on the table of the Assembly today Tuesday 27<sup>th</sup> June 2017; **the 7<sup>th</sup> report of the Procedures and Rules Committee on the amendment to the Standing Orders of the Nairobi City County Assembly.**

**Hon. Deputy Speaker:** Thank you Hon. Karen.

**NOTICES OF MOTION**

**Hon. Deputy Speaker:** Hon. Karen please can you proceed to give the Notice of Motion.

**Hon. Karen Githaiga:** Hon. Speaker I beg to give Notice of the following Motion that this Assembly adopts the report of the select Committee on Procedures and Rules on the amendment of the Nairobi City County Assembly Standing Orders laid on the table of the Assembly today Tuesday 27<sup>th</sup> June 2017.

**Hon. Deputy Speaker:** Thank you.

**BILL****EVICCTIONS, RESETTLEMENT AND DEMOLITIONS BILL 2017 ASSEMBLY BILL NO. 10 OF 2017****(Second Reading)**

**Hon. Deputy Speaker:** Hon. Members, under order No. 8, the Nairobi City County Evictions, Resettlement and Demolitions Bill. Assembly Bill No. 10 of 2017, this Bill has appeared now on the Order Paper for the third time and the member who is the originator of the Bill actually has been subsequently absent before the Assembly. For that reason Hon. Members, I direct that the Bill goes back to the House

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Business Committee for reconsideration. Thank you and I direct the Bill to be expunged from the Order Paper.

### COMMITTEE OF THE WHOLE ASSEMBLY

**Hon. Deputy Speaker:** Thank you Hon. Members, we are now in the Committee of the Whole Assembly.

*(The Deputy Speaker leaves the Chair)*

*(Hon. Karen Githaiga is Chairing)*

**Hon. Chairperson:** Hon. Members please stop moving out. Close that door. Serjeant-at-Arms, do not allow any member to come to come out of that door. Hon. Members this is a very important Bill, you can't move out. Serjeant-at-Arms, kindly close that door. It is only Hon. Bocha who has permission and she is coming back. Hon. Members we are now in the Committee of the Whole Assembly to consider the Nairobi City County Childcare Facilities Bill 2017, Assembly Bill No. 6 of 2017 and we start from Clause 3.

#### Clause 3

*(Question that Clause 3 be part of the Bill is proposed)*

**Hon. Boniface Kitavi:** Hon. Members I propose 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 —thereof 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 thereof 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 thereof 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 thereof 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) By inserting the following new paragraph immediately after paragraph (b)- Ensure that the prescribed basic minimum standards required to operate are met and that a sleeping bay and furniture are amongst them;
- (ix) In paragraph 3(d) by deleting the word "inspection" and substituting thereof the word "assessment".

*(Question that Clause 3 be amended as proposed)*

*(Question that Clause 3 be amended as proposed is put and agreed to)*

*(Question that Clause 3 as amended be part of the Bill is put and agreed to)*

Clause 4

*(Question that Clause 4 be part of the Bill is proposed)*

**Hon. Boniface Kitavi:** Hon. Members I propose that Clause 4 be amended:

- (i) By deleting the word “Department” wherever it appears and substituting therefore 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 thereof the expression “early childhood care”;
- (iv) By deleting paragraph 4(f) and substituting therefore 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 the expression —in consultation with the County Education Board” after the expression “legislation”.

*(Question that Clause 4 be amended as proposed proposed)*

*(Question that Clause 4 be amended as proposed is put and agreed to)*

*(Question that Clause 4 as amended be part of the Bill is put and agreed to)*

Clause 5

*(Question that Clause 5 be part of the Bill is proposed)*

**Hon. Boniface Kitavi:** Hon. Members I propose that Clause 5 be amended:

- (i) By deleting the word “Department” and substituting thereof 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 thereof the expression “decline”;
- (iv) In paragraph 5(b) by inserting a new sub paragraph immediately after paragraph (b); and
- (v) “(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”.

*(Question that Clause 5 be amended as proposed proposed)*

*(Question that Clause 5 be amended as proposed is put and agreed to)*

*(Question that Clause 5 as amended be part of the Bill is put and agreed to)*

Clause 6

*(Question that Clause 6 be part of the Bill is proposed)*

**Hon. Chairperson:** Any debate there? We don't have an amendment, there is no debate.

*(Question that Clause 6 be part of the Bill is put and agreed to)*

Clause 7

*(Question that Clause 7 be part of the Bill is proposed)*

**Hon. Boniface Kitavi:** Hon. Members I propose that Clause 7 be amended by deleting the word "Department" and substituting thereof the word "Sector".

*(Question that Clause 7 be amended as proposed proposed)*

*(Question that Clause 5 be amended as proposed is put and agreed to)*

*(Question that Clause 5 as amended be part of the Bill is put and agreed to)*

Clause 8

*(Question of Clause 8 as part of the bill proposed)*

**Hon. Boniface Kitavi:** I proposed Clause 8 be amended by: (i) in sub clause (1) by deleting the word "inspection" and substituting therefore the word "assessment" and by deleting the word "Department" and substituting therefore 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 therefore 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 therefore the following: "A declaration to adhere to discipline and guidance guidelines inclusive of the Child Protection Policy" (vii) By inserting a new paragraph immediately after paragraph (f) "(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," (viii) By inserting a new paragraph immediately after paragraph (f) "(fb) provide working day contact details"

*(Question of Clause 8 be amended as proposed proposed)*

*(Question of Clause 8 be amended as proposed, put and agreed to)*

*(Question of Clause 8 as amended be part of the Bill, put and agreed to)*

#### Clause 9

*(Question of Clause 9 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** Hon. Members, I propose Clause 9 be amended by: (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 therefore 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 therefore 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 therefore the word “Sector” (vii) In sub clause 10 by deleting the expression “within ten days following” and replacing therefore the expression “prior to”.

*(Question of Clause 9 be amended as proposed proposed)*

*(Question of Clause 9 be amended as proposed, put and agreed to)*

*(Question of Clause 9 as amended be part of the Bill, put and agreed to)*

#### Clause 10

*(Question of Clause 10 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 10 be amended by: (i) In sub clause 1 by deleting the word “Department” and substituting therefore the word “Sector”(ii) In sub clause 2 by deleting the word “Department” and substituting therefore the word “Sector” (iii) In sub clause 4 by deleting the words —who on compliance” and replacing therefore the words “in compliance” and by deleting the word “inspectors” and substituting therefore the word “quality assurance and standards officers”

*(Question of Clause 10 be amended as proposed proposed)*

*(Question of Clause 10 be amended as proposed, put and agreed to)*

*(Question of Clause 10 as amended be part of the Bill, put and agreed to)*

*Clause 11*

*(Question of Clause 11 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 11 be amended by: (i) In sub clause 1 by deleting the word “Department” and substituting therefore the word “Sector”(ii) In sub clause 2 by deleting the word “Department” and substituting therefore the word “Sector” and by inserting the expressions “in consultation with the County Education Board” between the words “may”and “at”. (iii) By adding the following new sub clause immediately after sub clause 2-“The Sector shall issue the applicant with written notice of 14 days to effect the variation or imposition in sub section 2.”

*(Question of Clause 11 be amended as proposed proposed)*

*(Question of Clause 11 be amended as proposed, put and agreed to)*

*(Question of Clause 11 as amended be part of the Bill, put and agreed to)*

*Clause 12*

*(Question of Clause 12 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 12 be amended by: (i) In sub clause 1 by deleting the word “Department” and substituting therefore the word “Sector” (ii) by adding the following new sub clause immediately after paragraph(b)- The Sector shall notify the person whose license has been altered, revoked or suspended in writing, within 7 days.

*(Question of Clause 12 be amended as proposed proposed)*

*(Question of Clause 12 be amended as proposed, put and agreed to)*

*(Question of Clause 12 as amended be part of the Bill, put and agreed to)*

*Clause 13*

*(Question of Clause 13 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 13 be amended by: (i) In sub clause 1 by deleting the word “Department” and substituting therefore 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.

*(Question of Clause 13 be amended as proposed proposed)*

*(Question of Clause 13 be amended as proposed, put and agreed to)*

*(Question of Clause 13 as amended be part of the Bill, put and agreed to)*

**Clause 14**

*(Question of Clause 14 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 14 be amended by: (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." (ii) 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".

*(Question of Clause 14 be amended as proposed proposed)*

*(Question of Clause 14 be amended as proposed, put and agreed to)*

*(Question of Clause 14 as amended be part of the Bill, put and agreed to)*

**Clause 15**

*(Question of Clause 15 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 15 be amended by: (i) by deleting the word "Department" and substituting therefore the word "Sector" and by deleting the numeral "11" and substituting the numeral "12" therefore. (ii) By inserting the following new clause immediately after clause 15- (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".

*(Question of Clause 15 be amended as proposed proposed)*

*(Question of Clause 15 be amended as proposed, put and agreed to)*

*(Question of Clause 15 as amended be part of the Bill, put and agreed to)*


**Clause 16**

*(Question of Clause 16 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 16 be amended by: (i) In paragraph (a) by deleting the words "and emergency phone numbers" and substituting therefore the following words- "birth certificates, medical records, an updated list of guardians, and emergency contacts and to uphold the children" 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 therefore the following – "and providing sanitary materials and equipment" (iv) In paragraph (d)

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by deleting the paragraph and substituting therefore the following paragraph “offer a balanced diet to the children at least every four hours in the prescribed portions” (iii) By deleting paragraph and substituting therefor the following new paragraph- “ Outdoor play spaces shall be fenced and free from hazards while any outdoor equipment shall take into consideration the child’s size” (iv) By inserting the following new paragraph immediately after paragraph (e)- “provide for the welfare and observe the human rights and ensure safety of the children, caregivers and anyone else at the facility.” (v) By inserting a new sub clause as follows- 2. “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.” (vii) By inserting a new sub clause as follows- 3. “In the management of the childcare facilities, the child’s best interests shall be of paramount importance.”

*(Question of Clause 16 be amended as proposed proposed)*

*(Question of Clause 16 be amended as proposed, put and agreed to)*

*(Question of Clause 16 as amended be part of the Bill, put and agreed to)*

#### Clause 17

*(Question of Clause 17 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 17 be amended by: 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 therefore 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 firefighting equipment, first aid and other emergency equipment and non-prescription medicine as the County Executive Committee Member may prescribe.”

*(Question of Clause 17 be amended as proposed proposed)*

*(Question of Clause 17 be amended as proposed, put and agreed to)*

*(Question of Clause 17 as amended be part of the Bill, put and agreed to)*

#### Clause 18

*(Question of Clause 18 as part of the Bill proposed)*

**Hon. Karen Wanjiku:** Any debate Members!

**Hon. Boniface Kitavi:** I propose Clause 18 be amended by: (i) By deleting the words “accruing to the” appearing after the word “rights” (ii) By inserting the following new paragraphs immediately after paragraph (c) (ca) right to provide food for their children if they so wish; (cb) right to know the existing

policies and management guidelines in the childcare facility and; (cc) right to know the qualification levels of the caregivers in the facility.

*(Question of Clause 18 be amended as proposed proposed)*

**Hon. Karen Wanjiku:** Any debate Members!

*(Question of Clause 18 be amended as proposed, put and agreed to)*

*(Question of Clause 18 as amended be part of the Bill, put and agreed to)*

Clause 19

*(Question of Clause 19 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 19 be amended by: (i) in sub clause (1) by deleting the sub clause and substituting therefore 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 therefore the word "assessment" and by deleting the word "inspector" and substituting therefore the word "quality assurance and standards officer".

*(Question of Clause 19 be amended as proposed proposed)*

*(Question of Clause 19 be amended as proposed, put and agreed to)*

**Hon. Karen Wanjiku:** The Serjeant-at-Arms! Please don't open that door.

*(Question of Clause 19 as amended be part of the Bill, put and agreed to)*

Clause 20

*(Question of Clause 20 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 20 be amended by: (i) In the marginal notes by deleting the word "inspection" and substituting therefore the word "assessment" (ii) In sub clause 1 by deleting the word "inspector" and substituting therefore the word "quality assurance and standards officer" and by deleting the numeral "19" and substituting the numeral "20" therefore (iii) In paragraph (1)(a) by deleting the word "inspect" and substituting therefore the word "assess" (iv) In paragraph (1) (b) by deleting the expression "periodic" and substituting therefore the expression "quarterly" In the marginal notes by deleting the word "inspection" and substituting therefore the word "assessment" (v) In paragraph (1)(c) by deleting the word "Department" and substituting therefore the word "Sector" (vi) By inserting the following new paragraphs immediately after paragraph (d) as follows- (e) "Assess the facility to ensure implementation and adherence with the provisions of this Act." (f) 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.

*(Question of Clause 20 be amended as proposed)*

**Hon. Karen Wanjiku:** Order Members! Hon. Tabitha and Hon. Karimi last warning.

*(Question of Clause 20 be amended as proposed, put and agreed to)*

*(Question of Clause 20 as amended be part of the Bill, put and agreed to)*

Clause 21

*(Question of Clause 21 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 21 be amended by: (i) In sub clause (1) by deleting the word “inspector” and substituting therefore 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 therefore 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.

*(Question of Clause 21 be amended as proposed proposed)*

*(Question of Clause 21 be amended as proposed, put and agreed to)*

*(Question of Clause 21 as amended be part of the Bill, put and agreed to)*

Clause 22

*(Question of Clause 22 as part of the Bill proposed)*

**Hon. Karen Wanjiku:** Any debate!

*(Question of Clause 22 as part of the Bill, put and agreed to)*

Clause 23

*(Question of Clause 23 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 23 be amended by: (i) by deleting the entire clause and inserting the following new 1. General penalty (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.

*(Question of Clause 23 be amended as proposed proposed)*

*(Question of Clause 23 be amended as proposed, put and agreed to)*

*(Question of Clause 23 as amended be part of the Bill, put and agreed to)*

Clause 24

*(Question of Clause 24 as part of the Bill proposed)*

**Hon. Boniface Kitavi:** I propose Clause 24 be amended by: 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 therefore 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;

*(Question of Clause 24 be amended as proposed proposed)*

**Hon. Karen Wanjiku:** Serjeant-at-Arm, please close that door. We are almost finishing this amendments they are very important and this Bill is also very important Members.

*(Question of Clause 24 be amended as proposed, put and agreed to)*

*(Question of Clause 24 as amended be part of the Bill, put and agreed to)*

New Paragraph 3 (a)

*(Question of new paragraph 3(a) as part of the Bill proposed)*

**Hon Boniface Kitavi:** Hon. Members I propose that new paragraph 3 (a) be part of the Bill. Members I Move that new paragraph 3 (a) be know read a second time and I call upon Hon. Pius Otieno to second.

**Hon. Puis Otieno:** I second.

*(Question of new paragraph 3 (a) be read a second time proposed)*

**Hon Karen Wanjiku:** Any debate on the new paragraph?

*(Question of new paragraph 3 (a) be read a second time, put and agreed to)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 3 (a) be read for the second time.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed that new paragraph 3 (a) be read a second time be put and agreed to)*

*(Question new paragraph 3(A) be part of the Bill is put and agreed to)*

*New paragraph 3 (b)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 3 (b) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question new paragraph 3 (be read a second time is put and agreed to)*

*(Question new paragraph 3 (b) be part of the Bill is put and agreed to)*

*New paragraph 4 (ga)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 4 (a) be part of the Bill and I call upon Hon. Pius Otieno to second.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed new paragraph 4 (a) be read a second time is put and agreed to)*


*(Question new paragraph 4 (a) be part of the Bill is put and agreed to)*

*New paragraph 4(h)*

**Hon .Boniface Kitavi:** Madam Chair, I propose that new paragraph 4 (h) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

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**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed that new paragraph 4 (f) be read a second time is put and agreed to)*  
*(Question new paragraph 4(f) be part of the Bill is put and agreed to)*

*New paragraph 4 (g)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 4 (g) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed new paragraph 4(g) be read a second time is put and agreed to)*  
*(Question new paragraph 4(g) be part of the Bill is put and agreed to)*

*New paragraph 4 (f)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 4(f) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed that new paragraph 4 (f) be read a second time is put and agreed to)*  
*(Question new paragraph 4 (f) be part of the Bill is put and agreed to)*

*New paragraph 5 (a)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 5 (a) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed that new paragraph 5 (a) be read a second time is put and agreed to)*  
*(Question new paragraph 5 (a) be part of the Bill is put and agreed to)*

*New paragraph 5 (b)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 5 (b) be part of the Bill and I call Hon. Amina Sosso to second.

**Hon. Asha Abdi:** I second, Madam Chair.

*(Question proposed that new paragraph 5 (b) be read a second time is put and agreed to)*  
*(Question new paragraph 5 (b) be part of the Bill is put and agreed to)*

*New paragraph 8(2)(a)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 8(2) (a) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed new paragraph 8(2) (a) be read a second time is put and agreed to)*  
*(Question new paragraph 8 (2) (a) be part of the Bill is put and agreed to)*

*New paragraph 8(2) (d)*

**Hon. Boniface Kitavi:** Madam Chair, I propose that new paragraph 8(2) (d) be read for the second time and I call upon Hon. Pius Otieno to second the Bill.

**Hon. Pius Otieno:** I second, Madam Chair.

*(Question proposed that new paragraph 8(2)(d) be read a second time is put and agreed to)*  
*(Question new paragraph 8 (2) (d) be part of the Bill is put and agreed to)*

*New paragraph 8(2) (f) (a)*

**Hon. Pius Otieno:** Madam Chair, I propose that new paragraph 8(2) (f) (a) be read for the second time and I call upon Hon. Asha Sosso to second the Bill.

**Hon. Asha Abdi:** I second, Madam Chair.

*(Question proposed new paragraph 8(2) (f) (a) be read a second time is put and agreed to)*  
*(Question new paragraph 8(2) (f) (a) be part of the Bill is put and agreed to)*

*New paragraph 8(2) (f) (b)*

**Hon. Pius Otieno:** Madam Chair, I propose that new paragraph 8(2)(f) (b) be read for the second time and I call upon Hon. Asha Sosso to second the Bill.

**Hon. Asha Abdi:** I second, Madam Chair.

*(Question proposed new paragraph 8(2) (f) (b) be read a second time is put and agreed to)*  
*(Question new paragraph 8(2) (f) (b) be part of the Bill is put and agreed to)*

*New paragraph 16 (d)*

**Hon. Pius Otieno:** Madam Chair, I propose that new paragraph 16 (d) be read for the second time and I call upon Hon. Asha Sosson to second the Bill.

**Hon. Asha Abdi:** I second, Madam Chair.

*(Question proposed new paragraph 5 (a) be read a second time is put and agreed to)*  
*(Question new paragraph 5(a) be part of the Bill is put and agreed to)*

*New paragraph 16 (e)*

**Hon. Pius Otieno:** Hon. Chair, I beg to move that new paragraph 16 (e) be now read a second time. I now call upon Sosso to second.

**Hon. Asaha Abdi:** I second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

*(Question put and agreed to)*

*New Paragraph 16 E (a)*

*(Question that paragraph 16 E (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Hon. Chair I beg to move that new paragraph 16 E, (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion.

*(Question that new paragraph 16E (a) be read a second time, proposed)*

*(Question that new paragraph 16E (a) be read a second time put and agreed to)*

*(Question that new paragraph 16E (a) be part of the Bill, put and agreed to)*



*New Paragraph 17(c)*

*(Question that new paragraph 17c be part of the Bill, proposed)*

**Hon. Pius Otieno:** Hon. Chair, I beg to move that new paragraph 17c be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I support the Motion Madam Chair.

**Hon. Chairperson:** You are supposed to second the Motion.

**Hon. Asaha Abdi:** I second.

**Hon. Chairperson:** Thank you.

*(Question that new paragraph 17c be read a second time, proposed)*

*(Question that new paragraph 17c be read a second time put and agreed to)*

*(Question that new paragraph 17c be part of the Bill put and agreed to)*

*New Paragraph 18C (a)*

*(Question that new paragraph 18C (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Hon. Chair, I beg to move that new paragraph 18C (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion.

**Hon. Chairperson:** Thank you.

*(Question that new paragraph 18C (a) be read a second time, proposed)*

*(Question that new paragraph 18C (a) be read a second time put and agreed to)*

*(Question that new paragraph 17c be part of the Bill put and agreed to)*

*New Paragraph 18C (b)*

*(Question that new paragraph 18C (b) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Hon. Chair, I beg to move that new paragraph 18C (b) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second Madam Chair.

**Hon. Chairperson:** Thank you.

*(Question that new paragraph 18C (b) be read a second time, proposed)*

*(Question that new paragraph 18C (b) be part of the Bill put and agreed to)*

**Hon. Chairperson:** Sergent-at-Arms please close that door!

*New Paragraph 18c (c)*

*(Question that new paragraph 18C (c) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new paragraph 18C (c) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion, Madam Chair.

*(Question that new paragraph 18C (c) be read a second time, proposed)*

*(Question that new paragraph 18C (c) be read a second time, put and agreed to)*

*(Question that new paragraph 18C (c) be part of the Bill put and agreed to)*

*New Paragraph 20D (a)*

*(Question that new paragraph 20 (d) (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new paragraph 20 (d) (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion, Madam Chair.

**Hon. Chairperson:** Thank you.

*(Question that new paragraph 20 (d) (a) be read a second time, proposed)*

*(Question that new paragraph 18 (c) (c) be read a second time, put and agreed to)*

*(Question that new paragraph 18 (c) (c) be part of the Bill put and agreed to)*

*New Paragraph 20 (d) (b)*

*(Question that new paragraph 120 (d) (b) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new paragraph 20 (d) (b) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion, Madam Chair.

*(Question that new paragraph 20 (d) (b) be read a second time, proposed)*

*(Question that new paragraph 20 (d) (b) be read a second time, put and agreed to)*

*(Question that new paragraph 20 (d) (b) be part of the Bill put and agreed to)*

*New Sub Clause 11 (2) a*

*(Question that new sub clause 11 (2) (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 11 (2) (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second, Madam Chair.

*(Question that new sub clause 11 (2) (a) be read a second time, proposed)*

*(Question new sub clause 11 (2) (a) be read a second time, put and agreed to)*

**Hon. Chairperson:** Order Hon. Kotieno!

*(Question that new sub clause 11 (2) (a) be part of the Bill put and agreed to)*

*New Sub Clause 12 (1) (a)*

*(Question that new sub clause 12 (1) (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 12 (1) (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion.

**Hon. Chairperson:** Order Hon. Mohamed! We are still in session.

**Hon. Pius Otieno:** This is not---

**Hon. Chairperson:** Hon. Kotieno! Do not misuse the mic.

*(Question that new sub clause 12 (1) (a) be read a second time, proposed)*

*(Question new sub clause 12 (1) (a) be read a second time, put and agreed to)*

*(Question that new sub clause 12 (1) (a) be part of the Bill put and agreed to)*

*New Sub Clause 14 (1)*

*(Question that new sub clause 14 (1) be part of the Bill, proposed)*

**Hon. Chairperson:** Chair!

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 14 (1) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion

*(Question that new sub clause 14 (1) be read a second time, proposed)*

*(Question new sub clause 14 (1) be read a second time, put and agreed to)*

*(Question that new sub clause 14 (1) be part of the Bill put and agreed to)*

*New Subclause 14 (2) (a)*

*(Question that new sub clause 14 (2) (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 14 (2) (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second the Motion.

*(Question that new sub clause 14 (2) (a) be read a second time, proposed)*

*(Question new sub clause 14 (2) (a) be read a second time, put and agreed to)*

*(Question that new sub clause 14 (2) (a) be part of the Bill put and agreed to)*

*New Subclause 16 (1) (a)*

*(Question that new sub clause 16 (1) (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 16 (1) (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second.

*(Question that new sub clause 16 (1) (a) be read a second time, proposed)*

*(Question new sub clause 16 (1) (a) be read a second time, put and agreed to)*

*(Question that new sub clause 16 (1) (a) be part of the Bill put and agreed to)*

*New Subclause 16 (1) (b)*

*(Question that new sub clause 16 (1) (b) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 16 (1) (b) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second.

*(Question that new sub clause 16 (1) (b) be read a second time, proposed)*

**Hon. Chairperson:** If there is no debate, I will put the question.

*(Question new sub clause 16 (1) (b) be read a second time, put and agreed to)*

*(Question that new sub clause 16 (1) (b) be part of the Bill put and agreed to)*

*New Sub clause 21 (2)*

*(Question that new sub clause 21 (2) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 21 (2) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** Madam Chair, I second.

*(Question that new sub clause 21 (2) be read a second time, proposed)*

*(Question new sub clause 21 (2) be read a second time, put and agreed to)*

*(Question that new sub clause 21 (2) be part of the Bill put and agreed to)*

*New Clause 15 (a)*

*(Question that new sub clause 15 (a) be part of the Bill, proposed)*

**Hon. Pius Otieno:** Madam. Chair, I beg to move that new sub clause 15 (a) be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asaha Abdi:** I second madam Chair.

*(Question that new sub clause 15 (a) be read a second time, proposed)*

*(Question new sub clause 15 (a) be read a second time, put and agreed to)*

*(Question that new sub clause 15 (a) be part of the Bill put and agreed to)*

*New Clause 17 (a)*

*(Question that New Clause 17 (a) be read a second time, put and agreed to)*

*(Question put and agreed to)*

## Clause 23

*(Question that new clause 23 be part of the Bill proposed)*

**Hon. Pius Otieno:** Hon. Chair, I beg to move that new clause 23 be now read a second time. I call upon Hon. Sosso to second.

**Hon. Asha Abdi:** I second.

*(Question that new clause 23 be read a second time proposed)*

*(Question that new clause 23 be read a second time put and agreed to)*

*(Question that new clause 23 be part of the Bill put and agreed to)*

## Clause 2

*(Question that clause 2 be part of the Bill proposed)*

**Hon. Pius Otieno:** Hon. Members, I propose that clause be amended as proposed. I call Hon. Sosso to support.

**Hon. Asha Abdi:** I second.

*(Question that clause 2 be part of the Bill proposed)*

**Hon. Pius Otieno:** Hon. Members, I propose that clause 2 be amended as proposed in the Order Paper.

*(Question that clause 2 be amended as proposed proposed)*

*(Question put and agreed to)*

*(Question that clause 2 as amended be part of the Bill put and agreed to)*

## Title

*(Question that the title be part of the Bill proposed)*

**Hon. Pius Otieno:** Hon. Members, I propose that the long title be amended as appearing in the order paper.

*(Question that the title be amended as proposed proposed)*

*(Question that the title be amended as proposed put and agreed to)*

*(Question that the title be part of the Bill put and agreed to)*

## Clause 1

*(Question that clause 1 be part of the Bill proposed)*

**Hon. Pius Otieno:** Hon. Members, I propose that clause 1 be amended as appearing in the Order Paper.

*(Question that clause 1 be amended as proposed proposed)*

*(Question that clause 1 be amended as proposed put and agreed to)*

*(Question that clause 1 as amended be part of the Bill put and agreed to)*

**Hon. Chairperson:** Thank you Members for being patient. We are done with the amendments. Chair, proceed before I put the question.

**Hon. Pius Otieno:** Thank you. Madam Chair, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Childcare Facilities Bill 2017 (Bill no. 6 of 2017) and its approval thereof with amendments.

*(Question put and agreed to)*

*(Hon. Karen leaves the Chair. Hon. Deputy Speaker takes the Chair)*

**Hon. Deputy Speaker:** Hon. Members, you may be seated. Hon. Members, allow me to call the Chairperson. Hon. Karen, please.

**Hon. Karen Wanjiku:** Mr. Speaker sir, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Childcare Facilities bill 2017 (Bill no. 6 of 2017) and approved the same with amendments.

**Hon. Deputy Speaker:** Thank you. The mover of the Motion?

**Hon. Pius Otieno:** Mr. Speaker, I beg to move that the Assembly do agree with this Committee in the said report.

**Hon. Deputy Speaker:** Thank you Hon. K'Otieno.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Pius Otieno:** Mr. Speaker sir, I beg to move that the Nairobi City County Childcare Facilities Bill 2017 (Bill No. 6 of 2017) be now read a 3<sup>rd</sup> time.

**Hon. Deputy Speaker:** Thank you Hon. K’Otieno.

*(Question proposed)*

Hon. Members, any debate on this?

*(Question put and agreed to)*

**A Bill For An Act Of The Nairobi City County Assembly To Provide For The Registration, Licensing And Inspection Of Childcare Facilities In The County and For Connected Purposes**

**(Third Reading)**

**MOTION**

**THE REPORT OF THE SELECT COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE RETREAT HELD AT SWEET LAKE RESORT IN NAIVASHA FROM 23<sup>RD</sup> TO 26<sup>TH</sup> JANUARY 2017**

**Hon. Deputy Speaker:** Do we have the Chairperson for Labor Committee?

**Hon. Asha Abdi:** Thank you Mr. Speaker sir. I beg to move the following Motion. That this Assembly adopts the report of the Select Committee on Labor and Social Welfare on the retreat held at Sweet Lake Resort in 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. The Committee held a retreat to deliberate and finalize the pending Committee business, to review the Committee’s biannual progress report and to discuss on the unresolved challenges between the Committee and the County Public Service Board, the Public Service Management and the Department of Education Youth, Gender Affairs, Cultural and Social Services. The retreat took place from 23<sup>rd</sup> to 26<sup>th</sup> January 2017 at Sweet Lake Resort in Naivasha.

Hon. Speaker, in view of the above, the Committee recommends as follows;

- i. The County Public Service Board be held responsible for advertising for positions, shortlisting, interviewing applicants and subsequently failing to recruit them.
- ii. The Executive provides the position held by Mr. Paul Awol and his job description in order to ensure that the County Public Service Board mandate of recruitment is not interfered with.
- iii. A taskforce be formed to carryout thorough audit of all the sports grounds, facilities, determine their ownership and original demarcation, investigation on the development against the budget allocation together with the stakeholders’ reviews.
- iv. All sports grounds facilities be installed with security lighting and shades and ablution blocks and changing rooms be constructed within the facilities.



Mr. Speaker, I urge this Assembly to adopt the report of the Select 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. I call Hon. Waweru to second.

**Hon. John Waweru:** Thank you Mr. Speaker. I second the Motion.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Members, your silence dictates that you are in concurrence with the report. Allow me to call the mover to reply.

**Hon. Asha Abdi:** Thank you Mr. Speaker sir. I thank the Members for their cooperation in this Motion. Thank you.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Deputy Speaker:** Thank you Hon. Members. The House Business Committee to sit at the rise of the Assembly. The Assembly stands adjourned to tomorrow 2:30 p.m.

*(The House rose at 4.17 p.m.)*