



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Thursday 2nd August, 2018

The House met at 2.30 p.m.

[Hon. Deputy Speaker (Mr. John Nyumu) in the Chair]

PRAYER

NOTICE OF MOTION

Hon. Deputy Speaker: Yes, Hon. Imwatok.

Hon. Peter Imwatok: Mr. Speaker, allow me to move a Notice of Motion that was deferred by the Speaker yesterday to today.

Hon. Deputy Speaker: Hon. Imwatok, has that Motion been approved?

Hon. Peter Imwatok: As far as I am concerned Mr. Speaker, after yesterday's meeting – we had a meeting with the Speaker at her chambers and we left the Motion at her chamber and she promised to table it today out of her discretion yesterday. This Motion of demolition of structures in Nairobi can be tabled today, so as far as I am concerned the Speaker gave a nod that we will table it today and I am sure she signed it yesterday.

Hon. Deputy Speaker: I have no copy but it is her following the procedure. It is always important because...

Hon. Peter Imwatok: Hon. Speaker, if you read this Motion it is adjournment motion of different matter which, yesterday, we had a good deliberation with the Majority and we agreed it can come today. The Speaker in her ruling had not seen it two hours before we left yesterday her office in the evening and therefore it means after submitting it to the Speaker's office the same was admitted at the Speakers office yesterday. Therefore, we are ready to proceed and the 20 members to stand and support the Motion because it is a matter of importance. Why am I saying so in support Mr. Speaker, it is because my Ward is affected, my

people currently are in my office and living in fear of demolition tomorrow morning. Therefore Mr. Speaker, *“Adjournment on definite matters of urgent County importance subject to Standing Order 34...”*

Hon. Deputy Speaker: Order Hon. Imwatok. The communication was between you and the Speaker. If it was something that was supposed to be discussed today it must follow the right procedure and of course you know it. As far as I am concerned Hon. Imwatok with due respect let me say this, that it has to follow the right procedure. I do not see any urgency in this order...

(Loud consultations)

Hon. Deputy Speaker: Let me finish. What I am saying is this is a House of rules and procedures and of course, Hon. Imwatok, you being one of the senior most members of this House...

Hon. Peter Imwatok: Mr. Speaker, I agree that this is a House of rules and procedures. The question is, yesterday at 5.00 p.m., did the office of the Speaker receive this Notice of Motion subject to her direction before the chamber yesterday? Yes! It is not my prerogative to make a decision whether this Motion has been approved or not, it is my prerogative to forward it to the Office of the Speaker and the Speaker does not communicate to me -whoever sits in the chamber. It is the Speaker who is the head of the chambers and who sits in the chamber is not a mere member. Therefore the failure of the Speaker transmitting the Motion to you Hon. Speaker is not my failure.

Hon. Abdi Hassan: Give me the microphone and kindly have your seat, thank you. Mr. Speaker sir, as my good friend an able Minority Leader has stated, this House is for rules and procedures and we must adhere ourselves to our rules. Mr. Speaker, for any Motion to be moved before this House it must get an approval from the Speaker. As I recall Mr. Speaker, there was no approval or direction yesterday from the Speaker that this Motion should be moved today.

(Point of Order)

Mr. Speaker, I am on a Point of Order, unless you quote the Point of Order which will allow me to sit down on a Point of Order. That is at the discretion of the Speaker. I still hold the Speaker has not given you the mic.

Hon. Moses Ogeto: Let the Leader of the Majority explain which point of view.

Hon. Abdi Hassan: That is what I am doing. Mr. Speaker when you go to Standing Order number 34(2), let me assist my good friend here... I am on Standing Order number 34(2), let me explain. Mr. Speaker sir it reads, *“A member who wishes to seek leave to move the adjournment of the County Assembly shall; at least 2 hours before the commencement of the sitting and to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim unless the Speaker is satisfied.”*

The question here is has the Speaker or you as a Speaker, satisfy yourself that this matter is definite, urgent and of county importance. Mr. Speaker sir, I implore you not to satisfy yourself, that this matter is urgent, definite or of County importance. Mr. Speaker, why am I saying that? Mr. Speaker if you see the Motion of my good friend Hon. Imwatok it talks about the demolition in Kibra... *(Loud consultations)* Mr. Speaker, the agency that demolished Kibra is an agency under the National Government and the area representative of Kibra who is supposed to represent people of Kibra at that national level has not seen the importance and the urgency of that matter. *(Loud consultations)* Mr. Speaker, can you protect me from Mary please. *(Loud consultations)*

Hon. Deputy Speaker: Order Members! Let us give the Majority Leader a chance to finish.

Hon. Abdi Hassan: Mr. Speaker sir, the area that was demolished and was quoted by my good friend Hon. Imwatok was Kibra and the agency which demolished that area is an agency under the National Government. Mr. Speaker sir, the area representative of Kibra who is supposed to represent the people of Kibra at the national level has not seen the urgency, the importance.... *(Loud consultations)* Can you protect me from these people please?

Hon. Deputy Speaker: Order! Hon. Mary please sit down. I will give everyone a chance please. Majority Leader can you finish.

Hon. Abdi Hassan: So Mr. Speaker sir, I want to invite you not to satisfy yourself that this matter is urgent, definite and of County importance. Mr. Speaker sir, let this Motion take its course, let the Member get the approval from the Speaker, let him move the Notice of Motion, let it go to the House Business Committee so that it can be allocated time for debate. Thank you, Mr. Speaker sir.

Hon. Elias Otieno: Mr. Speaker, I think you should control this House. There is no way someone can call another Member a mad woman in this House, we are all Hon. Members, that one I think you should act on. That one should be first. Secondly, I do not see a reason why we as Members of this County Assembly of Nairobi should fear this Notice of Motion because it is not a Motion it is a Notice of Motion and anybody is entitled to his opinion. Yesterday I think they had a discussion with Madam Speaker and she said she is going to bring this Notice of Motion today. Even in Parliament if you want to discuss the President of this country the Speaker of the National Assembly will allow members to discuss what they want to discuss. I do not see a reason why... This is just devolution in Nairobi. My good friend, I don't know whether you are going to be the *vuvuzela* of the same. *(Loud consultations)* Mr. Speaker, I don't want to talk with this mad man!

Hon. Deputy Speaker: Hon. Otieno, please sit down. Order!

Hon. Elias Otieno: No, you should also control the House. You should control the House and you should not be biased. You should be neutral and I can tell you that one for free.

Hon. Abdi Hassan: We are all people here.

Hon. Deputy Speaker: Hon. Otieno, what I was saying is that I am very much dismayed because I do not expect senior members of this House to use un-parliamentary language. If you were to meet a madman on the way you would not behave the same way a mad man is behaving if you are normal. So, what I am saying is that I expect...

(Hon. Peter Warutere spoke off record)

Hon. Deputy Speaker: Order Hon Warutere! Warutere, I am going to throw you out of this House. This is very serious. You know we are here to represent the people and I am sure whatever is being discussed here was discussed by the people. However when you throw words- words that are not expected from Hon. Members of the House- it is unfortunate. Let us behave with decorum, let us know that we represent people and Nairobians expect a lot from us and we must use language that is allowed in this House. Please, I am not biased Hon. Otieno let me assure you and I am here to protect each one of you. Therefore, Hon. Members, let us behave and use parliamentary language so that we can be able to transact this House business. Thank you.

Hon. Anthony Gathumbi: Thank you, Hon. Speaker, that is wisdom reloaded. With your age and experience, Hon. Speaker, we have confidence that at least we are going to have a direction. Hon. Speaker, as the presiding Chair, this is a matter of national importance, it is a matter of urgency. Hon. Speaker, it is a matter that touches on the residents and citizens' rights. . Mr. Speaker, the right to housing is a matter that must be treated with urgency. Mr. Speaker I think with your wisdom as the presiding Chair, as much as the Speaker did not approve you have the right and the ability within your wisdom to approve it. I am pleading with you, Hon. Speaker, to give this matter priority and approve it so that we agree. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Hon. Warutere.

Hon. Peter Warutere: Thank you, Mr. Speaker. It is true...

Hon. Moses Ogeto: Which Point of Order...

Hon. Peter Warutere: Can you have manners please.

Hon. Deputy Speaker: Which Point of Order, can you clarify?

Hon. Moses Ogeto: *(Inaudible)*

Hon. Deputy Speaker: I agree, Hon. Ogeto. You must stand with Standing Orders and you know that. If you do not have any please sit down and let us proceed.

Hon. Peter Warutere: It is not a Standing Order, Mr. Speaker. Mr. Speaker, our Standing Orders are very clear. *(Loud consultations)*

Hon. Moses Ogeto: Mr. Speaker, please ask the Hon. Member to quote the Point of Order so we can proceed.

Hon. Peter Warutere: I don't know what you will say when I finally quote a Standing Order. Mr. Speaker, under Standing Order 34 it is clearly stated that any member can stand and seek leave from the Chair. Do you have anything to say? It is important to know we do not have head to simply separate years, they are meant for a purpose. *(Loud consultations)* Mr. Speaker, as I was saying, the demolition in Kibra has happened and I agree with these Members that it is not a good thing. However, Mr. Speaker our Majority Leader has said that we have an MP in Kibra who has not spoken. We have the former Prime Minister who is a very senior person in this government who also has not spoken. Who are we to...? Do you want to spoil the spirit of the handshake? We cannot do that. The former Prime Minister and the former Member of Parliament of Kibra is very senior in this country and he can discuss it with the President, it is none of our business. Thank you, Mr. Speaker.

Hon. Mary Ariviza: Point of Information.

Hon. Deputy Speaker: Hon. Mary, please... Order! The information that I have... I want to give direction. The information that I have is that the Motion before the House as brought by the Member for Makongeni has not been approved by the Speaker and it has not been...

Hon. Peter Imwatok: People are suffering. Mbotela people are suffering, Kaloleni people are suffering. When I say I have interest in this my more than 20,000 people in Mathare Slum are going to sleep outside tomorrow. You cannot tell me it is a national issue...

Hon. Deputy Speaker: The process has not been communicated. *(Loud consultations)* Order Members! Hon. Imwatok, we cannot stand up both of us! Order! *(Loud consultations)* Order! The matter

has not been communicated to me by the Office of the Speaker. I rule the issue be taken as a normal Motion. Thank you. Hon. Chege Mwaura, you are standing on which order?

Hon. Chege Mwaura: [Standing Order] 104.

Hon. Deputy Speaker: Okay, proceed. (*Loud consultations*) Hon. Otieno proceed. (*Loud consultations*) Order! And let me warn Hon. Members, this is not a market please and I have said this very clearly that if you want to talk there is a procedure. Can we give Hon. Otieno time?

Hon. Elias Otieno: Thank you, Mr. Speaker for protecting me from my juniors.
(*Loud consultations*)

Hon. Elias Otieno: I am your senior my friend.

Hon. Deputy Speaker: Hon. Otieno, please proceed.

Hon. Elias Otieno: Thank you Mr. Speaker. We---

Hon. Deputy Speaker: Order please! Let me warn you Hon. Members. This is not a market place. I have said before that if you want to talk you follow procedure. Give Hon. Otieno time.

Hon. Elias Otieno: Thank you Mr. Speaker for protecting me from my junior. I am your senior in terms of age, seniority and everything. With all due respect to both sides of this House, let us have respect for one another. Secondly, let us treat everybody equally in the House. We are all Members and we are for the good of this County. Therefore I wish to request Hon. Imwatok to drop his Motion for today, have it signed by you and bring it back next week. Thank you

Hon. Deputy Speaker: That is wisdom Hon. Otieno. Thank you. Hon. Imwatok

Hon. Peter Imwatok: In the spirit of the Minority I accept

Hon. Deputy Speaker: Thank you very much

Hon. Peter Imwatok: To be moved on Tuesday

Hon. Deputy Speaker: I agree. Next order please

STATEMENTS

Hon. Deputy Speaker: Hon. Mberia

Hon. David Mberia: Thank you Mr. Speaker. Pursuant to Standing Order 45(2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the alleged ethical racial discrimination by Ms. Chandarana chain of supermarkets in their operations in Nairobi County.

Hon. Speaker, the Chandarana chain of Supermarket has recently hit news headlines for the alleged unethical bias and racial discrimination, with their operations and services skewed in favor of the white Community. This came as a result of a leaked internal email by the company's marketing specialist sent to the marketing event manager which is quoted stating that "We are delighted to inform you that our supermarket chain would like to give you free vouchers for upcoming events as we are now focusing on white people to attract our supermarkets." Hon. Speaker, the said chain of supermarkets came under sharp criticism of being biased in their operations by favoring white persons over the other races.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- i) Whether such correspondents were ever made;

- ii) When the alleged or said discriminations against the indigenous Community actually happened?
- iii) The current inter-racial employment ration in the establishment;
- iv) Information on the salaries and for ALL the staff in the company and evidence of the same;
- v) Whether the Executive Orders by H.E the Governor to cancel Chandarana chain of Supermarket licenses has been effected; and,
- vi) Measures the County Executive is putting in place to prevent such discrimination by business operatives in the County.

Thank you Mr. Speaker.

Hon. Deputy Speaker: Chairman Legal [committee] or any other Member?

Hon. Jayendra Malde: Thank you Mr. Speaker. We need two weeks to investigate on the matter.

Hon. Deputy Speaker: Proceed Legal Chair.

Hon. Jayendra Nalde: Two weeks

Hon. Deputy Speaker: Are you comfortable with that Hon. Mberia?

Hon. David Mberia: Mr. Speaker, I am on the floor

Hon. Deputy Speaker: Two weeks?

Hon. David Mberia: I am not comfortable with the two weeks. This is a weighty matter---

Hon. Deputy Speaker Chair, Legal [committee]

Hon. David Mberia: Can I finish Mr. Speaker?

Hon. Deputy Speaker: Finish

Hon. David Mberia: Mr. Speaker this behavior of responding to statements in two weeks and six months is not right. This is a weighty matter. We want to know what happens inside these supermarkets owned by these other guys who are not blacks. Probably those who see blacks as dirty. Mr. Speaker---

Hon. Deputy Speaker: Proceed.

Hon. David Mberia: I am done.

Hon. Deputy Speaker: Chair of Legal?

Hon. Jayendra Malde: Mr. Speaker ---

Hon. Deputy Speaker: How long can you take?

Hon. Jayendra Malde: Two weeks.

Hon. Deputy Speaker: Two weeks?

Hon. Jayendra Malde: The Committee has a lot of work and therefore need more time

Hon. Peter Imwatok: Mr. Speaker, allow me to say that the issue on Chandarana is an emotive one. It is also not an issue before a court of law or headed that way but one on cancelation of licensing. Issues on licensing of all traders in this County rest with the Trade Committee. I wonder how the Chair is to respond in two weeks' time on what is not under his jurisdiction. We need to go deeper into this issue. Therefore Mr. Speaker I request that both the Legal and Trade committees be part of this.

Hon. Deputy Speaker: Well guided. Thank you. Proceed

Hon. Charles Thuo: Thank you Mr. Speaker. I believe that the House is already properly guided by the wise counsel. Issues of trade and unfair trading practices and promotion of the same lies entirely with the Department of Trade, Tourism and Licensing. I seek your guidance and counsel that the Hon. Member for

Karen direct that question to our committee because as is, our committee is already looking into that matter and we were looking forward to reporting to the Assembly sooner or later. We cannot reinvent the wheel. Let him join the wheel so that we can reach the destination together. Thank you Mr. Speaker

Hon. Abdi Hassan: Thank you Mr. Speaker sir. With your indulgence, the matters raised here are weighty and concerns human rights violation. Issues licenses is under the privy of trade and I request that you ask the two committees to do a joint sitting so that they can investigate the matter together. Thank you

Hon. Deputy Speaker: How long do the two committees wish to be given to give Hon. Mberia a response? Give timelines.

Hon. Charles Thuo: Mr. Speaker sir, just as the Majority Leader has said. This is a very weighty issue and I believe that this is just a tip of the iceberg. I hope that I am also speaking for the other chair by saying that we will give a report in one week to the House.

Hon. Deputy Speaker: Thank you. Clerk. Let us proceed.

Hon. Deputy Speaker: Yes Hon. Palapala

Hon. Alvin Palapala: Thank you Mr. Speaker for giving me this time. I want to report to this House that my life is in danger. I have been threatened---

Hon. Deputy Speaker: Order please!

Hon. Alvin Palapala: Yesterday some boys came to my home and threatened me. I want to categorically say that I don't have any apologies to make to the Governor Mike Mbuvi Sonko. Yesterday he came to my Ward and said that he had given me Ksh. 3 million to give to the youth.

(Loud consultations)

Hon. Alvin Palapala: He said that he had given me Ksh. 3 million and I say that Governor Sonko is the first cartel of Nairobi

(Loud consultations)

Hon. Alvin Palapala: He is the first cartel of Nairobi and even took garbage --- *(inaudible)*

Hon. Abdi Hassan: Mr. Speaker sir---

Hon. Mwaura Chege: Point of Order Mr. Speaker. You cannot allow this place to be run like this.

Hon. Abdi Hassan: Mr. Speaker sir, it is very sad that the Hon. Member is using Standing Order number 89 and you are allowing him to continue to speak. Let me read to you what the Standing Order say. Mr. Speaker sir we cannot be flouting the Standing Orders.

(Loud consultations)

Hon. Deputy Speaker: Order!

Hon. Abdi Hassan: Mr. Speaker sir ---

Hon. Deputy Speaker: If you have given a wrong Standing Order then I stand to be corrected.

Hon. Abdi Hassan: Mr. Speaker sir

Hon. Deputy Speaker: Proceed

Hon. Abdi Hassan: Standing Order reads, "By the indulgence of the County Assembly, a Member may make a request in writing presented and approved by the Speaker" what we are doing here is illegal and should not be entertained.

(Loud consultations)



Hon. Abdi Hassan: the Standing Order is very clear. I don't think that we are in a shouting match. It is in bad taste that when I am talking here as the Majority leader, someone is abusing me

(Loud consultations)

Hon. Deputy Speaker: Hon. Mary please!

Hon. Abdi Hassan: The Standing Orders are very clear that when the Majority Leader is on his feet then nobody else is supposed to be speaking. This is the fourth time that Hon. Mary is making noise, using abusive language and telling me that this is not Garissa. Why are you allowing her to be in the Chamber?

Hon. Deputy Speaker: Order Hon. Mary!

Hon. Abdi Hassan: I want you to invoke Standing Order 114 and say that the Member is disorderly before the House

Hon. Deputy Speaker: Hon. Mary, can you withdraw and apologize

Hon. Mary Arivitza: What am I apologizing for?

Hon. Deputy Speaker: I am only giving you an opportunity to apologize

Hon. Mary Arivitza: Mr. Speaker, I would like to know what I am apologizing for. My mic has been off for a very long time because I think that when a Member stands up to say that his life is in danger and people make it look frivolous and yet I have a walking crutch which I got in Mike Sonko's office then it becomes--- I don't know what I am apologizing for? You need to give him time to talk because his life is in danger.

Hon. Mwaura Chege: Mr. Speaker, Standing Order 104 says that if a Member is out of order then they should be kicked out and forwarded to that committee and so before we proceed Mr. Speaker, we demand that the Hon. Mary and Hon. Palapala be kicked out

(Loud consultations)

Hon. Deputy Speaker: Order please! Order! I want to be very clear to Hon. Mary.

Hon. Elias Oteino: Thank you very much Mr. Speaker. It is very important that we have respect to leaders whether we are from NASA or Jubilee. This is because when the Majority Leader is contributing no one is supposed to abuse him but I also blame you Mr. Speaker because order number 8 had been read by the Clerk and you went back to Hon. Palapala's Point of Order. Secondly, let us have respect to one another. Whether you are from Jubilee or NASA. Thank you

Hon. Deputy Speaker: I still demand that Hon. Mary withdraws.

Hon. Mary Arivitza: I withdraw and apologize.

Hon. Deputy Speaker: Thank you. Clerk. Proceed.

COMMITTEE OF THE WHOLE ASSEMBLY

(Hon. Deputy Speaker left the Chair)

IN THE COMMITTEE

(Mr. Temporary Chairman Anthony Gathumbi took the Chair)

OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATIONS BILL 2018, ASSEMBLY BILL
NO. 3 OF 2018

Clause 3

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

Hon. Anthony Kiragu: Hon. Chairman, I beg to move:

THAT, new sub clause 3 reads as follows-

(a). The owners of an advertising sign and any person who has applied for approval of an advertising sign under this Act shall comply with the provisions of this Act relating to that sign and shall be held solely responsible for the compliance of the requirements which include but not limited to payment of any requisite fees and safety of the sign subject to any provisions stipulated in this Act

Hon. Chairman, I would like to explain that this is the fourth time an attempt is being made to the outdoor sector in this County. This clause appeals that everybody and anybody must follow the provisions of the law to the latter. Thank you.

(Question of the amendment proposed)

Hon. Peter Imwatok: Chairman, as the Chairman of planning has said. This Bill has come to the House four times. I remember being in Mombasa when the Planning committee was discussing this Bill and I am happy that the Committee has withstood all the challenges that came after that and the Bill is before the House. I therefore support this amendment 200% for the good of Nairobians. Thank you.

Hon. Chairman: Any contribution from the Members?

(Question put and agreed to)

Clause 4

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

Hon. Anthony Kiragu: Thank you, Hon. Chair. I beg to move:

THAT, Clause 4 of the Bill be amended:

- (i) By inserting the
Title PART II – MANAGEMENT AND REGULATION OF OUTDOOR
ADVERTISEMENT immediately before Clause 4.
- (ii) In the marginal note by deleting the expression “executive committee member” and substituting therefor the words “Urban Planning Technical Committee”
- (iii) In sub clause 1 by deleting the words “executive committee member” appearing immediately before the word “shall” and substituting therefor the words “Urban Planning Technical Committee”
- (iv) In sub clause (1) paragraph (b) by inserting the expression “deliberate” immediately after the word “receive”
- (v) By inserting the following new sub clauses immediately after sub clause (1):-

“(2) The Urban Planning Technical Committee shall retain its current composition and membership.

(3) Despite the provisions of sub section (2), the Outdoor Association of Kenya shall nominate a member of the Association and the County Executive Committee Member shall appoint such person as a Committee Member.

Hon. Chair, the Bill that appeared from the Government Printer, vested all powers on an individual who is the County Executive Committee Member but we are now vesting the power to Urban Planning technical Committee.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

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

(Clause 4 as amended agreed to)

Clause 5

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended:

By deleting the Clause in its entirety and substituting thereof the following new Clause:-

5 (1) A person who wishes to engage in outdoor advertising shall make an application for a license to the Committee or the Department.

(2) An application for registration shall be in the prescribed form and shall be accompanied by-

(a) The prescribed fee;

(b) The written consent of;

i. the owner of the site or any other person with an interest in the site entitled to give consent; and

ii. The Kenya National Highway Authority (KeNHA) and Kenya Urban Roads Authority (KURA) if the advertisement is displayed on highway land;

(c) A copy of the title deed or any other document evidencing ownership of the property upon which the proposed advertisement is to be displayed;

(d) Locality plan which shall include the Global Positioning System Co-ordinates of the advertising sign;

(e) A block plan of the property upon which an advertising sign is to be erected, drawn to a scale acceptable to the committee-

(i) Showing every building line and servitude on the site;

(ii) The position and dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign; and

- (iii) The location of any public street or any building on a property adjacent to the property upon which such sign is to be erected;
- (f) An artistic impression showing all the detail, location and measurements of the proposed advertising sign;
- (g) A diagram of the property indicating the position of the proposed advertisement in relation to other free-standing advertisements and the closest two boundaries of the property; and;
- (h) proof of compliance with any other law, including but not limited to the Environmental Management and Coordination Act, Kenya Roads Act, Revised, 2007, to the extent that such law is applicable in respect of the application concerned.;
- (i) Any other information which the committee may require.

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

Clause 6

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended:

By deleting the expression "County Executive Committee Member" wherever it appears and substituting therefor the expression "Committee"

(ii) In sub clause (3) by deleting the word "five" appearing immediately before the word "years" and substituting thereof the word "three"

(iii) In sub clause (6) by inserting the expression "or location" appearing immediately after the word "property"

(iv) In sub clause (7) by deleting the word "six" appearing immediately before the word "months" and substituting therefor the word "three".

(Question of the amendment proposed)

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

(Clause 6 as amended agreed to)

Clause 7

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 7 of the Bill be amended:

By deleting the expression “county executive committee member” wherever it appears and substituting thereof the expression “Committee”

(ii) In sub clause (2) by deleting the word “twenty-one” appearing immediately before the word “days” and substituting thereof the word “seven”

(Question of the amendment proposed)

(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. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 8 of the Bill be amended:

(i) By deleting sub clause (2) in its entirety and substituting thereof the following:

“Any advertisement sign on a public street or facing a public street, including advertising signs facing a road, shall comply with the following requirements-

Except for street light poles and on-premises advertising signs, the following distances shall be maintained between structures:

(a) A minimum distance of 150m shall be maintained between two advertising signs erected on private properties on the same side of the [public street;

(b) A minimum distance of 500m shall be maintained between two advertising signs erected on road reserve on the same side of the public street;

(c) A minimum distance of 250m shall be maintained between two advertising signs erected on private property and road reserve on the same side of the public street;

In case of any conflict or dispute the billboard on private property takes priority.”

(ii) In sub clause 3, by deleting paragraph (a) in its entirety.

(iii) In sub clause 3, sub paragraph (i) by deleting the word “50m” appearing immediately before the word “radius” and substituting therefor the word “5m”

(iv) In sub clause 6 by deleting the words “County Executive Committee Member” and substituting therefor the word “Committee”

Question of the amendment proposed)

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

(Clause 8 as amended agreed to)

Clause 9

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 9 of the Bill be amended by deleting the Clause in its entirety.

Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)
(Clause 9 as amended agreed to)

Clause 10

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended:

In sub clause (1) by deleting paragraphs (b), (c), (g) and (h) in their entirety;

(ii) By inserting new sub clauses immediately after sub clause (j) as follows:-

“ja” a sign not exceeding 2m² specifying the name and profession or occupation of an occupant of the property concerned attached to a boundary wall or fence, or the entrance door of a residential building”

“jb” the display of the name, corporate symbol and nature of any enterprise.”

(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 be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 11

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended:

By deleting the Clause 11 in its entirety and substituting thereof the following new clause:

“11 the following signs may not be displayed or caused to be displayed:

(a) Walking poster;

(b) A swinging sign;

(a) A sign painted on, attached to, or fixed between the columns or posts of a veranda;

(b) an animated or flashing sign, the frequency or the animation's or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public;

(c) A sign displayed on land not in accordance with the relevant zoning or consent use as per the applicable Town-planning Scheme &/or approved County Integrated Spatial Plan [CISP];

(d) A sign painted on a boundary wall or fence in an urban area of maximum control and a rural area of maximum control;

(e) An advertising sign, which is suggestive of anything indecent or which may prejudice the public morals;

(f) a poster pasted onto supporting columns, walls, pillars or any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster; and

(g) a permanent sign of which the maximum display period has expired;

Question of the amendment proposed)

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

(Clause 11 as amended agreed to)

Clause 12

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 12 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

Question of the amendment proposed)

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

(Clause 12 as amended agreed to)

Clause 13

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 13 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

Question of the amendment proposed)

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

(Clause 13 as amended agreed to)

Clause 14

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

Question of the amendment proposed)

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

(Clause 14 as amended agreed to)

Clause 15

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 15 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)
(Clause 15 as amended agreed to)

Clause 16

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 16 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)
(Clause 16 as amended agreed to)

Clause 17

Hon. Temporary Chairman: There is no amendment.

Hon. Anthony Kiragu: Yes.

(Question that Clause 17 be part of the Bill)

(Question put and agreed to)

Clause 18

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 18 of the Bill be amended by:

- (i) Deleting the expression “county executive committee member” wherever it appears and substituting thereof the expression “Committee”
- (ii) Deleting sub clauses (3), (4) and (5) in their entirety.

Question of the amendment proposed)

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

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

(Clause 18 as amended agreed to)

Clause 19

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 19 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulations of the Bill.

Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)
(Clause 19 as amended agreed to)

Clause 20

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended by:

- (i) Deleting the expression “County executive committee member” wherever it appears and substituting thereof the expression “Urban Planning Technical Committee”
- (ii) Deleting paragraph (c) in its entirety

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
Question, that the words to be left out be left out, put and agreed to)
(Clause 20 as amended agreed to)

Clause 21

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)
(Clause 21 as amended agreed to)

Clause 22

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 22 of the Bill be amended by deleting the Clause in its entirety.

This will result in a lot of revenue for this County by not giving exceptions to advertising.

Question of the amendment proposed)

Question, that the words to be left out be left out, put and agreed to)
(Clause 22 as amended agreed to)

Clause 23

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 23 of the Bill be amended by deleting the Clause in its entirety and pushing the recommendations to the regulation of the Bill.

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. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 24 of the Bill be amended by deleting the Clause in its entirety.
It has already been captured in Clause 10.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)
(Clause 24 as amended agreed to)

Clause 25

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 25 of the Bill be amended:

(i) In sub clause (1) by deleting the expression “the approval of county executive committee”
and substituting thereof the expression “the rigorous process of approval by the Committee”

(Question of the amendment proposed)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)
(Clause 25 as amended agreed to)

Clause 26

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 26 of the Bill be amended by deleting the Clause in its entirety.
That is not to give a waiver to Automobile Association.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)
(Clause 26 as amended agreed to)

Clause 27

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 27 of the Bill be amended by deleting the Clause in its entirety.

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That is to make the body of the Bill less bulky and to forward the provisions to the regulations.

(Question of the amendment proposed)

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

(Clause 27 as amended agreed to)

Clause 28

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 28 of the Bill be amended:

- (i) By deleting the expression “county executive committee member” wherever it appears and substituting thereof the expression “urban planning technical committee”
- (ii) By deleting sub clause (2) in its entirety.
- (iii) In sub clause (4) by deleting the expression “executive committee member for a period of thirty days from the date of impoundment” appearing immediately before the expression “and an authorized”

(Question of the amendment proposed)

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

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

(Clause 28 as amended agreed to)

Clause 29

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 29 of the Bill be amended:

- (i) In sub clause (1) by deleting the words “County executive committee member” and substituting thereof the word “urban planning technical committee”
- (ii) In sub clause (4) by deleting the words “County executive committee member and substituting thereof the word “Department”
- (iii) In sub clause (6) paragraph (d) by deleting the words “County executive committee member” and substituting thereof the word “urban planning technical committee”

(Question of the amendment proposed)

(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. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 30 of the Bill be amended:

(i) In sub clause 1 paragraph (e) by deleting the words “County executive committee member” and substituting thereof the word “Department”

(ii) By deleting sub clause (2) and (3) in their entirety.

The two sub clauses create ambiguity.

(Question of the amendment proposed)

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

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

(Clause 30 as amended agreed to)

Clause 31

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 31 of the Bill be amended by deleting the Clause in its entirety and substituting thereof the following new Clause-

“31 (1) Maintenance of signs and their structures is the sole responsibility of the person who displays the sign and should the county government carry out any maintenance work as result of poorly maintained signs being attached, the county government shall claim the cost of such repairs from the person who displays the sign.

(2) The person displaying the sign shall issue annual maintenance reports to the Department in compliance with sub section (1)

(3) A sign must –

(a) Where possible, be located at a height that discourages vandalism;

(b) be serviced, cleaned and repainted on a regular basis; and be maintained in good repair and in a safe and proper condition according to the highest standards as regards quality of structures, posting and sign-writing.”

(Question of the amendment proposed)

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

(Clause 31 as amended agreed to)

Clause 32

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 32 of the Bill be amended:

(i) By deleting the marginal note in its entirety and substituting thereof the following new marginal note-

“Notice of compliance, removal, confiscation and destruction of signs”

(ii) By deleting the Clause in its entirety and substituting therefor the following new Clause-

“32” (1) The county government may serve a notice of compliance on the owner of a sign to remove or alter any sign within 30 days or to do such work as may be specified in the notice or cover or cause the sign to be covered completely so as to conceal its contents, if the sign which is displayed is unauthorized, or does not conform or comply with a condition imposed in the Act, the Physical Planning Act or any other relevant national planning statute.

(2) If a person fails to comply with a notice served by the county government on him or her, the county government may enter upon the land upon which the sign to which the notice relates, is being displayed and remove, confiscate, and or destroy the sign.

(3) The county government may, without prior notice remove, confiscate, and destroy any sign if the sign constitutes a danger to life or property, or is objectionable, or if one or more of the provisions of this Act is contravened.

(4) Costs that are incurred by the county government upon removal, confiscation or destruction of a sign, may be recovered from the person on whom the notice was served, or if a deposit has been paid in respect of the sign.

(5) The committee from time to time by way of resolution may determine the penalty costs when the county government removes a sign that is in contravention of the provisions of this Act.

(Question of the amendment proposed)

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

(Clause 32 as amended agreed to)

Clause 33

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 33 of the Bill be amended by deleting the Clause in its entirety and substituting thereof the following new Clause:-

“33”The owner of a property upon which a sign or an advertising sign is erected, attached or displayed, shall retain certified copies of all documentation relating to the application and approval of such sign under this Act, for as long as that sign is erected or displayed, and shall on request by an authorized official, present such documentation.”

(Question of the amendment proposed)

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

(Clause 33 as amended agreed to)

Clause 34

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:

THAT, Clause 34 of the Bill be amended by deleting the Clause in its entirety.

(Question of the amendment proposed)

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

(Clause 34 as amended agreed to)

Clause 35

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 35 of the Bill be amended by deleting the Clause in its entirety.

(Question of the amendment proposed)

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

(Clause 35 as amended agreed to)

Clause 36

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 36 of the Bill be amended by deleting the Clause in its entirety.

(Question of the amendment proposed)

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

(Clause 36 as amended agreed to)

Clause 37

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 37 of the Bill be amended by deleting the Clause in its entirety.

(Question of the amendment proposed)

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

(Clause 37 as amended agreed to)

Clause 38

Hon. Anthony Kiragu: Thank you, Hon. Chairman, I beg to move:
THAT, Clause 38 of the Bill be amended by deleting the Clause in its entirety and substituting thereof the following new Clause:

“38” (1) A notice or other document requiring authentication by the county government must be signed by a duly authorized officer of the county government, and when issued by the county



government under this Act, shall be deemed to be duly issued if it is signed by an officer authorized by the county government.

(2) Any notice or other document that is served on a person in terms of this Act is regarded as having been served;

(a) When it has been delivered to that person personally;

(b) When it has been left at that person's place of residence or business within the Republic

(c) When it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;

(d) If that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c)"

(Question of the amendment proposed)

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

(Clause 38 as amended agreed to)

Clause 39

(Question that Clause 39 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that Clause 39 of the Bill be amended:

(i) In the marginal note by inserting the word "and Enforcement" immediately after the word "Inspection"

(Question that Clause 39 be amended proposed)

(Question that Clause 39 be amended as proposed put and agreed to)

(Question that Clause 39 as amended be part of the Bill put and agreed to)

Clause 40

(Question that Clause 40 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that Clause 40 of the Bill be amended by deleting the clause in its entirety as it appears on the Order Paper.

(Question that Clause 40 be amended proposed)

(Question that Clause 40 be amended as proposed is put and agreed to)

Clause 41

(Question that Clause 41 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that Clause 41 Outdoor Association of Kenya of the Bill be amended by deleting the clause in its entirety:

In sub clause (2) by deleting the expression "reasonable time" appearing immediately after the word "thereon" and substituting thereof the expression "period of seven (7) days"

This one is meant to give the CEC a responsibility to settle disputes quickly and amicably.

(Question that Clause 41 be amended proposed)

(Question that Clause 41 be amended as proposed put and agreed to)

(Question that Clause 41 as amended be part of the Bill put and agreed to)

Clause 42

(Question that Clause 42 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that Clause 42 of the Bill be amended paragraphs 1 & 2:

- (ii) In the marginal note by inserting the word “and Enforcement” immediately after the word “Inspection”
- (i) In paragraph (g) sub paragraph, by deleting the word “two” appearing immediately before the word “hundred” and substituting therefor the word “one”
- (ii) By deleting sub paragraph (ii) in its entirety.

(Question that Clause 42 be amended proposed)

(Question that Clause 42 be amended as proposed put and agreed to)

(Question that Clause 42 as amended be part of the Bill put and agreed to)

Clause 43

(Question that Clause 43 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that Clause 43 be part of the Bill. This is a new clause transition 43

(A):

- 1) Any person who was authorized to display a sign on the basis of an approval license granted by the County Government before the coming into force of this Act shall make a fresh application to the Committee upon expiry of the license currently in possession.
- 2) Where an advertising sign has been erected or displayed before the date of commencement of this Act without formal approval, which in terms of this Act may not be erected or displayed without the approval of the County Government, the owner of the advertisement or advertising sign must apply to the County Government for approval from the date of commencement of this Act, failure to which the advertisement or advertising sign shall be removed forthwith.
- 3) The County Government shall publish a notice in two local newspapers circulating within its area of jurisdiction calling for compliance with the provisions of this law.

Hon. Temporary Chairman: Chairman, do you have amendments really in Clause 43?

Hon. Anthony Kiragu: It is a new clause, there are no amendments.

Hon. Temporary Chairman: Is it a sub-clause or a clause?

Hon. Anthony Kiragu: A clause, 43.

Hon. Temporary Chairman: So you must read it. Okay continue.

Hon. Temporary Chairman: Hold on Chairman. Chairman, because we have Clause 43 existing-

Hon. Anthony Kiragu: It is an amendment.

Hon. Temporary Chairman: It is not amendment, it is a new clause. So it will come later. I think for Clause 43 we just have to say that it remains as it is, there is no amendment.

Hon. Anthony Kiragu: We as a committee decided to replace this Clause as it gave the CEC power to make---

Hon. Temporary Chairman: You want to replace the Clause?

Hon. Anthony Kiragu: To amend, it is to amend.

Hon. Temporary Chairman: To amend. But are you replacing it in its entirety?

Hon. Anthony Kiragu: Yes.

Hon. Temporary Chairman: Chairman, approach the Chair please.

Clause 43

(Question that Clause 43 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that we retain Clause 43.

(Question that Clause 43 be part of the Bill put and agreed to)

Clause 44

(Question that Clause 44 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that Clause 44 of the Bill be amended as follows:

- i) By deleting the expression, "or agency contracted by the County Government" appearing immediately before the expression, "officer of the county".

This is to ensure that we do not delegate the functions of this County to agencies or individuals other than the officers of this County.

(Question that Clause 44 be amended is proposed)

(Question that Clause 44 be amended as proposed put and agreed to)

(Question that Clause 42 as amended be part of the Bill put and agreed to)

New Sub-Clause 2 (1a)

(Question that New sub-Clause 2 (1a) be part of the Bill)

Hon. Anthony Kiragu: I move that Schedule 1 now be read a second time.

Hon. Temporary Chairman: Chairman just hold on. Members, just relax we are consulting. Hon. Members, sorry for that inconvenience we had to discuss a little bit here.

(Question that New sub-Clause 3 (a) be part of the Bill)

Hon. Anthony Kiragu: I move that New sub-Clause 3 (a) by inserting the following New Clause 3 (a) immediately after Clause 3:

The Urban Planning Technical Committee 3 (a):

1. There should be establish the Urban Planning Technical Committee
2. The County Executive Committee Member shall be responsible for establishing and appointing members to the committee
3. The Committee shall comprise of the following persons:
 - (a) Chief Officer in charge of Urban Planning
 - (b) Director of Development Management
 - (c) Director of Research
 - (d) Director of Planning, Compliance and Enforcement
 - (e) County Director of Survey
 - (f) County Director of Roads
 - (g) Engineer in charge of Structural Section
 - (h) One Public Health Officer
 - (i) Director Environment
 - (j) A representative of Kenya Institute of Planners
 - (k) A representative from the Town Planners Association of Kenya
 - (l) A representative of the Kenya Institute of Engineers
 - (m) A representative of the Kenya National Environment Management Authority (NEMA)
 - (n) A representative from the Architectural Association of Kenya
 - (o) A representative from the Outdoor Association of Kenya

Hon. Temporary Chairman: Do you have a seconder for that?

Hon. Anthony Kiragu: Let me have the Member for Kilimani to do that who is also the Deputy Whip.

Hon. Moses Ogeto: Mr. Chairman looking at the way clause has been explained very well from the very serious committee, the composition and the membership of the same, I beg to second.

(Question that New Sub-Clause 3 be read a second time proposed)

(Question that New Sub-Clause 3 be part of the Bill put and agreed to)

New sub-Clause 18 (a)

(Question that New Clause 18 (a) be part of the Bill proposed)

Hon. Anthony Kiragu: I move that the New Clause 18 (a) be amended as follows:

- (i) By deleting the expression "County Executive Committee Member" wherever it appears and substituting thereof the expression "Urban Planning Technical Committee"
- (ii) (ii) by deleting sub clauses (3) , (4) and (5) and the New Clause 18 (a) be inserted immediately after Clause 18 as follows:

An owner on an advertising sign located on a road reserve shall comply with the provisions of Section 5 of this Act on application and payment of the requisite fees.

Just an explanation Hon. Chair---

Hon. Temporary Chairman: Sorry for cutting you short. You are supposed to say that you are moving the clause to be read a second time. It is important to mention that.

Hon. Anthony Kiragu: New Clause 18 (a) be read a second time?

Hon. Temporary Chairman: Yes and you call a seconder.

Hon. Anthony Kiragu: Yes, and this is, an owner of advertisement sign located on a road reserve shall comply with the provisions of Section 5 of this Act on application and payment of the requisite fees. I propose that it be read a second time. This is the Clause that will enable this County to collect money from advertising signs on road reserve that is where the biggest leakage and pilferage and loss of revenue is in, in this County in regards to outdoor advertising. I propose that the Member for Kilimani second this.

Hon. Moses Ogeto: Hon. Chairman the provisions of 18 (a) is very categorical because this committee has looked on indications where this county need to raise a lot of revenue. It refresh back to Section 5 on payments. Hon. Chair I second my Chairman for Planning for the Bill to be read a second time

Hon. Temporary Chairman: Thank you Member.

(Question that New Clause 18 (a) be read for a second time put and agreed to)

(Question that New Clause 18 (a) be part of the Bill put and agreed to)

New Clause 43 (a)

(Question that New Clause 43 (a) be part of the Bill proposed)

Hon. Anthony Kiragu: I beg to move that the New Clause 43 (a) part of the Bill and be read a second time.

- 1) Any person who was authorized to display a sign on the basis of an approval license granted by the County Government before the coming into force of this Act shall make a fresh application to the Committee upon expiry of the license currently in possession.
- 2) Where an advertising sign has been erected or displayed before the date of commencement of this Act without formal approval, which in terms of this Act may not be erected or displayed without the approval of the County Government, the owner of the advertisement or advertising sign must apply to the County Government for approval from the date of commencement of this Act, failure to which the advertisement or advertising sign shall be removed forthwith provided that any advertising sign with formal County approval shall not be subject to the provisions of this Act.

- 3) The County Government shall publish a notice in two local newspapers circulating within its area of jurisdiction calling for compliance with the provisions of this law.

Hon. Anthony Kiragu: I propose that a member of this Committee Hon. Patricia Mutheu to second this.

Hon. Patricia Musili: I rise to second the words stipulated in the amendment, I second.

Hon. Temporary Chairman: Thank you.

(Question that New Clause 43(a) be read for a second time put and agreed to)

(Question that New Clause 43(a) be part of the Bill put and agreed to)

New Schedule 1

(Question that New Schedule 1 be part of the Bill proposed)

Hon. Anthony Kiragu: I beg to move that the following New Schedule 1 be inserted immediately after Clause 45 as follows:

Large Billboards:

- 1) May be displayed subject to specific consent.
- 2) The following additional conditions apply to large billboards:
 - (a) an advertisement consisting of a single board must be displayed perpendicular to or at an angle of up to 30 degrees to the direction of oncoming traffic;
 - (b) Where two billboards are joined together, the sign must be displayed with the axis of symmetry perpendicular with the direction of oncoming traffic;
 - (c) No billboard may be displayed within a radius of 5 meters from the center of an intersection on an arterial road and within 5 meters from the center of an intersection on any lower-order road.
 - (d) Every owner of a billboard must conspicuously display the name of their company on the billboard erected.
- 3) A sign must be placed on a base, which has been designed and erected in accordance with conditions which the County Government may impose in terms of the Act or any other written law.
- 4) The County Government may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
- 5) Maintenance should be done on a continuing basis and a maintenance report should be submitted to the County Government once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

I move that New Schedule 1 be read a second time.

(Question that New Schedule 1 be read for a second time put and agreed to)

(Question that New Schedule 1 be part of the Bill put and agreed to)

New Schedule 2

(Question that New Schedule 2 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule be part of the Bill.

Small billboards and Tower structures

- 1) A tower structure provided in a larger pedestrian area may be used only as a focal point, and must be of a high visual standard and must harmonize with the surrounding buildings and streetscape.
- 2) A sign must be placed on a base, which has been designed and erected in accordance with conditions which the County Government may impose under the Act.
- 3) The County Government may grant approval for the display of a sign for a period ranging from one to five years, but may not grant approval for an indefinite period.
- 4) Maintenance should be done on a continuing basis and a maintenance report should be submitted to the County Government once a year on a date prior to the anniversary of the date on which approval was given for the display of the sign.

I beg to move that New Schedule 2 be read a second time.

Hon. Temporary Chairman: Thank you *Mheshimiwa* Immapet Kemunto.

Hon. Immapet Kemunto: I rise to second.

Hon. Temporary Chairman: Thank you.

New Schedule 3

(Question that New Schedule 3 be part of the Bill proposed)

Hon. Anthony Kiragu: I propose that New Schedule 3 be read a second time as:

Large Posters and signs on street furniture.

1. The following specifications are applicable to litterbins inside road reserves, on municipal property and on other public open spaces:

(a) Litterbins may only be placed on a suitably prepared concrete or paved footing and must be adequately secured to prevent it from being blown over by winds with speed of up to 30km/s.

(b) Litterbins may not be placed on traffic islands.

(c) Approval of the site does not grant the applicant an indefinite right to advertise on the particular site.

(d) Advertising periods are as determined by the county government from time to time and the applicant must ensure that he or she ascertains such periods from the County Government.

(e) Litterbins may not be located closer than 1 meter from the edge of a public road.

(2) Display of a standardized pole-mounted poster is allowed only if it does not have a negative visual impact on the character of an area.

(3) Creative and visually pleasant structures may be used for displaying large posters in road reserves in order to make a positive contribution to streetscaping.

(Question that New Schedule 3 be read a second time put and agreed to)

(Question that New Schedule 3 be part of the Bill put and agreed to)

New Schedule 4

(Question that New Schedule 4 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 4 be read a second time as it appears as:

Signs Painted on Walls and roofs

1. A sign be displayed in an urban area of partial control and an urban area of minimum control only.
2. Display of a sign is subject to specific consent.
3. A sign painted onto the facade or roof of a building may not exceed 20 percent of the ground floor facade of the enterprise to which such sign pertains
4. The total area of all signs painted onto the sidewalls of a building may not exceed 30 square metres, or not more than one third of the surface area of the wall, whichever is lesser and the actual size of a sign will depend on the size of the sidewall concerned and on other factors, such as the character and appearance of the building and the streetscape as a whole.
5. No specific limitations are imposed on the colour or texture of a sign.
6. Illumination of a sign is not permitted.
7. Signs in this class may only be painted on the main walls or roof of a building used for commercial, office, industrial or entertainment purposes.

(Question that New Schedule 4 be read a second time put and agreed to)

(Question that New Schedule 4 be part of the Bill put and agreed to)

New Schedule 5

(Question that New Schedule 5 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 5 be read a second time as it appears on the Order Paper as:

Functional advertising signs by public bodies

1. Subject to the provisions of this Act, such signs be displayed in all areas of control.
2. The Display of such signs is subject to deemed consent.
3. A sign under this category may not exceed 0.55 square meters in size.
4. A larger sign may be displayed, if justified by specific circumstances.
5. A sign permitted by this class may be displayed inside a road reserve, but may not be displayed on a freeway.
6. Subject to the provisions of the Act, illumination may be provided if there is a need for information or directions to be read during hours of darkness.
7. A sign under this class may not be used for the purposes of commercial and competitive advertising.
8. The logo of the service provider must be displayed on a sign.

(Question that New Schedule 5 be read a second time put and agreed to)

(Question that New Schedule 5 be part of the Bill put and agreed to)

New Schedule 6

(Question that New Schedule 6 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 6 be read a second time as it appears on the Order Paper as:

Signs suspended under verandahs and canopies

1. Any advertising sign which is suspended under a veranda or a canopy, shall comply with the following requirements—

(a) Unless otherwise approved under this Act, such sign shall be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;

(b) No part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;

(c) Such sign shall have a clear height of at least 2.75m;

(d) The top of such sign may not be more than 1m below the canopy or veranda from which it is suspended or more than exceed 1m in thickness;

(e) Unless otherwise approved under this Act, the bottom edge of such sign when suspended shall be horizontal and the supports by means of which it is suspended shall be an integral part of the design of such sign.

(Question that New Schedule 6 be read a second time put and agreed to)

(Question that New Schedule 6 be part of the Bill put and agreed to)

New Schedule 7

(Question that New Schedule 7 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 7 be read a second time as it appears on the Order Paper as:

Signs suspended under verandahs and canopies over public streets

1. Any advertising sign affixed to or onto a veranda or canopy which extends over a public street—

a. shall be set parallel to the building line on the property concerned;

b. may not exceed 600mm in vertical dimension; and

c. shall be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such manner that it projects more than 230mm from the outside face of such parapet or balustrade

2. An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building, may not exceed –

(a) An area of 1m² in the aggregate for every 1.5m or part thereof of the frontage of such building on the public street over which such sign is erected; and

(b) 1.2m in height.

3. Nothing in this schedule prohibits the painting of an advertisement on or the display of advertisement not exceeding 600mm in thickness on a beam over.

(Question that New Schedule 7 be read a second time put and agreed to)

(Question that New Schedule 7 be part of the Bill put and agreed to)

New Schedule 8

(Question that New Schedule 8 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 8 be read a second time as it appears on the Order Paper as:

Sun-blind advertisement

1. An advertisement on any sun-blind exempted under section 10(2), may be displayed without the approval of the Committee, subject to compliance with the following requirements:

i. a sun-blind shall be so made and attached to a building that it is incapable of being lowered to a height lower than 2m above the footway or pavement of a public street;

ii. Except at an intersection, a sun-blind shall be placed parallel to the building line of the property concerned; and

iii. At any intersection a sun-blind must be placed so that it does not cause any interference with or endanger vehicular or pedestrian traffic, or a traffic sign, street nameplate or other notice for the guidance or information of the public.

(Question that New Schedule 8 be read a second time put and agreed to)

(Question that New Schedule 8 be part of the Bill put and agreed to)

New Schedule 9

(Question that New Schedule 9 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 8 be read a second time as it appears on the Order Paper as:

Advertisement on blimps

1. A blimp containing an advertisement may, subject to the approval of the Committee under this Act, be used for a period not exceeding twenty four months and may be air borne during daylight hours only.

2. The Committee shall, for the purposes of considering an application for approval of an advertisement to be displayed on a blimp, have regard to –

(a) The period during which the blimp will be used;

(b) The size of the blimp;

(c) The strength of the anchorage and the anchoring cable;

(d) the provision of a device by means of which the blimp will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the blimp from its anchorage or anchoring cable;

(e) The possibility of interference with pedestrian or vehicular traffic; (f) any requirement or condition prescribed by the Kenya Civil Aviation Authority; including the maximum height to which the blimp shall be restricted; and the location of the blimp.

(Question that New Schedule 9 be read a second time put and agreed to)

(Question that New Schedule 9 be part of the Bill put and agreed to)

New Schedule 10

(Question that New Schedule 10 be part of the Bill proposed)

Hon. Anthony Kiragu: I move that New Schedule 10 be read a second time as it appears on the Order Paper as:

Advertisement on construction sites

(a) The zoning of the property concerned in terms of an applicable town planning scheme and the general ambience of the area where the proposed sign is to be displayed;

(b) The aesthetic effect of the sign on the amenity of the area concerned and its surroundings;

(c) The area of control set out in this Act, applicable to the property concerned and its surroundings; and

(d) The distance of the proposed sign from every other approved and existing advertising sign within a radius of 200m.

2. An advertisement specified in 1 above shall only be allowed in an urban area of partial or minimum control and—

(a) may only be permitted on scaffolding which is against a building under construction or on a hoarding, fence or wall on the boundary of a construction site which has been erected to enclose that site during construction;

(b) May only be erected if it will conceal an unsightly condition arising out of the use to which the property concerned is put and if such sign shall make a positive contribution to the visual environment; and

(c) May not be placed on the top of a boundary fence or wall unless it is positioned so that there is no gap between the advertisement and the wall or fence.

(Question that New Schedule 10 be read a second time put and agreed to)

(Question that New Schedule 10 be part of the Bill put and agreed to)

Clause 2

(Question that Clause 2 be amended as proposed)

Hon. Anthony Kiragu: The areas of control will create avenues for abuse by concerned department and may not be relevant in the Bill. This provision can be included in the regulations and I would like to move the amendments as they appear on the Order Paper.

(Question that Clause 2 be amended as proposed put and agreed to)

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

Clause 1

(Question proposed that Clause 1 be part of the Bill)

Hon. Anthony Kiragu: I move that New Schedule 10 be amended as it appears on the Order Paper.

(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)

Title

(Question proposed that Title be part of the Bill)
(Question that Title be part of the Bill put and agreed to)

Hon. Anthony Kiragu: Mr. Chairman I beg to move that the Committee do a report to the Assembly its consideration of the Nairobi City County Outdoor Advertising and Signage Control Regulation Bill 2018, Assembly Bill No. 3 of 2018 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(Hon. Deputy Speaker resumed the chair)

REPORT AND THIRD READING

Hon. Deputy Speaker: Hon. Members be seated.

Hon. Anthony Gathumbi: Mr. Speaker I beg to report the Committee of the Whole House has considered the Nairobi City County Outdoor Advertising and Signage Control Regulation Bill 2018, Assembly Bill No. 3 of 2018 and approved the same with amendments, thank you.

Hon. Anthony Kiragu: Mr. Speaker I beg to move that the Assembly do agree with the Committee with the said report.

(Question proposed)

Hon. Peter Imwatok: Mr. Speaker first of all let me appreciate the Planning Committee on this important Motion and more so the Chair of Planning Committee, the self-declared Bishop. Indeed you have shown you can be a real Bishop who can stand firm and make sure this County government in this Assembly has this Bill approved.

In a matter of concession, one of them [committee member] was worried the time I found entire Committee and the Executive in Mombasa discussing this Bill. I remember calling *Mheshimiwa* Waithera and asked her a simple question: will this Bill see the light of the day? Because I could see a lot of calls and a lot of people roaming Pride Inn that I had never seen their faces. I only see them on top of billboards. But today I am happy that this Bill is coming to see the face of this County.

One, Chair of Planning and entire Committee of Planning: the issue of open spaces in this County is really violated by the billboard people. I thank you that in the amendments that we have just passed is talking about every space in this County belongs to the people of Nairobi.

Mr. Speaker you can remember last December on 24th to 29th, there were more than 80 billboards which were erected in this County but seeking information on this billboards I wonder that instead of people going home for holidays they were erecting billboards on road reserves. That is why I arise to say this is the best Bill ever despite the fact it has taken time but it is for interest of Nairobians and more so the cartels in the billboard sector.

This House, if given chance to mention names and to shame them we will do so but for today because the Bill has come into force we spare them and more. We ask the Executive especially the Implementation Committee to make sure just the same way like the Appropriation Bill and Budget Committee- where last time the Majority leader was saying for interest of Nairobians- and the following day I could see the WhatsApp and Facebook pages were littered with pictures of the Governor approving the Bills. I would wish even for this Bill that tomorrow by 10 a.m. that all the pages are littered with the Bill that has been passed by this County Assembly because all this is for the interest of Nairobians.

Therefore this is a challenge to the able Majority Leader and the able Majority Whip so that tomorrow I will be ready to accompany all of you to the Governor's Office to witness as the Governor appends his signatures to this Bill so that it becomes an Act with immediate effect. Therefore our Majority Leader make sure the Governor is notified this evening that tomorrow he leaves the other state house and appears before the County government so that we sign this Bill into action so that from next week the County government starts collecting revenue from billboards.

As the Chair said all the licenses on coming effect of this Act they must apply afresh so that we also know how many billboard we have in this County. Hon. Speaker if you go to Dubai the highest source of revenue is advertisement but come to Nairobi including a toilet at Koinange Street has a billboard. I volunteer myself to accompany you to take a picture next to the Governor appending the signature to this Bill. Therefore we urge you all; I will be ready tomorrow to hire a suit to accompany the Majority Leader and the entire leadership of Jubilee for signing in the first time of history of this Bill. I beg to support and ask the mover to reply and pass this Bill with immediate effect.

(Question put and agreed to)

Hon. Anthony Kiragu: Hon. Speaker as I move for this Motion to be read a Third Time I would like to appreciate members who have taken their time to wait until this Bill has been passed. I would like to appreciate the leadership, the friends of Committee of Planning, and the members of the Committee for doing what the other committee before this one have not done.

Hon. Speaker like my colleague has said the advertising industry has been growing but the revenue has been going down. For the first time in the history of this City we will be able to collect money from road reserves. The Bill will price advertising as it should in relation to other cities in the world. I beg to move that the Nairobi City County Outdoor Advertising and Signage Control Regulation Bill 2018, Assembly Bill No. 3 of 2018 be read a Third Time. And before I forget I would like to appreciate my Clerk, Joshua Mbila and our legal team led by Linnet for their tireless work to make sure that we see this Bill to where it is. Thank you.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Deputy Speaker: Thank you Hon. Members, first let me take this opportunity to thank you for your time. But there is something I want to say today. I would request Hon. Members to respect political leaders in the Assembly. That will start with leaders in the party. When Majority or Minority Leader is on his feet we must respect them because they deserve all the respect. You might not respect them but please respect their offices. There being no other business the House stands adjourned till next Tuesday at 2.30 p.m. thank you and may God bless you all.

(The House rose at 5.02 p.m.)