



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Third Session

Tuesday 6th August 2019

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: We don't have a quorum. Serjeant-at-Arms, please ring the bell for 10 minutes.

(Quorum bell was rung for 10 minutes)

Serjeant-at-Arms, please check if there are committee meetings taking place? I understand that the Budget Committee has gone for public participation.

I think we now have a quorum. Clerk, proceed.

STATEMENTS

RESPONSE TO A STATEMENT ON THE DISCHARGE OF INDUSTRIAL GAS EFFLUENT

Hon. Deputy Speaker: Chair, environment.

Hon. Jeremiah Themendu: I have the response here.

Hon. Deputy Speaker: Proceed.

Hon. Jeremiah Themendu: The response is for Hon. Waithera Chege.

Hon. Speaker, on Tuesday 19th March 2019 Hon. Waithera Chege, MCA, rose on the floor of the Assembly pursuant to Standing Order 45(2) (c) and requested for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the discharge of industrial effluent in

Nairobi County. In the statement, the Member requested that the Chairperson should inquire into and report on:

1. Mitigating actions taken by the County Executive since 2014 when residents began complaining of foul gas effluence;
2. Measures put in place by the County Executive to ensure industries in the County adhere to County laws and regulations on industrial waste discharge;
1. Actions the County plans to take to immediately rectify this persistent problem for residents of the affected area; and
2. A report on disclosure of the companies involved in the emissions.

Hon. Speaker, the Committee wrote to the County Executive Committee Member responsible for Environment, Water, Energy, and Natural Resources on the same day inviting her to a meeting of the Committee that was held on Tuesday 26th March 2019 pursuant to Standing Orders 45 (2) (d) to deliberate on the statement. Hon. Waithera Chege, MCA was also invited to the said meeting pursuant to Standing Orders 45 (2) (e).

Hon. Speaker, the Committee deliberated on the response and Hon. Waithera Chege, MCA found it unsatisfactory. The said response is hereby attached.

Hon. Speaker, to ascertain the issues raised by the Hon. Waithera Chege, MCA and make a comprehensive report to the Assembly, the Committee conducted a site inspection visit to the affected area on Wednesday 27th March 2019. The Committee report on the same is ready for tabling.

Hon. Speaker, on Wednesday 3rd July 2019 the Committee held another meeting with the County Executive Committee Member responsible for Environment, Water, Energy, and Natural Resources. Hon. Waithera Chege, MCA was also invited to the said meeting. She stated that the response provided was very shallow since Powerex Lubricant Ltd wasn't one of the companies that were visited by the Sector. She added that the said company was still operational despite the sanction by the Environment CS Mr. Keriako Tobiko to close it on suspicion that it was responsible for toxic emissions. She requested for a detailed updated report on the analysis and operations of the said company from the Sector.

Hon. Speaker, the Committee held another meeting with the CEC on Wednesday 24th July 2019 on the same statement. Hon. Waithera Chege, MCA did not attend the said meeting but was given a copy of the report on the analysis and operations of Powerex Lubricants Ltd.

Hon. Speaker, the Committee exhaustively deliberated on the response and found it satisfactory. Hon. Speaker, copies of the detailed responses have been given to Hon. Waithera Chege, MCA and also attached to this report. Hon. Speaker, I beg to lay this response. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Themendu. Hon. Waithera, are you comfortable with the response?

(Hon. Waithera agreed with the response)

Thank you, Hon. Waithera. Hon. Mbugua, were you invited by the committee? Are you comfortable with the response? We don't have to read through it. Chair, Health, you were to respond to Hon. Kabiru, but I understand that he is comfortable with the response.

RESPONSE TO A STATEMENT ON USE OF HARMFUL CHEMICALS FOR PRESERVATION OF MEAT IN SUPERMARKETS

Hon. Peter Warutere: Hon. Speaker, you understand that you are the custodian of the law. You being the Chair of Chairs, the last thing you can do is to circumvent the truth. I, therefore, beg to read the response to the statement requested by Hon. Kabiru from the Chairperson of Health Committee.

Mr. Speaker, On Wednesday 17th July 2019, Hon. Kabiro Mbugua, MCA, rose on the floor of Assembly pursuant to Standing Order 45(2) (c) and requested for Statements from the Chairperson of the Sectoral Committee on Health Services regarding the alleged use of harmful chemicals for preservation of meat in supermarkets in the County. An expose that was aired by one of the local media stations on Sunday 14th July 2019, showing how rogue supermarket officials use chemicals to increase the shelf life of products, putting the lives of millions of Kenyans at risk.

In the Statement, the Member requested that the Chairperson should inquire into and report on:

1. Whether there is misuse of chemical preservatives in food items by supermarkets and other foodstuff vending outlets in the County;
2. Procedure currently in place for issuing of approvals for food vending outlets including supermarkets;
3. Procedures for issuing of individual food handling certificates to qualified persons in the said outlets;
4. Records of inspections if any, undertaken by the County Health or inspection Department and the frequency of such inspections;
5. Number of persons if any, found offending the enabling legal provisions on the safe handling of food and food items and the prosecutions therewith; and
6. Measures taken against County Health/ Inspectorate officials found culpable of condoning or conspiring with offending outlets to allow the commission of grave food handling and processing violations.

Mr. Speaker, the Committee wrote to the County Executive Committee Member responsible for Health Services on 18th July 2019 inviting him to a meeting of the Committee on Thursday 25th July 2019 which was not honored and the reminder was written on 25th July 2019 inviting him to a meeting of the Committee on Tuesday 30th July 2019.

The purpose of the meeting was to enable the CEC Member to furnish the Committee with the response to the Statement requested by the Member.

In this regard, Mr. Speaker, I wish to report to the Assembly as follows:

The City County of Nairobi has been implementing integrated food safety and water quality control measures to prevent food-borne illnesses that the city residents have previously faced. This, among others, includes regular sampling, chemical and bacteriological analyses of food samples including meat to ascertain high standards of food safety in the City.

1. *Whether there is misuse of chemical preservatives in food items by supermarkets and other foodstuff vending outlets in the County;*

Mr. Speaker, the Committee was informed that it came to their attention on the Investigative media reports on the use of Sodium Metabisulfite as food preservative in the meat outlets namely; supermarkets and butcheries.

The County Health Sector – Public Health Department further collected meat samples in all the major abattoirs and meat outlets to ascertain the authenticity of the Investigative Media Report in the public domain. The certificate of analyses from the National Public Health Laboratory has indicated that six meat outlets use the chemical in question, some of which have exceeded the recommended MRL of 500ppm

The County has established a response team to visit all the meat outlets to ensure that they comply and that legal action against the above six food establishments has been done and the court processes started immediately and the hearing would be on Friday 2nd August 2019. Charge sheets for the six food establishments are attached.

2. *Procedure currently in place for issuing of approvals for food vending outlets.*

Mr. Speaker, the Committee was informed that all premises are strictly inspected to ensure that they comply with Food, Drugs, Chemical Substances Cap 254, and Public Health Act Cap 242. Samples are also taken for analyses before an authorization is given to sell food.

The Public Health Department's Food & Water Quality Unit regularly takes samples for analyses to ascertain the quality of food in the City. It has been implementing integrated food safety and water quality control measures to prevent food-borne illnesses that the City residents have previously faced. This, among others, include regular sampling, chemical and bacteriological analyses of food samples including meat to ascertain high standards of food safety in the City

The Public Health Department has also in the recent past heightened the safety of foodstuff in the food chain, from production, transportation, storage, retail outlets, and consumption levels. This is done through strict licensure of food premises – both establishments and mobile vehicles and motorcycles.

3. *Procedures for issuing of individual food handling certificates to qualified persons in the said outlets.*

Mr. Speaker, the Committee was informed that the process should ideally take not more than 72 hours for issuance of license with the procedure as outlined below;

1. A client submits application documents at the Food Hygiene Licensing Unit for either a new or renewal of food hygiene license.
 2. Verifications of the documents are done, assorted and forwarded to the Sub County Public Health Officer for inspections.
 3. A duly signed inspection report is sent to the Food Hygiene Licensing Unit for verification and the client pays for the license as per categories in Finance Act 2018.
 4. After the receipts are verified as valid, the documents are submitted for approval.
 5. Final issuance of Food Hygiene License is done.
4. *Records of inspections undertaken by the County Health or inspection Department and the frequency of such inspections.*

Mr. Speaker, the Committee was informed that records/data are compiled monthly from Food Lab and Sub County Public Health Officers and entered into the KHIS2 platform, available on <https://hiskenya.org/dhis-web-reporting>.

5. *The number of persons if any, found offending the enabling legal provisions on the safe handling of food and food items and the prosecutions therewith.*

Mr. Speaker, the Committee was informed that the Public Health Department has its independent prosecution Unit established within, with a prosecutor who is a Senior Public Health Officer. Several cases on unsafe food handling and food establishments have been prosecuted. The food establishments in

question (Processing, Treating, Labeling, Packaging, Selling or Advertising food in a manner that is false, misleading and deceptive contrary to section 4 and punishable under section 36(1) of the Food, Drugs and Chemical Substances Act, Cap 254, LoK and as contained in the Statute Law (Misc. Amendments) Act, No. 2 of 2002 in respect of penalties) have been charged.

6. *Measures taken against County Health/ Inspectorate officials found culpable of condoning or conspiring with offending outlets to allow the commission of grave food handling and processing violations.*

Mr. Speaker, the Committee was informed that The Public Health Department has not had any case of officers condoning or conspiring with the offenders/ or clients/ or authors of such activities on processing, treating, labeling, packaging, selling or advertising food in a manner that is false, misleading and deceptive contrary to section 4 and punishable under section 36(1) of the Food, Drugs and Chemical Substances Act, Cap 254, LoK and as contained in the Statute Law (Misc. Amendments) Act, No. 2 of 2002 in respect of penalties.

Mr. Speaker, Hon. Kabiru Mbugua was satisfied with the response given by the County Executive officers from the Health Sector. Mr. Speaker, a copy of the detailed response has been given to Hon. Kabiru Mbugua who requested for the statement and a further copy is hereby attached to this report.

Mr. Speaker, I beg to lay this response. Thank you

Hon. Kabiro Mbugua: Mr. Speaker, the levels of sodium metabisulfite is high and it has harmful effects.

Hon. Deputy Speaker: Thank you, Hon. Kabiro. On Chairperson Health, response for Hon. David Mberia?

Hon. Peter Warutere: Hon. Speaker, you are alluding that you did last week, we have a statement by the Hon. Member for Karen Ward. However, we had an issue with the communication whereby the Clerk insisted that we call Hon. Mberia to the committee meeting and Hon. Mberia is insisting that he was not called for the meeting. I don't know what we can do because the statement is ready but the Hon. Member had an issue with the response as it were.

Hon. Deputy Speaker: Hon. Mberia you are now invited to the committee tomorrow morning. Thank you. Clerk, proceed.

MOTION

THE COUNTY TO ESTABLISH, CONSTRUCT AND EQUIP SPECIFIC CLASSROOMS FOR CHILDREN WITH SPECIAL NEEDS

Hon. Deputy Speaker: Hon. Julie, should you please come forward, you are sharing the same mic.

Hon. Juliet Ndegwa: Thank you, Mr. Speaker. That, aware that Article 26 of the Constitution of Kenya 2010 gives the citizens of this country and residents of Nairobi City County a right to life; further aware that health services including County health facilities and primary health care have been devolved to the County Governments pursuant to Paragraph 2 of Part II of the 4th Schedule of the Constitution; acknowledging that autism is a developmental disorder of neurobiological origin that can have long life effect on social interaction, ability to communicate ideas and feelings, imaginations and establishment of relationships; recognizing that

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autism is one of the categories of special education and is a serious lifelong and disabling condition and without the right support it can have a profound effect to individuals and families; concerned that many children with special needs such as those with autism in the County Early Childhood Education Centres drop out of schools due to uncondusive environment occasioned by lack of equipment and facilities; observing that one of the functions of the County Persons With Disabilities Board is to provide to the maximum extent possible assistive devices, appliances and other equipment to persons with disabilities, and access to available information and technical assistance to all institutions and organizations concerned with the welfare and rehabilitation of persons with disabilities; this Assembly urges the County Executive to:-

1. Establish, construct and equip specific classrooms for children with special needs to accommodate those autistic learners;
2. Provide early and accurate diagnosis of autism; and
3. Establish a committee to address non-compliance and violation with the primary objective being of mastering academic goals to ensure that interventions are accessible and effective to guarantee the success and inclusive education for learners diagnosed with autism.

Mr. Speaker, statistics tell us that in Kenya we have at least 4% of our children population suffering from autism. Autistic kids are not necessarily sick; it is a disorder, Mr. Speaker, it is not a disease. It affects them socially, even as they continue to grow up. We have seen cases of autistic kids being tied or being mistreated just because the parents and caregivers do not understand what they are going through and do not have education or knowledge to diagnose that the kids are suffering from the disease.

Mr. Speaker, autism has higher statistics than those kids who suffer from pediatric diabetics and even kills more than those who suffer from pediatric cancer. I would like to urge this Assembly that we pass this Motion today and our goals should be very few and very specific. All we are asking for is to have accessible education for all autistic kids in this County noting that Kasarani has the highest population of autistic kids with more than 14,000 kids in Kasarani Constituency alone.

Mr. Speaker, we need to have an effective education curriculum that concentrates on ECD centers complete with physicians who can be able to diagnose autism early. Autism is a disease that can be treated early with therapy sessions and therefore I am urging this Assembly to pass this Motion to have free community education and awareness to the public about autism. Organizations like Autism Rights have done a lot in matters of awareness and acceptance and even trying to educate the public on inclusive of autistic kids in our society. I wish to take this opportunity to recognize the team from the Autism Rights who are sitting in the Gallery today.

Mr. Speaker we also have in the House partners like Devki who have promised to build at least one model school that will serve as the autistic center in the 17 sub-counties. They have already done one in Embakasi West and they are willing to do 16 more.

Mr. Speaker I want to urge this Assembly and the Executive to do at least one more school in each Ward in this County that will be able to accommodate autistic kids and that that County should build a school and even employ physicians who can be able to diagnose kids with autism early and give them the best care they could get in terms of diet and caregiving and help.

Mr. Speaker, I beg to move this Motion and ask Hon. Kabiro Mbugua to second.

Hon. Kabiro Mbugua: Thank you very much Mr. Speaker and June for allowing me to second this Motion. I am very disturbed by the rate at which autism is growing and many people are unaware of its condition, how it can be cured and its related issues. Many people who are diagnosed with autism the first question they ask the doctor is; what causes this disorder?

Mr. Speaker like malaria, cancer and any other disease that is known on the face of the earth, there is normally a cause and a cure. Autism is both genetic and environmental. I am privileged to know a little of genetics and the fact that autism is a genetic disorder perpetrated by environmental influencers, is something that is known to me. Autism like my colleague has said has no cure, yet there are measures that can be put in place that would allow someone suffering from the condition to have a near-normal life; a life that then they can experience and know that indeed the caregivers, the system of government, the education system is favoring an autistic child to perform at the highest level.

Mr. Speaker, we would like to see students who have gone through the system having been diagnosed with autism at a tender age grow to become lawyers, engineers and many other fields and disciplines that are recognized within this country. Mr. Speaker the other day the Judicial Service Commission for the first time in the history of Kenya employed a judge who is disabled, I think the judge is blind and that is a landmark. We would like that in the coming days we get several other disorders factored in. Those who have gone through the system of government and have been able to excel exemplary and they are given opportunities to represent communities at the highest levels.

Mr. Speaker, this is a Motion that I am passionate about and one that I know affects all of us. By the virtue of many people or some of the people I know in this House have children who have undergone or who are in the process of being treated for such disorders. I would be very happy to see this Motion sail through overwhelmingly because it is a situation that we can arrest by: -

1. Developing good policies;
2. Making sure that we accommodate one another; and;
3. Provide special facilities for those who are suffering from this disorder.

Mr. Speaker I would like to second strongly this Motion and encourage the Hon. Members to support the Motion because it is a worthy cause at a time that is well thought out for us to think about this community who are left out and regarded by many people as outcasts. Let us bring them back to the society with a totality knowing that they are our brothers and sisters and they are people that we care about. Mr. Speaker, I second this Motion, thank you.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Members, if you want to contribute to this Motion, because of the technical hitch we have, I would request you to raise your hand so that I can recognize you. Let me start with Hon. Wambugu

Hon. Joseph Wambugu: Thank you, Mr. Speaker, I rise to support the Motion. First, I would like to congratulate the mover of the Motion, Hon. June Ndegwa for this very noble and auspicious course. The reason I support is that from the little knowledge I have about autism, we have had cases where due to our cultural beliefs and cultural differences, autistic children have been treated the same as mad children. We have not yet gotten to a point where we have created enough awareness of autism.

If you do some bit of research, you will realize that autistic children are children who have characteristics of ingenuity. From the few examples I know, Bill Gates and Lionel Messi are autistic. Also, Albert Einstein was autistic. We have not created awareness on how to differentiate autism and an insane person. We have seen in rural areas where autistic children have been assumed to be insane and tied to a tree like goats, yet they are normal children.

With those few remarks, I beg to support. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Mohammed.

Hon. Asli Mohamed: Thank you, Mr. Speaker, I support this Motion. I also congratulate Hon. June Ndegwa for coming up with the Motion. Education for autistic children is mandatory and fundamental in today's society. They deserve all the support and we have to support them and ensure all their needs are attended to.

Hon. Deputy Speaker: Thank you, Hon. Mohammed. Hon Themendu.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker. First, I would like to congratulate the mover, Hon. Juju. It is timely---

Hon. Deputy Speaker: Do we have Hon. Juju here?

Hon. Jeremiah Themendu: She is here and she knows the name. Mr. Speaker, autism is a very dangerous disease, which even occurs during delivery. Doctors cannot detect autism in the child at birth.

The County should implement and built classrooms for those children. They lag behind and repeat classes because they cannot cope with others. They need special attention. I support the Motion.

Hon. Deputy Speaker: Thank you, Hon Themendu. Hon. Wanjiru Mbote.

Hon. Margaret Mbote: Thank you, Mr. Speaker. I stand to support this Motion. I also congratulate my colleague, Hon. June Ndegwa for bringing such an important Motion which affects many families. Families who are much affected lack civic education. They hide these children. The children suffer because they are locked in the houses. But with civic education, they will be brought out, known and be supported.

I would urge the County to put aside some funds for these children and their caregivers. The caregivers suffer a lot, some of them are not employed and don't have any support. The day before yesterday, I saw in the media a lady who is autistic. She is a deejay and the mother supports her. The mother suffered a lot but the lady did not let the mother down. She took her to school where she was trained to be a deejay. I was very impressed and felt like if this education is provided to autistic children, they can do a lot. I stand to support. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Wanjiru Mbote. Do we have anyone from this other side of the handshake?

(Laughter)

Hon. Immapet Kemunto: Thank you so much, Chair. I rise to support this Motion and also congratulate youthful brains in this Assembly. Thank you, Hon. Mbugua and Hon. June Ndegwa for coming up with this Motion. As a young mother, how would I feel if I had a child with this problem? We as an assembly can organize visits once in a week to autism centers or children with disabilities so that we are inclusive. We should also give them hope that the inability in them cannot distract them from making it in life.

To the team up there, the journalists, we want this awareness to go beyond Nairobi City County. It should be broadcasted all over. Also, they should ensure that mothers get awareness because they are the ones who bear the burden. They carry the children all over trying to find a place to take them.

I support and I will even give out my resources to go to those levels of educating about this unbearable condition. Thank you, Mr. Speaker you.

(Applause)

Hon. Deputy Speaker: Hon. Beatrice Waithera.

Hon. Beatrice Gakunyi: Thank you, Mr. Speaker. To our colleague, Hon. June Ndegwa, congratulations. I rise to support the Motion. Children with autism are misunderstood and mistreated by the community. This Motion will address awareness and treatment of autistic kids. Thank you.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Beatrice. Hon. Jagero.

Hon. Millicent Jagero: Thank you, Mr. Speaker, I rise to support this Motion. Article 27 of the Constitution states clearly on equality and discrimination. Sub Article 4 is very clear on the state not discriminating directly or indirectly. As we can see it now, this is direct discrimination by the state and the County at large. The reason being, when other special needs are being taken care of, autistic children are usually left behind. They do not have the special care that is required by them.

Existing government schools for autistic children are very few. The ones that are there are international schools and are very expensive for the common *mwananchi* to take their kids with special needs, specifically autism. We only have one non-governmental organization that supports autistic children. If there can be more support centers, they can be taken to the centers because some parents are not proud of those children.

As I support the construction of classes in every government institution, I urge that the classes should not only be constructed but also be equipped with computers and laptops as this will enhance their communication levels. Autism affects them socially and even in their communication. They cannot relate well with children in the society. They are sometimes discriminated against because the society is not well informed on how to take care of these children and how to live with them.

Therefore, I will urge the County Government to enhance public and professional awareness of autism and built capacity for autism services.

Lastly, World Autism Day is celebrated on 2nd April. Were it not for Hon. June Ndegwa, we were not aware that such celebrations occur. If there can be well public awareness so that everybody can participate in such occasions, it will be good for us. The theme for this year was 'Assistive technologies and active participation.' We want to see these assistive technologies like the computers being placed in schools to enhance their communication and active participation, not only to the organizations that are doing this autism work but also in the entire County and country so that we can be on par with autism theme. I support this Motion.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Jagero. Hon. Khalif?

Hon. Hafsa Khalif: Thank you, Mr. Speaker, and Hon. June Ndegwa for bringing this important Motion today, I am very happy with it. I come from Somali Community where autism is classified as mental illness. No one understands what autism is.

So I wish to invite everyone to South C because there people who do not know what autism is. Children with autism need special diet and are often misunderstood because they are either too hyperactive or quiet and so we need this kind of awareness. Thank you and I support this Motion

Hon. Deputy Speaker: Hon. Mberia!

Hon. Anthony Kimemia: Thank you, Mr. Speaker, for catching my eye. I want to talk about the financial implication of autism and I think that is what prompted Hon. June to bring this Motion. During the campaigns, I met a parent with an autistic child and she came up to me asking that we should have cheaper government institutions for children with autism. I wish to indicate that we have Members of this County Assembly who have autistic children and one indicated to me that he spends up to Ksh. 400,000 per month on the management of the child and so I wish to congratulate Hon. June Ndegwa for coming up with this important motion. I also came up with a similar Motion on the PWDs in general but she has managed to bring it out clearly on the autistic children and I wish to support.

Hon. Deputy Speaker: Mover.

Hon. June Ndegwa: Hon. Speaker, my heart is elated for the overwhelming support I have received and I want to thank all the members who contributed in support of this Motion. We have seen that this affects us directly as an Assembly and we need to do something about it as legislatures. History will judge us harshly if we came here and left it the same way we found it and with that, I urge the Executive to take this matter with the seriousness it deserves. I also want to put them on notice by telling them that the youth of this County Assembly will keep them on toes. Mr. Speaker, I beg to reply.

Hon. Deputy Speaker: Thank you, Hon. June.

(Question put and agreed to)

COMMITTEE OF THE WHOLE ASSEMBLY

(Hon. Speaker left the Chair)

(Hon. Anthony Kimemia takes the Chair)

Hon. Chairman: Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Corporations Bill, 2019; Assembly Bill number 3 of 2019 and we will start from

Clause 3

Clause 3

Hon. Chairman: Members, I propose that clause 3 be part of the Bill

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(Question put and agreed to)

Clause 4

Hon. Chairman: Hon. Members, I propose that clause 4 be part of the Bill. Mover

Hon. Patrick Karani: I propose that clause 4 be part of the Bill as follows;

i. In sub-clause (1) by inserting the words "and the County Assembly" immediately after the word "Committee"

ii. In sub-clause (1) by inserting the expression "conducting stakeholder engagements and" immediately after the word "upon".)

Hon. Chairman: Hon. Members, I propose that clause 4 be amended as proposed. Any debate? None.

(Question that clause 4 be amended put and agreed to)

(Question put and agreed to)

(Question, as amended, put and agreed to)

Clause 5

Hon. Chairman: Hon. Members, I propose that clause 5 b part of the Bill. Mover?

Hon. Patrick Karani: I move that clause 5 be amended as follows;

In paragraph (d) by inserting the following new paragraph immediately after paragraph (d) as follows;

NEW PARAGRAPH "da" the County Corporation shall be a public corporation with the County Government having the majority share of not less than 75%")

(Question proposed)

Hon. Chairman: Debate?

(Question put and agreed to)

(Question, as amended, put and agreed to)

Clause 6

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(Question proposed)

Hon. Chairman: Mover

Hon. Patrick Karani: I move that clause 6 be amended as follows;

In sub-clause (4) by inserting the expression "in accordance with the Public Finance Management Act, 2012 and the regulations thereof" immediately after the word "corporation"

(Question proposed)

Hon. Chairman: Debate?

(Question, as amended, put and agreed to)

(Question put and agreed to)

Clause 7

(Question proposed)

Hon. Chairman: Mover

Hon. Patrick Karani: I move that clause 7 be amended as follows;

1. In sub-clause (1), by deleting the words "for finance" appearing immediately after the word "Committee and by inserting the words " and the County assembly" immediately after the word "Committee"
2. In sub Clause 97) by deleting the expression "relevant department in the county" and substituting thereof the following "responsible county government entity"

(Question proposed)

Hon. Chairman: Debate? None.

(Question, as amended, put and agreed to)

(Question put and agreed to)

Clause 8

(Question proposed)

Hon. Chairman: Mover? Any debate

(Question put and agreed to)

Clause 9

(Question proposed)

Hon. Chairman: Mover

Hon. Patrick Karani: I move that clause 9 be amended as follows;

1. In sub-clause (2), by deleting the expression "the representative of the County Executive committee member responsible for finance, who is"
2. In sub Clause (2) by inserting a new sub-clause immediately after sub clause (2) as follows;

NEW SUB CLAUSE

2A "The Chief Officer of the relevant sector and the chief officer for finance shall be members of the Board"

1. In sub-clause (5) by inserting the words "non-executive" immediately before the word "chairperson"
2. In sub-clause (5) by deleting the expression "the qualifications, skills, and experience as advised by the County public service board" and substituting thereof the expression "a degree from a university recognized in Kenya"

(Question proposed)

Hon. Chairman: Debate? None.

(Question, as amended, put and agreed to)

(Question put and agreed to)

CLAUSE 10, 11, 12, 13, 14, 15 and 16

(Question proposed)

Hon. Chairman: Debate?

(Question put and agreed to)

Clause 17

(Question proposed)

Hon. Chairman: Mover

Hon. Patrick Karani: I move that clause 17 be amended as follows; in subclause (1) paragraph (b) subparagraph (iii) by inserting a new subparagraph immediately after subparagraph (iii) as follows:-

NEW PARAGRAPH

(iii a) Risk management

(Question proposed)

Hon. Chairman: Debate?

(Question, as amended, put and agreed to)

(Question put and agreed to)

Clause 18

(Question proposed)

Hon. Chairman: Mover

Hon. Patrick Karani: I move that clause 18 be amended as follows; by deleting the words "County Public Service Board" wherever it appears and substituting thereof the following expression "responsible County Executive committee member"

(Question, as amended, put and agreed to)

(Question put and agreed to)

Clause 19

(Question proposed)

Hon. Chairman: Mover!

Hon. Patrick Karani: I move that clause 19 be amended as it appears as follows;
By deleting the expression "in consultation with the county public service board and" in its entirety.

(Question, as amended, put and agreed to)

Hon. Chairman: Debate

(Question, as amended, put and agreed to)

(Question put and agreed to)

Clause 20

(Question proposed Clause 20 be part of the Bill)

Hon. Patrick Karani: I beg to move that, Clause 20 be amended as follows: In sub-clause 3 paragraph (c) subparagraph (i) by deleting the word "County Corporation" and substituting therefor the word "Board"

(Question of the amendment proposed)

(Question that clause 20 amended and agreed to)

Clause 21, 22, 23, 24 and 25

(Question proposed Clause 21, 22, 23, 24, and 25 be part of the Bill)

(Question of Clause 21, 22, 23, 24 and 25 Proposed)

(Question of Clause 21, 22, 23, 24 and 25 put and agreed to)

Clause 26

(Question proposed Clause 26 be part of the Bill)

Hon. Patrick Karani: I beg to move that, Clause 26 be amended, as follows:

(i) In sub-clause (1), by deleting sub clause (1) in its entirety and substituting thereof the following: *"Every County Corporation, shall not later than January in every year, cause to be prepared estimates of the County Corporation's revenue and expenditure for the following financial year and shall submit to the responsible County Executive Committee Member who, after approving it shall forward to the County Executive Committee Member for finance."*

(ii) In sub clause (3), by inserting the word *"finance"* immediately after the words *"Member for"*.

(Question of Clause 26 amended as proposed)

(Question of Clause 26 amended and agreed to)

Clause 27 and 28

(Question proposed Clause 27 and 28 be part of the Bill)

(Question of Clause 27 and 28 Proposed)

(Question of Clause 27 and 28 put and agreed to)

Clause 29

(Question proposed Clause 29 be part of the Bill)

Hon. Patrick Karani: I beg to move that, Clause 29 be amended as follows: (i) by deleting Clause 29 in its entirety and substituting, therefore, the following: - *"The assets of a County Corporation may be acquired or disposed of subject to the provisions of the Public Procurement and Asset and Disposal Act, 2015"*.

(Question of Clause 29 amended as proposed)

(Question of Clause 29 amended and agreed to)

Clause 30, 31, 32, 33, 34 and 35

(Question proposed Clause 30, 31, 32, 33, 34 and 35 be part of the Bill)

(Question of Clause 30, 31, 32, 33, 34 and 35 Proposed)

(Question of Clause 30, 31, 32, 33, 34 and 35 put and agreed to)

New paragraph 5 (d) A

(Question proposed of New paragraph 5 (d) A be part of the Bill)

(Question proposed of New paragraph 5 (d) A be read a Second Time)

Hon. Patrick Karani: I beg to move that paragraph 5 (d) A be read a second time.

(Question of New paragraph 5(d) A be read a Second time proposed)

(Question of New paragraph 5(d) A be read a Second time put and agreed to)

(Question of New paragraph 5(d) A, be part of the bill put and agreed to)

New paragraph 17 (b) (iii) A

(Question proposed of New paragraph 17 (b) (iii) A, be part of the Bill)

Hon. Patrick Karani: I beg to move that New paragraph 17 (b) (iii) A, be read a second time.

(Question proposed of New paragraph 17 (b) (iii) A, be read a Second Time)

(Question of New paragraph 17 (b) (iii) A, be read a Second time put and agreed to)

(Question of New paragraph 17 (b) (iii) A, be part of the bill put and agreed to)

New Sub-Clause 9 (2) A

(Question proposed of New Sub-Clause 9 (2) A, be part of the Bill)

Hon. Patrick Karani: I beg to move that New Sub-Clause 9 (2) A, be read a second time.

(Question proposed New Sub-Clause 9 (2) A, be read a second time)

(Question of New paragraph New Sub-Clause 9 (2) A, be read a Second time put and agreed to)

(Question proposed of New Sub-Clause 9 (2) A, be part of the bill put and agreed to)

Clause 2

(Question proposed of Clause 2, be part of the Bill)

(Question of Clause 2 to be part of the bill put and agreed to)

Title

(Question proposed of title to be part of the Bill)

(Question of title to be part of the bill put and agreed to)

Clause 1

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

(Question of Clause 1 to be part of the bill put and agreed to)

Hon. Patrick Karani: Mr. Chairman, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Corporation Bill 2019 (Assembly Bill No. 3 of 2019) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(Hon. Anthony Kimemia left the Chair)

IN THE MAIN HOUSE

(Hon. Deputy Speaker in the Chair)

Hon. Antony Kimemia: Mr. Speaker sir, I beg to report that the Committee of the Whole House has considered The Nairobi City County Corporations Bill, 2019 (Assembly Bill No.3 of 2019) and have approved the same with amendments.

Hon. Deputy Speaker: Mover!

Hon. Patrick Karani: Thank you, Mr. Speaker sir, I beg to move that the Assembly do agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Patrick Karani: Thank you, Mr. Speaker sir, I beg to move that the Nairobi City County Corporation Bill, 2019 (Assembly Bill No. 3 of 2019) be now read a third time.

(Question proposed)

Hon. Deputy Speaker: Is there anyone who wants to debate, yes Hon. Kabiro!

Hon. Mbugua Kabiro: Thank you very much, Mr. Speaker, I would like to thank you all Hon. Members in this House, for supporting this Bill. This Bill will set the tone for the formation of many other

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Corporations, the likes of Nairobi Water, Garbage Corporation, the Housing and Health which should be quickly be fronted as Bills in this House and one that will help in the governance and administration of this great City of Nairobi. I thank you very much for the overwhelming support and I would like to thank you and I support.

Hon. Deputy Speaker: Do we have any other. Thank you very much.

(Question put and agreed to)

The Nairobi City County Corporations Bill, 2019 (Assembly Bill No. 3 of 2019)

A Bill for an Act of the County Assembly of Nairobi City to provide for a Framework for the establishment and dissolution of County Corporations and for connected purposes.

(Third Reading)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, having transacted today's business, the House stands adjourned until tomorrow at 2.30 p.m. and the House Business Committee shall meet tomorrow at 10.00 a.m. Thank you.

(The House rose at 4.07 p.m.)