



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 3rd August 2021

The House met at 2.30 p.m.

[Hon. Temporary Deputy Speaker (Ms. Emily Oduor) in the Chair]

QUORUM

Hon. Temporary Deputy Speaker: Sergeant- at- Arms, kindly confirm if there is quorum.
(The Clerk-at-the Table confirmed there was quorum)

Clerk, proceed!

PAPERS

Hon. Temporary Deputy Speaker: Hon. Kiriba

Hon. James Kiriba: Thank you very much Hon. Speaker. Pursuant to Standing Order 191, I beg to lay the following Paper on the Table of the Assembly today Tuesday 3rd August 2021: The 34th report of the select committee on County Finance Budget and Appropriations on the consideration of the Memorandum of Understanding between the Nairobi City County Government and Cooperative Bank of Kenya Limited on the Payroll Support Services.

(The Paper was laid on the Table of the Assembly)

Hon. Temporary Deputy Speaker: Thank you. We have another Notice of Motion from Hon. Munga!

Hon. Clarence Munga: Thank you Madam Speaker. I beg to give Notice of the following Motion...

Hon. Temporary Deputy Speaker: Kindly hold on.

Hon. Clarence Munga: Can I proceed?

Hon. Temporary Deputy Speaker: No! No! I am consulting with the Clerk. We need to finish with the Budget committee. Clerk!

NOTICES OF MOTION

Hon. Temporary Deputy Speaker: Hon. Munga

Hon Clarence Munga: Thank you Madam Speaker. I beg to give Notice of the following Motion: THAT aware the Article 29 of the Constitution of Kenya 2010 grants every citizen a right to freedom and security. Further aware that paragraph 8 of Part Two of the Fourth Schedule of the Constitution provides for County planning and development including housing as a function of the County Government. Noting that

recent months have witnessed a marked increase in the number of insecurity incidences across the county and more so, in Nairobi City County. Concerned that majority of the buildings especially in formal settlements do not have closed circuit television cameras, whereas most of the criminal activities within the County go unnoticed. Acknowledging the importance of CCTVs in the modern world today where CCTV surveillance can deter potential criminals and video footages that can help law enforcement to investigate and later provide evidence for prosecution in a court of law. Further acknowledging that CCTV used in conjunction with audio, verbal and other types of sensors can alert officials to occurrences that are out of the ordinary. Noting that for the County to realize a 24-hour economy, security for the businesses and people and residents is indispensable. This Assembly urges the County Executive to formulate policy to;

1. Compel building owners to install close circuit television in all commercial and residential buildings to aid in reducing criminal activities across the County
2. Install close circuit televisions in all public areas and county facilities in the informal settlements across the County by the County Government.

Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. Hon. Mugambi!

Hon. Mark Mugambi: Thank you Hon. Speaker. I beg to give a notice of Motion: THAT aware Article 43 of the Constitution of Kenya 2010 gives the citizens of this Country and residents of Nairobi City County a right to the highest attainable standard of health including rights to health care services. Further aware that health services including County health facilities and primary healthcare have been devolved to the County Governments pursuant to Paragraph Two of Part Two of the Fourth Schedule to the Constitution. Acknowledging that mental health which includes emotional, psychological and social well-being affects how we think, feel and act and also helps how to handle stress and relate to others and make choices which are important at every stage of life from childhood to adolescence all through to adulthood. Concerned that many people in this County and the Country at large are experiencing mental health problems, which has been exacerbated by the effects of the Covid-19 pandemic. Noting that there is no physical test or scan that can reliably indicate whether a person has developed a mental illness. Recognizing that mental health problem is a serious lifelong and disabling condition and without the right support, it can have profound effects to individuals and families. Observing that one of the functions of the County persons with disabilities board is to provide the maximum extent possible, assistive devices, appliances and other equipment to persons with disabilities and access to available information and technical equipment assistance to all institutions and organizations concerned with the welfare and rehabilitation of persons with disabilities. This Assembly urges the County Executive in conjunction---

Hon. Temporary Deputy Speaker: Sorry Mheshimiwa Mark. Members on Zoom are complaining that you are not being heard clearly. Can you try and be audible? Start from the beginning because they are not hearing what you are saying.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I beg to give a Notice of Motion; THAT aware Article 43 of the Constitution of Kenya 2010 gives the citizens of this Country and residents of Nairobi City County a right to the highest attainable standard of health including the right to mental health care services. Further aware that health services including County health facilities and primary healthcare have been devolved to the County Governments pursuant to Paragraph Two of Part Two of the Fourth Schedule of the Constitution. Acknowledging that mental health which includes emotional, psychological and social well-being affects how we think, feel and act and also helps how to handle stress and relate to others and make choices

which are important at every stage of life from childhood to adolescence all through to adulthood. Concerned that many people in this County and the Country at large are experiencing mental health problems, which has been exacerbated by the effects of the Covid-19 pandemic. Noting that there is no physical test or scan that can reliably indicate whether a person has developed a mental illness. Recognizing that mental health problem is a serious lifelong and disabling condition and without the right support, it can have profound effects to individuals and families. Observing that one of the functions of the County persons with disabilities board is to provide the maximum extent possible, assistive devices, appliances and other equipment to persons with disabilities and access to available information and technical equipment assistance to all institutions and organizations concerned with the welfare and rehabilitation of persons with disabilities. This Assembly urges the County Executive in conjunction with the Nairobi Metropolitan services to develop a County mental health policy to address both mental disorders and broader issues that promote mental health and develop programmes and strategies to promote mental health in the County. Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Noted. Mheshimiwa Kiriba for the Budget Committee

Hon. James Kiriba: Thank you Madam Speaker. I beg to give notice on the following Motion: THAT this Assembly adopts the 34th report of the select committee on County Finance Budget and Appropriations on the consideration of the Memorandum of Understanding between the Nairobi City County Government and Cooperative Bank of Kenya Limited on the Payroll Support Services laid on the table of the Assembly today Tuesday 3rd August 2021.

Hon. Speaker, on 2nd August 2021 the Committee Executive Member responsible for Finance submitted a request on the County Assembly to the County Assembly through the office of the Clerk seeking concurrence of the County Assembly to allow---

Hon. Temporary Deputy Speaker: Hon. Kiriba, you are to give the Notice of Motion and not debate on it. It will be debated on later when that time comes.

Hon. James kiriba: Do I repeat?

Hon. Temporary Deputy Speaker: Yes. Only on the Notice of Motion because that is what we need.

Hon. James Kiriba: Thank you for the correction Madam Speaker. I beg to give Notice on the following Motion:

THAT, this Assembly adopts the 34th report of the select committee on County Finance Budget and Appropriations on the consideration of the Memorandum of Understanding between the Nairobi City County Government and Cooperative Bank of Kenya Limited on the Payroll Support Services. I beg to lay

Hon. Temporary Deputy Speaker: Noted. The next Motion is from Hon. Benson Mwangi. Can you hear us Hon. Mwangi? Unfortunately, he is not online therefore, we will defer that. Clerk proceed.

STATEMENTS

Hon. Temporary Deputy Speaker: Hon. Nicholas Okumu.

REQUEST FOR STATEMENT REGARDING THE DEMOLITION OF STRUCTURES AROUND SOSSIAN AREA IN LOWER SAVANNAH WARD

Hon. Nicholas Okumu: Thank you Madam Speaker and welcome back. It has been long since I saw you on that seat. Pursuant to Standing Order 45 (2c), I wish to request for a statement from the Chairperson of the sectorial committee on Planning and Housing regarding the demolition of structures around Sossian area in Lower Savannah ward.

Hon. Speaker, it is alleged that the County Government has demolished residential structures of Sossian area which has adversely affected the residents and proprietor who for decades have been living and relying on the Davana hotel respectively.

Hon. Speaker, the residents of the said area have complained over the actions that were taken, as they ought to have taken a key role. They further registered their discontentment for not being issued with adequate prior notice as that led to them not having time to salvage their properties during the demolitions.

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

1. Approvals for the demolition exercise in that area and the overall objective of the demolition exercise.
2. The reason for the demolitions without adequate prior notice being issued to the tenants and the proprietor?
3. Measures the County Executive and the NMS are taking to ensure residents are compensated for the loss of property during the demolitions.

Thank you Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you. We also have Hon. Benson Mwangi. Is the Chair for Planning online? Deputy Leader, can you reply on behalf of the Chair, Planning? Kindly request

Hon. Peter Wanyoike: Thank you Madam Speaker. I wish to report back, two weeks after recess.

Hon. Temporary Deputy Speaker: Hon. Okumu are you okay with that?

Hon. Nicholas Okumu: Thank you Madam Speaker. This is a very sensitive issue given that members of the area are living in fear as their homes have been demolished and that is why I wish to request the committee to expedite the matter and give us a report in one weeks' time owing to the sensitivity of the matter. There is a court order in this effect but still people went ahead and demolished these homes.

Hon. Temporary Deputy Speaker: One week is going to be a bit difficult given our calendar. We are to start our recess this coming Thursday and we will be coming back on the 7th of September. Can they give you an answer personally as it cannot be brought to the House?

Hon. Nicholas Okumu: I wish to have the report sooner, even if it will not have been tabled so that I share with the residents. I still stand with the one-week request

Hon. Temporary Deputy Speaker: Will you be able to get an answer from the Executive within one week?

Hon. Peter Wanyoike: Madam Speaker, we have to write to the Executive and give them seven days to respond. The committee will only be able to report back after ten days.

Hon. Temporary Deputy Speaker: Is that okay with you Hon. Okumu?

Hon. Nicholas Okumu: Fair enough, Madam Speaker.

Hon. Temporary Deputy Speaker: Keep in mind that they are going to report to you and not to the House. The response will be brought to the House in September.

Is Hon. Benson in the House? Unfortunately, he is not in so we will defer that matter. Clerk.

MOTION

Hon. Temporary Deputy Speaker: Budget committee!

ADOPTION OF REPORT ON CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE NAIROBI CITY COUNTY GOVERNMENT AND COOPERATIVE BANK OF KENYA LIMITED ON THE PAYROLL SUPPORT SERVICES

Hon. James Kiriba: Thank you, Madam Speaker. I beg to move the following Motion:

THAT, this Assembly adopts the 34th Report of the Select Committee on County Finance, Budget and Appropriations on the consideration of the memorandum of understanding (MOU) between the Nairobi City County Government and Cooperative Bank of Kenya Limited on the Payroll Support Services, laid on the Table of the Assembly on Tuesday, 3rd August, 2021.

I request Mheshimiwa Wanyoike, the Deputy Majority Leader, to second the Motion.

Hon. Peter Wanyoike: Thank you, Madam Speaker, I beg to second.

(Question proposed)

Hon. Temporary Deputy Speaker: Members! Hon. Immapet Kemunto.

Hon. Immapet Kemunto: Thank you, Hon. Chair. This is a concern to the department that was supposed to give us the report so that we are able to go through it before we debate.

Hon. Temporary Deputy Speaker: Hon. Immapet, do you still want to debate on it?

Hon. Immapet Kemunto: Thank you, Hon. Chair and Hon. Kiriba for bringing this Motion on board. I think it is a good report. Till now, the Executive staff have not been paid. I support it because we will not have hiccups in channeling of funds. Thank you.

Hon. Temporary Deputy Speaker: Thank you. Hon. Ariviza.

Hon. Mary Mwami: Thank you, Madam Speaker. I have not understood it well, but anything that can streamline our understanding between us and our main bank, the Cooperative Bank that has most of our funds--- I have been in Loans Committee, it gives loans to all Members and workers of County Assembly and most of the workers in the Executive get their salaries through the bank.

Also, the Cooperative Bank is our tenant in the City Annex. It is good to understand what is there between us and them. It should be a clear thing that if the salaries are delayed from the County or from the National Government, if there is good understanding between us and the bank, we can be able to be given salaries even before the money comes in.

In my quick preview of what it is, it is important to get this MOU so that we can be able to understand how we will engage with the Cooperative Bank at every other level, especially as far as salaries are concerned.

Lastly, when there is a good memorandum of understanding between a bank and a where people are getting their salaries, they can also get good salary advance or some small loans. So, those understandings are very important. They have been good partners, and we are not complaining but we want it to be streamlined. Thank you very much.

Hon. Temporary Deputy Speaker: Thank you. Hon. Wanyoike.

Hon. Peter Wanyoike: Madam Speaker, for the House to understand what the memorandum is all about, on 2nd August 2021, the Committee Executive Member responsible for Finance, submitted a request to the County Assembly, through the Office of the Clerk, seeking concurrence of the County Assembly to allow the Cooperative Bank of Kenya Limited offer payroll support services on need basis on the extra cost to the Nairobi County employee.

In the letter, the CEC for Finance had observed that the Nairobi City County Executive is unable to pay the salaries for July 2021 due to delay in uploading of the budget for the financial year 2021/2022.

Mr. Speaker, with this report, the Committee came up with following recommendations:

1. That the memorandum shall be varied, altered, or amended in any way without---

Hon. Temporary Deputy Speaker: Deputy Majority Leader, I think you should have asked for a point of Order because you had already seconded it. You should have debated at that point. For you to start that again, you need to raise a point of Order.

Hon. Peter Wanyoike: Madam Speaker, you are right. I had to read so that the House can understand what we are debating about.

Hon. Temporary Deputy Speaker: Okay. So, you need to ask for a point of Order so that you can proceed to elaborate on that.

(Point of Order)

Hon. Peter Wanyoike: Thank you, Madam Speaker. I rise on a point of Order so that I can inform the House about this memorandum. As I have said, on 2nd August 2021, the Committee Executive Member responsible for Finance, submitted a request to the County Assembly, through the Office of the Clerk, seeking concurrence of the County Assembly to allow the Cooperative Bank of Kenya Limited offer payroll support services on need basis on the extra cost to the Nairobi County employee.

In the letter, the CEC for Finance has observed that the Nairobi City County Executive is unable to pay the salaries for July 2021 due to delay in uploading of the budget for the financial year 2021/2022.

Mr. Speaker, the request is meant to operationalize the terms of engagement of the MOU, and thereby ensure timely payment of salaries to public and state officers serving within the rank of County Government. In line with the signed document, authority of the County Assembly is required before rolling out the memorandum.

Madam Speaker, the Committee went through the request and came up with the following recommendations:

1. That the memorandum shall be varied, altered, or amended in any way without the authority of the Nairobi City County Assembly;
2. The implementation of the MOU shall not in any way result in extra financial burden to the County, and the County Executive Committee Member for Finance shall ensure timely honour of the obligation contained herein; and
3. The provision of the MOU shall, with necessary modification and with the approval of the Nairobi City County Assembly Service Board, apply on the County Assembly.

Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Deputy Majority Leader. I think those who are online are able to understand clearly. We had Hon. Themendu online, but unfortunately he is offline.

(Point of Order)

Hon. Temporary Deputy Speaker: Yes, Hon. Ariviza.

Hon. Mary Mwami: I have now understood, unfortunately the day it was read, I wasn't in. Now that we want to have the Cooperative Bank as the only domicile bank that processes our payrolls and so on--- this is because we don't have salaries for July only. Is that MOU limited? If it is not limited, in my own thinking – maybe I need clarification – it may become quite inconvenient for people who have their salaries going through other banks.

Secondly, it is extremely dangerous for you to have your eggs in one bag. It is important for one to have in other places. We have history in this country where banks go down. If you have domiciled in one bank, it can be devastating for an organization. If it is for this month so that our staff are paid, it is okay. If it is long term, we may need to consider the fact that there are people have loans running in other banks. For

me, I have no problem because my salary comes through Cooperative Bank, but I think there are other people who may not. Thank you.

Hon. Temporary Deputy Speaker: Hon. Ariviza, this does not affect people holding different bank accounts, what they are asking for is money to allow them to pay the salaries. They are asking us to give them a go ahead to get a soft loan to pay salaries.

Hon. Mary Mwami: Madam Speaker, that is fine. Our people will be sorted out for this month. That was what I was saying, if it is for this month only, it will be good. Thank you.

(Point of information)

Hon. Immapet Kemunto: I have a point of information towards Hon. Ariviza's case. Whatever we are getting from the MOU is like salary advance. It is just a short term thing. Thank you for that clarity.

Hon. Temporary Deputy Speaker: Mover.

Hon. James Kariuki: Thank you, Madam Speaker. I want to appreciate the Hon Member who have contributed to the Motion, led by Deputy Majority Leader, Hon. Ariviza, my good Chairperson, and Member of Speaker's Panel, Hon. Immapet. I appreciate that we have a sense of giving short term solution so as our Members and staff will not suffer from the humiliation from the estate managers due to delayed rent payment.

Also, our children are going back to school and need fees. Therefore, this short-term arrangement is going to give us solution that would have otherwise become difficult. Thank you, I beg to move.

(Question put and agreed to)

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Mr. Temporary Deputy Speaker left chair)

IN THE COMMITTEE

[Hon. Temporary Chairperson (Ms. Immapet Kemunto) took the Chair]

PUBLIC NUISANCE BILL 2020, ASSEMBLY BILL NO.5 OF 2020

Hon. Temporary Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Public Nuisance Bill 2020, Assembly Bill No. 5 of 2020. We will start the Bill from Clause 3.

Clause 3

(Question that Clause 3 be part of the Bill)

(Question put and agreed to)

Clause 4

Hon. Temporary Chairperson: Mover? You are not on HANSARD.

Hon. Joseph Ndonji: Mr. Speaker, I beg to move:

THAT Clause 4 of the Bill be amended by deleting the words, "Application of related laws and replacing with "Savings of cap 242, 254, 387,245A and Land Use Act.

(Question of the amendment proposed)

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

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(Clause 4 as amended agreed to)

Clause 5

Hon. Temporary Chairperson: Mover?

Hon. Joseph Ndonji: Mr. Speaker, I beg to move:

THAT Clause 5 sub clause (2) of the Bill be amended by deleting the word “County Gazette” and replacing with the word “Kenya Gazette”.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

(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. Temporary Chairperson: Mover?

Hon. Joseph Ndonji: Mr. Speaker, I beg to move:

THAT Clause 6 (g) of the Bill be deleted in its entirety.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any Member who wants to contribute. Any Member in Zoom?

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

(Clause 6 as amended put and agreed to)

Clause 7

(Question that clause 7 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT Clause 7 of the Bill be amended as follows: -(i) By introducing a new sub clause immediately under sub clause (4) as follows

NEW SUB CLAUSE (5) The County Assembly shall play an oversight role over the administrative provisions and functions of this Act

(Question that Clause 7 as amended, proposed)

Hon. Temporary Chairperson: Any Member who wants to contribute on the same?

(Question, that clause 7 as amended, put and agreed to)

(Clause 7 as amended agreed to)

Clause 8

(Question that clause 8 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover.

Hon. Joseph Ndonji: I propose: -

THAT Clause 8 (1) of the Bill be amended as follows: -

(i) by deleting sub clause (a) in its entirety

(ii) by deleting sub clause (e) in its entirety

(iii) by adding the words, “without cleaning up after the dog” immediately after the word street

- (iv) by deleting sub clause (g) in its entirety
- (v) by deleting sub clause (i) in its entirety.

(Question of the amendment proposed)
(Question, that clause 8 as amended put and agreed to)
(Clause 6 as amended put and agreed to)

Clause 9 and 10

(Question that clause 9 and 10 be part of the Bill, proposed)

Hon. Temporary Chairperson: Any member who wants to contribute? Members from zoom?

(Question, that clause 9 and 10 as amended put and agreed to)
(Clause 6 as amended put and agreed to)

Clause 11

(Question that clause 11 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose:

THAT Clause 11 (1) (f) of the Bill be amended by inserting the following words “and shall upon conviction be liable upon conviction”, immediately after the word offence.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate Majority Leader?

(Question that Clause 11 as amended put and agreed to)
(Clause 11 as amended put and agreed to)

Clause 12

(Question that clause 12 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover.

Hon. Joseph Ndonji: I propose that;

THAT Clause 12 sub clause (2) of the Bill be amended by inserting a new sub clause 12 (3), “no license shall be issued unless the health authority is satisfied that the provision of the law has been complied with and the prescribed fee has been paid to the county.

(Question of the amendment proposed)
(Question that Clause 12 as amended put and agreed to)
(Clause 12 as amended put and agreed to)

Clauses 13,14,15,16,17,18 and 19

(Question that clause 13, 14,15,16,17,18 and 19 be part of the Bill)

Hon. Temporary Chairperson: Debate?

(Question that clause 13,14,15,16,17,18 and 19 be part of the Bill, put and agreed to)

Clause 20

(Question that clause 20 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT Clause 20 of the Bill be amended as follows: -i) In sub clause (1) (b) in the eighth paragraph by deleting the word “inmates” and thereof substituting it with the word “dwellers”.ii)By introducing a new sub clause immediately under sub clause (1) (b) as follows;

NEW SUB CLAUSE

(1) (c) “In any street or designated public service vehicle terminus or stage within the Central Business District hoot a public service vehicle and or matatu loudly and continuously as for the hooting to constitute noise”.

iii) In sub clause (5) by adding the expression “or to an impounding or forceful removal of the equipment causing noise” immediately after the expression “6 months or both”

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate? Members from zoom?

(Question that clause 20 as amended put and agreed to)

(Clause 20 as amended put and agreed to)

Clauses 21 and 22

(Question that clause 21 and 22 be part of the Bill, proposed)

Hon. Temporary Chairperson: Any debate?

(Question that put and agreed to)

Clause 23

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

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT Clause 23 of the Bill be amended as follows: -

(i) By deleting sub clause (3) in its entirety

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

(Question that clause 23 as amended put and agreed to)

(Clause 23 as amended put and agreed to)

Clauses 24

(Question that clause 24 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonje: I propose: -

THAT Clause 24 of the Bill be amended by deleting the word “section” and thereof replacing it with the word “clause”

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

(Question that clause 24 be amended as proposed, put and agreed to)

(Clause 24 as amended put and agreed to)

Clauses 25, 26,27,28 and 29

(Question that clause 26,26,27,28 and 29 be part of the bill, proposed)

Hon. Temporary Chairperson: Any debate?

(Question that clause 26,26,27,28 and 29 be part of the Bill, put and agreed to)

Clause 30

(Question that clause 30 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT Clause 30 sub clause (4) of the Bill be amended by deleting the words, "Within thirty days" and replacing it thereof with the word twenty-four hours".

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

(Question that clause 30 be amended as proposed, put and agreed to)

(Clause 30 as amended put and agreed to)

Clause 31

(Question that clause 31 be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT Clause 31 of the Bill be amended as follows: -

- (i) By deleting the expression "one hundred and eighty days" in the sixth paragraph and replacing it thereof with the expression "twenty-four hours".

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate? Hon. Kiriba? Members from zoom?

(Question that clause 31 be amended as proposed, put and agreed to)

(Clause 31 as amended put and agreed to)

Clauses 32,33,34 and 35

(Question that clause 32,33,34 and 35 be part of the Bill, proposed)

(Question that clause 32,33,34 and 35 be amended as proposed, put and agreed to)

Clause 2

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

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT Clause 2 of the Bill in the Interpretations be amended as follows: -

- (i) “Department” by deleting the word environment and thereof replacing with the word public nuisance.
- (ii) “Protected area” by deleting the word for grazing animals
- (iii) “Public Place” by inserting the words public roads and any open space to which the public has access to.
- (iv) By introducing the word “permit” and its interpretation, “means a document issued by the county to an entity to conduct business within Nairobi City County.
- (v) By introducing the word “permit holder” and its interpretation, “means a business entity authorized to conduct business within Nairobi City County.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

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

(Clause 2 as amended put and agreed to)

Long title

(Question that long title be part of the Bill, proposed)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT, the Long Title be amended by deleting the numeric “2020” and substituting with the numeric “2021” therefore

(Question of the amendment proposed)

Hon. Temporary Chairperson: Debate?

(Question that long title be amended as proposed, put and agreed to)

(Long title as amended put and agreed to)

Clause 1

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

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: I propose: -

THAT, Clause 1 be amended by deleting the numeric “2020” and substituting with the numeric “2021” therefor.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

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

(Clause 1 as amended put and agreed to)

Hon. Temporary Chairperson: Mover

Hon. Joseph Ndonji: Hon. Chair, I beg to move that the committee do report to the Assembly its consideration of the Nairobi City County Public Nuisance Bill, 2020. Assembly Bill No. 5 of 2020 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)
(The House resumed)
(Hon. Temporary Deputy Speaker in the Chair)

REPORT AND THIRD READING

Hon. Immapet Kemunto: Hon. Speaker, I beg to report that the committee of the whole Assembly has considered the Nairobi City County Public Nuisance Bill, 2020. Assembly Bill number 5 of 2020 and approved the same with amendments.

Hon. Temporary Deputy Speaker: Mover

Hon. James Kiriba: Thank you Madam Speaker. I beg to move that the Assembly do agree with the committee in the said report.

(Question proposed)
(Question put and agreed to)

Hon. Temporary Deputy Speaker: Mover

Hon. James Kiriba: Hon. Speaker, I beg to move that the Nairobi City County Public Nuisance Bill 2020. Assembly Bill number 5 of 2020 be now read a Third Time.

(Question proposed)
(Question put and agreed to)
(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members, there being no other business the Assembly adjourns until Thursday 5th August, 2021 at 2:30pm.

The House rose at 4.30 p.m.