



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Fifth Session

Tuesday 5th October 2021

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Temporary Deputy Speaker: Clerk, confirm if we have quorum? Sergeant-at-Arms, ring the bell for ten minutes.

(Quorum bell was rung for ten minutes)

(Hon. Peter Imwatok walked in without bowing to the Chair)

Hon. Temporary Deputy Speaker: Hon. Imwatok, go back to the bar and respect the chair. Thank you and God bless you.

(Hon. Peter Imwatok walked in and bowed to the Chair)

Hon. Temporary Deputy Speaker: I understand that a Member from the Orange [Democratic] Party has lost a father. Jubilee [Party], whip your people!

(The Clerk –at-the Table confirmed there was quorum)

We now have quorum. Clerk proceed.

PAPERS

Hon. Temporary Deputy Speaker: Hon. Warutere, Chair of sectoral committee on Health? Yes, Majority Leader!

Hon. Peter Wanyoike: Thank you Mr. Speaker. Pursuant to Standing Order 131 (4), I beg to lay the following Paper on the Table of the Assembly today Tuesday 5th October 2021:

The report of the sectoral committee on Environment and Natural resources on the consideration of the Nairobi City County Plastic Control Amendment Bill, 2021. I beg to lay.

(The Paper was laid on the Table the Assembly)

Hon. Temporary Deputy Speaker: Thank you Hon. Peter Wanyoike. Clerk, proceed.

NOTICES OF MOTION

Hon. Temporary Deputy Speaker: Hon. Kabiru Mbugua, are you on zoom?

Hon. Kabiru Mbugua: Yes, Chair

Hon. Temporary Deputy Speaker: Proceed.

Hon. Kabiru Mbugua: Hon. Speaker, I beg to give Notice of the following Motion: THAT aware that Part Three of the Constitution of Kenya 2010 provides for specific rights including the rights of older persons of the society where the state is to take measures to ensure the rights of older persons to live in dignity, respect and be free from abuse and receive reasonable care and assistance from their families and the state. Further aware that Article 43 of the Constitution provides for economic and social rights of every person including the right to the highest attainable standard of health accessible, adequate housing, reasonable standard of sanitation and free from hunger among others. Concerned that majority of older persons in Nairobi are faced with problems that vary from economic health, social and other personal problems most of which are not addressed conclusively. Acknowledging that the County Government is committed to care for the elderly as evidenced by the establishment of Mji wa Huruma home for the elderly in Runda. Further acknowledging the commitment made by the National Government to provide monthly stipends for the elderly across the nation. This Assembly urges the County Executive to develop a county policy on older persons to provide for a comprehensive framework for guiding issues of older persons and establish a fully-fledged department to work hand in hand with the national Government agency in ensuring the protection of older person's rights, welfare and related concerns within Nairobi. I give Notice. Thank you.

Hon. Temporary Deputy Speaker: Thank you Hon. Kabiru. Clerk, proceed.

STATEMENTS

REQUEST FOR STATEMENT REGARDING RECRUITMENT DONE BY THE COUNTY ASSEMBLY BOARD SINCE
2013

Hon. Temporary Deputy Speaker: Hon. Peter Imwatok

Hon. Peter Imwatok: Hon. Speaker, before I read this statement, allow me to thank you for rising early. This statement is read pursuant to the Pandora box that was opened in this Assembly last week. I am aware that there is a County Public Service Act and parliamentary services allow every Board at any given time to table any particular report before this House for deliberation and thereafter for notification to the Assembly.

I am privileged to be a Member of this County Assembly from 2013 to date. I am also privileged to have been served with Boards of the same jurisdiction and with perpetual succession. In law, if an Assembly has set precedence then it ought to be followed by all. For example, when the Parliament of India set a particular precedence, it becomes a law that binds all parliamentary practices.

I also believe that a statement is source of information for every Member of parliament and by extension you ought to agree or disagree with it. Therefore Hon. Speaker, as provided under Standing Order 45 (2)(c) and in the spirit of fighting impunity, nepotism, conflict of interest and abuse of office, I would like to request for a statement from the Chairperson of Justice and Legal Affairs committee and the Nairobi City County Assembly Service Board regarding recruitment done by the Board since 2013.

Hon. Speaker, in requesting this statement, I am persuaded that the Board exercised nepotism, impunity, abuse of office, and flouted the principles and values of Public Service contained in the tenets of the Constitution and Human Resource Manuals.

In the statement the Chairperson should require into and report on;

1. Provide details of all recruited staff by the Board of the County Assembly of Nairobi from 2013 as follows: - the names of staff, ethnical background, qualifications of staff and time of recruitment. Blood and other relationships of the staff recruited by the Board Members particularly the Board Members and secretary who served between 2013 and 2017 Mr. Jacob Mvengei Ngwele. The number of advertisement vacancies vis-a-vis the staff establishment then and those eventually filled. How many are true residents of Nairobi as per the Constitution and the spirit of devolution that requested every employment opportunity and priority must be indigenous to that County
2. Promotion of senior officers conducted between 2013 to 2017, focusing on the senior clerk assistants and deputy clerk. Providing as follows; adverts of the two positions, number of applicants and their qualifications, shortlisting and longlisting reports, interview reports and results of the same
3. The status of Petition number 33 of 2015; that is between Peter Muturi Chege verses Nairobi City County Assembly Service Board in which the Board was sued regarding filling of position of the deputy Clerk and how a consent was entered.

Hon. Speaker, this Assembly is prone to consents when an illegality has been committed. The Assembly has no resolutions and every Member of this County Assembly and the staff must respect them.

When a report has been brought before the House, it is boudning to all therefore, I beg to ask for this statement to be put on a knowhow by the Justice and Legal Affairs committee.

Hon. Temporary Deputy Speaker: Thank you Hon. Imwatok. Chair Legal, Hon. Komu? Deputy? Stand for them Hon. Wanyoike

Hon. Peter Wanyoike: Let me take the undertaking and report back in two weeks after the short recess.

Hon. Temporary Deputy Speaker: Hon. Anyule, are you comfortable with two weeks?

Hon. Peter Imwatok: Hon. Speaker, we are not living in clouds. The Justice and Legal Affairs committee is handling another statement placed before the Assembly by the Leader of Majority. It is therefore prudent if they can handle the same statement concurrently. Chair, direct that by tomorrow I appear before the committee to substantiate on my statement and ask the substantive witness so that the reports are amalgamated.

Hon. Temporary Deputy Speaker: They are handling other issues and it will be hard to consolidate them. I will take your statement as if and hope that they will have a different date for it. Your case is special and requires a lot and if combined, it will not come out the way you want it to be. I suggest that we set a date for you or do you want to reduce the number of days?

Hon. Peter Imwatok: We will be going on a recess for ten days and that is twenty-one days from now. This is a matter of urgency under Standing order 56 (h) on privileges that undertakings are being

undertaken within the House that are not legally binding. It is about satisfaction of individual peculiar interests and not that of the Assembly.

As I speak today, a number of lawyers handling specific cases in regards to the then Clerk of the Assembly have been removed from the panel of those representing the Assembly and other individuals. Why?

This statement is going to give us a clear indicator of why that has happened and why some staff are so much inclined to have Mr. Jacob Ngwele to return to this Assembly. I want to answer those questions and they summon Jacob Ngwele.

Hon. Temporary Deputy Speaker: How long do you think you can give a response to Hon. Imwatok? Can you give it before we go for recess?

Hon. Peter Wanyoike: Ten days is okay. However, the committee is already handling other matters and I think that we can report back in one week after recess.

Hon. Temporary Deputy Speaker: Hon. Imwatok says that the matter is urgent. Ten days is ok. Are you comfortable with that?

Hon. Peter Imwatok: I will be comfortable with that in the spirit of the House. The Leader of Majority who presented the first statement knows the weighty issues that we are raising from 2013. I am not saying this with any prejudice.

We must align ourselves to the facts and the rule of law. When we come back from recess, we will be here for twenty-one sittings thereafter we will go for a long recess till January. Beyond February I will be very busy campaigning for the Governorship of Nairobi and may not have time to come and listen to statements raised.

I will be delighted to receive a response ten days from today. The statement by the Majority Leader is raising a lot of heat and it is not a Motion. We have staff here who are misleading Members by drafting statements that are out of order. The Standing Orders are very clear that statements are for seeking information.

Hon. Temporary Deputy Speaker: Thank you. ten days from today?

Hon. Peter Imwatok: Thank you.

(Point of Order)

Hon. Temporary Deputy Speaker: Clerk, proceed. What is your point of order, Hon. James Kiriba?

Hon. James Kiriba: Thank you Mr. Speaker. You may recall that on Tuesday 28th September 2021 in the afternoon sitting, I gave a Motion for the establishment of Transition Oversight Committee for the reversal of the transferred functions with reasons. It is also important to note that the purpose of the Transition Oversight Committee was not to terminate the existence of NMS but rather to engage with an open mind on possibility of extension or otherwise. After a very careful consideration, and in the foregoing engagement with key [stakeholders] concerned with the matter I find it fit to unconditionally withdraw the Notice of Motion for the establishment of a Transitional Oversight Committee for reversal of the transferred functions forthwith pursuant to the provision of Standing Order number 55. Thank you very much Mr. Speaker.

Hon. Temporary Deputy Speaker: So you are withdrawing?

Hon. James Kiriba: That is my position as at now

Hon. Temporary Deputy Speaker: That means that it has to be withdrawn now. Do not bring it back unless you are making amendments. The Motion is as good as dead. Yes Hon. Imwatok

Hon. Peter Imwatok: This House should not be treated as a theatre for theatrics and shenanigans. This is a House that has records that will be read for eternity. My question to Hon. Kiriba is, if he is withdrawing the Motion on his own volition or he has been interred to withdraw it. The Motion encompasses the interests of Nairobi's vis- a- vis development and the law. So Hon. Kiriba, look at this House and tell us that you are making the withdrawal not because you have been coerced but because it is out of your own volition. Through the chair!

Hon. Temporary Deputy Speaker: In future Hon. Member, you should address me.

Hon. Peter Imwatok: I was addressing the Chair.

Hon. Temporary Deputy Speaker: Hon. Kiriba, that Motion is as good as dead. Therefore, do not bring it back. Thank you and God Bless you. Clerk, proceed.

Hon. James Kiriba: Thank you Hon. Speaker. I request that you allow me to respond to Hon. Imwatok.

Hon. Temporary Deputy Speaker: No! No! No! Clerk, proceed. The Motion is withdrawn therefore it is dead. Hon. Kiriba, say what you want to say in one minute

Hon. James Kiriba: Thank you Mr. Speaker. I want to confirm to Hon. Imwatok that I was born twenty years before him and I found Kenyatta's government ruling. The first president of this country always agreed in unity. The same unity that has been extended by the current president Hon. Uhuru Muigai Kenyatta who said that we need to always consult for the sake of national unity.

I am of age and mature, well-educated and have to make certain decisions that capture the interests of the larger Nairobi community. Therefore, Hon. Speaker, I withdraw this Motion on my own volition and no incitement, indictment or punishment was meted on me.

Hon. Temporary Deputy Speaker: Thank you very much Hon. Kiriba for your confirmation. Clerk, proceed. Hon. Kiriba, let us not dwell on issues that are not going to help us.

Hon. Peter Imwatok: Point of order!

Hon. Temporary Deputy Speaker: What is it?

Hon. Peter Imwatok: As a Member of this House, I have privileges that I adore and protect so much with my heart and one of them is that I am the Leader of opposition. I want to assure him that the instructions I had given my Water Committee Members was to impeach him. I hereby withdraw the instructions.

Hon. Temporary Deputy Speaker: Thank you. Clerk, proceed. Those matters rest with the committees and should not be brought to the floor of the House.

MOTION

ADOPTION OF REPORT ON CONSIDERATION OF GAZETTE SUPPLEMENT ON COUNTY BURSARY AND SCHOLARSHIP FUND REGULATIONS 2021

Hon. Temporary Deputy Speaker: Chairman Delegated. Yes Hon. Themendu

Hon. Jeremiah Themendu: Thank you Hon. Speaker. I beg to move the Motion that this Assembly adopts the report of the select committee on Delegated County Legislation on consideration of the Kenya

Gazette Supplement number of 2021: The Public Financial Management Nairobi City County Bursary and Scholarship Fund Regulations 2021 tabled in the Assembly on Tuesday 28th September 2021.

Mr. Speaker, on 26th January 2021, the Nairobi City County Government published the Public Finance Management Nairobi City County Bursary and Scholarship Fund Regulations 2021 in the Kenya Gazette under legal notice number 1 of 2021. The said regulations were tabled in the Assembly pursuant to section 12 (1) of the Statutory Instruments Act 2013 and the County Assembly Standing Order 202(2) and was referred to the select committee on delegated County Legislation for scrutiny.

They County Executive through the sector of Education, Social Services and Gender forwarded the said regulations on 28th August 2021 for more scrutiny to the Assembly and the select committee on Delegated County Legislation pursuant to Standing Order 202 (2).

Therefore, on 9th September 2021 the fore mentioned regulations were tabled in the County Assembly. On 20th September 2021, the select committee on Delegated County Legislation held a joint meeting with the CEC responsible for Education, Social Services and Gender via Zoom teleconferencing to deliberate on the views of the Members and thereafter make amendments to the Public Finance Management Nairobi City County Bursary and Scholarship Fund Regulations 2021 upon advice by the invited committee Members.

Hon. Speaker during the said joint meeting, the regulation making authority who in this case is the CEC responsible for Education, Social Services and Gender and the Members of the committee on Delegated County Legislation found a number of gaps in the Public Finance Management Nairobi City County Bursary and Scholarship Fund Regulations 2021 that needed to be amended.

The committee's reservations;

Regulations

- i. That regulation 8 be amended in paragraph 3 (c) by deleting the words 'electronic fund transfers bank process' and replace with the words 'disbursement of funds thereof'
- ii. That regulation 22 be amended;
 - a) in paragraph 3 to effect only executive scholarships funds but ward bursary funds be disbursed by cheques.
 - b) from paragraph four to ten by deleting any reference to vouchers and be replaced with reference to cheques.
- iii. That regulation 23 needs to be amended by deleting the provisions on minimum amounts. Therefore, we command the County Assembly pursuant to section 18 of the Statutory Instruments Act 2013 that the Public Finance Management Nairobi City County Bursary and Scholarship Fund Regulations 2021 be annulled.

Hon. Speaker, we used to use vouchers while issuing bursaries and disbursing them to schools but the heads of schools do not recognize them and ignorantly take them to the banks with no reason. The purpose of the voucher is to identify the beneficiary and that is why we give it to the individual student.

The principals then ignore that and demand money from the parents. We are then left to convince them that the funds are only transferred through an electronic transfer system from the bank to their accounts. A lot of monies are wasted during the process and that is why we are urging the owner of the Bill, the CEC

Education, to find a way of issuing cheques instead of vouchers. With those few remarks Hon. Speaker, I ask Hon. Mukiri to second.

Hon. Temporary Deputy Speaker: Hon. Mukiri

Hon. John Mukiri: Thank you Hon. Speaker. I stand to support the Motion because the vouchers had become a problem. As a member of the County Assembly of Nairobi, Mutuini Ward, I have experienced the problem. I have vouchers refunded to me by parents because we are unable to trace the money. We are losing more money and this is bringing more shame to the honorable Members. As I second the Motion, I request that we go back to the cheques. Thank you Hon. Speaker. I support

Hon. Temporary Deputy Speaker: Thank you Hon. Mukiri

(Question proposed)

Hon. Temporary Deputy Speaker: Members, please debate. Yes Hon. Imwatok

Hon. Peter Imwatok: Hon. Speaker, I stand to support the report tabled by General Themendu, MCA Embakasi Central and incoming Senator for Nairobi. I hope that he has the agility and spirit to shape my government.

We need to disassociate ourselves from the name honorable Members because to date I find Members from the First Assembly struggling with bursary forms and vouchers which were rejected by schools. It is a shame and we must do this simply.

If today BBI could be law in this country, then Nairobi County Government could have been added Kes. 30 billion. Therefore, the bursary kitty should be decentralized to the ward office like that of the CDF. This will enable an MCA to determine which kids and schools to give money and draw cheques for the children.

Honorable Members have been turned to be clerks and it is not good. Our time is ticking and in a month and a half, everyone will be busy on the ground and we want to ensure that the bursaries that are going to be released under our term are returned to cheques.

Cheques are easy to deal with and within six months, it becomes stale. However, a voucher has no legal provisions and it is not known when it is considered stale. Chair for Delegation, we want this report to go to the implementation committee where the chair is waiting for it so that he can communicate to the Executive that the Members of the Assembly are not going to be handling vouchers. It is a shame. Last time Members were asked to come to Charter Hall and were given an empty basket.

A government that lies even to its Hon. Members! In short, it does not respect its own legislatures. Can he respect the residents? That is why I am saying I want to be the Governor of this City to bring back respect and honor to the Members. From Kayole Central Ward, Hon. Themendu never sleeps. For those who still stay in their wards, I can imagine what you go through, for example, my Majority Leader who has always been staying within the ward.

Bursary is the only thing you can get back to that voter who is unable to pay school fees. School fees for national school is now Kshs. 56,000. I am happy that Education Committee has opened up that we can provide up to Kshs. 20,000. That is a plus. There are those parents who cannot even afford Kshs. 5,000, but if we give Kshs. 20,000, it means that for that entire term the kid will be in school.

Hon. Speaker, some of us were watchmen. I worked in Eastleigh High School for four years and my school fees was Kshs. 29,400 per year. But by the time I finished form four in Eastleigh High School, I still had a debt of almost Kshs. 34,000. I paid when I was a watchman at Kenya Railways.

Hon. Speaker, that is why I say in my ward, any kid that has brains to go to school, he/she has to be given support. This support must come from here. We shall not compromise on bursary and Ward Development Fund. We can compromise on the shenanigans of legal payments and environment payments, but not the bursary. A government that believes in paying without putting programs in place on how developments can go to the constituencies, is a doomed government. This government of Nairobi City County is a doomed. It is time the Hon. Members stand up and stand firm. I beg to support.

Hon. Temporary Deputy Speaker: Hon. Mary Mwami.

Hon. Mary Mwami: Can you hear me?

Hon. Temporary Deputy Speaker: Yes, proceed.

Hon. Mary Mwami: Thank you, Mr. Speaker, I support this Motion by Hon. Mofire. This Motion has already been accepted in the Committee on Education. I think by you bringing it is adding weight. We have already recommended that bursaries should be done in cheques because there has been a way those vouchers are brought to school but the child is still sent home. The principal claims that there is no money in the account. There is no way a parent can be able know the money was on the account--- (*Technical hitch*)

Hon. Temporary Deputy Speaker: Hon. Mary, you are lost.

Hon. Mary Mwami: ---Therefore, they can be able to--- (*Technical hitch*)

Hon. Temporary Deputy Speaker: Hon. Mary, you are lost again.

Hon. Mary Mwami: ---What has been brought to the House is important because it is anchoring what the Education Committee has already decided. The Education Department is already in the process of making sure we have cheques. We will appreciate that because it will be anchored in law.

The other thing is that the vouchers had a lot of discrepancies. Many children have been sent home but we have not been able to account. If it is a cheque, we can go back to the banks and look at the booklets of the cheques that were written and who were they written to. So, as we are sitting here, I can assure you that the Education Department is working on cheques and not vouchers. Thank you.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mwami. Hon. Rose Ogonda. Hon. Ogonda? Hon. Wanyoike, you want to contribute? I will give you two minutes.

Hon. Peter Wanyoike: Thank you, Mr. Speaker. I rise to support this Motion and thank the mover who has been following up this matter about our bursaries. I also thank the Education Committee headed by Hon. Samora and Samuel Mwangi. They have been doing a great work to see that the County money don't fall on bad hands.

Mr. Speaker, it has been said that we have been losing a lot. As Members of the County Assembly, we cannot account for it. With bursary cheques, as Hon. Members have said, we can account for it because they expire after six months. That means we will have the time to follow up the money. If a beneficiary cannot benefit from it, the Hon. Member can revert back and the money can be given to another student. With that, I support. Thank you.

Hon. Temporary Deputy Speaker: Before I close, Hon. Rose Ogonda are you there? Mover, you can reply.

Hon. Jeremiah Themendu: Thank you, Mr. Speaker. I take this opportunity to thank Hon. Mukiri for seconding the Motion. I also thank you, Hon. Imwatok. You reminded me of empty bags we took the other time. We got into trouble with the general public because we had no bursaries but those vouchers. I also thank Hon. Mary Mwami for the same, and Hon. Deputy Majority Leader, Hon. Wanyoike.

Lastly, I thank the Education Committee for the good job they did by making sure they have taken charge for the same and bring back to the Delegated Committee. I also thank Members of the Delegated Committee for the good job they have done. I also thank the Clerk of the Assembly and the secretariat for the good work. I also thank the Hon. Members of the 85 wards in Nairobi. For those few remarks, I beg to reply.

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

(*Question put and agreed to*)

Hon. Temporary Deputy Speaker: Clerk, proceed.

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*]

THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL,
2019

Hon. Temporary Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to consider the recommittal of the Long Title, Clauses 1,2,3,4,6,7,9,10,12,13,14,15,16,17,18,19, New Clause 19 A, and the New Schedule of the Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 (Assembly Bill No.7 of 2019). We will start with the Bill from Clause 3. Clause 3

Hon. Temporary Chairperson: Mover?

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

THAT, Clause 3 of the Bill be amended;

- (i) By deleting paragraph (b) sub-paragraph (iii) in its entirety and replacing therefor the following: 'Ensure protection and the maintenance of confidentiality for victims'.
- (ii) In paragraph (b) sub paragraph (iv) by deleting the word 'minimum' and replacing therefor the word 'essential'.
- (iii) In paragraph (b) sub paragraph (vi) by deleting the word 'guaranteeing' and replacing therefor the word 'ensuring'.
- (iv) In paragraph (b) sub paragraph (vii) by deleting the word 'providing' and replacing therefor the word 'assist victims' access'.
- (v) In paragraph (d) by deleting the word 'ethnicity' appearing immediately after the word 'sex'.

- (vi) By inserting a new sub paragraph immediately after sub paragraph (vii) as follows:
(Viia) Assist victims reintegrate back to society.
- (vii) By inserting new sub-clauses immediately after sub-clause (e) as follows: (ea) Prevention and response to trafficking of persons for purposes of sexual exploitation and or forced labour. (eb) Promoting safe working environment for employees free from discrimination and harassment on the basis of gender.
(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)*
*(Question, that the words to be inserted
be inserted, put and agreed to)*
(Clause 3 as amended agreed to)

Clause 4

Hon. Temporary Chairperson: Mover?

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

THAT, Clause 4 of the Bill be amended;

- (i) In sub-clause (4) by inserting the words 'perspective of intersex person's rights' immediately after the word 'violence'.
(Question of the amendment proposed)
*(Question, that the words to be inserted
be inserted, put and agreed to)*
(Clause 4 as amended agreed to)

Clause 6

Hon. Temporary Chairperson: Mover?

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

THAT, Clause 6 of the Bill be amended;

- (i) In sub-clause by deleting it in its entirety and substituting therefor the following sub clause: 'There is hereby established the County Sexual and Gender Based Violence Advisory Committee which shall consist of members appointed by the Governor with the approval of the County Assembly'.
- (ii) In sub-clause (1) paragraph (a) by deleting it in its entirety and substituting therefor the following sub clause: 'a chairperson who shall a person having more than ten years' experience in gender affairs and not an employee of the County Government nominated by the Governor and approved by the County Assembly'.
- (iii) By deleting sub-clause (1) paragraph (b) in its entirety and substituting therefor the following sub-clause: 'a representative from the civil society'.

- (iv) By deleting sub-clause (1) paragraph (f) in its entirety and replacing therefor the following sub clause: 'A representative from the Law Society of Kenya'.
- (v) In sub-clause (1) paragraph (g) by deleting the words 'Two representatives' appearing before the word 'from' and substituting therefor the words 'One representative'.
- (vi) In sub-clause (1) paragraph (h) by deleting the words 'Two people' and substituting therefor the words 'One person' and deleting the words 'female' and 'male'.
- (vii) In sub-clause (1) paragraph (j) by deleting it in its entirety.
- (viii) In sub-clause (2) by inserting the words "as well as compliance with Chapter 6 of the Constitution 2010" immediately after the word "inclusion".
- (ix) By inserting a new paragraph immediately after sub-clause (1) paragraph (a) as follows: (aa) The secretary of the committee shall be the Director Social Services Department.
- (x) By inserting new sub-clauses immediately after sub-clause (3) as follows:

(3a) Remuneration of the committee shall be in accordance with the Salaries and Remuneration Commission guidelines.

(3b) A person shall be eligible for appointment as the chairperson of the committee if the person—

- (a) possesses a university degree;
- (b) has at least 10 years working experience in gender based violence issues;
- (c) is a person of integrity and meets the requirements of Chapter 6 of the Constitution of Kenya;
- (d) is not convicted of any criminal offence whose penalty does not exceed six (6) months.

(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)

(Question, that the words to be inserted

be inserted, put and agreed to)

(Clause 6 as amended agreed to)

Clause 8

Hon. Temporary Chairperson: Mover?

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

THAT, Clause 8 of the Bill be amended;

- (i) In paragraph (a) by adding the words "prevention and response activities" immediately after the word 'all'.
- (ii) In paragraph (c) by deleting the words 'Chief Officer responsible for Gender and Youth Affairs' appearing after the word 'advice' and substituting therefor the words 'the County Executive Committee Member on policy implementation, prevention and response strategies'.
- (iii) In paragraph (d) by deleting the words 'and procedures appearing immediately after the word 'training'.
- (iv) By deleting paragraph (e) in its entirety.
- (v) In paragraph (i) by adding the words 'County Executive Committee Member and an annual report to the' immediately after the word 'the'.
- (vi) In paragraph (j) by adding the words 'sexual and gender based violence prevention and response' immediately after the word 'County'.
- (vii) By deleting the word 'management' wherever it appears and substituting it with 'Advisory'.

(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)

(Question, that the words to be inserted

be inserted, put and agreed to)

(Clause 8 as amended agreed to)

Clause 9

(Question of clause 9 proposed as part of the bill)

Hon. Antony Mburu: I beg to move that Clause 9 be amended:-

- (i) In the marginal notes by deleting the words 'Removal from Office' and substituting, therefore, the words 'Vacancy of Office'
- (ii) In sub-clause 1 by deleting the word 'body' appearing immediately after the word 'Management' and replacing therefor the word 'Committee'
- (iii) In paragraph (g) by deleting the word 'not' appearing immediately after the word 'of'

(Question of clause 9 be amended as proposed)

(Question that clause 9 be amended as proposed put and agreed to)

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

Clause 10

(Question of clause 10 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 10 be amended:-

- (i) In sub-clause (1) by deleting it in its entirety and replacing, therefore, the following sub-clause:

"The County Executive Committee Member through multi-sectoral approaches shall promote periodic public awareness campaigns about the causes, impacts, consequences, means of prevention and response to sexual and gender-based violence through a comprehensive countywide educational and information campaign in collaboration with relevant state and non-state departments, agencies and stakeholders"

(Question that clause 10 be amended as proposed)

(Question that clause 10 be amended as proposed put and agreed to)

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

Clause 12

(Question of clause 12 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 12 be amended:-

- (i) In sub-clause (3) by adding the words 'procedures on how to' immediately after the word 'treatment'.
- (ii) By inserting a new sub-clause immediately after sub-clause

(3) As follows: (3a) quality services provision and response, including their role and availability in courts as expert witnesses

(Question of clause 12 be amended as proposed)

(Question that clause 12 be amended as proposed put and agreed to)

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

Clause 13

(Question of clause 13 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 13 be amended:-

- (i) In sub-clause (1) by deleting the words 'County Government' appearing immediately after the word 'The' and substituting therefor the word 'Committee'.
- (ii) In sub-clause (3) by deleting it in its entirety and substituting therefor the following sub-clause- 'The Committee shall assist county sectors to develop sector-specific sexual and gender-based violence prevention and response policies within the workplace to address the problem in the County'

(Question of clause 13 be amended as proposed)

(Question that clause 13 be amended as proposed put and agreed to)

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

Clause 14

(Question of clause 14 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 14 be amended:-

- (i) In sub-clause (1) by deleting the words 'County Government' appearing immediately after the word 'The' and substituting therefor the word 'committee'.

(Question of clause 14 be amended as proposed)

(Question that clause 14 be amended as proposed put and agreed to)
 (Question that Clause 14 as amended be part of the Bill put and agreed to)

Clause 15

(Question of clause 15 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 15 be amended:-

- (ii) In sub-clause (2) by adding the words ‘and collaborate with relevant National Government agencies in’ immediately after the word ‘facilitate’.
- (iii) In sub-clause (3) by inserting the word ‘post’ immediately after the word ‘essential’

(Question of clause 15 be amended as proposed)

(Question that clause 15 be amended as proposed put and agreed to)

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

Clause 16

(Question of clause 16 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 16 be amended:-

- (i) By deleting the words ‘County Government’ and substituting, therefore, the word ‘Committee’ wherever it appears in this clause.
- (ii) In sub-clause (2) by deleting the words ‘at affordable prices’ appearing after the word ‘services’ and substituting, therefor, the words ‘for victims within the safe house’

(Question of clause 16 be amended as proposed)

(Question that clause 16 be amended as proposed put and agreed to)

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

Clause 17

(Question of clause 17 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 17 of the Bill be amended: -

- (i) In paragraph (b) by deleting suit in its entirety and substituting, therefore, the following paragraph-

‘Coordinate with relevant county sectors and departments and shall provide the most effective and efficient services in the most appropriate manner and by a multidisciplinary team where necessary’

- (ii) In paragraph (c) by deleting it in its entirety

- (iii) In paragraph (e) by deleting it in its entirety and substituting therefor the following paragraph-

‘Take consideration of the context of the community environment in terms of culture, sex, religion, disability, mental health.’

(Question of clause 17 be amended as proposed)

(Question that clause 17 be amended as proposed put and agreed to)

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

Clause 18

(Question of clause 18 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 18 of the Bill be amended: -

- (i) In sub-clause (1) by deleting the word 'Governor' appearing after the word 'The' and substituting, therefor the words 'County Executive Committee Member'

(Question of clause 18 be amended as proposed)

(Question that clause 18 be amended as proposed put and agreed to)

(Question that Clause 18 as amended be part of the bill put and agreed to)

Clause 19

(Question of clause 19 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that Clause 19 of the Bill be amended: -

- (i) By deleting the words "the County Government" wherever it appears in this clause and substituting therefor the words "the County Executive Committee Member in charge of Finance"
- (ii) In sub-clause (3) by adding the words 'prevention and response' immediately after the word 'violence'
- (iii) By inserting a new Clause immediately after Clause 19 as follows:

(19A) The County Executive Committee Member may make regulations for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of the foregoing, such regulations may provide for: - a) Management of safe houses, shelters and safe spaces b) Registration and inspection of safe houses c) Procedures for dealing with evidence from survivors of sexual and gender-based violence d) Preparation of annual action plans for the prevention and response to sexual and gender-based violence e) Funding for Sexual and Gender-based Violence programmes

(Question of clause 19 be amended as proposed)

(Question that clause 19 be amended as proposed put and agreed to)

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

New Clause 19A

Hon. Antony Mburu: I beg to move that New Clause 19A be now read a second time.

(Question proposed that new clause 19A be read a second time)

(Question that new clause 19A be read a second time put and agreed to)

(Question proposed that new clause 19A be part of the Bill)

(Question that new clause 19A be part of the Bill put and agreed to)

New schedule

Hon. Antony Mburu: I beg to move that New Schedule be now read a second time.

(Question proposed that new schedule be read a second time)

(Question that new schedule be read a second time put and agreed to)

(Question proposed that new schedule be part of the Bill)

(Question that new schedule be part of the Bill put and agreed to)

Clause 2

(Question of clause 2 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that, Clause 2 of the Bill be amended:

- (i) By deleting the definition of the word ‘gender-based violence’ and replacing therefor the following definition; “any act of violence visited upon a person and results in, or is likely to result in, physical, sexual or psychological harm or suffering to the person including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life and shall include physical, sexual, verbal, emotional, and psychological abuse, threats, coercion, and economic or educational deprivation, whether occurring in public or private life including rape, domestic violence, stalking, sexual slavery, incest, sexual harassment, acid throwing, reproductive coercion, female infanticide, prenatal sex selection, obstetric violence, and mob violence; as well as harmful customary or traditional practices such as honour killings, dowry violence, genital mutilation, virginity testing, widow cleansing”
- (ii) In the definition of the phrase ‘minimum package of healthcare services’ by deleting the word ‘minimum’ and replacing therefor the word ‘essential’
- (iii) By inserting the following new definitions in their proper alphabetical sequence:

“Community-Based Organization” means any non-profit organization incorporated for providing services or other assistance to economically or socially disadvantaged persons within its designated community. ‘Temporary Stay’ means period of stay in a safe house for the victim of gender-based violence for a period not exceeding six months.

“Self-interest groups” means persons with disabilities, children, youth and women.

(Question of clause 2 be amended as proposed)

(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)

Long Title

(Question of long title proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that, Long Title of the Bill be amended-

- (ii) By deleting the word ‘of’ appearing immediately after the word victims and replacing therefor the words ‘reintegration back to the community’
- (iii) By deleting the numeric “2019” and substituting it with the numeric “2021” thereof.

(Question of long tile be amended as proposed)

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

(Question that long title as amended be part of the Bill put and agreed to)

Clause 1

(Question of clause 1 proposed as part of the Bill)

Hon. Antony Mburu: I beg to move that, Clause 1 of the Bill be amended:

- (i) By deleting the word ‘Management’ and replacing therefor the words ‘prevention and response’
- (ii) By deleting the numeric “2019” and substituting it with the numeric “2021” thereof.

(Question of clause 1 be amended as proposed)

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

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

Hon. Antony Mburu: Hon. Chairperson, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Sexual and Gender-Based Violence Management and Control Bill, 2019 Bill No. 7 of 2019 and at its approval therefore with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Temporary Deputy Speaker in the Chair]

REPORT AND THIRD READING

Hon. Temporary Chairperson: Hon. Speaker, I beg to report that a Committee of the whole Assembly has considered the Nairobi City County Sexual and Gender-Based Violence Management and Control Bill, 2019 Bill No. 7 of 2019 and approved the same with amendments.

Hon. Antony Mburu: Hon. Speaker, as I say thank you to all who participated in this, I beg to move that the Assembly do agree with the Committee in the said report.

(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 stands adjourned to 2:30 p.m. Thank you and God bless you all.

The House rose at 10:55 am