



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Wednesday 11th September 2024

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

Hon. Temporary Speaker: Hon. Members, you may be seated.

QUORUM

Hon. Temporary Speaker: Clerk, confirm if we have quorum.

(Clerk-at-the-Table confirmed there was no quorum)

Under Standing Order No.37 (2) (b), I instruct the Serjeant-at-Arms to ring the Bell for 10 minutes.

(Quorum Bell was rung)

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

Order, Hon. Members! The House is now fully constituted; we are back to business.
Clerk!

PETITIONS

**IMPLEMENTATION OF HEALTH WORKERS'
ALLOWANCES HARMONIZATION REPORT**

Hon. Temporary Speaker: Hon. Members, I have a Petition by Hannah Wangui Kangathia on behalf of other 337 on violation of Act 4 of 2015 and fair administrative action on implementation of health workers' allowances harmonization report forwarded and covering letter reference dated 6th March 2023.

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I therefore direct and commit to the Labour and Health committees.

STOPPAGE OF ENCROACHMENT ON
GRABBED LAND BY PRIVATE DEVELOPER

Hon. Members, I also have another Petition by Komarock Estate Phase 3 residents on stoppage of encroachment on grabbed land plots; NAIROBI BLOCK 134,247,248,517 and 64 by the private developer in Embakasi Constituency in Nairobi City County.

I commit the Petition to the Planning Committee.

Hon. Members you may now be seated.

(Several Members entered the Chamber)

PAPER

REPORT ON CONSIDERATION OF NAIROBI CITY
COUNTY FOOD AND FORTIFICATION BILL, 2023

Hon. Lily Kidenda: Thank you, Hon. Speaker. Pursuant to Standing Order No. 135 (4), I beg to lay the following Paper on the Table of the Assembly, today, Wednesday 11th September 2024:

The report of the Sectoral Committee on Health Services on consideration of Nairobi City County Food and Fortification Bill, 2023.

(The Paper was laid on the Table)

Hon. Temporary Speaker: Thank you, Hon. Lily Kidenda. Clerk!

NOTICE OF MOTION

Hon. Temporary Speaker: Hon. Members, I want to defer Order No. 6.

(Notice of Motion deferred)

STATEMENT

BUSINESS APPEARING BEFORE THE ASSEMBLY
FOR WEEK BEGINNING 11TH SEPTEMBER 2024

Hon. Temporary Speaker: Hon. Diana Katile

Hon. Diana Mwangangi: Thank you, Madam Speaker. Pursuant to Standing Order 47 (2) (a), on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the Business appearing before the Assembly for the week beginning Wednesday 11th September 2024.

Hon. Speaker, the Assembly Business Committee met on Wednesday 11th September 2024 to allocate Business for the week for consideration by this Assembly. In that regard, allow me to brief the Assembly as follows:

That, today, Wednesday 11th September 2024 under Order No. 8, the Assembly will be considering the following business item: The Second Reading of the Nairobi City County Persons with Disabilities Amendment Bill, 2023 (Assembly Bill No. 7 of 2023). The Bill is sponsored by Member for Ngara Ward, Hon. Chege Mwaura.

Further, on Thursday 12th September 2024 under Order Nos. 8 and 9, the Assembly shall be considering the Motion by the Member for Kayole Central Ward, Hon. Jeremiah Themendu Karani, urging the County Executive in conjunction with the relevant National Government agencies to conduct a survey to establish the exact measures to be considered as riparian land for the affected families to rebuilt their structures in appropriate areas, compensate the affected families whose structures were erroneously demolished, and relocate the affected families to alternative safer areas.

Lastly, Hon. Speaker, on Tuesday 17th September 2024, the Assembly will be considering the following business items: -

1. The report of the Select Committee on Powers and Privileges on inquiry into allegations of breach of privilege by Hon. Hashim Kamau, MCA California Ward;
2. The report of the Powers and Privileges Committee on inquiry into allegations of breach of privilege by Hon. Robert Alai, MCA Kileleshwa Ward; and
3. The report of the Select Committee on Powers and Privileges on investigations into allegations of physical confrontations between Hon. Joseph Karanja Ndung'u and Hon. Christopher Wanjohi Mutumishi.

Hon. Speaker, the Assembly Business Committee urges members of this Assembly to familiarize with the aforementioned Bills and prepare accordingly for debate, through the help of our Research Department. Details of the Bills can be obtained in the Notice Paper, being the last page of day's Order Paper. Copies of the Bills can be accessed online on the Assembly website or at the Table and Journals office.

Hon. Speaker the Assembly Business Committee shall be informing this Assembly through its designee, on the allotted business every Wednesday during the Statement Hour for timely preparations.

Finally, Hon. Speaker, the Assembly Business Committee will again meet on Tuesday 17th September 2024 at the rise of the Assembly to ballot business for the subsequent week.

Hon. Speaker, I now wish to lay the Statement on the Table of the Assembly. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Diana Katile. Clerk!

BILL

Second Reading

NAIROBI CITY COUNTY PERSONS WITH

DISABILITIES (AMENDMENT) BILL, 2023

Hon. Temporary Speaker: The mover!

Hon. Chege Mwaura: Thank you, Madam Speaker. I beg to move the following Motion:
The Nairobi City County Persons with Disabilities (amendment) Bill, 2023 (Assembly Bill No.7 of 2023)

Madam Speaker, the Bill was first introduced to the House in November last year, and it was committed to the relevant committee, pursuant to Standing Orders No. 134 and 135 respectively.

Article 27 of the Constitution provides for the rights of equality and freedom from discrimination for every person. Specifically, Article 6 says that: -

“The state shall take legislative and other measures including affirmative action, programs and policies designed to redress any disadvantages suffered by individuals or groups because of past discrimination.”

Madam Speaker, the County Assembly enacted a legislation on persons with disabilities way back in 2015 to provide for the rights and rehabilitation of the persons with disabilities’ achievements, equalization for opportunities for persons with disabilities, and setting up privileges for persons with disabilities. I scrutinized the Act and identified the gaps when it comes to funding of such programmes. It is for this reason that we thought that it was important to propose for amendments so that the specific clauses can take into details the issues that we thought that had gaps. The fund is used to support various special needs of persons living with disabilities including acquisition of assistive devices, services to the persons, contributions in payment for school fees, skills training for persons with disabilities, and establishment of rehabilitations centres and also creating awareness for the same.

Madam Speaker, Clause 6 also proposes the sources of the funds such as appropriated monies by the County Assembly and also monies received in gifts, donations, grants and or arising from investment from funds amongst others.

Clause 8 proposes regulations of operations of the fund, eligibility criteria and procedures for accessing the money. The fund, Madam Speaker, if well managed will boost the rights and privileges of persons with disabilities thus enhancing equality for the County. I am confident that the implementation of the proposed Bill will go a long way in improving the welfare of the persons with disabilities.

Madam Speaker, key to note is that all school going children go there to become presidents and doctors but schools for persons with disabilities help them manage themselves and fit in the society. Schools with persons with disabilities are paid for yet the regular ones are free. Access to school to them is not fair, and that is why we decided to create a fund so that should any child need assistive devices, then it becomes part of the fees paid by the government so that their education is regularized. This and many others are the answers to what we are trying to do here.

Madam Speaker, I call upon the Hon. Minority Leader to second. Thank you.

Hon. Anthony Karanja: Thank you, Hon. Speaker. I would like you to control Hon. Hashim because he is disturbing me.

This Bill is very important and the amendments as proposed by the mover. It is interesting to note that the differently enabled children go to school to manage their lives whereas our other children go to pursue their dreams. Hon. Speaker, there cannot be a better time than a time like this that we pass such a Bill. A lot of children who come from needy backgrounds require assistive devices including spectacles, crutches, wheelchairs, hearing aids to make their education easier and able. Hon. Speaker, I beg to second.

(Loud consultations)

Hon. Temporary Speaker: Order Hon. Members!

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the Bill. Can the mover reply?

Hon. Mwaura Chege: I am very happy that the silence of Members means that they are in consent. I thank you.

(Loud consultations)

Hon. Temporary Speaker: Hon. Members, you should behave in decorum because we are conducting serious business. The Second Reading of the Bill is being passed today.

(Question put and agreed to)

Hon. Temporary Speaker: Hon. Members, I need to make a clarification, this is the Second Reading and not the Third Reading as earlier mentioned. Sorry. Clerk!

*(The Bill was read a Second Time and committed
to a Committee of the Whole House)*

ADJOURNMENT

Hon. Temporary Speaker: Thank you, Hon. Members. There being no other business, the House stands adjourned till tomorrow, Thursday 12th September 2024. Thank you so much and God bless you.

The House rose at 3:16 p.m.