



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Wednesday 2nd October 2024

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Paul Kados) in the Chair]

PRAYER

QUORUM

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

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

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

(Quorum Bell was rung)

Hon. Deputy Speaker: Clerk, confirm if we have the quorum.

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

(Loud consultations)

Hon. Minority Leader, Order! Order, Hon. Jeremiah! Clerk, can we proceed?

PAPERS

REQUEST FOR EXTENSION OF GOVERNOR'S MEMORANDUM

Hon. Deputy Speaker: Under Order No. 5, do we have any Paper?

Hon. Erick Murigu: Mr Speaker, Pursuant to the provisions of Standing Order 150 (2) (b), I wish to give a progress report on behalf of the Chairperson of the Sectoral Committee on Children, Early Childhood Educating and Vocational Training. The Committee is in the process

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considering the Governor's Memorandum to the Nairobi City County Early Childhood Development and Education Bill, 2024, which requires extensive consultation. I therefore, request for 14 days' extension to table the Committee report on the same.

Hon. Deputy Speaker: Thank you. You are asking for permission on behalf of your Chair of Education?

Hon. Erick Murigu: Mr Speaker, we are requesting for extension because there is a Bill that we were working on and we had given it to the Governor, but he returned it requesting that some clauses be deleted and some be changed. So, we are in the Committee stage and we are considering it. Because it is technical and it needs an extension, we are requesting the House under your leadership to at least give 14 days so that we can be able to table it.

Hon. Deputy Speaker: That is fine.

Hon. Erick Murigu: Thank you.

STATEMENT

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR WEEK BEGINNING 2ND OCTOBER 2024

Hon. Deputy Speaker: Under Order No.7, I think we had the Statement on House Business. Hon. Nicholas, you can proceed.

Hon Nicholas Okwacho: Hon 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 2nd October 2024.

Hon. Speaker, the Assembly Business Committee met on Tuesday 1st October 2024 to allocate Business for the week for consideration by this Assembly.

In that regard, allow me to brief the Assembly as follows:

1. That, today Wednesday 2nd October 2024 under Order No. 8, the Assembly shall be considering the Committee of the whole County Assembly to consider the Nairobi City County Food Safety and Fortification Bill, 2023.
2. Further, on Thursday 3rd October 2024, under Order No. 8 and 9, the Assembly shall be considering the following businesses: -
 - a) Second Reading of the Nairobi County Betting Lotteries and Gaming Bill, 2023. The Bill sponsored by the Member of Ngara Ward, Hon Chege Mwaura, MCA; and
 - b) The Motion by the Member of Makina Ward, Hon Rosemary Masitsa, MCA, urging the County Executive to;
 - i. To conduct a crackdown on all minors idling, loitering aimlessly, begging or engaging in commercial activities in the Central Business District and its environs, with a view of integrating the minors to school programs.

- ii. Introduce a street to school strategy program that will advocate for protection of the minors' rights to education.
3. Lastly, on Tuesday 8th October 2024, Assembly will be considering the Committee of the Whole County Assembly to consider Nairobi County Climate Change Management Bill, 2023.

Hon. Speaker, the Assembly Business Committee urges the House to familiarize with the aforementioned Bills and Motions and prepare accordingly for debate, through the Research Department. Details and the Bills and Motions can be obtained in the Notice Paper, being the last page of the day's Order Paper and on the County Assembly website.

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 8th October 2024 at the rise of the Assembly to ballot business for the subsequent week.

Hon. Speaker, I wish to lay the Statement on the Table of the Assembly Thank you. By Hon. Nicholas Juma, Member of County Assembly, Eastleigh South Ward.

Hon. Deputy Speaker: Clerk!

(Applause)

COMMITTEE OF THE WHOLE

(Order for Committee read)

(Hon. Deputy Speaker left Chair)

IN THE COMMITTEE

[Hon. Temporary Chairperson (Hon. Malyun Abdi) took the Chair]

THE NAIROBI CITY COUNTY FOOD SAFETY AND FORTIFICATION BILL, 2023

(Several Hon. Members left the Chamber)

Hon. Temporary Chairperson: Serjeant-at-Arms, kindly close the door, we have an essential Bill that is coming up. No Member should move out.

Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Food Safety and Fortification Bill, 2023 (Assembly Bill No. 10 of 2023). We shall start with Clause 3.

Clause 3

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 3 of the Bill be amended by inserting a new paragraph immediately after paragraph (e) as follows: -

(fA) Enhance public awareness on food safety and fortification'

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

(Clause 3 as amended agreed to)

Clause 4

Question that Clause 4 part of the Bill)

(Question put and agreed to)

Clause 5

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 5 of the Bill be amended as follows: -

- (i) In Sub-clause (4) by deleting the word 'county cabinet' and replacing it thereof with the word 'County Executive Committee'
- (ii) In Sub-clause (6) by inserting the word 'public' immediately after the word 'officer'

(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)*

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

(Clause 5 as amended agreed to)

Clause 6

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 6 of the Bill be amended as follows: -

- (i) In the heading by inserting the word ‘public’ immediately after the word ‘director’
- (ii) In sub-clause (1) by inserting the word ‘public’ immediately after the word ‘director’
- (iii) In sub-clause (1) paragraph (b) by deleting the words ‘and fortification’
- (iv) In sub-clause 1 paragraph (c) by deleting it in its entirety.
- (v) In sub-clause 3 by deleting the word ‘a reasonable time’ and replacing it thereof with the words ‘seven days’
- (vi) In sub-clause 4 paragraph (c) by deleting the word ‘is willing to’ and replacing it thereof with the word ‘may’

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

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

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

(Clause 6 as amended agreed to)

Clause 7

Hon Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 7 of the Bill be amended as follows: -

- (i) In sub-clause (1) paragraph (f) by deleting the word ‘educate and inform and replacing it thereof with the word ‘sensitize’

Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

(Clause 7 as amended agreed to)

Clause 8

Hon. Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 8 of the Bill be amended as follows: -

(i) In sub-clause 1 by deleting it in its entirety and replacing it thereof with a new sub-clause 1 as follows:

(1) There is established a Committee to be known as the Nairobi City County Multi-Sectoral Committee on Food Safety and Fortification”

(ii) In sub-clause 2 by deleting the words ‘composed of’ and replacing it thereof with the words “‘unincorporated and shall be comprised of’

(iii) In sub-clause 2 by inserting a new paragraph (j) immediately after paragraph (i) as follows:

“(iA) a representative from the Kenya Bureau of Standards”

(iv) By adding a new sub-clause 3 immediately after sub-clause 2 paragraph (i) as follows:

“2A) The functions of the Committee shall be to: -

- a) formulate relevant County food safety and fortification policies;
- b) implement food safety and fortification policies and regulations including but not limited to regulations on food testing and analysis, surveillance, inspection and enforcement;
- c) Develop and utilize a transparent decision-making processes based on scientific evidence on issues related to food safety and fortification;
- d) Advise the Executive Committee Member Health on matters food safety and fortification within the County.
- e) Promote food safety and fortification among stakeholders such as producers and retailers;
- f) Provide a platform for consumer sensitization on food safety and fortification; and
- g) Promote participatory capacity building for an effective County Food Safety System.
- h) Any other relevant and lawful function necessary for implementation of this Act.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

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

(Clause 8 as amended agreed to)

Clauses 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18

*Question that Clauses 9, 10, 11, 12, 13, 14,
15, 16, 17 and 18 be part of the Bill)*

(Question put and agreed to)

Clause 19

Hon. Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 19 of the Bill be amended as follows: -

- (i) In sub-clause (2) paragraph (i)
 - a) by deleting the numerical “50,000” and substituting thereof with the words “Fifty Thousand”
 - b) by deleting the numerical “1000,000” and substituting thereof with the words “Two Hundred Thousand”
 - c) by deleting the numerical “2000,000” and replacing it thereof with the words “Five Hundred Thousand”
 - d) by deleting the numerical ‘12’ and replacing it with the word “six”
- (ii) In sub-clause (2) paragraph (ii)
 - a) By deleting the numerical “100,000” and substituting thereof with the words “One Hundred Thousand”
 - b) by deleting the numerical “2000,000” and substituting thereof with the words “Five Hundred Thousand”
 - c) by deleting the numerical “4000,000” and substituting thereof with the words “One Million”
 - d) by deleting the numerical ‘24’ and substituting thereof with the word “Twelve”

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

(Clause 19 as amended agreed to)

Clause 20

Hon. Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 20 of the Bill be amended as follows; -

- (i) By deleting it in its entirety

(Question of the amendment proposed)

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

(Clause 20 deleted)

Clause 21

Hon. Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 21 of the Bill be amended by deleting it in its entirety.

(Question of the amendment proposed)

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

(Clause 21 deleted)

Clauses 22 and 23

Question that Clauses 22 and 23 be part of the Bill)

(Question put and agreed to)

Clause 24

Hon. Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 24 of the Bill be amended as follows: -

- (i) In sub-clause (1) paragraph (c)

a) By deleting it in its entirety and replacing it with a new paragraph (c) as follows:

“(c) Where it is the professional opinion of the authorized officer that any food article(s) is unfit for human consumption and can be treated, order it to be treated.

b) By inserting a new paragraph immediately after paragraph (c) as follows;

(ca) Where it is the professional opinion of the authorized officer that any food article(s) is unfit for human consumption and cannot be treated, refer the matter to court for an order of destruction or deposition.

(ii) In sub-clause (2)

a) By inserting the words “the goods” immediately before the word ‘are’

b) By adding a new paragraph (c) immediately after paragraph (b) as follows: -

“the authorized officer has obtained a court order for destruction”

(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 inserted be inserted, put and agreed to)

(Clause 24 as amended agreed to)

Clause 25

(Question that Clause 25 be part of the Bill)

(Question put and agreed to)

Clause 26

Hon. Temporary Chairperson: The mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 26 be amended as follows:

(i) In sub-clause (2) paragraph (a)

a) By deleting the numerical “200,000” and substituting thereof with the words “Fifty Thousand”

(ii) In sub-clause (2) paragraph (b)

a) By deleting the numerical “500,000” and substituting thereof with the words “Two Hundred Thousand”

(Question of the amendment proposed)

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

(Clause 26 as amended agreed to)

Clause 27

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 27 be amended as follows:

- (i) In the heading by inserting the word “General” immediately before the word “Penalties”
- (ii) In paragraph (i)
 - a) By deleting the words “five hundred” and substituting thereof with the word “fifty”
 - b) By deleting the words “one year” and substituting thereof with the words “three months”
- (iii) In paragraph (ii)
 - a) By deleting the words “one million” and substituting thereof with the words “One Hundred Thousand”
 - b) By deleting the words “two years” and substituting thereof with the words “six months”

(Question of the amendment proposed)

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

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

(Clause 27 as amended agreed to)

Clause 28

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 28 of the Bill be amended by deleting it in its entirety.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

(Clause 28 as amended agreed to)

Clauses 29, 30, 31 and 32

*(Question that Clauses Clauses 29, 30,
31 and 32 be part of the Bill)*

(Question put and agreed to)

Clause 33

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 33 of the Bill be amended as follows: -

- (i) By inserting in brackets the numerical “(1)” immediately after the numerical “33”
- (ii) By inserting sub-clause (2) immediately after the word “care” as follows; -
 - (2) An authorized officer who –
 - a) directly or indirectly solicits for or receives in connection with their duties any payment or other reward whatsoever, whether pecuniary or otherwise or a promise or security as a bribe or
 - b) enters into any agreement to do, abstain from doing, permit, conceal or connive in any act which is contrary to the provisions of this Act or the proper execution of their duties or
 - c) Uses their position to unlawfully enrich themselves or others; shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding one million shillings or both.

(Question of the amendment proposed)

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

(Clause 33 as amended agreed to)

Clause 34

(Question that Clause 34 be part of the Bill)

(Question put and agreed to)

Clause 35

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 35 be amended as follows: -

- (i) By inserting the words “the Standards Act (Cap 496)” immediately after the word “(Cap.254)”

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

(Clause 35 as amended agreed to)

New Sub Clause 8 (2) (A)

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, the New Sub Clause 8 (2) (A) be now read a Second Time.

*Question, that the New Sub Clause 8 (2) (A)
be read a Second Time, put and agreed to)*

*(Question, that the New Sub Clause 8 (2) (A)
be added to the Bill, put and agreed to)*

New Sub Clause 33 (1) (A)

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, the New Sub Clause 33 (1) (A) be now read a Second Time.

*Question, that the New Sub Clause 33 (1) (A)
be read a Second Time, put and agreed to)*

*(Question, that the New Sub Clause 33 (1) (A)
be added to the Bill, put and agreed to)*

Clause 2

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, the Clause 2 be amended as follows: -

- (i) In the definition of the term ‘authorized officer’ by inserting the words “public health” immediately after the words “chief officer”
- (ii) By inserting a new definition as follows:
“Authority means ‘A public body having administrative powers on public health matters”

(iii) By deleting the definition of the word “Director” and replacing it thereof with the new definitions as follows:

“Director means ‘the director Public Health”

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

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

(Clause 2 as amended agreed to)

Long Title

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, the Long Title of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate, Hon. Members?

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

(Long Title as amended agreed to)

Clause 1

Hon. Temporary Chairperson: Mover?

Hon. Maurice Onyango: I beg to move:

THAT, Clause 1 of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

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

(Clause1 as amended agreed to)

Hon. Chairperson: Mover of the Bill?

Hon. Stazo Omung'ala: Hon. Chairperson, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Food Safety and Fortification Bill, 2023 (Assembly Bill No. 10 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Hon. Paul Kados) in the Chair]

CONSIDERATION OF REPORT

THE NAIROBI CITY COUNTY FOOD SAFETY AND FORTIFICATION BILL 2023

Hon. Deputy Speaker: Hon. Members, you may be seated. The Chairperson of the Committee of the Whole Assembly.

Hon. Malyun Abdi: Hon. Speaker, I beg to report that the Committee of the Whole Assembly has considered the Nairobi City County Food Safety and Fortification Bill, 2023 (Assembly Bill No. 10 of 2023) and approved with the same amendments. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Mover?

Hon. Stazo Omung'ala: Hon. Speaker, I beg to move that the Assembly do agree with the Committee on the said report.

(Question proposed)

(Question put and agreed to)

THIRD READING

Hon. Deputy Speaker: Mover?

Hon. Stazo Omung'ala: Hon. Speaker, I beg to move that the Nairobi City County Food Safety and Fortification Bill, 2023 (Assembly Bill No. 10 of 2023) 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. Deputy Speaker: We do not have any other business, so we adjourn until tomorrow, Thursday 3rd October 2024 at 2.30 p.m.

The House rose at 3.33 p.m.