



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 6th August, 2024

The House met at 2.30 p.m.

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

PRAYER

QUORUM

Hon. Temporary Speaker: Hon. Members, you may now be seated. Clerk please confirm whether we have quorum.

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

According to Standing Order No.37 (2) (b), we do not have quorum and I therefore direct the Sergeant-at-Arms to ring the bell for ten minutes.

(Quorum bell was rung)

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

Order Hon. Members, the House is fully constituted; we can start the business of the House.

Hon. Members, we have a serious business in the House today so I request Members to support the session Bill such that it can make history that we are passing the first Bill in the Third Assembly. Kindly Hon. Members be seated.

PAPERS

Hon. John Musila: Thank you, Madam Speaker. Pursuant to Article 229 (7) of the Constitution of Kenya 2010, I beg to lay the following Paper on the Table of the Assembly today Tuesday 6th August 2024:

The report of the Auditor General on the Nairobi City Water and Sewerage Company Limited for the year ended 30th June 2023. Thank you Madam Speaker, I beg to lay.

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

(Applause)

Hon. Temporary Speaker: Thank you, Hon. Deputy Majority Leader. I commit it to the Public Investment Committee.

NOTICES OF MOTION

Hon. Temporary Speaker: Hon. Jeremiah, use the next mic.

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

THAT, aware that Chapter Four of the Constitution of Kenya 2010 provides for the Bill of Rights and freedom of any person in the country which include inherent dignity and the right to have that dignity respected and protected;

Right to clean and healthy environment, right to the highest attainable standards of health which includes right to healthcare services, right to accessible and adequate housing and to reasonable standards of sanitation, right to be free from hunger and to have adequate food of acceptable quality and right to clean and safe water in adequate quantities.

Further aware that Part II of the Fourth Schedule of the Constitution provides for the functions of county governments which includes county planning and development, county health services, water and sanitation services amongst others;

Concerned that the recent inhumane demolitions in parts of the county targeting buildings and other structures in riparian land have left several families in agony and frustrations; further concerned that the rights of the affected families have been infringed after being left in unhealthy environment with improper sanitation and lack of clean water;

Acknowledging that Regulation 6 (c) of the Environmental Management and Coordination Regulations 2009 provides that a person shall undertake or cultivate any development activity within full view of a river or stream to a minimum of six meters and a maximum of 30 meters on either side based on the highest recorded flood level;

Noting that the demolitions were undertaken haphazardly and inhumane manner without proper assessment of the areas, this assembly urges the county executive in conjunction with the relevant national government agencies to:

1. Conduct a survey to establish the exact measures to be considered as riparian land for the affected families to rebuild their structures in appropriate areas;

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2. Compensate the affected families whose structures were erroneously demolished;
3. Relocate the affected families to alternative safer areas.

Thank you Madam Speaker.

Hon. Temporary Speaker: Thank you, Hon. Jeremiah.

STATEMENTS

REQUEST FOR STATEMENT REGARDING PAYMENT OF WARD DEVELOPMENT FUND PROJECTS FOR THE PERIOD FROM 17TH SEPTEMBER 2017 TO DECEMBER 2022

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order No.47 (2) (), I wish to request for a statement from the Chairperson of the Select Committee on Ward Development Fund regarding the payment of Ward Development Fund projects for the period from 17th September 2017 to December 2022.

Hon. Speaker, the County Assembly enacted the Ward Development Fund Act 2014 with the principal aim of undertaking development projects such as roads, lighting, water and drainage, schools, hospitals amongst other projects across the county.

Hon. Speaker, it is sad that there were irregularities in payment of the Ward Development Fund projects where some contractors who had submitted their projects completion certificates were not paid. It was noted that where such contractors were awarded other contractors by the county, they are not able to proceed to the site due to failed payments of previously completed projects.

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

1. List of Ward Development Fund projects that were paid for the period from September 2017 to December 2022;
2. Reasons for nonpayment of completed Ward Development Fund projects for the period from September 2017 to December 2022 yet the projects for the financial year 2022-2023 were paid; and
3. Measures the County Executive is taking to ensure payments of all completed Ward Development Fund projects before commencement of new ones

Hon. Temporary Speaker: Chairperson WDF

Hon. Dabar Mohamed: Thank you Madam Speaker. I will respond in two weeks

Hon. Temporary Speaker: We are to break for recess on Thursday. So after the recess?

Hon. Dabar Mohamed: After the recess.

Hon. Temporary Speaker: Hon. Redson

Hon. Redson Onyango: It is okay, Madam Speaker.

Hon. Temporary Speaker: Thank you. You also have another statement.

REQUEST FOR STATEMENT REGARDING MANAGEMENT OF CITY MORTUARY

Hon. Redson Onyango: Hon. Speaker, pursuant to Standing Order number 47 (2c), I wish to request for a statement from the chairperson of the sectoral committee on Health Services regarding the management of city mortuary.

Hon. Speaker, the county is mandated to manage the county health services including cemeteries, funeral parlors and crematories pursuant to the provision of Paragraph 2 of Part Two of the Fourth Schedule of the Constitution of Kenya 2010.

Hon. Speaker, it is alleged that the management of city mortuary is smeared with cases of corruption amongst its employees especially those employed as casual laborers.

Hon. Speaker, it is alleged that there are unknown bank accounts operated by the management of city mortuary which are not accounted for by the county executive.

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

1. Bank accounts and signatories operated by the city mortuary management
2. Number of bodies received and released at the city mortuary since January 2022 to date
3. Payments of the bodies released from the city mortuary since January 2022 to date
4. Forms of payment paid to city mortuary
5. Number of employees both permanent and pensionable and casual laborers since January 2022 to date
6. Payment made to the casual laborers since January 2022 to date
7. Proof of payment of casual laborers since 2022 to date.

Hon. Temporary Speaker: Thank you Hon. Redson. Chairperson Health? Vice Chair?
Hon. Lily Kidenda?

Hon. Lily Kidenda: Sorry, Madam Speaker. I imagined that my chair was in the House.

(Several Members walked out of the House)

Hon. Temporary Speaker: Sergeant -at -Arms, I instruct that no Member leave because we have a Bill ahead of us. Hon. Members, we have a Bill that we have to pass as the Third Assembly.

Hon. Lily Kidenda: Hon. Speaker, I thought that my chair was in the house. Would like to request for two weeks after the long recess.

Hon. Temporary speaker: Hon. Redson?

Hon. Redson Onyango: No worries. It is okay.

Hon. Temporary Speaker: Thank you Hon. Redson. Clerk.

COMMITTEE OF THE WHOLE ASSEMBLY

THE NAIROBI CITY COUNTY TECHNICAL,
VOCATIONAL, EDUCATION AND TRAINING BILL, 2023
(ASSEMBLY BILL NUMBER 6 OF 2023)

Hon. Temporary Speaker: I think that you are withdrawing the Bill.

Hon. Perpetua Mponjiwa: Thank you Hon. Speaker. Pursuant to Standing Order number 147 (1), I would like to withdraw this Bill for redrafting; The Nairobi City County Technical, Vocational, Education and Training Bill, 2023. Thank you very much.

Hon. Temporary Speaker: Hon. Members, the Bill stands withdrawn. Clerk.

(The Bill was withdrawn)

COMMITTEE OF THE WHOLE ASSEMBLY

[Hon. Temporary Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson took the Chair]

THE NAIROBI CITY COUNTY EARLY CHILDHOOD
DEVELOPMENT AND EDUCATION BILL 2023
(ASSEMBLY BILL NUMBER 8 OF 2023)

Hon. Chairperson: Hon. Members, we are now in the committee of the whole Assembly to consider the Nairobi City County Early Childhood Development and Education Bill 2023, Assembly Bill number 8 of 2023. We will start with the Bill from clause 3.

Clause 3 and 4

(Question that clause 3 and 4 be part of the bill, proposed)

Hon. Chairperson: Any debate?

(Question put and agreed to)

Clause 5

(Question proposed)

Hon. Perpetua Mponjiwa: That, Clause 5 of the Bill be amended as follows; - (i) In Sub-Clause (1) by inserting a new paragraph (w) “protection and safeguarding rights of children against societal issues like sexual gender based violence”.

(Question of the amendment proposed)

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

(Clause 5 as amended agreed to)

Clauses 6, 7, 8, 9, 10 & 11

(Question proposed)

(Question put and agreed to)

Clause 12

(Question proposed)

Hon. Perpetua Mponjiwa: That, Clause 12 of the Bill be amended as follows; - (i) By deleting Sub- Clause (2) (3) and (4) in their entirety.

(Question of the amendment proposed)

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

(Clause 12 as amended agreed to)

Clauses 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 & 24

(Question proposed)

(Question put and agreed to)

Clause 25

(Question proposed)

Hon. Perpetua Mponjiwa: That, Clause 25 of the Bill be amended as follows; - (i) By inserting the word “administrative” immediately before the words “curriculum framework” to appear in the provision of the entire clause.

(Question of the amendment proposed)

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

(Clause 25 as amended agreed to)

Clause 26

(Question proposed)

(Question put and agreed to)

Clause 27

(Question proposed)

Hon. Perpetua Mponjiwa: That, Clause 27 of the Bill be amended as follows; - (i) In sub-clause (3) paragraph (a) by entirely deleting the word “mentally” and also by rewording the words “hearing impaired learners” to read “learners with hearing impairment”

(Question of the amendment proposed)

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

(Question put and agreed to)

Clause 28

(Question proposed)

(Question put and agreed to)

Clause 29

Hon. Perpetua Mponjiwa: That, Clause 29 of the Bill be amended as follows; - (i) In Sub-Clause (1) by deleting the word “research” appearing immediately after the words “education assessment and” and replacing it with “resource” (ii) In sub-clause (2) paragraph (b) by deleting the term “methods” appearing immediately after the word “appropriate” and replacing it with “intervention”

(Question of the amendment proposed)

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

(Question put and agreed to)

Clause 30

(Question that Clause 30 be part of the Bill)

(Question put and agreed to)

(Question put and agreed to)

Clause 31

(Question that Clause 31 be part of the Bill proposed)

Hon. Perpetua Mponjiwa: Clause 31 be amended as it appears on the Order Paper as follows: By deleting the words “future provision” in the header of the clause and replace it with “transition”.

(Question that Clause 31 be amended proposed)

(Question put and agreed to)

Clause 32

(Question that Clause 32 be part of the Bill, proposed)

Hon. Perpetua Mponjiwa: I propose that clause 32 be amended as it appears in the order paper as follows: By inserting the words “of Kenya” immediately after the word “constitution”

(Question that Clause 32 be amended proposed)

(Question put and agreed to)

Clauses 33, 34 and 35

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

(Question put agreed to)

Clause 36

(Question that Clause 36 be part of the Bill proposed)

Hon. Perpetua Mponjiwa: I propose that clause 36 be amended as it appears in the Order Paper as follows:

(i) In sub-clause (1) paragraph (f) by deleting the word “needs” appearing immediately after the word “special” and substituting thereof with “Education”;

(ii) In sub-clause (1) paragraph (f) by inserting the words “for teachers of schools with children with special needs” immediately after the word “advantage”.

(Question that Clause 36 be amended proposed)

(Question put and agreed to)

Clause 37

(Question that Clause 37 be part of the Bill proposed)

Hon. Perpetua Mponjiwa: I propose that clause 37 be amended as it appears in the Order Paper as follows: by deleting the numerical “34” and replacing it with “36”

(Question that Clause 37 be amended proposed)

(Question put and agreed to)

Clauses 38, 39,40,41,42 and 43

(Question that Clause 38, 39, 40, 41, 42 and 43 be part of the Bill proposed)

(Question put and agreed to)

Clause 44

(Question that Clause 44 be part of the Bill)

Hon. Perpetua Mponjiwa: I propose that clause 44 be amended as it appears in the Order Paper as follows: In sub-clause (2) by deleting the words “head teacher” and replacing with the words “centre managers”

(Question that Clause 44 be amended proposed)

(Question put and agreed to)

Clause 45

(Question that Clause 45 be part of the Bill proposed)

(Question put and agreed to)

Clause 46

(Question that Clause 46 be part of the Bill proposed)

Hon. Perpetua Mponjiwa: I propose that Clause 46 be amended as it appears in the Order Paper as follows: by deleting the repetition of the words “home based education and care service”

(Question that Clause 46 be amended proposed)

(Question put and agreed to)

Clauses 47, 48, 49, 50, 51, 52, 53 and 54

(Question that Clauses 47, 48, 49, 50, 51, 52, 53 and 54 be part of the Bill proposed)

(Question put and agreed to)

Clause 2

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

Hon. Perpetua Mponjiwa: I propose that clause 2 be amended as it appears in the Order Paper.

(Question that Clause 2 be amended proposed)

(Question put and agreed to)

The long Title

(Question that the Long Title be part of the Bill proposed)

Hon. Perpetua Mponjiwa: I propose that the Long Title be amended as it appears in the Order Paper as follows: THAT, the Long Title of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

(Question that the Long Title be amended proposed)

(Question put and agreed to)

Clause 1

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

Hon. Perpetua Mponjiwa: I propose that Clause 1 be amended as it appears in the Order Paper.

(Question that Clause 1 be amended proposed)

(Question put and agreed to)

(The House resumed)

[Hon. Temporary Speaker in the Chair]

REPORT AND THIRD READING

Hon. Chairperson: Hon. Speaker, I beg to move that the committee do report to the assembly its consideration of Nairobi City County Early Childhood Development and Education Bill 2023, Assembly Bill number 8 of 2023 and its approval thereof with amendments.

Hon. Perpetua Mponjiwa: Hon. 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. Perpetua Mponjiwa: Hon. Speaker, I beg to move that the Nairobi City County Early Childhood Development and Education Bill 2023, Assembly Bill number 8 of 2023 be now read the Third Time.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members there being no other business the House stands adjourned until tomorrow 2.30 p.m. and Assembly Business Committee to meet at the rise of the Assembly. Thank you so much.

The House rose at 4.40 p.m.