



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 8th October 2024

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Diana Mwangangi) in the Chair]

PRAYER

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

QUORUM

Hon. Temporary Speaker: Clerk confirm quorum.

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

Hon. Temporary Speaker: The House is fully constituted, we can proceed. Hon, Jera, take your seat.

(Loud Consultations)

Hon. Members, consult in low tones. Clerk, let us proceed.

NOTICE OF MOTION

Hon. Temporary Speaker: Hon. Benter Juma? Let us proceed, Hon. Benter is not present.

STATEMENTS

Hon. Temporary Speaker: Hon. Maurice Ochieng? Hon. Benter Juma? Hon. Oscar Lore?

Hon. Oscar Lore: Hon. Speaker, I am ready.

Hon. Temporary Speaker: Hon. Oscar, just hold on we get the request from Hon. Maurice.

REQUEST FOR STATEMENT REGARDING DILAPIDATED
STATE OF PUBLIC TOILETS IN THE CBD

Hon. Maurice Onyango: Thank you, Hon. Speaker for obeying the seniority.

Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the dilapidated state of public toilets within the Central Business District (CBD).

Hon. Speaker, the Nairobi City County Government allegedly awarded a contract for the construction of public toilets in the CBD. Further, it is alleged that the contractor began the construction and abandoned the project midway.

Hon. Speaker, the shortage of clean public toilets in the CBD has forced people to relieve themselves in dark alleys, flowerbeds, and deserted lanes, which is not only illegal but also poses a public health crisis.

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

- i. A comprehensive report on the procurement process and who was awarded the tender to rehabilitate the toilets within the CBD;
- ii. Whether the contractor awarded the project was issued with a completion certificate, and the status of the payment for the work undertaken; and
- iii. Measures the County Executive has put in place to ensure that all County public toilets are rehabilitated.

Thank you.

Hon. Temporary Speaker: Chairperson, Environment? Vice Chair? Do we have any Member of Environment Committee to make the undertaking on behalf of the Committee? Hon. Fiunifiu. Facilitate Hon Fiunifiu with communication device.

Hon. Kamau Fiunifiu: Thank you, Hon. Speaker. On behalf of the Environment and Natural Resources Committee, we give an undertaking of three weeks to consider the Statement.

Hon. Temporary Speaker: Hon. Maurice, you have heard the undertaking made of three weeks, what is your view on that?

Hon. Maurice Onyango: It is okay.

Hon. Temporary Speaker: Noted. Hon. Oscar Lore, you may proceed.

REQUEST FOR STATEMENT REGARDING OWNERSHIP
OF LAND LR NO. 22/355 IN KARURA WARD

Hon. Oscar Lore: Hon. Speaker, pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Planning and Housing regarding ownership of parcel of land LR No.22/355 in Karura Ward.

Hon. Speaker, Article 66 of the Constitution of Kenya, 2010 provides that the state may regulate the use of any land, or any interest in or right over any land, in the interest of defense, public safety, public order, public morality, public health, or land use planning.

Hon. Speaker, the parcel of Land LR 22/355 (originally LR No.22/2/2) in Karura Ward is currently in dispute where community claims the land is public but a private entity claims that the land was leased to it by the County Government.

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

- i. A history of ownership of the said parcel of land;
- ii. Evidence of current ownership; and
- iii. Measures the County Government has put in place to safeguard public land from encroachment.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chairperson, Planning? Vice Chair? Any Member present to make the undertaking on behalf of the Committee, in absence of the Chair and Vice Chair? Hon. Nicholas, proceed.

Hon. Nicholas Okwacho: On behalf of Planning Committee, I request for three weeks because I understand next week we are going for recess. I stand guided about the recess.

Hon. Temporary Speaker: Hon. Lore, he has made an undertaking of three weeks, considering the one week that we will not be present.

Hon. Oscar Lore: Madam Speaker, because it is a weighty matter, I am begging the Committee to make it two weeks.

Hon. Temporary Speaker: Do you consider the fact that we will be going on recess for purposes of County Assemblies Sports Association (CASA)?

Hon. Nicholas Okwacho: Madam Speaker, the Hon. Member has like 20 Statements in our Committee.

(Laughter)

Hon. Temporary Speaker: He has already accepted the 3 weeks undertaking, so we can put to rest that matter. He has already confirmed.

Hon. Nicholas Okwacho: We can assure him that we will work on all the Statements.

Hon. Temporary Speaker: We have already made the undertaking of three weeks and he is okay with that. Let us put that matter to rest and proceed to another Hon. Member with a Statement. Hon. Jared Akama?

REQUEST FOR STATEMENT REGARDING RECRUITMENT OF CEOS IN LEVEL FIVE HOSPITALS IN THE COUNTY

Hon. Jared Ondieki: Thank you, Madam Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committees on Health Services and Labour and Social Welfare regarding recruitment of Chief Executive Officers (CEOs) in Level Five Hospitals.

Hon. Speaker, Health Sector is an important organ in the County and as anchored in the Constitution of Kenya, 2010 and espoused by both H.E President and H.E the Governor's agenda. The two leaders have also expressly pronounced themselves against any acts of corruption.

Hon. Speaker, Article 41 of the Constitution of Kenya, 2010 provides for the right to fair labour practices and that every worker has the right to fair remuneration. It is alleged that County Public Service Board recruited CEOs to serve in various health facilities in the County, and that the process has been marred by bribery and lack of transparency, which may lead to collapse of services in the facilities as a result of capacity challenges and low morale amongst employees.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on and submit: -

- i. List of applicants, long listing, shortlisting, names of persons interviewed and the recruited CEOs;
- ii. Criteria that was used by the County Public Service Board in recruiting the CEOs in various County health facilities, members of the recruiting panel and their qualification;
- iii. Whether due process was followed in the recruitment exercise; and
- iv. Interview report and minutes of the Board adopting the same.

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chairperson, Health.

Hon. Maurice Onyango: Thank you, Madam Speaker. I request for one month because it is touching two sectors i.e. Labour and Health. We also need to do a site visit and do thorough investigation. The Committee has been made to understand that the CEOs have been given job group S, which is for the chief officers, and they were never vetted in this Assembly. Thank you.

Hon. Temporary Speaker: Can we also hear from the Chairperson of Labour Committee? Proceed, Chair.

Hon. Allan Gathuku: I concur with my Chair, Health on the request of one month.

Point of Order

Hon. Anthony Karanja: I don't understand how it is a Health issue. I think the matter solely lies with the Committee of Labour because it is a recruitment issue. If they go with one committee, it will take less time because it sounds like a pertinent issue. So, in your direction, I would beg that you reconsider whether to put it to two committees or one as it should.

Hon. Temporary Speaker: We have consulted, and also taking into consideration the point that has been put across by the Minority Leader, I tend to agree that this is more of a Labour matter since it concerns recruitment. Therefore, we would wish to proceed with an undertaking from the Chair of Labour. Chair of Labour, for purposes of clarity you can make the...

Hon. Jared Ondieki: Madam Speaker, I wanted to save the time of this Hon House. Ordinarily, I could have come up with two statements. Before you make a ruling, it is good to also consult the owner of the Statement.

I have an issue with the Health Sector on how they have come up with the issues of the CEOs. Ordinarily in our establishment, we don't have CEOs. There is an underlying reason, otherwise I could have come up with two statements. I want to help you. Museveni had a common saying in 80s that, "*whether the cat is white or black, as long as it catches the mice, then the result is the same.*" In a nutshell, I wanted to save the time of the Hon House and get the answer from just one sitting.

Hon. Temporary Speaker: Let us get the feedback from the Labour Committee. If the matter will not be exhausted by the Labour Committee, we can consider the other Committee.

Hon. Jared Ondieki: These things are just in the finger tips and I don't understand why the Chair for Health is giving us one month.

Hon. Temporary Speaker: Let us commit the Statement to the proper Committee. Chair, Labour, make the undertaking.

Hon. Allan Gathuku: Madam Speaker, as I had requested, one month will be good for us.

Hon. Temporary Speaker: Without going back to the discussion, just make a reaction on the undertaking.

Hon. Jared Ondieki: As I have said, this matter is grave, and I understand that by the time one month is over the process will have been completed, so, we will not have saved the situation. Hon. Speaker, I want to request you to make sure that these Chairpersons are serious. This issue is in the public domain and it is something that can be done within a day and we get feedback. The issue is that we want to make sure that the process is legit and this Hon House has got an upper hand in ensuring that all these things being done from a boardroom are done in a procedural way at the end of the day. That is what we are asking for, and one month...

Hon. Temporary Speaker: He made an undertaking of one month, what is your opinion on that?

Hon. Jared Ondieki: That is too long; this thing can be done within a week.

Hon. Temporary Speaker: Chair, Labour?

Hon. Allan Gathuku: Madam Speaker, aware that we will be out for games, that is why I was requesting for one month.

Hon Jared Ondieki: Does it mean that we will be having games for one month?

Hon. Temporary Speaker: Can you review your timelines, Chair, Labour.

Hon. Allan Gathuku: Madam Speaker, let us make it three weeks.

Hon. Temporary Speaker: Hon Member, now it is three weeks, he has reviewed his timelines.

Hon Jared Ondieki: Hon. Speaker, just going back to my request, I agree with the three weeks, but I am also beseeching you so that I save the time of this Hon House that the two Committees undertake this procedure.

Hon. Temporary Speaker: I have already made a ruling on that matter...

Hon. Jared Ondieki: You can review the ruling

Hon. Temporary Speaker: Allow us to proceed with the next Member. Hon Benter you had a Statement. When I called, you were not present, you can proceed to make your request.

REQUEST FOR A STATEMENT REGARDING DILAPIDATED
SEWER INFRASTRUCTURE IN THE COUNTY

Hon. Benter Obiero: Thank you, Madam Speaker for giving me this opportunity.

Madam Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committee on Water and Sanitation regarding the dilapidated and clogged sewer infrastructure in the County, particularly at Bakita Catholic church in Lucky Summer Ward.

Madam Speaker, open sewer and drainage system in the County pose a significant public health hazard and a serious environment challenge. These exposed drainage systems cause diseases like cholera, typhoid and dysentery. The measures to reduce the risk must include; upgrading the sewer infrastructure, and closing or covering exposed drains and improving waste management system to prevent blockage and overflow.

Madam Speaker, in the Statement, the Chairperson should enquire into and report on:

- i. A report on the status of drainage and sewer in the County;
- ii. The budget set aside for the construction of drainage and sewer system in the County; and
- iii. Measures the County Executive has deployed in managing sewers in the County, especially in Lucky Summer.

Hon. Temporary Speaker: Chairperson, Water Committee. Vice Chair? Do we have a Member from the Water Committee to make the undertaking? Hon. Jera.

Hon. Samson Ooko: Now that the Chair and the Vice are not in the House, and again considering that Members will be out for around ten days, I beseech the Member to give the Committee three weeks.

Hon. Temporary Speaker: Hon Benter, you have heard the undertaking of three weeks and the explanation therein. Is that Okay?

Hon. Benter Obiero: Yes, Madam Speaker.

(Hon. Member spoke off the record)

I have not given you the chance to inform the House.

(Laughter)

Clerk, you can proceed.

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(Hon. Temporary Speaker left Chair)

IN THE COMMITTEE

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

THE NAIROBI CITY COUNTY CLIMATE
CHANGE MANAGEMENT BILL, 2023

(Several Hon. Members left the Chamber)

Hon. Temporary Chairperson: Serjeant-at-Arms, please, no Member should leave! Thank you, Hon Members, you may now be seated.

Hon. Members, we are now in the Committee of the Whole Assembly to consider the Nairobi City County Climate Change Management Bill, 2023 (Assembly Bill No. 4 of 2023). We shall start with Clause 3.

Clause 3

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: Thank you, Hon. Chair. Before I move, I want to appeal to Members who are here, please let us see to it that this Bill comes to logical conclusion today because it affects you in one way or the other, especially the elected Members of this Assembly and also the special elect Members. The Nairobi has been left behind, the other counties...

Hon. Temporary Chairperson: Hon. Member, I think you will make your remarks as we are winding up. Just move.

Hon. Kamau Fiunifu: Thank you, Hon. Chair. I beg to move:

THAT, Clause 3 of the Bill be amended as follows; -

- (i) By deleting the words appearing immediately after the word “climate change” in sub-clause “3 (a)”
- (ii) By inserting the words ‘best practices in all departments and sectors of the county’ immediately after the words climate change.
- (iii) By inserting the words “to give effect to National Climate Change policy and Legislative framework to give effect to the national climate policies and action plan”
- (iv) By inserting the new sub-clause (k) immediately after (j) “(k) promote sustainable biodiversity conservation and address important drivers of biodiversity loss”.
- (v) By inserting the new sub-clause (l) immediately after the new sub-clause (k) “(l) develop and support adoption of nature based solutions in the county”

- (vi) By inserting the new sub-clause (m) immediately after the new sub-clause (k) (l) inserted above “(m) adopt intergenerational, special needs and gender mainstreaming approaches across all aspects of the county climate change response”

(Question of the amendment proposed)

Hon. Temporary Chairperson: Any debate?

(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)

(Clause 3 as amended agreed to)

Clauses 4 and 5

(Question that Clauses 4 and 5 be part of the Bill)

(Question put and agreed to)

Clause 6

Hon. Temporary Chairperson: Mover.

Hon. Kamau Fiunifiu: I beg to move:

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

- (i) In Sub-clause (1) paragraph (a) by inserting “or in his absence the Deputy Governor” immediately after the word Governor.
- (ii) In Sub-clause (1) paragraph (b) by deleting it in its entirety and replacing thereof with “A youth nominated by the National Youth Council”
- (iii) In Sub-clause (1) paragraph (e) by deleting it in its entirety and replacing thereof with “A representative of persons with disabilities nominated by a recognized body of persons with disabilities”
- (iv) In Sub-clause (1) paragraph (h) by deleting all words appearing after the words “civil society organization” and replacing with “most active on matters related to climate change operating within the Nairobi City County.
- (v) In Sub-clause (1) paragraph (f) by deleting the term “his” and replacing thereof with “their”
- (vi) In Sub-clause 4 by inserting “(b)” immediately after the words “under subsection (1)”.
- (vii) By inserting a new paragraph (d) “(d) meets the requirement of chapter 6 of the Constitution of Kenya”

- (viii) By inserting a new Sub-Clause (5) “(5) the committee may co-opt to its meetings any technical staff of the national and county government or international agencies or other relevant agencies who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of committee”

(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 6 as amended agreed to)

Clause 7

Hon. Temporary Chairperson: The mover.

Hon. Kamau Fiunifiu: I beg to move:

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

- (i) By deleting the entire provision and replacing it with “There is hereby established a secretariat for the county climate change steering committee which shall comprise of the Director and assistant director responsible for Climate change and staff of the directorate of climate change within the county”.

(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 put agreed to)

Clause 8

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: I beg to move:

THAT, Clause 8 of the Bill be amended by deleting the paragraphs “(i) (j) and (k)” and substituting therefor with (b) (e) (g) (h) (i) to appear immediately after the words “Section 6”.

(Question of the amendment proposed)

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

(Clause 8 as amended put agreed to)

Clause 9

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: I beg to move:

THAT, Clause 9 of the Bill be amended as follows: -

- (i) In Sub-clause (1) paragraph (e) by deleting the words ‘County Planning Committee’ appearing immediately after the words “reports from the” and replacing thereof with “established sub-committees”
- (ii) In sub-clause (1) paragraph (f) by deleting the words “County planning committee and the ward climate change planning committees” appearing immediately after the words “steering Committee”
- (iii) By inserting a new paragraph “n” immediately after “m” “(n) form the planning committee and sub- committees for better performance of the functions at the ward level”
- (iv) By inserting a new paragraph “oA” “(oA) develop a framework and strategy on climate change”

(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 9 as amended put agreed to)

Clause 10

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: I beg to move:

THAT, Clause 10 of the Bill be amended by deleting the suffix “-ing” appearing in the word quartering under paragraph (a).

(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 10 as amended put agreed to)

Clauses 11 and 12

Question that Clauses 11 and 12 be part of the Bill)

(Question put and agreed to)

Clause 13

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: I beg to move:

THAT, Clause 13 of the Bill be amended by inserting a new paragraph (cA) immediately after sub-paragraph (v) “(cA) include a comprehensive inventory of climate change adaptation and mitigation safeguards applicable within Nairobi City and developed in a participatory process to guide effective management, sustainable developments, investments and decision making.”

(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 13 as amended agreed to)

Clause 14

(Question that Clause 14 be part of the Bill)

(Question put and agreed to)

Clause 15

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: I beg to move:

THAT, Clause 15 of the Bill be amended as follows: -

- (i) By deleting the words “planning committee” appearing immediately after the words “climate Change” and replacing with “steering Committee”.
- (ii) By deleting the words “steering committee” appearing immediately after the words “report to the” and replacing with “the Nairobi City County Assembly”.

(Question of the amendment proposed)

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

(Clause 15 put and agreed to)

Clause 16

(Question that Clause 16 be part of the Bill)

(Question put and agreed to)

Clause 17

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 17 of the Bill be amended in sub-clause (2) by deleting the word “porting” appearing immediately after the words “nature and procedure for” and replacing thereof with “reporting”.

(Question of the amendment proposed)

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

(Clause 17 as amended put and agreed to)

Clause 18

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 18 of the Bill be amended by altering the words “county Climate Change Director” to read “the Director in charge of Climate Change”.

(Question of the amendment proposed)

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

(Clause 18 as amended put and agreed to)

Clauses 19, 20 and 21

(Question that Clauses 19,20 and 21 be part of the Bill)

(Question put and agreed to)

Clause 22

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 22 of the Bill be amended as follows; - In sub-clause (1) by deleting the word “planning” and replacing thereof with “steering” ii. In sub-clause (2) by deleting the words “zonal planning” appearing immediately after the words “organized by”.

(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 22 as amended agreed to)

Clause 23

(Question that Clause 23 be part of the Bill)

(Question put and agreed to)

Clause 24

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: Hon. Chair, I beg to move:

THAT, Clause 24 of the Bill be amended in sub-clause (2) by deleting the words “communities to establish” appearing immediately after the word facilitate and replace thereof with “registered”.

(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 24 as amended agreed to)

Clause 25

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: Hon. Chair, I beg to move:

THAT, Clause 25 of the Bill be amended in sub-clause (1) by deleting the words “inappropriate” and replacing thereof with “appropriate”.

(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 25 as amended agreed to)

Clause 26

(Question that Clause 26 be part of the Bill)

(Question put and agreed to)

Clause 27

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 27 of the Bill be amended by inserting a new paragraph (fA) as follows
“(fA) funding from carbon offsets and carbon credits”

(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 27 as amended agreed to)

Clause 28

(Question that Clause 28 be part of the Bill)

(Question put and agreed to)

Clause 29

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 27 of the Bill be amended as follows: -

- (i) In sub-clause (2) by deleting the words “the planning committee and zonal planning sub-committee” appearing immediately after the words “steering committee”.
- (ii) In sub-clause (3) by deleting the words “the planning committee and zonal planning sub-committee” appearing immediately after the words “steering committee”.

(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 29 as amended agreed to)

Clauses 30,31,32,33 and 34

*(Question that Clauses 30,31,32,33
and 34 be part of the Bill)*

(Question put and agreed to)

Clause 35

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 35 of the Bill be amended by deleting the words “and the County Planning Committee” appearing immediately after the words “steering Committee”.

(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 35 as amended agreed to)

Clause 36

(Question that Clause 36 be part of the Bill)

(Question put and agreed to)

New Clause 7 (A)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Thank you, Madam Chair. I beg to move:

THAT, the Bill be amended by inserting the following New Clause 7 (A) immediately after Clause 7 of the as follows;

7(A) Secretariat to the County Steering Committee

(1) There is hereby established within the County Directorate responsible for matters relating to climate change, a Climate Change Unit which shall serve as the secretariat of the Climate Change Steering Committee.

(2) The Unit shall be headed by the Director responsible for Climate Change matters in the County.

(3) The unit shall consist of Climate Change Officers with expertise in climate change matters.

(4) The unit shall engage technical staff from other supporting departments and agencies related to climate change.

(The New Clause 7 (A) read a First Time)

*(Question, that the New Clause 7 (A)
be read a Second Time, proposed)*

*(Question, that the New Clause 7 (A) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 7 (A)
be added to the Bill, put and agreed to)*

New Clause 7 (B)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 7 (B) immediately after Clause 7 of the as follows;

7B The functions of the Secretariat shall be:

- (a) Provide analytical support on climate change to the various agencies and county government;
- (b) Establish and manage a county registry for appropriate mitigation actions by the public and private sectors;
- (c) Serve as the county knowledge and information management centre for collating, verifying, refining and disseminating knowledge;
- (d) Assist the Committee in formulating guidelines and standard documentation for the purposes of Implementation of this Act;
- (e) Optimize the County's opportunities to mobilize climate finance;
- (f) Conduct civic education to promote the awareness and understanding of climate change activities amongst stakeholders;
- (g) Conduct research and gap analysis to ensure continuous performance and improvement of the Unit; and
- (h) Maintain record of all Unit documentations;
- (i) Carry out such other function as shall be conferred by the Committee.

(The New Clause 7 (B) read a First Time)

*(Question, that the New Clause 7 (B)
be read a Second Time, proposed)*

(Question, that the New Clause 7 (B) be read a Second Time, put and agreed to)

(Question, that the New Clause 7 (B) be added to the Bill, put and agreed to)

New Clause 11 (A)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (A) immediately after Clause 11 of the as follows:

11A There is established a planning committee to be known as the County Climate Change Planning Committee that shall be appointed by the County Executive Committee Member for the time being responsible for matters of Environment and Climate Change.

(The New Clause 11 (A) read a First Time)

(Question, that the New Clause 11 (A) be read a Second Time, proposed)

(Question, that the New Clause 11 (A) be read a Second Time, put and agreed to)

(Question, that the New Clause 11 (A) be added to the Bill, put and agreed to)

New Clause 11 (B)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (B) immediately after Clause 11 of the as follows:

11B The Committee shall comprise of:

- a) Chief Officer for the time being responsible for matters of Environment and Climate Change who shall be the Chairperson;
- b) Chief Officer for Finance who shall be the Vice-Chairperson;
- c) County Director Water;
- d) County Director Agriculture;
- e) County Director Energy;
- f) County Director Health;
- g) County Director Environment;

- h) County Director Natural Resources and Forestry;
- i) County Director Climate Change who shall be the Secretary; and
- j) County Director Planning.

(The New Clause 11 (B) read a First Time)

*(Question, that the New Clause 11 (B)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (B) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (B)
be added to the Bill, put and agreed to)*

New Clause 11 (C)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (C) immediately after Clause 11 of the as follows:

11C (1) The County Climate Change Planning Committee shall: -

- a) Identify county wide climate change needs and vulnerabilities;
- b) Undertake internal and external resource identification and mobilization;
- c) Review, prioritize and sequence projects relevant to Climate Change mitigation based on the set criteria;
- d) Receive, consider and recommend funding proposals and projects and forward to the County Climate Change Steering Committee for approval;
- e) Prepare and submit an annual report on climate change response activities in the County;
- f) Formulate and implement County monitoring, evaluation and reporting framework for climate change response;
- g) sensitization and trainings at ward level; and
- h) Perform any other functions assigned to it by the County Steering Committee.

(2) The County Planning Committee shall be the technical and advisory arm of the County Steering Committee.

(The New Clause 11 (C) read a First Time)

*(Question, that the New Clause 11 (C)
be read a Second Time, proposed)*

(Question, that the New Clause 11 (C) be

read a Second Time, put and agreed to)

*(Question, that the New Clause 11 (C)
be added to the Bill, put and agreed to)*

New Clause 11 (D)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Thank you. Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (D) immediately after Clause 11 of the as follows:

11D The secretariat for the County Climate Change Planning Committee shall be drawn from the staff of the Department responsible for County Climate Change.

(The New Clause 11 (D) read a First Time)

*(Question, that the New Clause 11 (D)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (D) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (D)
be added to the Bill, put and agreed to)*

New Clause 11 (E)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (E) immediately after Clause 11 of the as follows:

11E (1) The meetings of the County Climate Change Planning Committee shall be conducted as follows: -

- a) The County Climate Change Planning Committee shall meet at least twice in a quarter in each financial year;
- b) The County Climate Change Planning Committee may choose to rotate the location of its regular meetings to different wards in the County for purposes of engaging directly with communities and familiarizing itself with their climate change-related challenges;
- c) The quorum for meetings of the County Climate Change Planning Committee shall be half of the membership;
- d) A resolution of the Planning Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote; and

- e) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice-chairperson, the members in attendance shall elect one of them to chair the meeting; provided that no two consecutive meetings shall be held without either the chairperson or the vice-chairperson being present.
- (2) The County Climate Change Planning Committee may invite to its meetings any technical staff of the national or County government which it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the County Climate Change Planning Committee.

(The New Clause 11 (E) read a First Time)

*(Question, that the New Clause 11 (E)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (E) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (E)
be added to the Bill, put and agreed to)*

New Clause 11 (F)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (F) immediately after Clause 11 of the as follows:

11F There is established a Sub-committee that shall be known as the Sub-County Climate Change Planning Sub-Committees appointed by the County Executive Member for the time being responsible for matters of Environment and Climate Change.

(The New Clause 11 (F) read a First Time)

*(Question, that the New Clause 11 (F)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (F) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (F)
be added to the Bill, put and agreed to)*

New Clause 11 (G)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (G) immediately after Clause 11 of the as follows:

11G (1) Composition of Sub-County Climate Change Planning Sub-Committee shall be as follows:

- a) Sub-County Administrator who shall be the Chairperson.
- b) One youth representative nominated from registered youth groups in the Sub-County
- c) One-woman representative nominated from registered women groups in the Sub-County
- d) A representative nominated from the Community-Based Organizations actively operating on climate change actions in the Sub-County
- e) A representative of people with disability (PWDs) nominated from registered persons with disabilities groups in the Sub-County
- f) A representative of the National Government Ministry responsible for Climate Change matters
- g) A representative of the Sector of Environment in the Sub-County who will be the Secretary of the Sub-Committee
- h) Ward administrators who shall be ex-officio.

(2) In making these appointments to the Sub-County Climate Change Planning Sub-Committees, consideration has to be made to the two-thirds gender rule and the provisions of Article 27 of the Constitution 2010.

(The New Clause 11 (G) read a First Time)

*(Question, that the New Clause 11 (G)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (G) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (G)
be added to the Bill, put and agreed to)*

New Clause 11 (H)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (H) immediately after Clause 11 of the as follows:

11H A Sub-County Climate Change Planning Sub-Committee member under Section 18 (c), (d), (e), (f), (g) will serve for a period of three years, renewable once subject to satisfactory performance and provided he or she has attended at least half of the meetings.

(The New Clause 11 (H) read a First Time)

*(Question, that the New Clause 11 (H)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (H) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (H)
be added to the Bill, put and agreed to)*

New Clause 11 (I)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (I) immediately after Clause 11 of the as follows:

11(I) The Sub-County Climate Change Planning Sub-Committees shall:

- a) Coordinate and mobilize communities and other stakeholders in the Sub-County to design and implement climate change response activities;
- b) Facilitate research and knowledge management at the Sub-County level on climate change, its impacts and strategies for responding thereto;
- c) Facilitate public education, awareness creation, and capacity building at the Sub-County level on climate change, its impacts and strategies for responding there to;
- d) Coordinate, facilitate and manage community consultations on priority climate change response activities at the Sub-County level;
- e) Participate in county planning and budgeting processes with a view to ensuring the mainstreaming of climate change and prioritization of climate change response in county development plans;
- f) Facilitate public participation in climate change governance, implementation of agreed climate change response activities and monitoring of those activities at the Sub-County level;
- g) Coordinate and facilitate provision of technical support to communities in the Sub-County in developing proposals on climate change response projects for funding by the County Climate Change Fund;

- h) Oversee implementation of climate change response projects at the Sub-County level funded by the County Climate Change Fund and report to the County Climate Change Planning Committee; and
- i) Perform any other functions that may be assigned to it by the County Climate Change Planning Committee.

(The New Clause 11 (I) read a First Time)

*(Question, that the New Clause 11 (I)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (I) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (I)
be added to the Bill, put and agreed to)*

New Clause 11 (J)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (J) immediately after Clause 11 of the as follows:

11J (1) For appointment to the Sub-Committees a member: -

- a) Shall have basic knowledge of climate change;
- b) Shall have a minimum basic education; preferably KCSE Certificate;
- c) Shall be committed persons willing to serve the community; and
- d) A resident of the given Sub-County.

(2) Members nominated from the Community under Section 18(c), (d), (e), (f), (g) shall be through a competitive process.

(The New Clause 11 (J) read a First Time)

*(Question, that the New Clause 11 (J)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (J) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (J)
be added to the Bill, put and agreed to)*

New Clause 11 (K)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (K) immediately after Clause 11 of the as follows:

11K Members of the Sub-County Climate Change Planning Sub-Committees shall be paid a sitting allowance or such remuneration at such rate as per the Salaries and Remuneration Commission (SRC) recommendations

(The New Clause 11 (K) read a First Time)

(Question, that the New Clause 11 (K) be read a Second Time, proposed)

(Question, that the New Clause 11 (K) be read a Second Time, put and agreed to)

(Question, that the New Clause 11 (K) be added to the Bill, put and agreed to)

New Clause 11 (M)

Hon. Temporary Chairperson: Mover?

Hon. Waithera Chege: Madam Chair, I beg to move:

THAT, the Bill be amended by inserting the following New Clause 11 (M) immediately after Clause 11 of the as follows:

11M Meetings of the Sub-County Climate Change Sub-Committee shall be conducted as follows;

- a) The Sub-County climate change planning sub-committee shall meet at least twice in each quarter;
- b) The inaugural meeting of the Sub-County climate change planning subcommittee, the committee shall elect a Vice-Chairperson from Sub-County climate change planning sub-committee under Section 18(c), (d), (e), (f), (g) who shall chair meetings in the absence of the Chairperson;
- c) Save for the inaugural and emergency meetings, which shall be held at the Sub-County headquarters, regular meetings of the Sub-County Climate Change Planning Sub-Committee shall be convened and held in the different locations of the Sub-County on a rotational basis;
- d) The quorum for meetings of the Sub-County Climate Change Planning Sub-Committee shall be half of the members;

- e) A resolution of the Sub-County Climate Change Planning Sub-Committee shall require an affirmative vote of more than one half of the membership present at a meeting, excluding the chairperson's vote which shall be a casting vote.
- f) In the absence of the chairperson, the vice chairperson shall preside over a meeting, and in the absence of both the chairperson and the vice chairperson, the members in attendance shall elect one of them to chair the meeting; and
- g) Regular meetings of the Sub-County Climate Change Planning Sub-Committee shall be scheduled in such a manner as to ensure that resolutions thereof are available in time for the next regular meeting of the County Climate Change Planning Committee.

(The New Clause 11 (M) read a First Time)

*(Question, that the New Clause 11 (M)
be read a Second Time, proposed)*

*(Question, that the New Clause 11 (M) be
read a Second Time, put and agreed to)*

*(Question, that the New Clause 11 (M)
be added to the Bill, put and agreed to)*

Clause 2

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifu: Hon. Chair, I beg to move:

THAT, the Clause 2 of the Bill be amended as follows in the correct alphabetical order:

- (i) By deleting and replacing the definition of the word “sustainable development” and replacing it with the new definition “sustainable development means development that meets the needs of the present without comprising the ability of future generations to meet their own needs”
- (ii) By inserting the new definition “lead agency means any government ministry, department, parastatal, state corporation or local authority in which any laws vests functions of control”
- (iii) By inserting the new definition “Executive Committee member means the Nairobi City County Executive Member responsible for Climate change”

(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 2 as amended agreed to)

Long Title

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, the Long Title of the Bill be amended as follows by deleting the words ‘to provide’ appearing immediately after the words “county assembly”.

(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)*

(Long Title as amended agreed to)

Clause 1

Hon. Temporary Chairperson: Mover?

Hon. Kamau Fiunifiu: Hon. Chair, I beg to move:

THAT, Clause 1 of the Bill be amended as follows by deleting the words ‘management’ appearing immediately after the words “climate Change”.

(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 1 as amended agreed to)

Hon. Temporary Chairperson: The mover?

Hon. Kamau Fiunifiu: Hon. Chair...

Hon. Temporary Chairperson: Hon. Waithera is the mover.

Hon. Waithera Chege: Hon. Speaker, I beg to move that the Committee do report to the Assembly its consideration of the Nairobi City County Climate Change Management Bill, 2023. (Assembly Bill No. 4 of 2023) and its approval thereof with amendments.

Hon. Temporary Chairperson: Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Temporary Chairperson: Thank you, Hon. Members for being patient.

(The House resumed)

[The Temporary Speaker (Hon. Diana Mwangangi) in the Chair]

CONSIDERATION OF REPORT

THE NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023

Hon. Temporary 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 Climate Change Management Bill, 2023 (Assembly Bill No. 4 of 2023) and approved the same with amendments. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Thank you. Mover?

Hon. Waithera Chege: Hon. Speaker, I beg to move that the Assembly do agree with the Committee as presented.

(Question proposed)

(Question put and agreed to)

THIRD READING

Hon. Temporary Speaker: Mover?

Hon. Waithera Chege: Hon. Speaker, I beg to move that the Nairobi Climate Change Management Bill, 2023 (Assembly Bill No. 4 of 2023) be now read a Third Time.

Hon. Speaker, may I take this opportunity to thank all the Members seated here this afternoon for the effort, sacrifice, resilience that they have had. It has been a long journey, and it is important that I thank both the office of the Speaker and the leadership, both from the Majority and the Minority sides, plus all the Members.

Allow me to be exceptional on the Committee on Environment for spending sleepless nights looking at the contents of this Bill and even travel to Naivasha to discuss it. Allow me most sincerely to thank the Clerks of the Committee for the tremendous job they have done to make sure that this Committee sees the floor of the House today.

Hon. Speaker, we have had a lot of support from stakeholders such as the United Nations Environmental Programme, the Stockholm Institute, and many other institutions that came on board not only to give their opinion but also help us polish this document. I also want to be

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exceptional to Clerk Wasike and his team for the good job put forward. The women speakers of this House went out of their way to ask the Serjeant-at-Arms to block the door so that we get results of this Bill. I thank everyone who has made this day a success. Hon. Speaker, I beg to move.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, the floor is now open.

(Question put and agreed to)

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

Hon. Temporary Speaker: Hon. Members of the Assembly Business Committee are reminded that we will have a meeting after the Assembly, both physically and virtually, at the Chamber Boardroom.

ADJOURNMENT

Hon. Temporary Speaker: The House stands adjourned till tomorrow, Wednesday 9th October 2024 at 2:30pm.

The House rose at 4:02 p.m.