



**REPUBLIC OF KENYA**

**NAIROBI CITY COUNTY ASSEMBLY**

**SECOND ASSEMBLY – (FOURTH SESSION)**

**ORDERS OF THE DAY**

**TUESDAY, OCTOBER 6, 2020 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement

**8. \*COMMITTEE OF THE WHOLE ASSEMBLY**

***Subject: Consideration of the Governor's Memorandum on the Tobacco Control Bill, 2019.***

The Nairobi City County Tobacco Control Bill, 2019 (Governor's Memorandum).

(Committee of the Whole Assembly)

(Chairperson, Sectoral Committee on Health Services)

**9. \*MOTION – HON. MOSES OGETO NYANGARESI, MCA*****Subject: Enforcement of notices for repainting of buildings in the County***

**THAT**, aware that Part Two of the Fourth Schedule to the Constitution of Kenya 2010, the functions and powers of the County Governments, among others, covers public health; further aware that Section 118(b) of the Public Health Act, Cap 242 identifies as nuisance, any dwelling or premises or part of a construction in such a state as dirty to be dangerous to health; **NOTING THAT** that Nairobi County is the entry point into the country by international guests; **FURTHER NOTING THAT** the aesthetic characteristics of the city gives the first impression about its general organization and national character; **COGNIZANT THAT** the County Government and the Nairobi Metropolitan Services (NMS) have separately issued public notices to owners of buildings to repaint in line with their Nairobi City beautification initiative; **CONCERNED THAT** to a large extent, property owners have ignored to comply with the said notices; **REALIZING THAT** the County has the responsibility to make laws and policies in peoples' interest which they hold in trust; this Assembly resolves that the County Executive and the Nairobi Metropolitan Services(NMS) moves with speed to enforce the aforementioned notices on repainting of buildings in the City County.

# **NOTICES**

## **I. THE NAIROBI CITY COUNTY TOBACCO LICENSING BILL, 2019**

### **(ASSEMBLY**

**NOTICE** is given that the Chairperson of the Sectoral Committee on Health Services intends to move the following amendments to the Nairobi City County Tobacco Licensing Bill, 2019 at the Committee Stage—

#### **CLAUSE 2**

**THAT**, the Bill be amended in clause 2 by deleting “29” appearing immediately after the word “section” and substituting with “16” in the interpretation of the words “specially designated smoking area”.

#### **CLAUSE 9**

**THAT**, the Bill be amended in clause 9(1) on Prohibited places for sale by introducing sub-clauses after (c), (d) public institution and government buildings, (e) prohibited places and (f) prohibited smoking areas as covered under clause 15 to comply with WHO-FCTC, the Tobacco Act and Tobacco Control Regulations.

**THAT**, the Bill be amended in clause 9(2) by substituting the words “a term not exceeding one month” with “a term not exceeding six months” for universality of offence penalties.

#### **CLAUSE 13**

**THAT**, the Bill be amended in clause 13(2) on Outdoor advertisement by substituting the words “fine not exceeding ten thousand shillings or to imprisonment for a term no exceeding one month” with “a fine not exceeding fifty thousand shillings or six months imprisonment or both for consistency with Tobacco Act 2007.

#### **CLAUSE 14**

**THAT**, the Bill be amended in clause 14(4) on Right to smoke free environment by introducing a new sub-clause 14(5) to provide a penalty “a person who contravenes this section shall be guilty of an offense and upon conviction to a fine not exceeding fifty thousand shillings, or to imprisonment not exceeding a term of six months, or both” for consistency with Tobacco Act 2007.

**CLAUSE 15**

**THAT**, the Bill be amended in clause 15(5) by substituting the words “three” appearing after the word “exceeding” with the word “six” to appear before the word “months” for consistency with Section 33(3) of the Tobacco Act 2007.

**CLAUSE 17**

**THAT**, the Bill be amended in clause 17(3) on Display of notices by substituting the words “three months” appearing after the word “exceeding” with the words “six months” before the word “or” for consistency with Section 34(6) of the Tobacco Act 2007.

**CLAUSE 21**

**THAT**, the Bill be amended in clause 21 on School health programs by inclusion of “tertiary college and universities” to appear immediately after the word “secondary schools” to make provision for comprehensive coverage of learning institutions and to educate the youths on the risks of use of tobacco and tobacco products.

**II. The Assembly resolved on Wednesday, 19<sup>th</sup> February, 2020 as follows: -**

- a) **THAT**, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, each speech in a debate on **Bills NOT sponsored by a Committee**, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.
- b) **THAT**, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

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\* **Denotes Orders of the Day** \*

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