



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

WEDNESDAY, OCTOBER 2, 2024 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. Statements

8. *COMMITTEE OF THE WHOLE COUNTY ASSEMBLY – TO CONSIDER THE NAIROBI CITY COUNTY FOOD SAFETY AND FORTIFICATION BILL, 2023 (ASSEMBLY BILL NO.10 OF 2023)

Subject: *Committee of the Whole County Assembly*

The Nairobi City County Food Safety and Fortification Bill, 2023 (Assembly Bill No.10 of 2023)

(Hon. Elijah Stazo Omung'ala, MCA)

(Committee of the Whole County Assembly)

NOTICES

I. NOTICE is given that the Chairperson of the Sectorial Committee on Health Services intends to move the following amendments to the Nairobi City County Food Safety and Fortification Bill 2023, at the Committee Stage: -

LONG TITLE

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

SHORT TITLE

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

CLAUSE 2

THAT, Clause 2 of the Bill 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”

CLAUSE 3

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’

CLAUSE 5

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’

CLAUSE 6

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’

CLAUSE 7

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’

CLAUSE 8

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.

CLAUSE 19

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”

CLAUSE 20

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

- (i) By deleting it in its entirety

CLAUSE 21

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

CLAUSE 24

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.

(i) 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”

CLAUSE 26

THAT, Clause 26 of the Bill 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”

CLAUSE 27

THAT, Clause 27 of the Bill 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”

CLAUSE 28

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

CLAUSE 33

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.

CLAUSE 35

THAT, Clause 35 of the Bill be amended as follows; -

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

II. The Assembly resolved on Wednesday, 14th February, 2024 as follows: -

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.

*** Denotes Orders of the Day***

NOTICE PAPER I

Tentative business for Thursday, 3rd October, 2024.

(Published pursuant to Standing Order 41(1))

IT IS NOTIFIED that the Assembly Business Committee, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday, 3rd October, 2024 at 2.30 p.m.: -

1. *BILL – THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023 (ASSEMBLY BILL NO.12 OF 2023)

Subject: *Second Reading*

The Nairobi City County Betting, Lotteries and Gaming Bill, 2023 (Assembly Bill No.12 of 2023)

(Hon. Chege Mwaura, MCA)

(Second Reading)

2. *MOTION – HON. ROSEMARY MASITSA, MCA

Subject: *Protection of minors from economic exploitation in the County*

THAT, aware that Article 53 of the Constitution of Kenya, 2010 provides that every child has the right to; *inter-alia* free and compulsory basic education; and, the right of all children to be protected from abuse, neglect, harmful cultural practices, all form of violence, inhumane treatment and punishment, and hazardous or **exploitative labor**; **FURTHER AWARE** that paragraph 9 of part 2 of the Fourth Schedule of the Constitution, provides for pre-primary education and childcare facilities as a County function; **DISTURBED** that children below the age of five years, often accompanied by parents or perceived guardians get subjected to street tussles and economic exploitations, depriving them the right to early education; **APPRECIATING** the recent school feeding program introduced by the County Government in public schools dubbed "*Dishi na County*" which is aimed at encouraging and promoting enrolment of children to schools for a better and promising future; **DEEPLY CONCERNED** that the presence of minors in the Central Business District and its environ is on the rise, this ASSEMBLY THEREFORE urges the County Executive to;-

1. Conduct a crackdown of all the minors idling, loitering aimlessly, begging or engaging in commercial activities in the Central Business District and its environ with a view of integrating the minors to school program; and,
2. Introduce a street-to-school strategy program that would advocate for the protection of the minors' rights to education.

