



COUNTY GOVERNMENT OF NAIROBI CITY
SECOND ASSEMBLY – (FIFTH SESSION)
NAIROBI CITY COUNTY ASSEMBLY
VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 16, 2021 AT 2.30P.M.

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The temporary Chair (Hon. Immapet Kemunto, MCA) having confirmed that there was Quorum called the Assembly to order.

3. STATEMENTS PURSUANT TO STANDING ORDER 45(2)(C)

Pursuant to Standing Order 45(2) C, the following Member requested for Statement: -

- i. Hon. Jeremiah Themendu, MCA requested for a statement from the Chairperson of the Sectoral Committee on Environment and Natural Resources regarding the payment of Youth who were engaged in clean up exercise dubbed “Ten Ten” and “Ngarisha Jiji Initiative” that was undertaken in all 85 Wards in the County. **(Due on 2nd March, 2021).**

4. MOTION – ADOPTION OF THE REPORT OF THE SECTORAL COMMITTEE ON ROADS AND PUBLIC WORKS

Motion Made and Question Proposed: -

THAT, this Assembly Adopts **THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON INVESTIGATION INTO THE ALLEGED UNCONVENTIONAL CONSTRUCTION OF A BRIDGE ALONG POKOMO LANE IN INDUSTRIAL AREA**, laid on the Table of the Assembly on Tuesday, 24th November 2020.

(Chairperson, Sectoral Committee on Transport and Public Works)

Debate ensued;

Mover replied;

Question put and **Agreed to**

5. COMMITTEE OF THE WHOLE ASSEMBLY

Order of Committee of the Whole Assembly read;

IN THE COMMITTEE

(**Hon. Emily Oduor**, MCA - in the chair)

The Nairobi City County Pop-Up Market and Street Vendors, 2019
(Assembly Bill No. 9 Of 2019)

Clauses 3,4,5 & 6

Question that Clauses 3,4,5 & 6 be part of the Bill proposed, put and agreed to;

Clause 7 amendments proposed -

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

- (i) In sub-clause 4 by inserting the words **‘a manual and digitized’** immediately after the word **‘maintain’** and by inserting the words **‘and such register shall be made available on request to members of the public’** immediately after the word **‘county’**.

(Chairman, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 7 as amended be part of the Bill proposed, put and agreed to

Clause 8

Question that Clause 8 be part of the Bill proposed, put and agreed to;

Clause 9 amendments proposed -

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

- i. In sub-clause (1) paragraph (b) by deleting the paragraph and substituting thereof with **“a street vending licence issued under this Act shall be valid for one year from the date it is issued or such period as may be specified in the licence; and”**

ii. In sub- clause 1 by inserting a new paragraph (c a) as follows;
NEW PARAGRAPH

“c a” ‘the street vendor carrying on business as provided in the license shall not sub-let, transfer, assign or otherwise alienate any vending space, stall or property allocated to them for carrying out vending activities’

(Chairman, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;
Question put and agreed to;

Question that Clause 9 as amended be part of the Bill proposed, put and agreed to

Clause 10 amendments proposed –

THAT, Clause 10 of the Bill be amended as follows;

- i. In Sub-clause 1 by inserting the words '**annually** or' immediately after the word renewed

(Chairman, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;
Question put and agreed to;

Question that Clause 10 as amended be part of the Bill proposed, put and agreed to;

Clauses 11,12,13,14,15,16,17,18 & 19

Question that Clauses 11,12,13,14,15,16,17,18 & 19 be part of the Bill proposed, put and agreed to;

Clause 20 amendments proposed –

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

In Sub-clause 2 by deleting the words '**not**' immediately after the word '**shall**'.

(Chairman, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;
Question put and agreed to;

Question that Clause 20 as amended be part of the Bill proposed, put and agreed to;

Clauses 21,22,23,24 & 25

Question that Clauses 21,22,23,24 & 25 part of the Bill proposed, put and agreed to;

Clause 26 amendments proposed –

THAT, Clause 26 of the Bill be amended as follows;

- i. By inserting the words '**6 months after enactment of this Bill**' immediately after the words this Act.

(Chairman, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 26 as amended be part of the Bill proposed, put and agreed to;

New Clause 3A

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

1. By inserting a new **Clause 3A** immediately after Clause 3 as follows; -

“3 A”(1) The operation, regulation and management of pop-up markets shall be guided by the following values

Values and Principles and principles :-

- (a) Right of access by registered street vendors to trade within the designated pop-up market as gazetted
- (b) Equitable access for registered street vendors to the pop-up markets
- (c) Protection of the street vendors within the pop-up markets
- (d) Right to a fair hearing before revocation of licenses of registered street vendors
- (e) Ensuring human dignity and integrity of persons engaged in the management of the pop-up markets.

Motion made and question proposed;

That New Clause 3A be read a Second Time

(Chairperson, Sectoral Committee on Trade, Tourism & Cooperatives)

Question put and agreed to

Question that New Clause 3A be part of the Bill proposed, put and agreed to;

First Schedule

Question that First Schedule part of the Bill proposed, put and agreed to;

Clause 2 amendments proposed –

THAT, Clause 2 of the Bill be amended as follows;

1. By inserting the following definitions in their alphabetical sequence: -

i. ‘disorderly manner’ means “involving or contributing to a breakdown of peaceful and law-abiding behavior”

ii. ‘public space’ includes “every place to which the public are entitled or permitted to have access whether on payment or otherwise in accordance with Section 3 of The Interpretation and General Provisions Act, CAP 2 of the Laws of Kenya”

iii. ‘informal trade’ means “unorganized small scale, self-employment creating activities which might involve individuals or unremunerated relatives of the business owner, small number of hired workers or totally without any hired workers which the street vendors engage in for the purpose of increasing income generation”.

(Chairperson, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 2 as amended be part of the Bill proposed, put and **agreed to**;

Long Title amendments proposed –

THAT, the Long Title be amended by deleting the numeric “2019” and Substituting with the numeric “2021” therefore.

(Chairperson, Sectoral Committee on Trade, Tourism & Cooperatives)

Question of the amendment proposed;

Question put and agreed to;

Question that Long Title as amended be part of the Bill proposed, put and agreed to;

Clause 1 amendments proposed –

THAT, Clause 1 be amended by deleting the numeric “2019” and Substituting with the numeric “2021” therefore.

(No.05)

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(017)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 1 as amended be part of the Bill proposed, put and agreed to;

6. ASSEMBLY RESUMED

The Nairobi City County Pop-Up and Street Vendors Bill, 2019
(Assembly Bill No. 9 of 2019)

Bill reported with amendments

Motion made and Question proposed: -

THAT, the Assembly do agree with the Committee of the Whole Assembly in the said report

(Hon. Kabiro Mbugua, MCA)

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Pop-Up and Street Vendors Bill, 2019 (Assembly Bill No. 9 of 2019) be now read **a Third Time**.

(Hon. Kabiro Mbugua, MCA)

Question put and **agreed to**.

Bill read a Third Time and passed.

And the time being a quarter past Three O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

7. ASSEMBLY ROSE - at a **quarter past Three O'clock**.

MEMORANDUM

The Speaker will take the Chair on
Thursday, 18th February at 2.30p.m.