



COUNTY GOVERNMENT OF NAIROBI CITY
SECOND ASSEMBLY – (FIFTH SESSION)
NAIROBI CITY COUNTY ASSEMBLY
VOTES AND PROCEEDINGS
TUESDAY, AUGUST 3, 2021 AT 2.30 P.M.

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

QUORUM OF THE ASSEMBLY

The presiding Chair (Hon. Emily Oduor, MCA) having confirmed that there was Quorum called the Assembly to order.

3. PAPERS LAID: -

The following paper was laid on the Table of the Assembly: -

- i. THE 34TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE NAIROBI CITY COUNTY GOVERNMENT AND COOPERATIVE BANK OF KENYA LIMITED ON THE PAYROLL SUPPORT SERVICES.**

(Hon. James Kiriba Kariuki, MCA)

4. NOTICE OF MOTION – HON. JAMES KIRIBA KARIUKI, MCA

THAT, this Assembly adopts **THE 34TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE NAIROBI CITY COUNTY GOVERNMENT AND COOPERATIVE BANK OF KENYA LIMITED ON THE PAYROLL SUPPORT SERVICES**, laid on the Table of the Assembly on Tuesday, 3rd August, 2021.

5. NOTICE OF MOTION – HON. CLARENCE MUNGA, MCA

Subject: a policy for installation of Closed-Circuit Televisions on commercial and residential buildings in the County

THAT, aware that Article 29 of the Constitution of Kenya, 2010 grants every citizen a right to freedom and security; **further aware that**

paragraph 8 of Part Two of the Fourth Schedule to the Constitution provides for county planning and development including housing as a function of the County Government; **noting that** recent months have witnessed a marked increase in the number of insecurity incidences across the Country and more so in Nairobi City County; **concerned that** majority of the buildings especially in informal settlements do not have closed-circuit television cameras, where most of the criminal activities within the County go unnoticed; **acknowledging** the importance of CCTVs in the modern world today where CCTV surveillance can deter potential criminals and video footages can help law enforcement to investigate and later provide evidence for prosecution in a law court; **further acknowledging** that CCTV used in conjunction with audio, thermal and other types of sensors can alert officials to occurrences that are out of the ordinary; **noting** that for the County to realize a 24 hour economy, security for business people and residents is indispensable; this Assembly urges the County Executive to formulate a policy to:-

1. compel building owners to install closed-circuit Televisions in all commercial and residential buildings to aid in reducing criminal activities across the County; and
2. install closed-circuit Televisions in all public areas and county facilities in the informal settlements across the County by the County Government.

6. NOTICE OF MOTION – HON. MARK MUGAMBI, MCA

Subject: Policy, programmes and Strategies to mitigate mental health problem in the County

THAT, aware that Article 43 of the Constitution of Kenya (2010) gives the citizens of this Country and residents of Nairobi City County a right to the highest attainable standard of health including the right to health care services; **further aware** that Health Services including County Health facilities and primary health care have been devolved to the County Governments pursuant to paragraph 2 of Part Two of the Fourth Schedule to the Constitution; **acknowledging** that mental health which includes emotional, psychological, and social well-being, affects how we think, feel, and act and also helps determine how we handle stress, relate to others, and make choices, which are important at every stage of life, from childhood and adolescence through adulthood; **concerned** that many people in the County and the Country at large are experiencing mental health problems which has been exacerbated by the effects of the Covid-19 pandemic; **noting** that there is no physical test or scan that reliably indicates whether a person has developed a mental illness; **recognizing** that mental health problem is a serious, lifelong and disabling condition and without the right support it can have a profound effect to individuals and families; **observing** that one of the functions of the County Persons with disabilities Board is to provide to the maximum extent possible assistive devices, appliances and other equipment to persons with

disabilities; and access to available information and technical assistance to all institutions and organizations concerned with the welfare and rehabilitation of persons with disabilities; this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to develop a County mental health policy to address both mental disorders and broader issues that promote mental health; and develop programmes and strategies to promote mental health in the County.

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

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

- a) Hon. Nicholas Okumu, MCA requested for a statement from the Chairperson of the Sectoral Committee on Planning and Housing Services regarding the demolition of structures around Sossian area in Lower Savannah ward.

8. MOTION – ADOPTION OF THE 34TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE NAIROBI CITY COUNTY GOVERNMENT AND COOPERATIVE BANK OF KENYA LIMITED ON THE PAYROLL SUPPORT SERVICES

Motion Made and Question Proposed: -

THAT, this Assembly adopts **THE 34TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE NAIROBI CITY COUNTY GOVERNMENT AND COOPERATIVE BANK OF KENYA LIMITED ON THE PAYROLL SUPPORT SERVICES**, laid on the Table of the Assembly on Tuesday, 3rd August, 2021.

(Hon. James Kiriba Kariuki, MCA)

Debate Ensued;

Mover Replied;

Question put and *Agree to*;

9. COMMITTEE OF THE WHOLE ASSEMBLY

Order of Committee of the Whole Assembly read;

IN THE COMMITTEE

(Hon. Emmamet Kemunto, MCA - in the chair)

The Nairobi City County Public Nuisance Bill, 2020 (Assembly Bill No. 5 Of 2020)

Clause 3

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

Clause 4 amendments proposed –

CLAUSE 4

THAT Clause 4 of the Bill be amended by deleting the words, “Application of related laws and replacing with “Savings of cap 242, 254, 387,245A and Land Use Act.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 4 as amended be part of the Bill proposed, put and agreed to

Clause 5 amendments proposed –

THAT Clause 5 sub clause (2) of the Bill be amended by deleting the word “County Gazette” and replacing with the word “Kenya Gazette”.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 5 as amended be part of the Bill proposed, put and agreed to

Clause 6 amendments proposed –

THAT Clause 6 (g) of the Bill be deleted in its entirety.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 6 as amended 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) By introducing a new sub clause immediately under sub clause (4) as follows;

NEW SUB CLAUSE

(5) The County Assembly shall play an oversight role over the administrative provisions and functions of this Act.

(Hon. Joseph Ndonji, MCA)

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 amendments proposed –

THAT Clause 8 (1) of the Bill be amended as follows: -

- (i) by deleting sub clause (a) in its entirety
- (ii) by deleting sub clause (e) in its entirety
- (iii) by adding the words, “without cleaning up after the dog” immediately after the word street
- (iv) by deleting sub clause (g) in its entirety
- (v) by deleting sub clause (i) in its entirety

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

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

Clauses 9 & 10

Question that Clauses 9 & 10 be part of the Bill proposed, put and agreed to;

Clause 11 amendments proposed –

THAT Clause 11 (1) (f) of the Bill be amended by inserting the following words “and shall upon conviction be liable upon conviction”, immediately after the word offence.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 11 as amended be part of the Bill proposed, put and agreed to;

Clause 12 amendments proposed –

THAT Clause 12 sub clause (2) of the Bill be amended by inserting a new sub clause 12 (3), “no license shall be issued unless the health

authority is satisfied that the provision of the law has been complied with and the prescribed fee has been paid to the county.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 12 as amended be part of the Bill proposed, put and agreed to;

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

Question that Clauses 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: -

- i) In sub clause (1) (b) in the eighth paragraph by deleting the word “inmates” and thereof substituting it with the word “dwellers”.
- ii) By introducing a new sub clause immediately under sub clause (1) (b) as follows;

NEW SUB CLAUSE

(1) (c) “in any street or designated public service vehicle terminus or stage within the Central Business District hoot a public service vehicle and or matatu loudly and continuously as for the hooting to constitute noise”.

- iii) In sub clause (5) by adding the expression “or to an impounding or forceful removal of the equipment causing noise” immediately after the expression “6 months or both”.

(Hon. Joseph Ndonji, MCA)

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

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

Clause 23 amendments proposed –

THAT Clause 23 of the Bill be amended as follows: -

- (i) By deleting sub clause (3) in its entirety.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 23 as amended be part of the Bill proposed, put and agreed to;

Clause 24 amendments proposed –

THAT Clause 24 of the Bill be amended by deleting the word “section” and thereof replacing it with the word “clause”.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 24 as amended be part of the Bill proposed, put and agreed to;

Clauses 25,26,27,28 & 29

Question that Clauses 25,26,27,28 & 29 be part of the Bill proposed, put and agreed to;

Clause 30 amendments proposed –

THAT Clause 30 sub clause (4) of the Bill be amended by deleting the words, “Within thirty days” and replacing it thereof with the word “twenty-four hours”.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 30 as amended be part of the Bill proposed, put and agreed to;

Clause 31 amendments proposed –

THAT Clause 31 of the Bill be amended as follows: -

- (i) By deleting the expression “one hundred and eighty days” in the sixth paragraph and replacing it thereof with the expression “twenty-four hours”.

(Hon. Joseph Ndonji, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 31 as amended be part of the Bill proposed, put and agreed to;

Clauses 32,33,34 & 35

Question that Clauses 32,33,34 & 35 be part of the Bill proposed, put and agreed to;

Clause 2 amendments proposed –

THAT Clause 2 of the Bill in the Interpretations be amended as follows: -

- (i) “Department” by deleting the word environment and thereof replacing with the word public nuisance.
- (ii) “Protected area” by deleting the word for grazing animals.
- (iii) “Public Place” by inserting the words public roads and any open space to which the public has access to.
- (iv) By introducing the word “permit” and its interpretation, “means a document issued by the county to an entity to conduct business within Nairobi City County.
- (v) By introducing the word “permit holder” and its interpretation, “means a business entity authorized to conduct business within Nairobi City County.

(Hon. Joseph Ndonji, MCA)

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 “2020” and Substituting with the numeric “2021” thereof.

(Hon. Joseph Ndonji, MCA)

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 “2020” and substituting with the numeric “2021” thereof.

(Hon. Joseph Ndonji, MCA)

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;

10. ASSEMBLY RESUMED

The Nairobi City County Public Nuisance Bill, 2020 (Assembly Bill No. 5 Of 2020)

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. Joseph Ndonji, MCA)

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Public Nuisance Bill, 2020 (Assembly Bill No. 5 Of 2020) be now read **a Third Time**.

(Hon. James Kiriba Kariuki, MCA)

Question put and agreed to.

Bill read a Third Time and passed.

There being no other business and the time being thirty Minutes past Four O'clock the presiding Chair (Hon. Emily Oduor, MCA) adjourned the Assembly without Question put pursuant to the Standing Orders.

11. ASSEMBLY ROSE - at a **Thirty Minutes past Four O'clock.**

MEMORANDUM

The Speaker will take the Chair on
Thursday, 5th August, 2021 at 2.30p.m.