



COUNTY GOVERNMENT OF NAIROBI CITY

SECOND ASSEMBLY – (SIXTH SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 3, 2022 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. John Kamangu, MCA) having confirmed that there was no Quorum caused the bell to rung for 10 minutes.

There being a Quorum at the expiry of the 10 minutes, the presiding Chair called the Assembly to order.

3. PAPERS LAID: -

The following paper was laid on the Table of the Assembly;

- a) **THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON CONSIDERATION OF THE NAIROBI CITY COUNTY AIR QUALITY BILL, 2021 (ASSEMBLY BILL NO.12 OF 2021)**

(Hon. Jeremiah Themendu, MCA)

4. NOTICE OF MOTION: - HON. MILLICENT JAGERO, MCA

THAT, aware that Article 43 (1) of the Constitution provides that every person has the right to the highest attainable standards of health, which includes the right to health care services, including reproductive healthcare; 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; disturbed that the attainment of the foregoing objective remains a challenge given the dire shortage of health workers and equipment within the County; further disturbed that while access and use of high-quality and comprehensive sexual reproductive health services could prevent or mitigate many of the poor health outcomes experienced among adolescents and youth; noting that, a wide range of barriers including socio-cultural and structural barriers prevent young people from

accessing these services; acknowledging that the National Government has developed the National Guidelines on Provision of Adolescents and Youth Friendly Services across the Country, this Assembly urges the County Executive in conjunction with the Nairobi Metropolitan Services to: -

1. develop the County Adolescent and Youth Reproductive Health Strategy Paper; and
2. domesticate the National Guidelines for Provision of Adolescents and Youth Friendly Services with necessary modifications to improve availability, accessibility, acceptability and use of quality sexual and reproductive health services by adolescents and youth seeking services in all the County Health facilities within the County

5. BILL – THE NAIROBI CITY COUNTY AIR QUALITY BILL, 2021 (ASSEMBLY BILL NO. 12 OF 2021)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Nairobi City County Air Quality Bill, 2021 (Assembly Bill No.12 of 2021) be now read a Second Time.

(Hon. Waithera Chege, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to;**

Bill read a Second Time and committed to the Committee on the Whole Assembly.

6. COMMITTEE OF THE WHOLE ASSEMBLY

The Nairobi City County Early Childhood Development and Education Bill, 2021 (Assembly Bill No.5 of 2021)

Order for Committee of the Whole Assembly read;

IN THE COMMITTEE

(Hon. Emapet Kemunto, MCA – in the Chair)

Clause 3

THAT Clause 3 of the Bill be amended as follows-

- (i) In sub-clause (e) by deleting the provision in its entirety and substituting therefor the following “**protection of the right of every learner in the pre-primary educational institution including the medium of instruction for all learners of the same educational level**”

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

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

Clauses 4,5 & 6:

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

Clause 7

THAT, Clause 7 of the Bill be amended by -

- (i) By deleting it in its entirety and replacing therefor the following
“The County Education Board shall consist of the membership as outlined under Section 20 of The Basic Education Act, 2013.”

(Hon. Jayendra Malde, 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;

Clauses 8,9,10,11,12,13,14,15,16,17,18,19 & 20:

Question that Clauses 8,9,10,11,12,13,14,15,16,17,18,19 & 20 be part of the Bill proposed, put and agreed to;

Clause 21

THAT Clause 21 of the Bill be amended as follows; -

- i.** In sub-clause (2) by deleting the word “**to**” appearing immediately after the words “**one year or**”.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 21 as amended be part of the Bill proposed, put and agreed to;

Clauses 22,23 & 24

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

Clause 25

THAT Clause 25 of the Bill be amended as follows; -

- i. In sub-clause (a) by deleting the words **“the service provider, specifying the date of birth of each”** appearing immediately after the word **“attended”** and substituting therefor the following **“the early childhood education centre”**
- ii. by inserting a new sub-clause (ca) immediately after sub clause (c)
 - (ca) “monitoring and tracking records for the child development”

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 25 as amended be part of the Bill proposed, put and agreed to;

Clause 26

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

Clause 27

THAT Clause 27 of the Bill be amended as follows; -

- i. In sub-clause (1) by inserting the words **“in consultation with the Kenya Institute of Curriculum Development”** to appear immediately after the words **“Executive Committee Member”**

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 27 as amended be part of the Bill proposed, put and agreed to;

Clause 28

THAT Clause 28 of the Bill be amended as follows; -

- i. In sub-clause (1) paragraph (a) by deleting the words appearing immediately after “**private schools**”
- ii. In sub-clause (1) paragraph (b) by deleting the words appearing immediately after “**public schools**”
- iii. In sub-clause (2) by deleting the words appearing after the words “**private status**”

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 28 as amended be part of the Bill proposed, put and agreed to;

Clause 29

THAT Clause 29 of the Bill be amended as follows; -

- i. In sub-clause (3) paragraph (a) by deleting the word “**intellectually**”
- ii. In sub-clause (4) by inserting the words “**assistive devices used by learners with disabilities**” immediately after the words “**learning materials**”.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 29 as amended be part of the Bill proposed, put and agreed to;

Clause 30

THAT Clause 30 of the Bill be amended as follows; -

- i. by inserting the words “**in consultation with the Cabinet Secretary for Education**” immediately after the words “**The Executive Committee Member**”

(Hon. Jayendra Malde, 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

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

- i. In sub-clause (1) by deleting the words **“County government”** appearing immediately after the words **“consultation with the”** and substituting therefor with the following **‘Executive Committee Member’**

(Hon. Jayendra Malde, 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 32,33,34,35,36 & 37

Question that Clauses 32,33,34,35,36 & 37 be part of the Bill proposed, put and agreed to;

Clause 38

THAT Clause 38 of the Bill be amended as follows; -

- (i) In sub-clause (1) by deleting the words **“under this section as ECD teacher”** appearing immediately after the words **“recruitment panel”** and substituting thereof **‘in a public school’**

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 38 as amended be part of the Bill proposed, put and agreed to;

Clause 39

THAT Clause 39 of the Bill be amended as follows; -

- (i) By deleting the words **“Section 34”** appearing immediately after and replacing therefor the following **“Section 38”**

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 39 as amended be part of the Bill proposed, put and agreed to;

Clause 40

THAT Clause 40 of the Bill be amended as follows; -

- (i) In sub-clause (2) by deleting the words “**Section 36 (2)**” appearing immediately after the word “**under**” and replacing thereof “**Section 38 (2)**”

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 40 as amended be part of the Bill proposed, put and agreed to;

Clause 41

THAT Clause 41 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the word ‘**Section 65**’ appearing immediately after the word “**under**” and substituting thereof ‘**Section 64**’

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 41 as amended be part of the Bill proposed, put and agreed to;

Clauses 42,43 & 44

Question that Clauses 42,43 & 44 be part of the Bill proposed, put and agreed to;

Clause 45

THAT Clause 45 of the Bill be amended as follows; -

By inserting the word **“implement”** immediately after the word **“shall”**;
and

- (i) by deleting the words **“Standards Assurance Board’** appearing immediately after the words **“in consultation with”** and substituting thereof the following **‘Cabinet Secretary for Education’**; and
- (ii) By deleting the word **“establish”** appearing immediately after the word **“stakeholders”**.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 45 as amended be part of the Bill proposed, put and agreed to;

Clause 46

THAT Clause 46 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words **“Standards Assurance Board Council”** appearing immediately the words **“apply to the”** and substituting **“Education, Standards and Quality Assurance Council”**

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 46 as amended be part of the Bill proposed, put and agreed to;

Clause 47

THAT Clause 47 of the Bill be amended as follows; -

- i. By inserting the words “established under The Basic Education Act, 2013” immediately after the words “Education Appeals Tribunal”.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 47 as amended be part of the Bill proposed, put and agreed to;

Clause 48

THAT Clause 48 of the Bill be amended as follows; -

- i. by deleting the entire Clause

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 48 as amended be part of the Bill proposed, put and agreed to;

Clause 49

THAT Clause 49 of the Bill be amended as follows; -

- i. By deleting the entire clause.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 49 as amended be part of the Bill proposed, put and agreed to;

Clauses 50,51,52,53,54,55,56,57 & 58:

Question that Clauses 50,51,52,53,54,55,56,57 & 58 be part of the Bill proposed, put and agreed to;

Clause 59

THAT Clause 59 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words "**Section 56(3)**" appearing immediately after the words "**person authorized by**" and substituting "**Section 58(3)**".

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 59 as amended be part of the Bill proposed, put and agreed to;

Clauses 60,61 & 62

Question that Clauses 60,61& 62 be part of the Bill proposed, put and agreed to;

Clause 63

THAT Clause 63 of the Bill be amended as follows; -

- i. By deleting the words “**Section 56(3) or Section 57**” appearing immediately after the words “**conferred by**” and substituting with the words “**Section 58(3) or Section 59**”.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 63 as amended be part of the Bill proposed, put and agreed to;

Clauses 64 & 65

Question that Clauses 64 & 65 be part of the Bill proposed, put and agreed to;

Clause 2

THAT Clause 2 of the Bill be amended as follows;

- (i) By deleting the definition of “**parent**” and replacing therefor the following “means the mother or father of a child and includes any person who is liable by law to maintain a child or is entitled to his custody”
- (ii) By inserting the following new definitions in their proper alphabetical sequence:

“**ECD**” as “means Early Childhood Development”

“**Education**” “means the giving of intellectual, moral, spiritual instruction or other training to a child”;

“**Guardian**” in relation to a child includes any person who in the opinion of the court has charge or control of the child;

“**Public School**” as “schools established owned or operated by the Government and includes sponsored schools.

“**Pre-primary school**” as “an educational establishment or learning space offering early childhood education to children before they begin compulsory education at primary school”

“**Service provider**” in this Act has the meaning assigned to a pre-primary school institution”.

(Hon. Jayendra Malde, 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

THAT, the Long Title be amended by deleting the numeric “2021” and substituting with the numeric “2022” thereof.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

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

Clause 1

THAT, Clause 1 be amended by deleting the numeric “2021” and substituting with the numeric “2022” thereof.

(Hon. Jayendra Malde, MCA)

Question of the amendment proposed;

Question put and agreed to;

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

Motion Made and Question proposed: -

THAT, the Committee do Report to the Assembly its consideration of **The Nairobi City County Early Childhood Development and Education Bill, 2021 (Assembly Bill No.5 of 2021)** and its approval thereof with amendments.

(Hon. Jayendra Malde, MCA)

Question put and agreed to.

7. ASSEMBLY RESUMED: -

The Nairobi City County Early Childhood Development and Education Bill, 2021 (Assembly Bill No.5 of 2021)

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. Jayendra Malde, MCA)

Question put and agreed to.

Motion made and question proposed: -

THAT, The Nairobi City County Early Childhood Development and Education Bill, 2021 (Assembly Bill No.5 of 2021) be now read a Third Time.

(Hon. Jayendra Malde, MCA)

Debate ensued;

Question put and **agreed to.**

Bill read a Third Time and **passed.**

8. MOTION -ADJOURNMENT OF THE ASSEMBLY IN ACCORDANCE WITH THE CALENDAR OF THE COUNTY ASSEMBLY

Motion made and question proposed: -

THAT, pursuant to the provisions of Standing Orders 28 and 29 (3), this Assembly adjourns until Tuesday, 22nd March, 2022, in accordance with the Calendar of the County Assembly (Regular Sessions).

(Deputy Majority Whip)

Debate ensued;

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

9. ASSEMBLY ROSE - at Five Minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, 22nd March, 2021 at 9.30a.m.

--x--