



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (THIRD SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 2, 2024 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 Deputy Speaker having confirmed that there was no Quorum at the commencement of the Sitting caused the bell to be rung for ten minutes.

There being a quorum at the expiration of the ten minutes, the Deputy Speaker called the Assembly to order.

3. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(a)

The following Statement was issued:

- Hon. Sospeter Mumbi, MCA notified the County Assembly on the allotted business for the week pursuant to the provisions of Standing Order (2) (a).

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

Order for Committee of the Whole County Assembly read;

IN THE COMMITTEE

(Hon. Malyun Abdi – in the Chair)

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

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'

(Hon. Maurice Ochieng, 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;

Clause 4:

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

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'

(Hon. Maurice Ochieng, 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:

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'

(Hon. Maurice Ochieng, 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:

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’

(Hon. Maurice Ochieng, 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:

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”

(Hon. Maurice Ochieng, 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 9,10,11,12,13,14,15,16,17 & 18:

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

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”

(Hon. Maurice Ochieng, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 19 as amended be part of the Bill proposed, put and agreed to;

Clause 20:

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

- (i) By deleting it in its entirety

(Hon. Maurice Ochieng, 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;

Clause 21:

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

(Hon. Maurice Ochieng, 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:

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

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”

(Hon. Maurice Ochieng, 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;

Clause 25:

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

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”

(Hon. Maurice Ochieng, MCA)

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;

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”

(Hon. Maurice Ochieng, 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 by deleting it in its entirety

(Hon. Maurice Ochieng, 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;

Clauses 29,30,31, & 32:

Question that Clauses 29,30,31, & 32 be part of the Bill proposed, put and agreed to;

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”

(Hon. Maurice Ochieng, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 33 as amended be part of the Bill proposed, put and agreed to;

Clause 34:

Question that Clause 34 be part of the Bill proposed, put and agreed to;

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)”

(Hon. Maurice Ochieng, MCA)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 35 as amended be part of the Bill proposed, put and agreed to;

New Sub-clause 8(2) A

THAT, Clause 8 of the Bill be amended as follows; -

- (iv) By adding a new sub-clause 2(A) 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.

Motion made and question proposed;

That New Sub-clause 8(2)A be read a Second Time

(Hon. Maurice Ochieng, MCA)

Question put and agreed to;

Question for the New Sub-clause 8(2) A be part of the Bill proposed, put and Agreed to;

New Sub-clause 33(1) A

THAT, Clause 33 of the Bill be amended by inserting new sub-clause 1A 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.

Motion made and question proposed;

That New Sub-clause 33(1)A be read a Second Time

(Hon. Maurice Ochieng, MCA)

Question put and agreed to;

Question for the New Sub-clause 33(1) A be part of the Bill proposed, put and Agreed to;

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”

(Hon. Maurice Ochieng, 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** of the Bill be amended by deleting the numerical “2023” and substituting thereof with “2024”.

(Hon. Maurice Ochieng, 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:

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

(Hon. Maurice Ochieng, 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;

Bill to be reported with amendments.

5. ASSEMBLY RESUMED: -

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

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. Stazo Omung’alla, MCA)

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Food Safety and Fortification Bill 2023 (Assembly Bill No. 10 of 2023) be now read a Third Time.

(Hon. Stazo Omung’alla, MCA)

Debate ensued;

Question put and **agreed to**.

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

There being no other business and the time being twenty-five minutes to Four O’clock, the Hon. Deputy Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

6. ASSEMBLY ROSE - at Twenty-Five Minutes to Four O’clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, 3rd October 2024 at 2.30 p.m.