



**COUNTY GOVERNMENT OF NAIROBI CITY**

**FIRST ASSEMBLY – (SECOND SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, APRIL 16, 2014**

1. The House assembled at fifty five minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **STATEMENTS PURSUANT TO STANDING ORDER 41(2)(c)**

Pursuant to the provisions of Standing Order 41(2) (c), the following Members sought statements –

- i) The Member for Pipeline Ward (Mr. Samuel Kagiri Mwangi) from the Chairperson of the select Committee on Budget and Appropriations regarding the status of creditors and debtors to the County.
- ii) The Member for Pipeline Ward (Mr. Samuel Kagiri Mwangi) from the Chairperson of the Sectoral Committee on Housing regarding the allocation of land for public utilities in Pipeline Ward.
- iii) The Member for Karen Ward (Mr. David Mberia) from the Chairperson of the Sectoral Committee on Planning and Housing, regarding the current status of City Hall Annex building.

**4. COMMITTEE OF THE WHOLE HOUSE**

**IN THE COMMITTEE**

(Chairperson of Committees – – in the Chair)

**The Nairobi City County Betting, Lotteries and Gaming Bill,  
(Assembly Bill Number 1 of 2014)**

Clause 2 - amendment proposed –

**THAT** Clause 2 of the Bill be amended:-

- a) by deleting the word “finance” appearing immediately after the word “for” in the definition of the expression “executive committee member” and substituting thereof with the word “trade”;
- b) by inserting the following new definition in proper alphabetical sequence-

“Betting” includes lotteries, gaming and gambling.

- c) by deleting the figure “3” immediately after the word “Section” appearing in the definition of the expression “the Board” and substituting therefor the figure “6.”

*(Chairperson, Culture and Community Services Committee)*

Debate arising;

Question of the amendment proposed, put and agreed to.

Clause 2 - as amended agreed to.

Clause 3 - amendment proposed –

**THAT** Clause 3 of the Bill be amended by inserting a full stop immediately after the word “County” appearing after the expression “Nairobi City” and deleting the expression “but shall not extend to such activities when carried out as national betting, lotteries and gaming as contemplated under the Fourth Schedule to the Constitution.”

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed –

**THAT** Clause 4 of the Bill be amended:-

- a) in sub-clause (1) by inserting the word “such” immediately after the expression “shall apply to any”;
- b) in sub-clause 2(a) by deleting word “therefor” and substituting with the word “thereof”;

- c) in sub-clause 2 paragraph (c) by inserting the word “the” immediately after the expression “boundaries of”

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed –

**THAT** Clause 5 of the Bill be amended:-

- a) in paragraph (a) by deleting the expression “control and licensing” appearing immediately after the expression “of betting” and substituting thereof with the expression “regulation and licensing of”;
- b) in paragraph (c) by deleting the word “control” appearing immediately after the expression “applicable to the” and substituting thereof with the word “regulation”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed –

**THAT** Clause 6 of the Bill be amended:-

- a) in sub-clause 2(b) by deleting the word “finance” and substituting thereof with the word “trade”;
- b) in sub-clause (3) by deleting the expression “from the legal department” appearing immediately after the expression “public officer” and substituting thereof with the words “with legal background”;
- c) in sub-clause (5) by deleting the letter “(e)” appearing immediately after the expression “paragraphs (a) and” and substituting thereof with the letter “(d)”;
- d) in sub-clause (8) by deleting the expression “in every three months” and substituting thereof with the expression “every one month”;

- e) in sub-clause (12) by deleting the word “Parliament” appearing immediately after the word “by” and substituting with the expression “the County Assembly” thereof;
- f) in sub-clause 12-
  - i. by deleting the word “Governor” appearing immediately after the expression “as the” and substituting thereof with the expression “executive committee member”;
  - ii. by deleting the full stop immediately after the word “determine” and inserting thereof the expression “in consultation with the Governor”;
- g) in sub-clause 14 by deleting the expression “an annual” appearing immediately after the expression “for publication” and substituting thereof with the expression “a quarterly”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 6 - as amended agreed to.

Clause 7 - amendment proposed –

**THAT** Clause 7 of the Bill be amended:-

- a) in sub-clause 1(a) by-
  - i. inserting the words “and the responsible County executive committee member” immediately after the expression “the Governor”;
  - ii. by deleting the word “control” appearing immediately after the expression “on the betting”;
- b) in sub-clause 1(b) by inserting the expression “county inspectorate and or the” immediately after the expression “with the”;
- c) in sub-clause 1(c) by deleting the word “control” appearing immediately after the expression “provision on betting” and substituting thereof with the word “regulation”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 7 - as amended agreed to.

Clause 9 - amendment proposed –

**THAT** Clause 9 of the Bill be amended in sub-clause (4) by deleting the word “five” appearing immediately after the expression “not exceeding” and substituting thereof with the word “fifty”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 9 - as amended agreed to.

Clause 10 - amendment proposed –

**THAT** Clause 10 of the Bill be amended:-

- a) In sub-clause (2) by inserting the expression “within twenty one days” immediately after the word “shall”;
- b) In sub-clause 4(a) by deleting the words “thirty” appearing immediately after the expression “accordingly within” and substituting thereof with the expression “twenty one”;
- c) In sub-clause (6) by deleting the expression “three months” and substituting thereof with the expression “a month”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed –

**THAT** Clause 11 of the Bill be amended in sub-clause (5) by deleting the figure “11” appearing immediately after the expression “with section” and substituting thereof with the figures 9(4);

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 11 - as amended agreed to.

Clause 12 - amendment proposed -

**THAT** Clause 12 of the Bill be deleted.

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 12 - as amended agreed to.

Bill to be reported with amendments;

**6. HOUSE RESUMED** - (Speaker in the Chair)

**The Nairobi City County Betting, Lotteries and Gaming Bill,**

**(Assembly Bill Number 1 of 2014)**

Bill reported with amendments;

Motion made and Question proposed:-

**THAT**, the Assembly do agree with the Committee of the whole House in the said report.

*(Chairperson, Culture and Community Services Committee)*

Debate arising;

Question put and agreed to

Motion made and Question proposed -

**THAT**, the Nairobi City County Betting, Lotteries and Gaming Bill, (Assembly Bill Number 1 of 2014) be now read a Third Time.

*(Chairperson, Culture and Community Services Committee)*

Question put and agreed to

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

Bill to be reported with amendments;

**5. COMMITTEE OF THE WHOLE HOUSE**

**IN THE COMMITTEE**

(Chairperson of Committees - - in the Chair)

**The Alcoholic Drinks Control And Licensing Bill, 2014 (Assembly Bill No. 2 Of 2014)**

Clause 2 - amendment proposed –

**THAT** Clause 2 of the Bill be amended-

- a) by deleting the words “National Campaign Against Drug Abuse Authority” appearing in the definition of the expression “relevant agency” and substituting thereof the words “National Authority for Campaign Against Alcohol and Drug Abuse”;
- b) by inserting the following new definition in proper alphabetical sequence-

“sub-county” means the Constituency.

*(Chairperson, Culture and Community Services Committee)*

Debate arising;

Question of the amendment proposed, put and agreed to.

Clause 2 - as amended agreed to.

Clause 3 - amendment proposed –

**THAT** Clause 3 of the Bill be amended in paragraph (b) by deleting the figure “198” appearing immediately after the expression “of Article” and substituting thereof with the figure “189”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed –

**THAT** Clause 4 of the Bill be amended in sub-clause (3) by inserting the words “or the Chief Licensing Officer” immediately after the expression “for trade”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed -

**THAT** Clause 5 of the Bill be amended-

- a) In paragraph (e) by deleting the word “boards” and substituting thereof with the word “committees”;
- b) In paragraph (f) by deleting the figure “2011” and substituting thereof with the figure “2010”;
- c) In paragraph (h) by deleting the figure “2011” and substituting thereof with the figure “2010”;
- d) In paragraph (i) by inserting the following expression “or the County Executive Committee Member” immediately after the word “Governor”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed -

**THAT** Clause 6 of the Bill be amended-

- a) in sub-clause 1(b) by deleting the word “board” and substituting thereof with the expression “executive committee member”;
- b) in sub-clause (2) by deleting the word “may” appearing immediately after the expression “sub-county committee” and substituting thereof with the word “shall”;
- c) by deleting sub-clause 6

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 6 - as amended agreed to.



Clause 8 - amendment proposed –

**THAT** Clause 8 of the Bill be amended in sub-clause 3(a) by inserting the expression “County Gazette,” before the expression “Kenya Gazette”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 8 - as amended agreed to.

Clause 9 - amendment proposed –

**THAT** Clause 9 of the Bill be amended-

a) in sub-clause (2) by-

i. deleting the word “to” appearing immediately after the word “no”;

ii. by inserting the word “to” immediately after the word “objection”;

b) in sub-clause 6 by deleting the expression “three months” and substituting thereof with the words “one month”;

c) in sub-clause 7 by inserting the expression “and the County Gazette” immediately after the expression “Kenya Gazette”;

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 9 - as amended agreed to.

Clause 11 - amendment proposed -

**New Clause proposed -**

**THAT**, the following new clause be inserted immediately after clause 6—:-

a) By inserting the a new sub-clause (3A) as follows-

**(3A)Notwithstanding sub-section 1(c), the sub-county committee may grant a new license for the sale of an alcoholic drink to be consumed on the premises if the sub-county committee is satisfied that-**

- b) the premises do not share a wall with the institution and are sealed off by a physical and non-transparent barrier that ensures zero visibility of the premise from the locality of the institution;**
- c) the premises displays on its outside any of the prescribed health messages in a clear and visible manner;**
- d) the premises do not bear any outdoor alcoholic drinks promotion or advertisement; and**
- e) the applicant does not engage in activities that interfere with learning in the institution or activities that are calculated to attract persons under the age of eighteen to the premises;**

*(Chairperson, Culture and Community Services Committee)*

Motion made and Question proposed:-

**THAT**, the New Clause 3A be now read a Second Time;

Question put and agreed to.

Clause 3A read a second time.

Motion made and Question proposed;

**THAT**, the New Clause 3A be part of the Bill.

Question put and agreed to.

Clause 16 - amendment proposed –

**THAT** Clause 16 of the Bill be amended by deleting sub-clause 4.

*(Chairperson, Culture and Community Services Committee)*

Question of the amendment proposed, put and agreed to.

Clause 16 - as amended agreed to.

Clause 33 - amendment proposed –

**THAT** Clause 33 of the Bill be amended-

**New Clause proposed** -

a) by inserting the following new sub-clause (2);

2. No adult may allow a person under the age of eighteen years to accompany him or her or gain access to an area in which alcoholic drink is manufactured, stored, distributed or consumed.

*(Chairperson, Culture and Community Services Committee)*

Motion made and Question proposed:-

**THAT**, the New sub-Clause 2 be now read a Second Time;

Question put and agreed to.

Sub-Clause 2 read a second time.

Motion made and Question proposed;

**THAT**, the New Sub-Clause 2 be part of the Bill.

Question put and agreed to.

b) In sub-clause (2) by inserting the expression “and (2)” immediately after the figure “(1)”;

Question of the amendment proposed, put and agreed to.

Clause 16 (2) - as amended agreed to.

Clause 35 - amendment proposed –

**THAT** Clause 35 of the Bill be amended-

- a) in sub-clause (1) by deleting the figure “35” appearing immediately after the expression “under section” and substituting thereof with the figure “34”;

(Chairperson, Culture and Community Services Committee)

Question of the amendment proposed, put and agreed to.

Clause 35 - as amended agreed to.

Clause 40 - amendment proposed –

**THAT** Clause 40 of the Bill be amended in sub-clause 2(a) by deleting the figure “250” and substituting thereof with the figure “200”;

(Chairperson, Culture and Community Services Committee)

Question of the amendment proposed, put and agreed to.

Clause 35 - as amended agreed to.

Clause 43 - amendment proposed –

**THAT** Clause 43 of the Bill be amended-

- a) In sub-clause (1) by deleting the word “finance” and substituting thereof with the word “trade”;

**New Sub-Clause Proposed**

- b) By deleting sub-clause 2(a) and substituting therefor the following new clause-

**(2A) such monies as may be appropriated by the County Assembly and such license and other fees as may be payable under this Act;**

Motion made and Question proposed:-

**THAT**, the New sub-Clause 2A be now read a Second Time;

Question put and agreed to.

Sub-Clause 2A read a second time.

Motion made and Question proposed;

**THAT**, the New Sub-Clause 2A be part of the Bill.

Question put and agreed to.

- c) By inserting a new paragraph 3D immediately after paragraph 3 (c)-

**New Sub-Clause Proposed**

**(3D) Carrying out the functions of the Nairobi City County Alcoholic Drinks Control and Licensing Board established under Clause 4 (1) and the Objects of the Act in Clause 3.**

Motion made and Question proposed:-

**THAT**, the New sub-Clause 3D be now read a Second Time;

Question put and agreed to.

Sub-Clause 3D read a second time.

Motion made and Question proposed;

**THAT**, the New Sub-Clause 3D be part of the Bill.

Question put and agreed to.

- d) In clause 3D by inserting the expression “any other matter incidental to the matters set out in paragraphs (a), (b), (c), (d)” immediately after the expression “Clause 3”.

Question of the amendment proposed, put and agreed to.

Clause 3D - as amended agreed to

(Chairperson, Culture and Community Services Committee)

Clause 50 - amendment proposed -

**THAT** Clause 50 be amended in sub-clause (1);

- a. by inserting the expression “sell or consume” immediately after the word “promote”.
- b. by inserting the word “age” immediately after the article “the”.

(Mr. Osman Adow)

Question of the amendment proposed, put and agreed to.

Clause 50 - as amended agreed to

**Schedule** - **amendment proposed** -

**THAT**, the Third Schedule of the Bill be amended -

- a) In paragraph (2) by deleting the word “do” appearing in the second column and substituting thereof with the word “of”;
  - b) In paragraph (2) by inserting a new line after the letters “p.m.” as follows:  
  
“Weekends and public holidays from 2pm to 8.30pm”;
  - c) In paragraph 3 by deleting “10.00pm” and substituting thereof with “10.00am”;
- a) By adding the following proviso “provided that closure shall not be more than one hour from the authorized selling time” in all paragraphs of the Schedule prescribing a time limit.”

(Chairperson, Culture and Community Services Committee)

Debate arising;

Question of the amendment proposed, put and agreed to.

Bill to be reported with amendments;

6. HOUSE RESUMED - (Speaker in the Chair)

The Alcoholic Drinks Control and Licensing Bill, 2014 (Assembly Bill No. 2 of 2014)

Bill reported with amendments;

Motion made and Question proposed:-

**THAT**, the Assembly do agree with the Committee of the whole House in the said report.

*(Chairperson, Culture and Community Services Committee)*

Debate arising;

Question put and agreed to.

Motion made and Question proposed –

**THAT**, the Alcoholic Drinks Control and Licensing Bill, 2014 (Assembly Bill No. 2 of 2014) be now read a Third Time.

*(Chairperson, Culture and Community Services Committee)*

Question put and agreed to

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

6. ASSEMBLY ROSE - at Twenty Minutes past Four O'clock.

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**MEMORANDUM**

The Speaker will take the Chair on  
Thursday, April 17<sup>th</sup>, 2014 at 2.30p.m

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