



**COUNTY GOVERNMENT OF NAIROBI CITY**

**FIRST ASSEMBLY – (FOURTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, SEPTEMBER 27, 2016**

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

**3. COMMUNICATION**

The Speaker conveyed the following Communications:-

**“Hon. Members**, I have the following communications to make.

Honorable Members, welcome back from the recess. It is my sincere hope that you had a wonderful and fruitful break.

**Hon. Members**, as we commence the Third Part of the Fourth Session, I wish to remind you of the business before us. We will be considering pending business from the First and second parts of the Fourth Session. These include Motions, Statements, Bills and Petitions. Committees with pending reports are advised to expedite conclusion of the same.

**Hon. Members**, you are therefore encouraged to continue working with the diligence you have exhibited in executing your mandate for the benefit of Nairobi residents.

Once again, I warmly welcome you back from the recess as we commence the Third part of the Fourth Session. Thank you”.

**4. PETITION**

The speaker presented a petition by Mau Mau war veteran association seeking recognition of the association by the County Government of Nairobi City.

*(The petition was committed to the Sectoral Committee on Culture and Community services)*

**5. PAPERS**

The following papers were laid:-

- i) Regulations for the Nairobi City County Emergency Fund;
- ii) The Nairobi City County Annual Development Plan for the Financial Year 2016/2017;

*(The Leader of the Majority Party)*

- iii) The report of the Sectoral Committee on Justice and Legal Affairs on the vetting of the nominees for the County Policing Authority.

*(Chairperson, Sectoral Committee on Justice and Legal Affairs)*

**6. NOTICE OF MOTION**

**THAT**, this Assembly approves **THE REPORT OF THE SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE VETTING OF THE NOMINEES FOR THE COUNTY POLICING AUTHORITY**, laid on the Table of the Assembly today, Tuesday 27<sup>th</sup> September, 2016.

*(Chairperson, Sectoral Committee on Justice and Legal affairs)*

**7. COMMITTEE OF THE WHOLE ASSEMBLY**

Order for Committee read;

**IN THE COMMITTEE**

Chairperson of Committees in the Chair

**The Nairobi City County Plastic Control Bill, 2016 (Assembly Bill No.1 of 2016)**

Clause 3                      amendments proposed –

**THAT**, Clause 3 of the Bill be amended:

- i) In sub paragraph d by deleting the word “form” appearing after the word “products” and substituting therefor the word “from” ;

*(Hon. Benson Amutavi)*

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            amendment proposed –

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

- (i) In sub clause 1 by deleting the words “own, purchase, acquire and use” whenever they appear in the sub clause;

*(Hon. Benson Amutavi)*

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    amendment proposed –

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

- (i) In sub clause 1 by inserting the word “of” appearing immediately after the word “use” and by deleting the word “containing” appearing immediately after the word “without.”;

*(Hon. Benson Amutavi)*

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

Clauses 7-10

Question that Clauses 7-10 be part of the Bill proposed, put and agreed to

Clause 11   amendment proposed –

**THAT**, Clause 11 of the Bill be amended:

- (i) In sub clause 1 by inserting the expression “or plastic” appearing immediately after the expression “bio-degradable garbage” and inserting the expression “or biodegradable” appearing immediately after the expression in a “non-biodegradable”.

*(Hon. Benson Amutavi)*

Question of the amendment proposed

Debate arising;

Question put and agreed to;

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

Clauses 12-14

Question that Clauses 12-14 be part of the Bill proposed, put and agreed to

Clause 15 amendment proposed –

**THAT**, Clause 15 of the Bill be amended:

(i) In sub clause 1, by inserting the following new sub-paragraph immediately after sub paragraph (e)

(ea) In conjunction with the national government and other state agencies, investigate the standards for plastic carry bags and plastic products.

*(Hon. Benson Amutavi)*

Question of the amendment proposed

Debate arising;

Question put and agreed to;

Question that Clause 15 as amended be part of the Bill proposed, put and agreed to

Clause 16 amendment proposed –

**THAT**, Clause 16 of the Bill be amended:

(i) By inserting the following new sub-clause(2) immediately after sub clause 1,

(2a) “The Public Analyst appointed under Section 16(1) shall analyze and test any plastic carry bag under this Act, only in collaboration with the national government and other state agencies

*(Hon. Benson Amutavi)*

Question of the amendment proposed

Debate arising;

Question put and agreed to;

Question that Clause 16 as amended be part of the Bill proposed, put and agreed to

Clauses 17-29

Question that Clauses 17-29 be part of the Bill proposed, put and agreed to

Clause 30 amendment proposed –

**THAT**, Clause 30 of the Bill be amended:

- (i) By deleting the entire sub clause and substituting with the following new expression,

“Any person convicted of an offence under this Act, for which no penalty is specifically provided, shall, in the case of a first offence, be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding three million shillings, and in the case of a second or subsequent offender, to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings, and, where an offence is of a continuing nature for the case of a manufacturer, he shall risk closure of his manufacturing firm.”

*(Hon. Benson Amutavi)*

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

Clauses 31

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

Clauses 32

Question that Clause 32 be part of the Bill proposed, put and agreed to

Schedule

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

Clause 2 amendment proposed –

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

- (i) In the definition of “authorized officer” by deleting the expression “section 18” and substituting therefor the expression ‘section 17.
- (ii) By inserting the following new definition in its proper alphabetical sequence-

“plastic products” include plastic bottles, plastic containers, plastic jars, and plastic cups.

- (iii) In the definition of “Public Analyst” by deleting the expression “ a person appointed as such under section 17” and substituting therefor the expression “a government chemist or a registered chemical analyst”

*(Hon. Benson Amutavi)*

Question of the amendment proposed

Debate arising;

Question put and agreed to;

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

Title

Question that the Title be part of the Bill proposed, put and agreed to

Clause 1

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

Bill to be reported with amendments

#### **8. ASSEMBLY RESUMED**

##### **The Nairobi City County Plastic Control Bill, 2016 (Assembly Bill No.1 of 2016)**

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. Benson Amutavi)*

Question put and agreed to.

Motion made and question proposed-

**THAT**, The Nairobi City County Plastic Control Bill, 2016 (Assembly Bill No.1 of 2016) be now read a Third Time.

*(Hon. Njoroge G. Maina)*

Debate arising;

Question put and agreed to.

Bill read a Third Time and **passed**

And the time being twenty minutes to Four O'clock, the Speaker interrupted the proceedings and adjourned the Assembly without Question put pursuant to the Standing Orders.

9. ASSEMBLY ROSE - Twenty minutes to Four O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, 28<sup>th</sup> September, 2016 at 2.30 p.m.

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