



COUNTY GOVERNMENT OF NAIROBI CITY

FIRST ASSEMBLY – FIFTH SESSION

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 13, 2017 AT 2.30P.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. Samwel Nyangwara, MCA) having confirmed that there was no Quorum caused the Bell to be rung for Ten minutes.

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

3. PAPERS LAID:-

The following papers were laid:

- i. **REPORT OF THE SECTORAL COMMITTEE ON CULTURE AND COMMUNITY SERVICES ON INQUIRY INTO THE STATUS OF THE EASTLEIGH SOCIAL HALL, EASTLEIGH NORTH WARD.**

(Chairperson, Sectoral Committee on Culture and Community Services)

- ii. **REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INVESTIGATION INTO THE INVASION OF THE COUNTY ASSEMBLY PRECINCTS ON 7TH APRIL, 2017.**

(Vice-Chairperson, Select Committee on Powers and Privileges)

4. NOTICE OF MOTION – (Chairperson, Sectoral Committee on Culture & Community Services

THAT, this Assembly adopts **THE REPORT OF THE SECTORAL COMMITTEE ON CULTURE AND COMMUNITY SERVICES ON INQUIRY INTO THE STATUS OF THE EASTLEIGH SOCIAL HALL, EASTLEIGH NORTH WARD**, laid on the table of the Assembly today, Tuesday, 13th June, 2017.

5. NOTICE OF MOTION – (Vice-Chairperson, select Committee on Powers & Privileges)

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON POWERS AND PRIVILEGES ON INVESTIGATION INTO THE INVASION OF THE COUNTY ASSEMBLY PRECINCTS ON 7TH APRIL, 2017**, laid on the table of the Assembly today, Tuesday 13th June, 2017

6. COMMITTEE OF THE WHOLE ASSEMBLY

Order for Committee of the Whole Assembly read;

IN THE COMMITTEE

(Hon. Karen Wanjiku, MCA)

The Nairobi City County Inspectorate Services Bill, 2017 (Assembly Bill No. 1 of 2017)

Clause 3

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

Clause 4 amendments proposed –

THAT clause 4 be amended-

(i) by deleting sub clause (3) and replacing therefor the following;

“The Inspectorate Service Department shall consist of the following units

(a) an inspection unit;

(b) a fire and emergency services unit;

(c) a disaster and rescue services unit;

(d) a traffic unit;

(e) such other unit as the Board with the approval of the Assembly may prescribe

(ii) in sub clause (4) paragraph (a) sub paragraph (i) by deleting the word **“Chief inspector”** and replacing therefor the word **“County Chief Commandant”**

(iii) in sub clause (4) paragraph (a) sub paragraph (ii) by deleting the word **“Deputy Chief Inspector”** and replacing therefor the word **“Deputy County Commandant”**

(iv) in sub clause (4) paragraph (a) sub paragraph (iii) by deleting the word **“Assistant Chief inspector”** and replacing therefor the word **“ Assistant County Commandant”**

- (v) in sub clause (4) paragraph (a) sub paragraph (iv) by deleting the word “**Principal Inspector**” and replacing therefor the word “**Senior County Superintendent**”
- (vi) in sub clause (4) paragraph (a) sub paragraph (v) by deleting the word “**Senior Inspector**” and replacing therefor the word “**County Superintendent**”
- (vii) in sub clause (4) paragraph (a) sub paragraph (vi) by deleting the word “**Inspector I**” and replacing therefor the word “**Assistant County Superintendent**”
- (viii) by deleting paragraph (a) sub paragraph (vii) in its entirety
- (ix) in sub clause (4) paragraph (b) by deleting the words “ **non commissioned officers including**” and replacing therefor the words “ **County Inspectorate Officers**”
- (x) in sub clause (4) paragraph (b) sub paragraph (i) by deleting the words “**Senior Sergeant**” and replacing therefor the word “**County Chief Inspector**”
- (xi) in sub clause (4) paragraph (b) sub paragraph (ii) by deleting the word “**Sergeant**” and replacing therefor the words “**County Inspector**”
- (xii) in sub clause (4) paragraph (b) sub paragraph (iii) by deleting the word “**Corporal**” and replacing therefor the word “**Assistant County Inspector**”
- (xiii) by deleting sub paragraph (iv)
- (xiv) in sub clause (6) by deleting the word “**were**” appearing immediately after the words “**persons who**”
- (xv) in sub clause (7) by deleting the words “**in subsection (6)**” appearing immediately after the words “**all officers**” and replacing therefor the words “**or employees of the city inspectorate**”.

(Hon. Jaffer Kassam, 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

Question that Clause 5: be part of the Bill proposed, put and agreed to;

Clause 6 amendments proposed –

THAT clause 6 be amended-

- (I) in sub clause 1 by deleting paragraph (a) in its entirety.

(Hon. Jaffer Kassam, 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 be amended

- (i) by deleting the marginal note and substituting therefor the following-
“County Chief Commandant”
- (ii) in sub clause 1 by deleting the words **“overall and independent”** appearing immediately after the words **“under the”**
- (iii) in sub clause 1 by deleting the word **“County”** immediately before the word **“Chief”** and by inserting the expression **“ upon recommendations by the Board”** after the word **“Governor”**
- (iv) in sub clause 2 by deleting the word **“Chief Inspector”** and substituting therefor the word **“County Chief Commandant”**

(Hon. Jaffer Kassam, 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 be amended-

- (i) in the marginal note by deleting the words **“ Chief Inspector”** and substituting therefor the following-
“County Chief Commandant”
- (ii) in sub clause (1) paragraph (a) by deleting the word **“Chief Inspector”** and substituting therefor the word **“County Chief Commandant”**

- (iii) in sub clause (1) paragraph (f) by deleting the words “**manage and maintain training institutions**” appearing immediately before the word “**centers**”.
- (iv) in sub clause (3) by deleting the words “**wherever possible**” appearing immediately after the words “**officer and**”
- (v) in sub clause (4) by deleting the words “**Chief Inspector**” and substituting therefor the word “**County Chief Commandant**”

(Hon. Jaffer Kassam, 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 and 10

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

Clause 11 amendments proposed –

THAT Clause 11 be amended:

- (i) in sub clause 2 by deleting the expression “**in a form prescribed by the rules and be signed by a Gazetted inspectorate officer authorised**” appearing immediately after the expression “**signed**” and by deleting the words “**Chief Inspector**” and substituting therefor the word “**County Chief Commandant**”

(Hon. Jaffer Kassam, 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;

Clauses 12, 13, 14, 15 and 16;

Question that Clauses 12,13,14,15 and 16: be part of the Bill proposed, put and agreed to;

Clause 17 amendments proposed –

THAT clause 17 be amended by deleting the numerical “**244**” appearing immediately after the words “**subject to**” and replacing therefor the numerical “**24**”

(Hon. Jaffer Kassam, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 17 as amended be part of the Bill proposed, put and agreed to;

Clause 18 amendments proposed –

THAT Clause 18 be amended:

- (i) by deleting the Title, “**COMPLIANCE**” and replacing therefor the Title “**INSPECTIONS**”
- (ii) in sub clauses (1), (2) and (5) by deleting the words “**Chief Inspector**” and substituting therefor the word “**County Chief Commandant**”

(Hon. Jaffer Kassam, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 18 as amended be part of the Bill proposed, put and agreed to;

Clause 19 amendments proposed –

THAT Clause 19 be amended

- (I) In paragraph (a) by deleting the expression “**the provisions of this Act**” appearing immediately after the expression “**contravening**” and substituting therefor the expression “**any County Laws**”
- (II) In paragraph (b) by deleting the expression “**apprehend**” appearing before the expression “**any**” and substituting therefor the expression “**arrest**”

(Hon. Jaffer Kassam, 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 amendments proposed –

THAT, Clause 20 be amended

- (i) By deleting sub clause (1) in its entirety and substituting therefor the following:

“An Inspectorate officer on duty may stop any person whom the officer witnesses doing or suspects of doing any act in contravention of County law or being in possession of anything for which a permit, license, or certificate or pass is required under any county law and has no such permit, license or certificate.”

- (ii) In sub clause 2 by deleting the expression **“unless he gives his name and address and otherwise satisfies the officer that he will duly answer any summons or any other proceedings which may issue or be taken against him or her”** appearing immediately after the expression **“warrant”**

(Hon. Jaffer Kassam, 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 amendments proposed –

THAT, Clause 21 be amended

- (i) In paragraph (a) by inserting the expression **“county”** immediately before the expression **“law”**
- (ii) By deleting paragraphs (c) (d) and (f) in its entirety

(Hon. Jaffer Kassam, 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;

Clause 22 amendments proposed –

THAT, clause 22 be amended-

- (i) in sub clause (1) by deleting the words **“whether with or without a warrant”** appearing immediately after the words **“officer”** and by deleting the expression **“and detention”** appearing immediately after the expression **“arrest”**

- (ii) in sub clause 2 by deleting the expression “**and detention**” wherever it appears.
- (iii) in sub clause (3) by deleting the numerical “**50 and 51**” appearing immediately after the numeral “**49**” and by deleting the expression “**or detained**” appearing immediately after the expression “**arrested**”
- (iv) In sub clause (4) by deleting the expression “**three**” appearing immediately before the expression “**hours**” and substituting therefor the expression “**one**”
- (v) in sub clause (5) by deleting the words “**personally guilty of a disciplinary**” appearing immediately after the words “**offence**” and replacing therefor the words “**guilty of an**”

(Hon. Jaffer Kassam, MCA)

Question of the amendment proposed

Question put and agreed to;

Question that Clause 22 as amended be part of the Bill proposed, put and agreed to;

Clause 23 amendments proposed –

THAT, clause 23 be amended by deleting the words “**the Constitution and**” appearing immediately after the words “**conferred by**”.

(Hon. Jaffer Kassam, 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 be amended-

- (i) by deleting sub clause 1 and substituting therefor the following “**Upon reasonable suspicion of the commission of an offence or for the enforcement of the provisions of any county law, an Inspectorate officer may enter a dwelling place when accompanied by a police officer and with the consent of the occupant.**”
- (ii) in sub clause (3) paragraph (c) by inserting the words “**related to the commission of an offence**” immediately after the word “**items**”.

(Hon. Jaffer Kassam, 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 and 26

Question that Clauses 25 and 26: be part of the Bill proposed, put and agreed to

Clause 27 amendments proposed –

THAT, Clause 27 be amended by deleting sub clauses 2, 3 and 4 and substituting therefor the following:-

“(2) Any items seized by any Inspectorate officer under sub section (1) shall as soon as practically possible but in any event not later than one hour be handed over to the police station in the jurisdiction within which the offence has been committed”

(Hon. Jaffer Kassam, 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 amendments proposed –

THAT, Clause 28 be amended

- (i) in the marginal notes by deleting the words ‘**order for restoration** and substituting therefor the words “**cooperation with national police service**”.

(Hon. Jaffer Kassam, 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 amendments proposed –

THAT, clause 29 be amended-

- (i) in sub clause (2) by deleting the words “**life**” appearing immediately after the words “**imprisonment for**” and replacing therefor the words “**for a minimum term of twenty five years**”.
- (ii) in sub clause (3) by deleting the words “**life**” appearing immediately after the words “**imprisonment for**” and replacing therefor the words “**for a minimum term of fifteen years**”.

(Hon. Jaffer Kassam, 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 amendments proposed –

THAT, Clause 30 be amended in sub clause (1) paragraph (b) by deleting the words “**pretends to be**” and replacing therefor the words “**impersonates**”

(Hon. Jaffer Kassam, 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

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

Clause 32 amendments proposed –

THAT, clause 32 be amended-

- (i) in sub clause (1) by deleting the word “**fifty**” appearing immediately after the word “**exceeding**” and replacing therefor the word “**five**”
- (ii) in sub clause (2) by deleting the word “**is**” appearing immediately before the word “**again**” and replacing therefor the word “**if**” and
- (iii) in sub clause (2) by deleting the words “**be punishable upon conviction with double the penalty provided for the offence**” appearing immediately after the word “**shall**” and

replacing therefor the words “**undergo the disciplinary process and may be released from the service**”.

(Hon. Jaffer Kassam, MCA)

Question of the amendment proposed

Question put and agreed to;

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

Clause 33 amendments proposed –

THAT, clause 33 be amended-

- (i) in the marginal note by deleting the word “**Rules**” and replacing therefor the word “**Regulations**”.
- (ii) in sub clause (1) by deleting the words “**for the**” appearing immediately before the word “**purpose**”.
- (iii) in sub clause (3) paragraph (c) by deleting the words “**under section 46**” appearing immediately after the word “**under**” and replacing therefor the words “**this section**”.

New Paragraph 3 (a) A

THAT clause 3 be amended by inserting a new paragraph before paragraph (a) as follows-

“to deliver an effective and independent inspectorate service within the county that shall among others ensure compliance with county legislation and provisions of the Constitution by the county residents.”

Motion made and question proposed;

That New Paragraph 3(a) A be read a Second Time

(Hon. Jaffer Kassam, MCA)

Question put and agreed to

Question that New Paragraph 3(a) A be part of the Bill proposed, put and agreed to;

New paragraph 4 (4) (b) A

THAT, Clause 4 be amended by adding a new paragraph immediately after Section 4 (4) (b) sub paragraph (iv) as follows:-

“ba” Non Commissioned County Inspectorate Officers

- (I) Senior County Sergeant
- (II) County Sergeant

- (III) County Corporal and
- (IV) County Constable

Motion made and question proposed;

That New Paragraph 4 (4) (b) A be read a Second Time

(Hon. Jaffer Kassam, MCA)

Question put and agreed to

Question that New Paragraph 4 (4) (b) A be part of the Bill proposed, put and agreed to;

New Paragraph 4 (7) A

THAT, Clause 4 be amended in sub clause 7 by inserting new paragraphs immediately after sub clause 7 as follows-

- (a) The Chief County Commandant and the Deputy County Commandant referred to in Section 4(4) (a) (i and ii) shall undergo vetting by the County Assembly before appointment
- (b) The other officers referred to in Section 4(4) (a) and (b) shall undergo a vigorous recruitment by the Board.

Motion made and question proposed;

That New Paragraph 4 (7) A be read a Second Time

(Hon. Jaffer Kassam, MCA)

Question put and agreed to

Question that New Paragraph 4 (7) A be part of the Bill proposed, put and agreed to;

New Paragraph 19 (b) A

THAT, Clause 19 be amended by inserting a new paragraph immediately after sub clause (b) “ba” to ensure compliance with Article 49 of the Constitution on the rights of an arrested person”

Motion made and question proposed;

That New Paragraph 19 (b) A be read a Second Time

(Hon. Jaffer Kassam, MCA)

Question put and agreed to

Question that New Paragraph 19 (b) A be part of the Bill proposed, put and agreed to;

New Clause 28 A

THAT, Clause 28 be amended by deleting the clause in its entirety and substituting therefor the following:-

28. (1)The County Chief Commandant may perform his functions under this Act in cooperation with the National Police Service and may in this respect enter into a memorandum of understanding with the Inspector General of Police.

(2) The Memorandum of Understanding referred to in subsection (1) shall-

(a) provide for the manner and extent to which the Inspectorate shall assist the National Police in implementation of national legislation

(b) provide for the manner and terms of deployment of national police service officers to the Inspectorate to assist in the performance of the Inspectorate functions

(c) provide for such other matters as the Inspector General and the County Chief Commandant may deem appropriate.

Motion made and question proposed;

That New Clause 28 A be read a Second Time

(Hon. Jaffer Kassam, MCA)

Question put and agreed to

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

First Schedule:

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

Second schedule amendments proposed -

THAT, the Second Schedule be amended

- (i) in paragraph 1 sub paragraph (e) by deleting the words “**guilty of drunkenness**” appearing immediately after the word “**be**” and replacing therefor the word “**drunk**”
- (ii) by deleting paragraphs (n) and (o) in their entirety.
- (iii) In paragraph (w) by deleting the expression “**investigation or other inspector matter**” appearing immediately after the expression “**any**” and substituting therefor the expression “**inspection or any Inspectorate matter**”
- (iv) In paragraph (v) by deleting the expression “**malingering or**”
- (v) by deleting paragraphs (y) entirely.

(Hon. Jaffer Kassam, MCA)

Question of the amendment proposed
 Question put and agreed to;

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

Clause 2 amendments proposed –

THAT, clause 2 be amended:

- (i) in the definition of the word “**arrest**” by deleting the words “**for suspected of commission of**” appearing immediately after the word “**person**” and substituting therefor the words “**suspected of committing**”
- (ii) In the definition of the word “**Chief Officer**” by deleting the expression “**Chief Officer**” and replacing therefor the expression “**County Chief Commandant**”
- (iii) By inserting the following new definitions in their proper alphabetical sequence;
“county law” means a law made by the Nairobi City County Assembly pursuant to Article 185 of the Constitution.

“police officer ‘ means an officer in the National Police Service by virtue of Article 243 of the Constitution

- (iv) By deleting the definition of the word “**commissioned officer**” and replacing therefor the definition “**means a gazetted officer holding the rank of Assistant Superintendent and above**”
- (v) By deleting the definition of the word “**Inspectorate units**” and replacing therefor the following “**Inspectorate units mean any of the following organs of the Service specified under section 4(3)**”
- (vi) In the definition of the word “**inspector post**” by deleting the word “**inspector**” and replacing therefor the word “**Inspectorate**” and by deleting the expression “**Chief Inspector**” and substituting therefor the expression “**County Chief Commandant**”.

(Hon. Jaffer Kassam, MCA)

Question of the amendment proposed
 Question put and agreed to;

Question that Clause 2as 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.

7. ASSEMBLY RESUMED:-

The Nairobi City County Inspectorate Services Bill, 2017 (Assembly Bill No. 1 of 2017)

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. Jaffer Kassam, MCA)

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Inspectorate Services Bill, 2017 (Assembly Bill No.1of 2017) be now read a Third Time.

(Hon. Jaffer Kassam, MCA)

Question put and agreed to.

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

8. MOTION- ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND) REGULATIONS, 2017

Motion moved and question proposed:-

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (NAIROBI CITY COUNTY BURSARY AND SCHOLARSHIP FUND) REGULATIONS, 2017**, laid on the Table of the Assembly on Wednesday, 31st May, 2017.

(Chairperson, Select Committee on Delegated Legislation)

Debate arising;

Mover Replied;

Question put and agreed to.

9. MOTION – ADOPTION OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY DOG CONTROL AND WELFARE REGULATIONS, 2017

Motion moved and question proposed:-

THAT, this Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY DOG CONTROL AND WELFARE REGULATIONS, 2017**, laid on the Table of the Assembly on Wednesday, 31st May, 2017.

(Chairperson, Select Committee on Delegated Legislation)

Debate arising;

Mover Replied;

Question put and *agreed to*.

10. MOTION – ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON PUBLIC INVESTMENTS ON THE REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2015

Motion moved and question proposed:-

THAT, This Assembly adopts **THE REPORT OF THE SELECT COMMITTEE ON PUBLIC INVESTMENTS ON THE REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE NAIROBI CITY WATER AND SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2015**, laid on the Table of the Assembly on Tuesday 6th June, 2017.

(Chairperson, Select Committee on Public Investments)

Debate arising;

Mover Replied;

Question put and *agreed to*.

11. ASSEMBLY ROSE - at Six Minutes past Four O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, June 14th, 2017 at 2.30p.m