



COUNTY GOVERNMENT OF NAIROBI CITY
SECOND ASSEMBLY – (FOURTH SESSION)
NAIROBI CITY COUNTY ASSEMBLY
VOTES AND PROCEEDINGS

TUESDAY, JUNE 23, 2020 AT 2.30 P.M.

1. The Assembly assembled at Forty-One Minutes past Ten O'clock.
2. The Proceedings were opened with Prayer.

3. PETITIONS: -

The Leader of Minority Party (Hon. David Mberia, MCA) presented a Petition Pursuant to Standing Orders 208 and 213 on behalf of Eastleigh Market Traders on demolition and forceful eviction from stalls at Eastleigh City County Market

4. COMMITTEE OF THE WHOLE ASSEMBLY

Order for Committee of the Whole Assembly read;

IN THE COMMITTEE

(Hon. Deputy Speaker, MCA in the Chair)

The Nairobi City County Transport Bill (Assembly Bill No. 10 Of 2018)

Clause 2 amendments proposed –

THAT, clause 2 be amended-

(a) in the definition of 'heavy commercial vehicle' to read 'a commercial vehicle whose tare weight exceeds six thousand seven hundred and twenty pounds'

(b) in the definition of:

'disability' includes any physical, sensory, mental, psychological or other impairment, condition or illness that has or is perceived by significant sectors of the community to have a substantial or long term effect on an individual's ability to carry out ordinary day to day activities

'persons with disabilities' in line with Art 1 CRPD to read as:

Persons with disabilities include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

‘People with limited mobility’ means people who have transport difficulties but might not regard themselves as being disabled. These include for example the frail elderly, expectant women, parents with young ones, passengers with luggage, visitors or tourists and people with temporary impairment such as people with broken legs

(c) Include in the interpretations ‘persons in vulnerable situations, which include persons with disabilities, older members of society, sick persons, children of tender age, and nursing and expectant mothers.

(Chairperson, Sectoral Committee on Transport and Public Works)

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 2 amendments proposed –

THAT, Clause 3 be amended-

a) Adding the word ‘accessible’ as to read ‘provide for adequate, accessible, safe and efficient public transport facilities

(Chairperson, Sectoral Committee on Transport and Public Works)

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 6 amendments proposed –

THAT, clause 6 be amended-

In sub-clause (1) by adding the words “the National Council for Persons with Disabilities as one of the agencies to be consulted on”

(Chairperson, Sectoral Committee on Transport and Public Works)

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-

a) by inserting the following words in sub clause (1) to read-

(1) The Plan shall be in timing and content with the County Integrated Development Plan (CIDP), County Spatial Plan and National Transport Policy.

b) by adding new sub clause (k) immediately after (j)-

(1) Proposals of Trade Unions and other stakeholders in addressing the unique transport challenges faced by the capital city.

(Chairperson, Sectoral Committee on Transport and Public Works)

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-

a) by adding sub clause 1(c) and (d) immediately after sub clause 1 (b)

(1) An Officer from the Planning department in the position not below Director from Planning

(Chairperson, Sectoral Committee on Transport and Public Works)

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

Clause 9 amendments proposed –
THAT, clause 9 be amended-

- a) deleting the word “professor” in sub clause 9(2)(j)
- b) removing the phrase ‘The Matatu Owners Association and Matatu Welfare Association and replace with ‘A representative of Public Transport Services Operators’ sub clause 9(2)(k)
- c) The CEO of the various road authorities and the Director General of NTSA should have the power to appoint an alternate or a person nominated by them by adding new sub clause (m) immediately after (o) to include a representative from the National Council for Persons with disabilities or a person with demonstrated expertise in the disability sector.

(Chairperson, Sectoral Committee on Transport and Public Works)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 9 as amended be part of the Bill proposed, put and agreed to

Clauses 15 amendments proposed –

THAT, Clause 15 of the Bill be amended by inserting the following new sub clause (d) immediately after sub clause (c)-

(1) Contain a specific Non-Motorized Transport Plan that will be used to develop walking and cycling infrastructure, bicycle parking, car, free days and other emerging trends in non-motorized transport.

(Chairperson, Sectoral Committee on Transport and Public Works)

Question of the amendment proposed;

Question put and agreed to;

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

Clause 31 amendments proposed –

THAT, clause 31 be amended-

- a) the clause title to read ‘Seats for persons with disabilities or with limited mobility’
- b) by adding a pictorial to be annexed in the Bill

(Chairperson, Sectoral Committee on Transport and Public Works)

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

Clause 35 amendments proposed –

THAT, clause 35 be amended by inserting a new sub clause as follows -

- i. that provides for the penalty of operating without a designated uniform and lack of proper identification

(Chairperson, Sectoral Committee on Transport and Public Works)

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

Clause 36 amendments proposed –

THAT, clause 36 be amended-

in sub-clause (1)) by inserting the words “**the use of wheel chairs by persons with physical disabilities and for cycle lane markings and no motor vehicles be allowed on such lanes.**”

(Chairperson, Sectoral Committee on Transport and Public Works)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 36 as amended be part of the Bill proposed, put and agreed to

Clause 37 amendments proposed –

THAT, clause 37 be amended-

In sub-clause (3) by deleting the words “eleven (11) days of having been received in the pound may either be sold, given away painlessly, destroyed” and substituting therefor the words “fourteen (14) days of having been received in the pound may either be sold, given away or destroyed painlessly”.

(Chairperson, Sectoral Committee on Transport and Public Works)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 37 as amended be part of the Bill proposed, put and agreed to

Clause 49 amendments proposed –

THAT, clause 49 be amended by-

- a) inserting the words sub clause (1) “and for persons with disabilities.”
- b) Inserting a new sub clause (5) to read- “The County Executive Committee Member shall provide clear marked designated parking slots for persons with disabilities”

(Chairperson, Sectoral Committee on Transport and Public Works)

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

Clause 53 amendments proposed –

THAT, clause 53 be amended by adding new sub clause (3) immediately after sub clause (2) to read - -

- a) A vehicle can only be towed for purposes of this clause by tow trucks or tow pickups that are property of the Nairobi City County which are clearly marked and labeled in county colors and vehicle registration. The occupants of the tow-vehicle must be in official county uniform

(Chairperson, Sectoral Committee on Transport and Public Works)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 53 as amended be part of the Bill proposed, put and agreed to

New Clause 61 (1) (2) (3) amendments proposed –

THAT, clause 61 (1) (2) (3) be amended by inserting a new clause as follows -

(1)- No sign, advertisement or billboard may be erected on a road or a footway or within a road reserve except: -

- a) On approval by the County Executive Committee Member on application made through a prescribed form and

b) Upon payment of a prescribed fee
(2)- No sign, advertisement or board may be erected on a street/public lighting pole except: -

a) On approval by the County Executive Committee Member on application made through a prescribed form and

b) Upon payment of a prescribed fee.

(Chairperson, Sectoral Committee on Transport and Public Works)

Question of the amendment proposed;

Question put and agreed to;

Question that Clause 61 (1) (2) (3) as amended be part of the Bill proposed, put and agreed to

5. ASSEMBLY RESUMED: -

The Nairobi City County Transport Bill (Assembly Bill No. 10 of 2019)

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.

(Chairperson, Sectoral Committee on Transport and Public Works)

Question put and agreed to.

Motion made and question proposed-

THAT, The Nairobi City County Transport Bill, 2019 (Assembly Bill No.10 of 2019) be now read a Third Time.

(Chairperson, Sectoral Committee on Transport and Public Works)

Question put and agreed to.

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

6. ASSEMBLY ROSE - at twelve Minutes past Three O'clock.

M E M O R A N D U M

The Speaker will take the Chair on Thursday, June 25, 2020 at 2.30p.m.