



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Fifth Session

Tuesday 28th February, 2017

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ng'ondi) in the Chair)

PRAYER

Hon. Deputy Speaker: Hon. Members, the attention of the Chair has been raised; there is no quorum in the House, I so direct the Serjeant-At-Arm to ring the bell under Standing Order 32 (2) for ten minutes.

(Quorum bell rang for 10 minutes)

Hon. Deputy Speaker: Hon. Members we now have the quorum in the House and we may proceed. *(Loud consultation)* Order Members Please. We are in the Assembly. Order, order Members. Can we proceed?

PAPERS

Hon. Deputy Speaker: Chairperson for Budget [committee], where is your microphone? You can do it at least anywhere. Hon. Celestine kindly switch off you microphone! [Hon] Alfred Ambani! Chairman you may proceed.

Hon. Member for Embakasi Ward (Mr. Michael Oganda): Thank you very much Mr. Speaker sir, pursuant to Standing Order No. 180 (6) I beg to lay the following paper on the table of the Assembly today...

(Loud consultations)

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Hon. Deputy Speaker: Hon. Members, the chairperson for Budget committee is tabling a report on financial issues. Order!

Hon. Michael Ogada: Mr. Speaker sir!

Hon. Deputy Speaker: Order Hon. Member!

THE REPORT OF THE SELECT COMMITTEE ON FINANCE BUDGET AND APPROPRIATION ON THE
SUPPLEMENTARY ESTIMATE FOR THE FINANCIAL YEAR 2016/2017 FOR THE NAIROBI CITY
COUNTY GOVERNMENT AND COUNTY ASSEMBLY

Hon. Michael Ogada: Thank you Mr. Speaker sir, pursuant to Standing Order 180 (6) I beg to lay the following paper on the table of the Assembly, today Tuesday 28th February, 2017. The report of the Select Committee on Finance, Budget and Appropriations on the Supplementary estimate for the financial year, 2016/2017 for the Nairobi City County Government and County Assembly. Thank you, Mr. Speaker.

THE REPORT OF SELECT COMMITTEE ON FINANCE, BUDGET AND APPROPRIATION ON
THE NAIROBI COUNTY FISCAL STRATEGY PAPER AND THE DEBT MANAGEMENT STRATEGY
PAPER

Hon. Michael Ogada: Once again Mr. Speaker sir, pursuant to Standing Order 186 I beg to lay the following paper on the table of the assembly today Tuesday 28th February 2017, the report of select committee on Finance, Budget and Appropriation on the Nairobi County Fiscal Strategy paper and the Debt Management Strategy paper for the financial year 2017/2-18 and over the Medium Term, thank you.

NOTICES OF MOTION

ADOPTION OF THE REPORT OF SELECT COMMITTEE ON FINANCE, BUDGET AND APPROPRIATION
ON THE NAIROBI CITY COUNTY FISCAL STRATEGY PAPER AND THE DEBT MANAGEMENT
STRATEGY PAPER FOR THE FINANCIAL YEAR 2017/2018 AND OVER THE MEDIUM TERM

Deputy Speaker: Chairperson of Finance

Hon. Michael Ogada: Thank you once again Mr. Speaker sir, I beg to give notice of motion, THAT this assembly adopts the report of select committee on Finance, Budget and Appropriation on the Nairobi City County Fiscal Strategy Paper and the Debt Management Strategy paper for the financial year 2017/2018 and over the Medium Term laid on the table of the assembly today Tuesday 28th February 2017.

ADOPTION OF THE REPORT OF SELECT COMMITTEE ON FINANCE, BUDGET AND
APPROPRIATION ON THE SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2016/2017 FOR
THE NAIROBI CITY COUNTY GOVERNMENT AND THE COUNTY ASSEMBLY

Hon. Michael Ogada: Mr. Speaker sir I beg to lay the following motion, THAT this assembly adopts the report of select committee on Finance, Budget and Appropriation on the supplementary estimates for the financial year 2016/2017 for the Nairobi City County government and the County Assembly laid on the table of the assembly today Tuesday 28th February, thank you.

Hon. Deputy Speaker: Thank you.

STATEMENTS

Hon. Deputy Speaker: Hon. Manoah Mboku? Do we have Hon. Akuk in the house? Chairman, has this report been before the assembly at any given time?

Hon. Member for Nairobi South ward (Mr. Manoah Mboku): Thank you Mr. Speaker, we wrote to the executive and they have not responded to Hon. Akuk statement.

Hon. Deputy Speaker: So the report is not ready:

Hon. Manoah Mboku: It is not ready.

Hon. Deputy Speaker: Thank you. Then we have the chairperson of Water and Sanitation [committee], statement requested by Hon. Ngaruiya Chege. Chairman, is the report ready? Do we have the chairperson for Water in the house?

Hon. Member for Njiru ward (Mr. Kenneth Thugi): Thank you Mr. Speaker, the question requested by Hon. Ngaruiya is not ready because we called him in the morning to attend the committee meeting but he failed so we cannot table the report until we discuss with him.

Hon. Deputy Speaker: But you have the report as a committee now?

Hon. Kenneth Thugi: Yes we have the report.

Hon. Deputy Speaker: So you want us to give you [time] up to when?

Hon. Kenneth Thugi: Up to tomorrow


Hon. Deputy Speaker: Thank you very much. Hon. Ngaruiya, is that in order? Kindly please attend the assembly session tomorrow.

Hon. Member for Kahawa West ward (Mr. Ngaruiya Chege): Mr. Speaker it is in order and I think the chair and clerk of that committee will give me the report in advance so that I can be in position to...

Hon. Deputy Speaker: That is noted. Kindly pass the report to the Hon. Member in good time. Thank you.

MOTION

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COUNTY URGED TO ERECT BUMPS AND SIGNALS ALONG COUNTY ROADS TO SAVE
VULNERABLE SCHOOL CHILDREN FROM ACCIDENTS

Hon. Deputy Speaker: Hon. Manyala.

Hon. Member for Kayole South Ward (Ms. Elizabeth Manyala): Thank you Mr. Speaker. That aware that, Article 26 (1) of the Constitution of Kenya 2010 provides that every person has the right to life, further aware that Article 53 (2) of the same Constitution states that a child's best interest are of paramount importance in every matter concerning the child; concerned that there is increased rate of road carnage involving school going children in Nairobi City County especially in public schools; acknowledging the measures the National Transport and Safety Authority (NTSA) has put in place to ensure road safety performance in line with international best practice; this Assembly urges the County Executive to erect or put bumps and signals along County roads that are near schools and other social amenities to save vulnerable school children from accidents on roads.

Mr. Speaker going by the Motion the road carnage actually is on the rise especially in Nairobi County where school going children have been affected. Most of them have died and even if you go back to the ratification of children's rights, they are voiceless and we are there to be their mouth piece. They cannot say that 'here erect a bump for us or put signs for us'. It is us to represent them to ensure that the best interest of the child is taken into consideration.

This is in order to stop this menace because we know the culture of our matatus, the way they are been driven on the roads, even the way adults have been treated, if you do a comparison analysis an adult and a child, who is crossing on the road especially after a long day at school with these Matiang'i laws which are becoming a plethora. It is very hard for them sometimes they are absent minded. It is only prudent that we put safety, we are aware that the NTSA have complemented by putting road safety but this is not enough.

We also need to compliment them and work together to build synergy so that our children are safe in our roads. When we are here making laws and representing the people, it is in order we come up with laws and motions that will make sure that the best interests of the child is taken into consideration. Everyone here I know has a child in school and you don't know what awaits you in the evening. It would be prudent we took all the measures that can help them to be safe so that we join with our families in the evening.

Without much ado, I want to ask Hon. Jacky Nyangala to second the Motion.

Hon. Jacqueline Nyangala (Nominated Member): Thank you, Mr. Speaker, I second the Motion. This could be long overdue. All over the world school children are taken care of. In fact, in most places of the world, nobody overtakes a school bus. It is a criminal offence to do so and you can be charged. But here in Nairobi, we have people fighting for the roads, especially matatus. Drivers in Nairobi do not have

courtesy at all. Maybe some of us in this room do not have courtesy on the roads and don't take care of children.

Mr. Speaker, I have noticed that some places in Nairobi, especially along Argwings Kodhek Road near Kilimani Primary, the school employs officers to get the children cross the road. I think it is high time that the County can get that to be done. We don't need to have the school administration employ people to get children cross the road. I think the road is a national road. I had asked a Statement on regulating the traffic lights and it seems like it has not worked in the last four years. So, if we could be able to regulate the traffic, we can be able to get children to cross the roads to go school. Mr. Speaker, I second, thank you.

Hon. Deputy Speaker: Thank you, Hon. Members.

(Question proposed)

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you Mr. Speaker sir. I stand to support this motion. Mr. Speaker, the way---

Hon. Deputy Speaker: Hon. Ogeto can you go back to your seat because you are soon going to be displaced. The owner of the seat has just arrived. Thank you.

Hon. Moses Ogeto: Thank you Mr. Speaker sir. I stand here to support this motion. The motion was drafted well. Looking at it, the owner of the motion has categorically mentioned article 210 of the constitution meaning that he has seen the importance of the constitutionalism of this motion. Mr. Speaker, talking about international standards, not like the one the Jubilee Government is going to launch in the next few months, called SGR---

Hon. Deputy Speaker: Order Hon. Ogeto! You are misleading the House. I am very sure you have no knowledge about the locomotives which are just about to arrive in the Country. Kindly spare us for now.

Hon. Moses Ogeto: Mr. Speaker, that is why I am saying ---

Hon. Deputy Speaker: Don't bring politics into this please.

Hon. Moses Ogeto: Mr. Speaker, I am not bringing politics. I am talking about international standards. The motion is very categorical in that we need international standards for this motion to see the light of the day when it is finally implemented. That is why I am supporting it. I am giving an example of those locomotives which are in China---

Hon. Deputy Speaker: Order Mr. Ogeto. I am very sure you have never been to China.

Hon. Moses Ogeto: Mr. Speaker, why are you being personal to me and I am giving an example.

Hon. Deputy Speaker: Hon. Member, don't degrade the achievement of this Country. We are in this country to stay, and this is our country.

Hon. Moses Ogeto: Mr. Speaker, I am giving an example of the motion, of international standards. I saying that the international standards are not like the ones we see. The implementation of this motion ensures that the international standards be adhered to. Not like one we see around. Thank you, Mr. Speaker.

Hon. Karen Wanjiku (Nominated Member): Mr. Speaker sir, the Member is insisting on repeating a misleading statement. Can he withdraw and stick to the motion? We are not talking about railways or any locomotives here. We are speaking about a motion that is very noble motion and therefore he should not spoil it. Let him not water it down

Hon. Deputy Speaker: Hon. Jacky, the Member is on a point of order. Please. Order Hon. Jacky! Hon. Ogeto, can you conclude. Your microphone is off.

Hon. Moses Ogeto: I am not finished, be patient. Mr. Speaker I want to read some clauses from this motion. It says that the National Transport Authority has put in place measures to ensure that road performance is in line with International best practice. I was giving an example that whatever is going to be launched in this Country does not meet the International Best Practice. When this motion will see the light of day then let its implementation meet the best practice. My colleague Jacky has said that you cannot overtake a school bus, instead you wait and so when I try to talk about this then I am trying to let everyone know the importance of International Practices. I support this motion and I wish that it will get to see the light of day.

Hon. Deputy Speaker: Hon. Members, I cannot see any requests from you? Hon. Andrew

Hon. Member for Mlango Kubwa Ward (Mr. Andrew Mbau): Mr. Speaker, I rise to support this motion. As the Hon. Members said, this motion is long overdue. It reminds me of Singapore, because it is said to be a fine country. Fine in the sense that the system works absolutely and efficiently and also fine in the sense that in the event that you are caught on the wrong then you get to pay very huge fines. Mr. Speaker, the reason as to why we see matatu drivers flouting traffic laws is because our laws are very lenient. I wish that the County engage the traffic marshals where bumps are situated and as a result we will get to raise money. Especially when this drivers get to flout traffic rules. In Nairobi, people lack courtesy and are always in a hurry going nowhere at times. I would recommend that we come up with rules and regulations like when you flout the road signs they you get to be taken for classes for about a day and pay for it. I do support.

Hon. Deputy Speaker: Thank you. It seems like there is no other Member who is ready to contribute. Hon. Members, I now call the Mover to reply.

Hon. Elizabeth Manyala: Thank you, Mr. Speaker. Looking at the mood of the House---

(Hon. Karen Githaiga bowed to leave the House)

Hon. Deputy Speaker: Hon. Karen, please come back to your seat.

(Hon. Karen Githaiga returned to her seat)

Hon. Deputy Speaker: You may continue, Hon. Manyala.

Hon. Elizabeth Manyala: Looking at the mood of the House and also with the timeframe that we have and we are about to exit, so many things are bugging our heads but we still have to do what brought us here. I want to thank the member for supporting this Motion and ideally children are the future of this country. A country that has no children has no future because they are ones we use for continuity. I want to thank everyone for supporting and without much ado I beg to sit down.

Hon. Deputy Speaker: Thank you, Hon. Member. Today you are really struggling because I even noticed that reading your own Motion was an issue. I think that maybe you have not had your lunch or anything to eat but there was some confusion. Hon. Members, I now put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the Assembly stands adjourned to 2.30pm tomorrow. Thank you.

The House rose at 3.12 p.m.