



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Thursday 22nd June 2023

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Diana Mwangangi) in the Chair]

PRAYER

Hon. Temporary Speaker: Hon. Members, you may be seated.

QUORUM

Hon. Temporary Speaker: Clerk, confirm if there is quorum.

(Clerk-at-the-Table confirmed there was no quorum)

Serjeant-at-Arms, ring the bell for ten minutes.

(Quorum bell was rung)

Serjeant-at-Arms, ring the bell for 5 more minutes.

(Quorum bell was rung)

Clerk, proceed.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF KAKAMEGA

Hon. Temporary Speaker: Hon. Members, today we are pleased to have visitors amongst us, and to that effect, I will read this communication.

Hon. Members, I have the following communication to convey:

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Hon. Members, today's sitting is graced by a delegation drawn from the Membership and the Secretariat of the Culture Committee of the County Assembly of Kakamega, who are seated in the Speaker's Gallery. The delegation is here to benchmark with us, specifically, with the Assembly's Select Committee on Culture and Community Services.

Hon. Members, the delegation comprises of the following:

1. Hon. Modesta Auka – The Chairperson;
2. Hon. Antony Mix
3. Hon. Amos Liyayi
4. Hon. Kasim Tingili
5. Hon. Peter Wanami
6. Hon. Zusach Nyongesa
7. Hon. Samwel Segero
8. Hon. Joseph Omusinde
9. Hon. Isabella Mungasia
10. Ms. Phyllis Ongale – Hansard Reporter
11. Ms. Janet Mwombe – Researcher
12. Ms. Joslyn Mugoyat – Communication Officer
13. Mr. Patrick Barasa – Sergeant-At-Arms
14. Mr. Graham Wanyama – Clerk Assistant

(Applause)

May I take this opportunity, on behalf of Nairobi City County Assembly, to extend a warm welcome to our distinguished guests and to appreciate you for finding it appropriate to benchmark with us and to share experiences. I wish you all the best in your engagements with our Committee and the Assembly by extension.

I thank you, Hon. Members.

PETITIONS

Hon. Temporary Speaker: We have two petitions today.

PETITION BY THE CALIFORNIA ESTATE RESIDENTS COMMITTEE OF NEW PUMWANI ESTATE

The first petition is by the California Estate Residents' Committee of New Pumwani Estate.

We, the undersigned citizens of Kenya, who are members of the California Estate Residents' Committee of New Pumwani Estate and tenants of Nairobi City County Government within Kamukunji Sub-County, California Ward, draw the attention of the Nairobi City County Assembly to the following:

THAT, aware that the Constitution of Kenya, under Article 37 and Sections 15 and 88 of the County Governments Act, 2012 provide the right for citizens to petition authorities or County Governments on any matter;

THAT WHEREAS, Article 62 of the Constitution of Kenya provides that public land shall vest in and be held by a County Government in trust for the people resident in the county and may be administered by the National Land Commission on behalf of the county government;

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THAT WHEREAS, Article 43 (b) of the Constitution further guarantees every person the right to accessible and adequate housing, and to reasonable standards of sanitation:

THAT WHEREAS, the County Government of Nairobi City, in its pursuit to actualize the right to housing for the residents of the city, initiated the urban renewal programme aimed at developing decent and affordable housing units, particularly in the County-owned estates;

THAT WHEREAS, a feasibility report on the implementation of urban renewal of Eastlands in Nairobi by Real Plan Consultants exempted Pumwani Estate from the urban renewal programme since in the said report, the Houses in Pumwani Estate were found to be in good condition and could only be renovated as and when the need arise.

THAT WHEREAS, in the above circumstances, the current resident rental tenants of New Pumwani Estate are likely not to benefit from the urban renewal programme since they are unable to purchase the units they are currently renting, unlike is the case in other estates undertaking the affordable housing projects where the tenants would have the opportunity to own the houses;

THAT WHEREAS, the Resident Rental Tenants of the New Pumwani Estate also aspire to own the houses under a similar arrangement as is the case with other tenants in estates undertaking the urban renewal programme;

AND WHEREAS, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body, and the petitioners' efforts to directly engage the County Executive on this matter have not been fruitful;

NOW THEREFORE, your humble petitioners pray that the Nairobi City County Assembly intervenes to ensure that:

1. The current Resident Rental Tenants of New Pumwani Estate enjoy the benefits of the affordable housing programme by the County Government of Nairobi City by converting the existing New Pumwani Social Rental Tenants under the tenancy of the Nairobi City County Government from Rental to a Tenant Purchase Scheme.
2. Take any other measures to protect the right to accessible and adequate housing for the Resident Rental Tenants of New Pumwani Estate.

And your Petitioners will forever pray.

I hereby commit this petition to the Planning Committee, and in accordance with Standing Order No. 221, to table a report within 45 days.

PETITION BY MEMBERS OF TAZAMA LANE RESIDENTS ASSOCIATIONS, PARKLANDS WARD

Hon. Temporary Speaker: Hon. Members I will read the other petition.

We, the undersigned citizens of Kenya, who are Members of Tazama Lane Residents Associations and residents of Parklands Ward, Nairobi City County. draw the attention of Nairobi City County Assembly to the following:

THAT, aware that the Constitution of Kenya under Article 37 and Section 15 and 88 of the County Governments Act, 2012 provide the right for citizens to petition authorities or county governments on any matter;

THAT WHEREAS, the Fourth Schedule to the Constitution of Kenya grants county governments powers to control county planning and development;

THAT WHEREAS, we are the residents, owners, and occupiers of houses erected on parcels of land known as LR. No. 209/7544, 7545, 7546, 7547, 7548 and 7550 located along Tazama Lane, off City Park Drive in Parklands;

THAT WHEREAS, as residents of the said area, we have noted an ongoing illegal and irregular construction of a building of an unknown number of floors on LR No. 209/7549 along Tazama Lane, off City Park Drive in Parklands;

THAT WHEREAS, prior to 2020, the said property was developed with three (3) and four (4) bedroomed maisonettes similar to other neighbouring properties. However, in a turn of events in September 2020, the said houses were demolished and the unknown developer began constructing high-end 3 and 4-bedroom apartments contrary to the development conditions of the area;

THAT WHEREAS, upon inquiry we established that the developer lacked requisite approvals. We reported the matter to the National Construction Authority (NCA), which suspended the construction until the necessary approval was obtained. However, later on, the developer proceeded with the construction;

THAT WHEREAS, we established that NCA had issued a certificate to one company known as Sustainable Development Solutions. We later discovered that the Certificate was issued based on false information provided during application as the professionals who had enlisted as consultants on the development had disassociated themselves from the project, and further that the suspension notices were still in force;

THAT WHEREAS, we further established that the approval issued by the National Environmental Authority (NEMA) was based on a misleading environmental impact assessment report since the area cannot sustain the project due to lack of a sewer line to accommodate the huge population that would occupy the properties. In addition, the project would cause unintended complications for the environment due to the high human and vehicular traffic that would arise;

THAT WHEREAS, we reported the matter to the defunct Nairobi Metropolitan Services (NMS), and despite their full knowledge that the construction was illegal, they failed to take any remedial measures. For the last three years, the construction activities have adversely affected the neighbouring residents due to sewer spillage occasioned by the destruction of manholes on private sewer lines, dust and noise pollution. Currently, the construction is still ongoing and is on the 16th floor despite the dire environmental consequences it will possess when completed.

AND WHEREAS, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body, and the petitioners' efforts to directly engage the NCA, NEMA, and the County Executive on this matter have not been fruitful,

NOW THEREFORE, your humble petitioners pray that the Nairobi City County Assembly intervenes to ensure that:

1. The ongoing construction on LR No. 209/7549 along Tazama Lane, off City Park Drive in Parklands is stopped for failure to comply with all property development laws and regulations and the adverse impact on the environment and neighbouring properties/residents.

2. Investigate and establish under what circumstances an illegal construction was allowed to proceed despite the relevant authorities having been notified of the illegalities, and ensure that action is taken against all public officers who might have abated the illegalities.

And your petitioners will forever pray.

I also commit this petition to the Planning Committee and give a report within 45 days according to Standing Order No. 221.

PAPERS

REPORT OF PUBLIC ACCOUNTS COMMITTEE ON THE RETREAT HELD AT PRIDE INN FLAMINGO BEACH RESORT, MOMBASA

Hon. Temporary Speaker: Chairperson, Public Accounts Committee.

Hon. Chege Mwaura: Thank you, Madam Speaker. Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 22nd June 2023:

The Report of the Select Committee on Public Accounts Committee on the retreat held on Friday at Pride Inn Flamingo Beach Resort, Mombasa from Thursday 10th November to Sunday 13th November 2022.

(The Paper was laid on the Table)

REPORT ON THE FINANCIAL STATEMENTS FOR CAR LOAN SCHEME FUND

Hon. Chege Mwaura: Again, Madam Speaker, pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 22nd June 2023:

The Report of the Select Committee on Public Accounts on consideration of the report of the Auditor General on the Financial Statements for the Nairobi City County Assembly Service Board Car Loan Scheme Fund for the year ended 30th June 2018.

(The Paper was laid on the Table)

REPORT ON THE FINANCIAL STATEMENTS FOR MORTGAGE SCHEME FUND

Hon. Chege Mwaura: Madam Speaker, pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 22nd June 2023:

The Report of the Select Committee on Public Accounts on consideration of the report of the Auditor General on the Financial Statements for the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30th June 2018.

(The Paper was laid on the Table)

CONSIDERATION OF THE REPORT ON THE ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD

Hon. Chege Mwaura: Madam Speaker, pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today, Thursday 22nd June 2023:

The Report of the Select Committee on Public Accounts on consideration of the report of the Auditor General on the Alcoholic Drinks Control and Licensing Board for the year ended 30th June 2018.

NOTICES OF MOTION**INEFFICIENCIES AND DELAYS IN THE DELIVERY OF COUNTY GOVERNMENT SERVICES**

Hon. Temporary Speaker: Hon. Deputy Speaker, Hon. Kados.

Hon. Paul Kados: Thank you, Madam Speaker. I beg to give notice of the following Motion:

THAT, aware that Article 232 (1) (c) of the Constitution of Kenya as read together with Section 7 (1) of the Public Service (Values and Principles) Act, 2015 provides that public services shall be provided promptly, effectively, impartially, and equitably; further aware that Section 56 of the County Governments Act, 2012 requires each County Government to establish its own public service responsible for delivering county government services across various departments; recognizing that pursuant to Section 46 of the County Governments Act, 2012, the Nairobi City County Government has created various departments for purposes of performing County Government functions; noting that in the recent past, there have been unwarranted delays in the provision of public services by the County Government of Nairobi City, characterized by:

1. Failures in service payment systems such that service seekers make payments for various taxes, charges, levies, and license fees at various payment points but the payments take longer periods than expected to reflect and get acknowledged by the County Treasury or County Government departments and the subsequent issuance of receipts thus delaying their access to a County service;
2. Delays in the settlement of dues owed to service providers and suppliers of goods and services due to an unreliable payment system adopted by the County Treasury;
3. Delays in the issuance of development approvals for a period spanning up to six (6) months or more after the application is lodged and the requisite payments are made thus inconveniencing property developers who end up incurring huge losses, especially those with commercial loans;
4. Unreliable revenue collection system that is shrouded in secrecy with little control by the County Government thus leading to unaccountability in revenue collection and potential loss of revenues, hence affecting overall service delivery; and
5. General lethargy among County Government departments;

Now therefore, in order to address the said inefficiency, the County Assembly resolves that:

1. The County Treasury adopts a service payment system that will shield service seekers from unnecessary delays, instantly acknowledge receipt of service fee payments made, and allow various departments to issue receipts and offer services paid for in the event of a system downturn. Alternative measures must be put in place to ensure the seamless provision of services;
2. All payments to service providers and suppliers of goods and services should be decentralized to respective sectors or departments and executed by sector or departmental accountants through the Online Purchase Order under IFMIS, and eradicating the manual LPO system to ensure efficiency and accountability;

3. The Physical Planning department should take deliberate steps to ensure timely processing of development approvals and undertake to clear all pending approvals within the next three months of the adoption of this Motion and submit a report to the County Assembly;
4. That the County Executive Committee Member for Finance and Economic Planning should; first disclose to the County Assembly the automated revenue collection system currently in place, and secondly, demonstrate that the system is foolproof, under the control of the County Government, and can generate instant reports for audit and accountability within the next one month of adoption of this Motion and submit a report to the County Assembly; and
5. That each County Government sector, department, or agency should develop a service charter, share it with the public, and submit the same to the County Assembly within three) months of the adoption of this Motion.

ADOPTION OF REPORT ON THE FINANCIAL STATEMENTS FOR MORTGAGE SCHEME FUND

Hon. Temporary Speaker: Hon. Chege Mwaura, Chairman PAC.

Hon. Chege Mwaura: Thank you, Madam Speaker. When I was laying the Papers, I forgot to welcome the Members of Kakamega County Assembly. When I visited their county when they had lost a Member, they were very hospitable to me and my delegation of the County Assemblies' Forum. I am happy to welcome them here.

(Applause)

I want to assure them that our Culture Committee Chair is also *mtu wa jamii*, I know that they will be treated very well by the *mwana wefwe*. I can see Hon. Stazo there, so feel at home.

On a serious note, Madam Speaker, on behalf of the PAC Committee that has done a very good job and we were able to lay about four committee reports, I hereby beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on financial statements of the Nairobi City County Assembly Board Mortgage Scheme for the year ended 30th June 2018, laid on the Table of this Assembly, today, Thursday 22nd June 2023.

Madam Speaker, after we have given a notice, it will go to the House Business Committee, and once they give us clearance to debate, we will be debating the Mortgage Scheme and the challenges that the Members have been facing and be able to address the issues that we have looked as PAC so that Members' mortgage facility works for them at the right time. I know by now there are Members who have not been able to get their mortgage in time one year since they got elected. The report will discuss more about that and I hope the House Business Committee gives us a chance next week so that we will be able to explain further. Thank you.

ADOPTION OF REPORT ON THE FINANCIAL STATEMENTS FOR CAR LOAN SCHEME FUND

Hon. Chege Mwaura: Madam Speaker, I rise again to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on financial statements of the Nairobi City County Assembly

Board Car Loan Scheme Fund for the year ended 30th June 2018, laid on the Table of this Assembly, today, Thursday 22nd June 2023.

Madam Speaker, for the benefit of Members, we do have a mortgage scheme and a car loan scheme. You can of course merge the two amounts if you wanted one collective loan. We also look at the challenges that Members were facing then so that we can improve the scheme. We have the Mortgage and Car Loan Committee that has helped us a lot when we are coming up with the report. Once the House Business Committee gives us a go ahead, we will debate this in the earliest possible time. Thank you, Madam Speaker.

ADOPTION OF THE REPORT ON ALCOHOLIC DRINKS CONTROL AND LICENSING BOARD

Hon. Chege Mwaura: Finally, Madam Speaker, I beg to give notice of the following Motion:

THAT, this Assembly adopts the report of the Select Committee on Public Accounts on the consideration of the report of the Auditor General on Alcoholic Drinks Control and Licensing Board for the year ended 30th June 2020, laid on the Table of this Assembly, today, Thursday 22nd June 2023.

Madam Speaker, this was a very explosive report, Members burnt the midnight oil looking at the loopholes. There is an Alcoholic Drinks Liquor Board that has its own money that is supposed to do a lot of work in helping people get out of alcoholism. The Committee has done a lot of work and undergone through a lot of pressure for us to be able to come up with this report. I am happy to table this on behalf of the Committee. Hopefully, once the House Business Committee gives us green light, we shall debate and demystify areas where a Liquor Board is able to achieve more with regards to what they are able to get. We will discuss this more once we get the green light from the House Business Committee. Thank you.

STATEMENTS

Hon. Temporary Speaker: Majority Leader.

Hon. Peter Imwatok: Madam Speaker, I am happy to see you seated there, it is the epitome of the girl child. I also love your smile.

Hon. Speaker, Standing Orders allows the Majority Leader to stand at any given time on statements to make comments. I want to welcome the Members from Kakamega County Assembly where my Secretary General for CASA, Hon. Omboko comes from. It is a great County and more so my home. I come from the Western part of Kenya at a place called Teso. I welcome you to Nairobi on behalf of the ODM Party and Azimio Coalition.

(Applause)

Hon. Speaker, as we were talking, the Bunge la Wananchi just walked in courtesy of the Office of the Speaker. It is important to notify the Chair. Kindly rise up on behalf of the Chair. Bunge la Wananchi is led by Simo and Macharia. We are grateful as they are watch dogs in the society. Please keep the good job with a promise that Kenya can change. I hope you are also changing as Bunge la Wananchi.

Lastly, Hon. Speaker, I want to implore all the chairpersons to attend the Liaison Committee meeting that will be held in a few minutes to come. You know what it takes for us to do that meeting.

Hon. Speaker, those are my few comments on the statement time.

Hon. Temporary Speaker: Thank you, Majority Leader. Hon. Robert Alai.

REQUEST FOR STATEMENT REGARDING A TASKFORCE FORMED BY THE COUNTY EXECUTIVE TO INQUIRE INTO THE ISSUE OF PENDING BILLS UNDER THE LEGAL DEPARTMENT

Hon. Robert Alai: Thank you, Hon. Speaker. Pursuant to Standing Order No. 47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding a taskforce formed by the County Executive to inquire into the issue of pending bills under the Legal Department.

Hon. Speaker, in January 2023, His Excellency the Governor formed a task force which was known as the Committee of the Review, Scrutiny and Verification of Pending Legal Bills to review the County's legal pending bills which were estimated to be Kshs.21 billion. My introductory inquiry indicates that the taskforce completed its inquiry and tabled a report on the same. In addition, a schedule of payments of pending bills has been developed for genuine legal bills to be paid by the County Executive.

Hon. Speaker, in the statement, the Chairperson of the Justice and Legal Affairs Committee should inquire into and report on:

- i. The terms of reference of the task force formed to inquire into the pending bills for the County Executive;
- ii. The report of the task force submitted to the County Executive;
(Hon. Brian entered the Chamber without bowing at the bar)

Hon. Temporary Speaker: Hon. Brian, kindly bow.

- iii. Criteria used to establish genuine beneficiaries for payments of legal bills in the Legal Department;
- iv. Vote that is being used to make payments of pending bills under the Legal department; and
- v. The payment schedule for the pending bills under the Legal department

Thank you, Hon. Speaker.

Hon. Temporary Speaker: Chairperson of the Legal and Justice Affairs, Hon. Akama, how many days?

Hon. Jared Ondieki: Thank you, Hon. Speaker. I implore the Member to give us two weeks to respond to the statement.

Hon. Temporary Speaker: That is noted. Clerk!

MOTION

CONVICTION OF DRUNK DRIVERS TO MANDATORY COMMUNITY SERVICE

Hon. Clement Kamaru: Thank you Hon. Speaker. I beg to move the following Motion:

AWARE that Article 183 (3) (c) of the Constitution of Kenya, 2010 provides that County Executive Committee shall inter-alia implement, within the county, national legislation to the extent that the legislation so requires; noting that Section 44 of the Traffic Act (Cap 403) provides that any person who, when driving or attempting to drive, or when in charge of a motor vehicle on a road or other public place, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall

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be guilty of an offence and liable to a fine not exceeding Kshs.100,000 or to imprisonment for a term not exceeding two years or to both; further noting that Section 4 (2) (d) of the National Transport and Safety Authority, 2012 dictates that the Authority while performing its functions under the Act, shall develop and implement road safety strategies; deeply concerned that despite the existing statutory provisions, regulations and mitigations on road safety towards deterrence of drunk driving, road carnage as a result of same remains on the rise in the County and country at large, covering 32% of all the reported road accidents, with such cases recorded on late nights in the weekends; acknowledging the need for a multi-agency approach towards deterrence of drunk driving by introduction of community service for the offenders as a way of changing of attitude and bring awareness of the eminent risk of loss of life associated with such unlawful and unethical act; further acknowledging the need for collaborative approach by the National Government, the Judiciary and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the drunk driving behavior in the County; this Assembly urges that the County Executive moves with speed and:-

1. Partner with the National Transport and Safety Authority and the Judiciary through the City Courts towards introduction of a mandatory post-conviction community service for all the drink and drive case in the County;
2. Provide for Community service to be conducted in the existing Nairobi City County Mortuary facilities focusing on administrative and compound cleaning duties under the supervision and clearance by the facility's chief administrator;
3. Undertake a sensitization talk from the facility's chief administrator on the risk associated with drink and drive and information on death cases as result of drunk driving; and
4. Develop a policy that would see the introduction of the community services for the convicted drunk and drive cases in the County.

Madam Speaker, according to WHO, Kenya has one of the highest road traffic mortality rates in the world with an estimate of around 29.1 deaths per 100,000 people. Although this figure includes all types of accidents, drunk driving is a major factor and contributor to most of the deaths that are associated with road carnage. Furthermore, a lot of lives are being lost in the name of drunk driving. As a country and as a county, most of us are aware and have even experienced while driving on those roads, for example, Thika Highway and Outer Ring Road. This has become notorious. Whether it is on Fridays, Saturdays, and Sundays, you will find people littered dead on the road having been hit by vehicles. A single mother from Kahawa West wakes up at 5 o'clock in the morning to go to Gikomba to buy vegetables and on her way home, somebody probably from Kilimani while drunk hits the lady. She dies and her children become orphans and also denying country the much needed human resource. There are ripple effects towards this.

If you look at the recent years, the Kenya Government and law agencies have been implementing measures to curb drunk driving, this include increasing penalties for driving under the influence of alcohol and conducting regular traffic checks for intoxicated drivers. But this has not been working because people have been bribing their way out. We have not been able to resolve road carnage caused by drunk driving. While looking at the studies done by the Traffic Police Unit in 2016, that out of 3,057 accidents reported that year, 718 cases were caused by drunk driving. I am also trying to compile recent data and I believe it is much

higher because some of these data is not even recorded. This accounts to approximately 23.5% of all accidents that happen in Kenya, caused by this irresponsible behavior.

We have noticed that in recent years and according to the National Safety and Transport Authority (NTSA) in 2020 alone, there were around 3,663 fatalities as a result of road carnage across the country. Alcohol consumption is known to contribute significantly to road accidents in Kenya. Additionally, according to a report by NTSA in 2019, driving under the influence of alcohol accounted for 10% of all traffic road accidents reported in the country. These figures highlighted the significant impact of drunk driving and safety on Kenyan roads. It is important to know that these statistics may not fully cover the true extent of the problem as many cases of drunk driving go unreported or unrecorded.

It is evident that drunk driving continues to be a significant issue that contributes to road accidents and fatalities. Just for clarity sake, we are not opposing people imbibing in their favourite drinks, what we are saying is that let us practice responsibility in whatever we are doing. If one is to drink, do it responsibly. Drunk driving is causing all this mayhem and it is unethical issue. In Kenya, we have seen people denying to lie by ethical standards. This is what we want to curb and provide solutions to these absurd behaviours.

Madam Speaker, the Nairobi City County Public Health department on 6th April 2023 unveiled a private wing at Nairobi City Mortuary. The Public Health Chief Officer, Mr. Tom Nyakaba noted that Nairobi City Mortuary is the largest government owned mortuary in East and Central Africa with six functional coolers with a capacity to store 200 bodies. The County's Public Participation, Public Engagement and Customer Service Chief Officer, Mrs. Lydia Mathia also noted that her department will employ five customer service officers to handle customer care matters in this facility. This would increase client public awareness and knowledge of how the funeral process works and assisting families deal with loss experience in a dignified manner.

Therefore, Hon. Speaker, with the aforementioned, it is evident that the City County mortuaries are understaffed. It would be prudent to have traffic offenders of drunk driving volunteer services as a correction measure and to also create public awareness to habitual drunk driving offenders. Acknowledging the need for collaborative approach by the National Government, the Judiciary and the County Government as provided for in Article 189 of the Constitution of Kenya, 2010 in mitigating the drunk driving behavior in the County, this Assembly urges the County Executive moves with speed and: -

1. Partner with the National Transport and Safety Authority and the Judiciary through the City Courts towards introduction of a mandatory post-conviction Community service for all the Drink and Drive case in the County;
2. Provide for Community service to be conducted in the existing Nairobi City County Mortuary facilities focusing on administrative and compound cleaning duties under the supervision and clearance by the facility's chief administrator;
3. Undertake a sensitization talk from the facility's chief administrator on the risk associated with drink and drive and information on death cases as result of drunk driving; and
4. Develop a policy that would see the introduction of the community services for the convicted drunk and drive cases in the County.

It is important to note that this is not an issue of severe punishment but trying to deter such an unethical behaviour. By deterrence, we want to make people understand that by taking them to do community service at the mortuary, for example, City mortuary, the idea behind is for the person to see what would have happened not only to himself but also other innocent human beings. This allows them to see how irresponsible in the event you hit a post or someone, you leave a close member or family who in turn will scavenge for a living assuming you are the sole bread winner. At the same wave length, you drink alcohol in excess, you hit innocent people and cut their lives short.

It's not a matter of introducing radical punishment methods but trying to deter people from drunk driving because it is clear that it is a major cause of loss of lives not only in Nairobi County but in the country at large. This problem should be addressed urgently. We do not have time to keep on burying our heads in the sand that this will be worked out by the police. As legislators, we need to provide solutions however absurd they may be. This is our responsibility to come up with solutions that will look at the end as a means and not the means to an end. That is why I am proposing this Motion so that we bring sanity back to our roads and also try and make sure people understand the impact that is associated with excessive drinking and driving as an ethical concern.

Madam Speaker, I call upon Hon. Mutumishi to second this Motion.

Hon. Chris Mutumishi: Madam Speaker, First, I would like to thank Hon. Clement Ng'ang'a Kamaru, MCA Kahawa West for coming up with the great Motion that shows someone who loves and thinks about other people. This Motion benefits the lives of our brothers and sisters out there. We have lost a lot of people, our close confidants, smart brains and professions in this country because of drunk driving.

Madam Speaker, in the day time while on the roads, you find someone driving drunk and insults people. Being an MCA of Komarock Ward where Mama Lucy Kibaki Hospital is, I visit to observe how things are going on there. While in casualty, you see people being brought with serious accident injuries. When you make an inquiry, you find out they were drunk while driving and caused accidents. We have lost many lives, and as an MCA of this Assembly, I support this Motion because it protects the lives of our people.

When His Excellency Governor Johnson Sakaja read his manifesto, he talked of a City with dignity. When these drunk drivers are driving matatus and carrying passengers who are sober, sometimes they meander causing confusion as they drive making passengers cry for safety. We need to manage this behavior, and as the Hon. Member of Kahawa West said, we are not punishing these people but deterring them. When they work at the mortuaries, they will provide the much needed help.

Let us support this Motion because this affects our economy as a country and as a County Government since when we bury the victims, some children become orphans, others lose their brothers and sisters. We find ourselves burying smart individuals because of drunk driving behaviour. I second.

(Question proposed)

Hon. Temporary Speaker: Hon. Joy Muthoni.

Hon. Joy Mwangi: Madam Speaker, thank you for the opportunity, and I congratulate Hon. Clement Ng'ang'a for bringing this Motion. I will be brief. Indeed, we have lost a lot of lives in Kenya and as well making others disabled, which has made them lose their jobs thus affecting number of families because some were

bread winners. The Motion therefore should be supported because of that. I wish we can reach a point of even giving huge fines, but because you know corruption is high from the top that is the government all the way down to the common mwanachi, somebody will be fined and reaching to the police station, all you do is reach your pocket and hand out money and then you are released at the expense of someone's life. So, if we give someone a punishment of this sort, it will be very good.

I have a suggestion that maybe we mount screens *kwa barabara* and while you are doing the punishment *unawekwa kwa hiyo* screen so that people can see you are one of the people who drink and drive. I support this Motion and wish the rest can support for the sake of our people. Thank you and be blessed.

Hon. Temporary Speaker: Hon. Joy, next time, kindly remember the rule that when you start with English, you proceed with it until the completion of your contribution.

Hon. Joy Mwangi: My apologies, Madam Speaker.

Hon. Temporary Speaker: Accepted. Hon. Lily Kidenda.

Hon. Lily Kidenda: Thank you, Hon. Speaker for this opportunity to contribute to this Motion. I congratulate my colleague, Hon. Clement Ng'ang'a for this Motion. I believe issues like these have become before us but I see a twist that he has taken which is unique. I would like to thank him for thinking out of the box. I like the spirit that Hon. Clement has brought into this Motion and the spirit of looking at what can be done differently. We often speak of the same things and give same solutions but I see the spirit of correction, rehabilitation, restoration, and responsibility taking, reflection and healing has been highlighted. The prayers he sends to the Executive and what he expects of them are targeted to allow those drunk drivers to interact with the depth of sadness that they have caused. Working at the mortuary, listening to the director in charge of the place explaining their experiences, and watching as bodies are being removed to be buried, whether those they have been killed by them, someone else or any other death is not a simple matter.

I would like to request Hon. Clement to add the establishment of rehabilitation centres and support groups. I want to appreciate that---

(Hon. Kwenya wanted to leave the Chamber)

Hon. Temporary Speaker: Hon. Kwenya, I was about to call you contribute to the Motion.

Hon. Lily Kidenda: I would like to request my colleague to push this as far as he can. Madam Speaker, I support this Motion.

Hon. Temporary Speaker: Hon. Mwaniki Kwenya.

Hon. John Kwenya: Thank you, Hon. Speaker. It is very unfortunate that this very important is coming when the House is lacking the numbers. I expected the House to be full because this is a very important Motion that concerns our people. When you drive on our roads during late hours especially on Friday, Saturday and Sunday, you will witness road accidents. So, this Motion is important and timely

My suggestion is we need to add something because when you are drunk, you obstruct other people on the roads and this causes innocent drivers to be caught in this kind of accidents. So, it is important that we consider this Motion with urgency. Whatever prayers he has made today, the Executive should take it seriously because we have lost so many people thus becomes expensive for the County and country in

maintaining our hospitals. The medication that we give for free in our hospitals are becoming expensive. The county is using a lot of money to have our people given a healthy life.

Issues of accidents are untimely. The money that is supposed to be used on tasks that are important, goes to cater for the people involved in accidents. Dr. Clement, when you push the Executive to do implement the Motion, we should also look into drivers who don't maintain left after overtaking. When you are under influence of alcohol, you cannot maintain lanes, this has caused a lot of accidents on our roads. We should ensure the people who ignore rules of the roads whether drunk or sober are penalized and fined heavily so that we can maintain discipline on our roads.

It is very important for the County to think about this Motion as a source of revenue because indiscipline is everywhere. Motorbike riders in town and in our estates are using alcohol and drugs and they end up disrupting the pedestrians on the roads. It is very important that we take this Motion seriously so that we go about making it into a bill to help the city. The city is very congested and we need soberness. We cannot end people's lives on ignorance and alcohol consumption. Thank you Hon. Speaker for giving me this chance. God bless you.

Hon. Temporary Speaker: Amen. Hon. Gerald Irungu.

Hon. Gerald Mukuru: Thank you, Madam Speaker for allowing me to support this Motion by Dr. Clement Ng'ang'a. It is long since a Motion like this has been brought to the floor of the House for discussion. I am delighted this it is timely as the damages done along the roads are many. Many people are troubled and disabled because of drunk drives. Having worked in a garage before coming to this Hon House, I saw many damaged vehicles twisted and being brought in for panel beating. It is shameful because as a result people have died and others are suffering from the disabilities.

It is a high time that we deploy traffic marshals to our roads and be guided on how to prosecute those who abuse traffic rules. We should be given a chance to teach pedestrians to use the roads because many times they fail to use the bridges and unfortunately, a drunk person may not stop while crossing. It is vital that the County and the Transport Department take action and ensure that people are protected. It is also important that we withdraw the licenses of offenders who drink and drive. With that, Madam Speaker, I stand to support. Thank you, Dr. Clement and Madam Speaker.

Hon. Temporary Speaker: Hon. Kimani Mugo.

Hon. Stephen Kimani: Madam Speaker, I rise to support this timely Motion because the social impact that we will have for the offenders is more compared to the financial impact or the way people feel when they pay fines. Community service has to be more than financial because they will get to see the impact their reckless driving is causing. I say thank you to our doctor from Kahawa West and I support.

Hon. Temporary Speaker: Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Madam Speaker for the chance to contribute to this Motion and thank Hon. Clement. As you know, doctors' motto is always to save lives, hence the reason for coming up with this Motion. This is a way of making sure that people are enlightened on not to drive while drunk. I think that people do not fear being arrested and fined in the court of law but this punishment of being taken to the morgues to wash dead bodies will make them fear and avoid drinking and driving. When you drink and drive, you cause a lot of harm to the public because your vision is also impaired. As a result, you end up

killing yourself and the passengers in the vehicle. At night when you see a pothole on the road, it comes out as a huge tunnel which is dangerous. Hon. Speaker, I beg to support the Motion.

Hon. Temporary Speaker: Hon. Patrick Macharia.

Hon. Patrick Macharia: Thank you, Madam Speaker for catching my eye. I wish to support this Motion, though seeking amendments. Dr. Clement has brought a timely Motion on drunk drivers doing community service to be conducted in existing Nairobi City County mortuary facilities, focusing on administrative and compound cleaning duties, disposition and clearance by the facility chief administrator. Madam Speaker, I heard my colleague Hon. Mofire state that---

Hon. Temporary Speaker: Hon. Patrick Macharia, you started by saying that you wish to move amendments, and according to Standing Order No. 62 (1), it provides that amendments are supposed to be in writing. I read, *"The proposer of an amendment to a Motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer to the Clerk at least two hours before the order is read."* Therefore, you can proceed in that light

Hon. Patrick Macharia: Thank you, Madam Speaker. My recommendation is that people who work in mortuaries are professionals, and by giving drunk drivers the punishment to clean dead bodies, we will be adding mental disorders in our country. I remember the President even formed a taskforce to deal with mental health because research has shown that 70% of people who are sick nowadays have disorders. Madam Speaker, there is something called the post-traumatic stress disorder. This is a mental condition caused by someone working in an environment such as cleaning of dead bodies. I suggest that they are not subjected to cleaning of bodies but can clean the environment part of it. I also want to second this Motion as it is timely as we need strict measures to deal with drunk drivers and reduce the mortality rate in our country. Thank you, Madam Speaker sir.

Hon. Temporary Speaker: Just for your information, Hon. Patrick, the Motion is focused on the compound cleaning duties. Hon. Deonysias Mwangi Waithera

Hon. Deonysias Mwangi: Thank you, Madam Speaker. I rise in support of this Motion and concur with my colleague, Hon. Clement Kamaru, Member of Kahawa West for a well thought out Motion. It is unfortunate that driving while drunk has left many children orphaned and parents have also lost their children. If this Motion is supported by the Assembly and implemented, then I am sure that we will save Nairobians, our generation and Kenya at large. It is so unfortunate that you find prominent elected persons in our country in this position. There is a well-known saying that goes, *"mimi ndio nimekunywa, sio gari. Gari inajua kwao"*

Hon. Speaker, the same person who said that will not remember saying it when an accident that has no reverse has occurred. As I support this Motion, I urge the Implementation Committee to speedily implement it. Wwith that, I beg to support.

Hon. Temporary Speaker: Finally, Hon. Peter Maina Mwangi

Hon. Peter Mwangi: Thank you, Madam Speaker for this chance. I want to congratulate Hon. Clement for coming up with this noble Motion. I would like our proposer to think about teaching our future generation not to drink and drive when drunk. If the community service is done in schools, then it will be shameful to the offender and teach students not to drink and drive. Let it be done in schools where children are because one may not fear doing community service in the morgue but will be ashamed to do it in schools.

It should also be announced in the school parade that a certain parent was found drinking and driving. I believe that will solve a lot of issues. Thank you, Madam Speaker and I support this Motion.

Hon. Temporary Speaker: I now ask the mover to reply

Hon. Clement Kamaru: Hon. Speaker, my gratitude to the Assembly for the support and consideration on this Motion. I beg to reply.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, this House stands until Tuesday 27th June 2023 at 2:30 p.m.

The House rose at 4:22 p.m.