



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Second Session

Tuesday 27th June 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]

PRAYER

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

Order, Hon. Petit! I know that you are excited because tomorrow is a holiday.

(Laughter)

Clerk, can we proceed.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM BUNGE LA MWANANCHI

Hon. Speaker: I wish to bring to the attention of Hon Members that at the Speaker's Gallery, we have comrades from the Bunge la Mwananchi, the voice of the people of Nairobi. We recognize your presence, participation and concerns as raised. Just wave.

(Applause)

Hon. Members, they are a sizeable number, we can introduce the team so that we get to know who has visited us. Serjeant-at-Arms, do you have a list of their names? Mheshimiwa Mofire, you may proceed.

(Hon. Jeremiah Themendu entered the Chamber)

Hon. Members, it is tradition that the Assembly be notified on members of the public who access the Speaker's Gallery for occurrence and future reference. We have;

- | | |
|------------------------|-------------------|
| 1. Hon. Oyugi Lawrence | 4. Joel Makau |
| 2. Erick Lang'at | 5. Richard Nyamae |
| 3. Justus Nyamaka | 6. Kennedy Oumo |

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7. Asila Dickson
8. Alfrique Otieno
9. Douglas Asanya
10. Paul Otiato
11. Isaac Jared
12. Osoro Evans
13. Josam Mdunde
14. Haggai Thenye
15. Robert M. Narengo
16. Stephen Nyagah
17. George Bush
18. Margret Arwanyo
19. Diana Awuor
20. Maurice Masiga
21. Dan Moyanda
22. Onesmus Kaviti
23. Kimasi Nicholas

(Applause)

As the Speaker, I want to welcome you. Feel part of us and be part of the conversation of today. We have the Finance Bill which is going to be tabled today. You may be seated.

(Hon. Wilfred Odalo raised a Point of Order)

Hon. Speaker: Declined. The Assembly is just about to consider the Budget and Appropriations report. Clerk, we may proceed.

PAPER

CONSIDERATION OF THE REVENUE AND EXPENDITURE ESTIMATES FOR FY 2023/2024

Hon. Speaker: The Chairperson, Budget and Appropriations Committee.

Hon. Wilfred Odalo: Thank you, Speaker. My request on the Point of Order was denied, nevertheless, I knew that I was going to lay a Paper. You referred to the first guest at the Speaker's Gallery as honorable member. For HANSARD purposes, we wish to know which constituency and ward he is representing. I am not challenging the Chair.

Hon. Speaker, pursuant to Standing Order No 196 (6), I beg to lay the following paper on the Table of the Assembly, today, Tuesday 27th June 2023:

The 10th Report of the Select Committee on Finance, Budget and Appropriation on consideration of the revenue and expenditure estimates for the Nairobi City County Government and the County Assembly for the financial year 2023/2024.

I beg to lay.

(The paper was laid on the Table)

Hon. Speaker: Thank you, Chair. Clerk.

NOTICES OF MOTION

ADOPTION OF REPORT ON CONSIDERATION OF THE REVENUE
AND EXPENDITURE ESTIMATES FOR FY 2023/2024

Hon. Wilfred Odalo: Thank you, Speaker. I hope you will respond to my concern.

I beg to give notice of the following Motion:

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THAT, the Assembly adopts the 10th Report of the Select Committee on Finance, Budget and Appropriations on the consideration of the revenue and expenditure estimates for the Nairobi City County Government and the County Assembly for the financial year 2023/2024, laid on the Table of the Assembly, today, Tuesday 27th June 2023.

DEVELOPMENT OF NAIROBI CITY COUNTY BROADCAST
SERVICES POLICY FOR ACCESS TO INFORMATION

Hon. Speaker: Hon. Joyce Muthoni.

Hon. Joyce Kamau: Thank you, Mr. Speaker. I wish to give notice of the following Motion.

AWARE that Article 35 of the Constitution of Kenya, 2010 provides that every person has a right of access to information held by the State; further aware that Section 95 of the County Governments Act, 2012 dictates that a county government shall establish mechanisms to facilitate public communication and access to information in the form of media with the widest public outreach in the county, which may include; television stations, information communication technology centres, websites, community radio stations, public meetings and traditional media; acknowledging that the county government is required to use media to amongst others; create awareness on devolution and governance, undertake advocacy on core development issues such as agriculture, education, health, security, economics, and sustainable environment among others; further acknowledging that from such robust means of mass media communication, the county government would be able to ensure and coordinate the participation of communities and locations in governance at the local level, as contemplated in Paragraph 14 of Part 2 of the Fourth Schedule to the Constitution on county government's function; now therefore, this Assembly urges that the County Executive develops a Nairobi City County Broadcast Service Policy that shall seek to establish the Gubernatorial Digital Press Unit, the County Television and Radio Broadcast Directorate, and Customer Service & Complaint Directorate for effective dissemination of information, civic education and public participation for the residents in the County.

Thank you.

Hon. Speaker: Let us proceed.

PROCEDURAL MOTION

RESOLUTION OF THE ASSEMBLY TO SIT ON THURSDAY 29TH JUNE 2023 AT 9. 30 A.M

Hon. Speaker: The Leader of Minority.

Hon. Anthony Karanja: Thank you Mr. Speaker. I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No. 33 (3) (b), this Assembly resolves to sit on Thursday 29th June 2023 at 9.30 a.m.

I beg to move and call the Whip to second.

Hon. Speaker: Hon. Mark Mugambi.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I would like to second the Motion. As you are aware, we have urgent budget matters that need to be addressed in the Assembly. Thank you.

Hon. Speaker: Hon. Members, Order No 8 is a procedural Motion on the alteration of the calendar that requires your approval as an Assembly.

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(Question proposed)

Hon. Speaker: Plenary.

Hon. Emily Oduor: Thank you, Hon. Speaker. I stand here to support the Motion. Members, as you are aware, we are coming to the end of the financial year 2022/2023. We started the Assembly late and we do not have enough time to go through the budget and the appropriations. Because of that, I plead with you to support this Motion so that we can finish this document before the deadline, which is 30th June 2023. With that, Hon. Speaker, I stand to support.

Hon. Speaker: Hon. Kamau Thuo, your mic is on. The mover to reply.

Hon. Anthony Karanja: Thank you, Hon. Speaker. Members, this is an opportunity because it is the first budget that we are making as Third Assembly and a requirement that is to be done before the 30th of June. I wish that you support having the 9:30 a.m. session and have the Regular Sitting at 2:30 p.m. In the morning, we will take care of the Appropriations Bill and the afternoon, listen to the estimates by the CECM for Finance. Hon. Speaker, I beg to reply.

Hon. Speaker: Thank you.

(Question put and agreed to)

MOTION

INSTALLATION OF SPEED LIMIT SIGNS AND INCREASE PEDESTRIAN CROSSINGS ON COUNTY ROADS

Hon Speaker: Hon. Sospeter, please.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker.

THAT, aware that under Article 186 (1) of the Constitution of Kenya and Paragraph 5 of the Second Part of the Fourth Schedule to the Constitution, the functions and powers of County Government, among others, include county transport, which includes county roads, street lighting, public road transport traffic and parking; further aware that the City has designated preferential zebra crossing throughout the City County roads; noting that recent years have witnessed a marked increase in the number of vehicles plying various routes in the County as well as increased pedestrian population; concerned that most County roads have limited marked speed limits and zebra crossings, which has led to increased traffic congestion and accidents including deaths to pedestrians caused by speeding motorists; further noting that the few available legal speed limits and zebra crossing points were done long time ago when the City had few vehicles and pedestrians population; this Assembly urges the County Executive to:-

1. Undertake an audit of County roads with a view to re-designate more speed limit areas and increase designated pedestrian cross where necessary and rehabilitate the existing ones with visible signs to ease traffic flow and minimize road carnage across all County roads; and
2. Enforce the speed limits and other traffic rules with the aid of modern technology.

Hon. Speaker, this is a Motion that in one way or the other affects us collectively as Members of this Assembly and as residents of Nairobi County. I understand that each of us has had an opportunity to walk around the County and in particular within the CBD. It disappoints me when I walk in the CBD and see the congestion that is there. Bodabodas crisscross on the wrong side and people crisscross from any side. This

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is against the wish and the spirit of the speech that was read by the Governor in this House. The speech envisioned a city where there is order and dignity. Today, if you walk around the City, you are likely to interact with an environment that does not live to this spirit.

Hon. Speaker, the traffic jam being witnessed in this City has strings attached to lack of zebra crossings. I want to give you an example; if you have ten people crossing the road from different points, it may take you longer than if these people were crossing the road together from one point, this will help to save time. This is the scenario today in Nairobi. This Motion of re-designating of zebra crossing is long overdue.

Hon. Speaker, we have a limitation of the zebra crossing as the number is limited forcing people to crowd together on one zebra crossing, which creates a fertile ground for pickpockets and robbery within our County. If we had enough zebra crossings, this will ease congestion and it will go a long way in saving Nairobians from being pickpocketed.

Some of the accidents also have strings attached to the lack of designated zebra crossings because people are crossing from any point. Motorists and bodaboda riders do not have an idea at what point you are likely to come across pedestrians crossing the road. But if we had zebra crossings, motorists will be able to know that at a given point they will come across a zebra crossing. If this is done, it will help in saving the lives of many people. It has been difficult for the business people around the County because there is no control of traffic and the movement of people.

Hon. Speaker, I wish to state that this Motion is important for our County and it will commensurate with the population. Existing zebra crossings were done long time ago and catered for the population that was there then. Today, we are talking about five million people in Nairobi. This begs for the question; does the current status of zebra crossings and the speed limits within our areas commensurate with the population growth in our County? There is a need for us to get back on the drawing board and redesign and re-designate more zebra crossings within our County.

Allow me to end by saying this, that if we clear zebra crossings, we will end up having smooth flow of traffic in the County, will curb robbery, help in improving business or working environment for our people, assist the County in generating revenue, and help in reducing accidents. Having said that, I want to implore honorable Members to support this Motion because from where I sit, we have lost many people due to lack of zebra crossings in our County.

I wish to request Hon. DNG to second the Motion. Thank you, Hon. Speaker,

Hon. Davidson Ngibuini: Thank you so much, Hon. Speaker, I rise in support of this Motion. Indeed, pedestrian crossings are critical and the safety of pedestrians must be looked into. I would like to implore that a culture change is also needed in this great city of Nairobi where motorists must begin to respect pedestrians and heed to the traffic rules. The most shocking thing in this City is that there is no guarantee that a motorist will not hit you when you are on a zebra crossing. Pedestrians wait for motorists to signal them to cross despite them having the right to cross. As we reorganize the city, we must do better.

Hon. Speaker, I have a testimony, I was fortunate to have my first international trip to Dubai, *asante sana* leadership. Dubai is a beautiful and orderly city and I believe that the orderliness must be brought to

this great city of Nairobi. The traffic rules there, as proposed by Hon. Sospeter, are applied to the latter, nothing is left to guess work and motorists comply to these traffic rules and regulations.

As I support this Motion, there is a word of caution; this is not an opportunity to put more askaris on the roads to enforce these zebra crossings, we need less askaris on our roads. If you look at what is happening in a city like Dubai, all enforcements are done digitally. Traffic violations are sent to motorists through their emails with the description of their offences, the date, the time and video evidence captured on CCTV. They have CCTV cameras all over that city.

Sadly, in Kenya, we are still in the colonial days where traffic police officers pull you over and try to force themselves into your vehicle to collect bribes. We must do better as Nairobi, and as we enter into a new financial year, I hope that the Mobility and other Nairobi sectors will get to work. In the words of our able Governor; "*Lazima Iwork.*" Asante. I support this Motion.

Hon. Speaker: You second!

Hon. Davidson Ngibuini: I stand corrected, Hon. Speaker, I second this Motion.

Hon. Speaker: Thank you. Hon. Member, the Speaker is on his feet.

(Question proposed)

Hon. Speaker: Hon. Members. Hon. Kwenya.

Hon. John Kwenya: Thank you, Mr. Speaker. I stand to support this Motion. Being the CBD MCA, I witness a lot of issues that concern this Motion. First, the accidents that have happened in the city are caused by misbehaving motorists in the City. This includes over speeding and pedestrians competing with the motorists while crossing the roads. I have seen women mostly being the victims because when they want to cross the road, their speed is limited and they find themselves in between vehicles.

I have also noticed most of the zebra crossings have been used as picking and dropping points by matatus. If you go to Ronald Ngala and Tom Mboya streets, and around the Old Nation, Eastleigh vehicles that operate from town to Eastleigh have blocked the zebra crossings. This has happened to most zebra crossings in the CBD. This Motion has come at the right time and it needs to be implemented because the enforcers have failed this city, which has been referred to as 'a City of Order and Dignity'.

[Hon. Speaker left the Chair]

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

Mr. Speaker, it is important that this Motion be looked at closely so that we can save the lives of our people. Our people are suffering, they do not have a conducive environment for business because there is confusion. The business people have been blocked by vehicles and has become hard for the City to have that status of order and dignity.

To Hon. Sospeter and to the entire Assembly, it is very important that we implement these issues we bring into the Assembly so that they can be useful to our people. We bring important Motions in the Assembly but enforcement is a big problem. I will call upon the enforcers to be pushed, and if they do not want to do what is right for this County, they need to be answerable to the Assembly.

Mr. Speaker, also non motors like the *mikokoteni* and trollies use the wrong side of the road, especially on Muranga Road, at Globe roundabout overpass. It is important that this thing be looked so that the lives of our people will be saved. Thank you, Mr. Speaker.

Hon. Temporary Speaker: Hon. Emily Oduor.

Hon. Emily Oduor: Thank you, Madam Speaker. I support this Motion and to add that, it takes two to tangle. We are all blaming the motorists but then we also have pedestrians that usually cross roads even where they are not supposed to. As we try to limit or to stop the deaths of pedestrians, we should also think of how to train our pedestrians on where they need to cross the roads. Another group we need to bring on board are the motorcyclists. We get high cases of accidents and deaths from motorcyclists than motorists. Therefore, we need to consider that.

This is a growing City and we might also need to think of artificial intelligence (AI). It is high time we remove the traffic marshals from the streets, as DNG said. They should never be on the road unless there is an accident. The AI that can catch you when you cross the road where you are not supposed to and also catch motorists if they hit a pedestrian. With those remarks, Madam Speaker, I beg to support. Thank you.

Hon. Temporary Speaker: Hon. Clement Ng'ang'a Kamaru.

Hon. Clement Kamaru: Thank you, Madam Speaker. I support this Motion because I am passionate of what is happening on our roads. Recently, I tabled a Motion regarding drunk driving, which basically relates to what Hon. Sospeter is saying. We are losing a lot of human resource due to negligent driving. There is lack of pedestrian signs, especially on the outskirts of Nairobi like where I come from, Kahawa West. School children wake up as early as 5 a.m. and cross the roads, which is dangerous.

Due to the economic situation of the country, people are not 'normal'. A lot of lives are lost on the roads. It is prudent that as a House we need to be responsible enough and support this Motion so that we can have clear signs to mitigate these unwanted deaths that we are facing nowadays. If you go to Thika Road or Outering you won't miss a fatal accident that would have been prevented by the use of these signs.

I stand in here to support this Motion because it comes at a right time when as a County, we urgently need laws that are going to curb road carnage and loss of lives. For those who did economics, there is that term referred to as 'economics of scale.' The human resource we are losing on our roads has a ripple effect to the economy. We can't ignore these things. We have been given the mandate to be legislators, we ought to support this Motion so that at least we can see the reduction of deaths on our roads. I beg to support.

Hon. Temporary Speaker: Hon. Mark Thiga.

Hon. Mark Thiga: Thank you, Madam Speaker for the opportunity to give my contribution on this Motion. I would also like to take this chance to thank Hon. Sospeter for coming up with the Motion. It has come at a better time when we are about to introduce the '*Dishi na County*' in our schools. With the introduction of the programme, our schools will have 100% turn out rates in our schools. If we don't ensure that our roads are in order by introducing the speed limit signs, it will be a recipe for disaster because our children who may not be aware of the dangers while crossing the roads, will be exposed to bigger dangers. The society is keeping an eye on us from the decisions we make in this House. If you visit our hospitals, you will find that majority of patients are those that have been victims of road accidents. I am sure with the introduction of this, we can be able to mitigate the fatalities. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Fiunifu.

Hon. Kamau Fiunifu: Thank you, Madam Speaker. I support this Motion. I will speak with the mind-set of the general public as far as the road users are concerned; the pedestrians, the motorists, the cyclists and also the enforcers because the rules have been there, but we still have issues with people disobeying rules that have been set. As a society and as citizens of Nairobi, we need to change our mind-sets as far as how we interact with the various signs that have been placed on our roads is concerned.

I will give an example of how recently along with some Hon. Members in this House, we visited a country that I won't mention, it has better road infrastructure. Most of the Members had issues with even crossing the roads because here, to put it in Kiswahili, *hapa huwa unasumbuana na gari kuvuka either gari ivuke au wewe uvuke*. Where we visited, it was either you stop for the cars to pass or the cars had to stop for the pedestrians to cross. That was an issue for us because we do not have such a mind-set. This was a very big phenomenon for some of your Members, Hon. Speaker. That is why I am emphasising that we need change of mind-set and to also let Hon. Members know that when you go to Rome do as the Romans do. It is not that we export our *kienyeji* way of doing things from Nairobi to other places. I have not mentioned anyone, so, Hon. Member for Hamza Ward, do not disturb me.

It is my general remark that ours should be change of mind-set because what Hon. Sospeter has brought is not a wish list but an addition to other frameworks that we have as a country and as a County. because we also have the National Transport Safety Authority that enforces the same. We might have all those road signs all over but if we have not changed our mind-sets of how we interact with these things, this will be an exercise in futility.

With those remarks, Hon. Speaker, I support this Motion and I appeal to the enforcement arm of this Government that they enforce this and maybe offer user education. Pedestrians should be educated on how to interact with roads. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Hon. Jeremiah Themendu, thereafter, I will call the mover to reply.

Hon. Jeremiah Themendu: Thank you, Hon. Speaker for giving me this chance to contribute on the Motion. Let me congratulate Hon. Sospeter for the good Motion. In Nairobi, we have speed limits signs that are few and not marked. It is important for the County Government to go around the County and identify the roads that have the speed limits and those that don't have so that they make sure they are being taken care of. Nairobi is a city and it needs to be beautiful like someone who has just mentioned about Dubai that I was there, it is a clean city and it is because all the roads are well tarmacked and also designed in a way that all those speed bumps are marked, zebra crossings and street lights are in order. Nairobi needs to be beautiful like that city. Hon. Speaker, I beg to support the Motion. Thank you.

Hon. Temporary Speaker: I now call upon the mover to reply.

Hon. Sospeter Mumbi: Thank you, Hon. Speaker. May I begin by appreciating and acknowledging the input and support shared by my fellow Members. Hon. Kwenya, I acknowledge your contribution. Hon. Emily, your intelligence in terms of the input is much welcome. Dr. Clement, Hon. Mark Thiga, Hon. Fiunifu and Hon. Morefire, I am humbled with your support.

Hon. Speaker, this is a Motion that I have a passion for and I believe that the Executive will take it with the same seriousness. I beg to reply. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Temporary Speaker: Members of the Assembly, House Business Committee will meet at the rise of the Assembly. The House stands adjourned until Thursday 29th June 2023 at 9.30 am.

The House rose at 3.42 p.m.