



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – (SECOND SESSION)

ORDERS OF THE DAY

THURSDAY, FEBRUARY 23, 2023 AT 2.30P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statement

8. *MOTION – HON. WAITHERA CHEGE, MCA

Subject: *Strategies and Programmes on Climate Change within the County*

THAT, aware that Article 42 of the Constitution of Kenya, 2010 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations; **further aware** that climate change is a complex social and scientific issue which is characterized by uncertainty and is a global nightmare with consequences that are already quite visible across the globe; **cognizant that** Article 12 of the Paris Agreement espouses the enhancement of climate change education, training, public awareness, public participation and public access to information; **noting that** climate change education explores mitigation and adaptation at both local and global level, critical, creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine to be appropriate actions in response to climate change; **Concerned that** human activities have substantially been increasing the atmospheric concentrations of greenhouse gases, this in turn enhances the greenhouse effect that will result in additional warming of the

Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind **acknowledging that** the Climate Change Act 2016 provides that the County Government shall, in performance of its function, integrate and mainstream climate change actions, intervention and duties set out in the Act and the National Climate Change Action Plan into various Sectors. The County Government in development, updating and approval of County Integrated Development Plan and County Sectoral Plans mainstream implementation of National Climate Change Action Plan, taking into account National and County Priorities; **further acknowledging** that paragraph 10 of the Fourth Schedule to the Constitution of Kenya 2010 provides that the County Government is to implement specific national government policies on natural resources and environmental conservation, **now therefore** the County Assembly urges the County Executive to: -

1. develop strategies and education programmes on adaptability to climate change within the County;
2. develop a policy on climate change; and
3. Implement the National Climate Change Plan across all the Sector in the County.

(Resumption of Debate interrupted on Thursday, 1st December, 2022 at 2.30 p.m.)

9. *MOTION – HON. PERPETUA MPONJIWA, MCA

Subject: *Establishment of a free public education resource centre (mini-library) at the newly refurbished Uhuru Park*

THAT, aware that the functions of public entertainment and public amenities including county parks, recreation facilities and sports activities and facilities are vested in County Governments pursuant to paragraph 4 of Part Two of the Fourth schedule to the Constitution of Kenya 2010; **noting that** Parks and green spaces occupy a critical place in the urban environment, providing opportunity for recreation and wellness, as well as environmental management promotion and sustainability for urban communities; **appreciating** the rehabilitation of Uhuru Park, Uhuru Gardens, Central Park Jeevanjee Gardens and Hon. Michuki Memorial Park; **recognizing** that Nairobi residents need to continue accessing the newly refurbished Uhuru Park both for rest and recreation, this is Assembly urges the County Executive to establish a public resource centre (mini-library) at the newly refurbished Uhuru Park to act as an open source library stocked with reading materials for all age categories, a free area for board games and other appropriate indoor amenities that shall be accessible by all members of the public free-of-charge.

NOTICES

I. The Assembly resolved on Tuesday, 21st February, 2023 as follows: -

- a) **THAT**, pursuant to the provisions of Standing Order 106(1), this Assembly **orders** that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:-A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

* Denotes Orders of the Day*

NOTICE PAPER I

Tentative business for Tuesday, 28th February, 2023 at 2.30p.m.

(Published pursuant to Standing Order 41(1))

IT IS NOTIFIED that the Select Committee on Assembly Business, at its last meeting, approved the following ***tentative*** business to appear in the Order Paper for Tuesday, 28th February, 2023 at 2.30 p.m.: -

A. *MOTION – HON. DAVIDSON DNG NGIBUINI, MCA

Subject: *Control of Noise Pollution from Bars, Nightclubs and Religious Buildings*

THAT, aware that paragraph 3 of Part Two of the Fourth Schedule of the Constitution of Kenya, 2010 provides for the functions and powers of County Government on control of air pollution, noise pollution, and other public nuisances; **further aware** that the County Assembly passed the Nairobi City County Public Nuisance Act, 2021 which provides for the control of public nuisance within the County, Section 20 of the Act provides that *a person shall not upon other premises play, operate, cause or allow to be played or operated, any musical instrument, wireless, gramophone, amplifier or similar instrument thereby making, causing or authorizing noise to be made which is loud and continuous or repeated as to constitute a nuisance to the occupants or dwellers of any premises in the neighborhood or to passersby on the street*; **concerned that** in recent years there has been an upsurge in noise pollution especially from bars, nightclubs and religious buildings near residential areas which has caused discomfort and lack of peace among residents; **further concerned** that such noise has health effects which include but are not limited to impairing cognitive functioning in children, affecting people's sleep and concentration levels, as well as biological stress among others; **acknowledging that** the National Environment Management Authority developed the Environment Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations, 2009 that prohibit the production of loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment; **further acknowledging that** Paragraph 10 of Part Two of the Fourth Schedule of the Constitution requires the County to implement specific national government policies on environmental conservation, this Assembly resolves that the County Executive to:-

1. Implement all the legislations both at the County and National Levels on noise pollution to control all forms of public nuisance which has resulted in public outcry;
2. Develop regulations on noise mitigating measures pursuant to provisions of Section 35 of the Nairobi City County Public Nuisance Act, 2021 to curb all forms of noise pollution in residential areas in the County; and
3. Mandate proprietors to effect and install noise reduction and containment measures such as soundproofing, cut-offs, installing glass shields, repositioning of speakers and internal self-regulation mechanisms to minimize noise within the County.

