



COUNTY GOVERNMENT OF NAIROBI CITY

THIRD ASSEMBLY – (SECOND SESSION)

NAIROBI CITY COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 7, 2023 AT 2.30PM

1. The Assembly assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

QUORUM OF THE ASSEMBLY

The Speaker having confirmed that there was no Quorum at the commencement of the Assembly caused the bell to rung for 10 minutes.

The Speaker having confirmed that there was a Quorum at the expiry of 10 minutes called the Assembly to order.

3. PAPER LAID: -

The following paper was laid on the Table of the Assembly;

- I. **THE 3RD REPORT OF THE SELECT COMMITTEE ON SELECTION ON CONSTITUTION OF ASSEMBLY SELECT AND SECTORAL COMMITTEES**

(The Leader of Minority Party)

4. PROCEDURAL OF MOTION –DEPLOYMENT OF TRAFFIC MARSHALS NEARS SCHOOLS FOR SCHOOL GOING CHILDREN'S SAFETY

Motion Made and Question Proposed;

THAT, aware that Article 26 (1) of the Constitution of Kenya 2010 provides that every person has the right to life; Further Article 53 (2) of the Constitution states that a child's best interests are of paramount importance in every

matter concerning the child; concerned that there is increased rate of road accidents involving school going children in Nairobi City County especially in public schools; **FURTHER CONCERNED** that many schools children travel longer distances to access the few available education facilities that are affordable; cognizant of the vulnerability of unaccompanied school children crisscrossing Nairobi highways and busy roads to access the few affordable education institutions endangers their lives; acknowledging that the National Transport and Safety Authority (NTSA) has put in place measures to ensure road safety performance in line with international best practice, this Assembly urges the County Executive to:

1. 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; and
2. deploy traffic marshals at all zebra crossing lanes on all major roads in Nairobi City to help school children in Nairobi safely cross the road to and from school, on or before the beginning of the new 2023 School calendar.

(Hon. Perpetua Mponjiwa, MCA)

Debate ensued;

Mover replied;

Question put and **agreed to**;

5. MOTION – 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.

(Hon. Davidson Dng Ngibuini, MCA)

(Motion Differed)

And the time being twenty minutes past three O'clock the Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

13. ASSEMBLY ROSE - at twenty minutes past three O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, March 8th, 2022 at 2.30 p.m