

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 9th October, 2013

*The Senate met at the Kenyatta International
Conference Centre at 2.30 p.m.*

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, could we ascertain if we have a quorum.

(The Deputy Speaker consulted the Clerk-at-the-Table)

Hon. Senators, we have a quorum. We will proceed to the orders of the day.

NOTICE OF MOTION

EXTENSION OF TERM OF AD HOC COMMITTEE ON HARAMBEES

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I beg to give the following Notice of Motion:-

THAT, in view of the various constraints the *ad hoc* Committee on Legislation on Harambees has experienced in carrying out its mandate in accordance with its terms of reference within the stipulated timeframe approved by the Senate; appreciating the Senate in establishing the Committee; recognizing the determination of the Committee to have a comprehensive report and legislative proposal for the enactment of a Bill on regulation of Harambees; this Senate do grant leave to extend the term of the *ad hoc* committee for three months to enable the Committee accomplish its mandate.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(By leave of the House)

The Deputy Speaker (Sen. Kembu-Gitura): Next Order.

MOTIONS

EXTENSION OF TERM OF AD HOC COMMITTEE ON HARAMBEES

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the various constraints the *ad hoc* Committee on Legislation on Harambees has experienced in carrying out its mandate in accordance with its terms of reference within the stipulated timeframe approved by the Senate; appreciating the Senate in establishing the Committee; recognizing the determination of the Committee to have a comprehensive report and legislative proposal for the enactment of a Bill on regulation of Harambees; this Senate do grant leave to extend the term of the *ad hoc* committee for three months to enable the Committee accomplish its mandate.

(By leave of the House)

Mr. Deputy Speaker, Sir, when the Senate established this *ad hoc* Committee we embarked on our responsibilities. I must thank all the members of the Committee who have worked very hard to ensure that this Committee fulfills its mandate. As a Committee, we have held several meetings with the two consultants that we had contracted. One consultant specialized in philanthropic giving and the other one on issues of taxation, particularly tax relief. Both were supported by the SUNY programme; a programme that has been working with Parliament for quite some time. We agreed on the terms of reference of these consultants to help us in the end come up with concrete outputs of the committee in terms of proposing tax relief for those who contribute to harambees.

Secondly, I would like to make it clear that contrary to some misinformation that was perpetrated in some quotas of the mass media that this Committee intended to tax contributions, this is wrong. Usually in philanthropy when you set aside some money to support philanthropic causes, either as an individual or a corporate entity, you are given relief on that money that you have given for a good cause. You are then not taxed on that money as part of your income because it is no longer your income; it has been

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

surrendered to the cause of humanity. That clarification should clearly go to the public of Kenya so that the aims and intentions of this Committee are not misconstrued.

Thirdly, Mr. Deputy Speaker, Sir, we have also been carrying out consultative forums in various counties. We have visited Kisumu, Kakamega, Machakos, Kajiado, Uasin Gishu and Nakuru counties. Our intention was to continue with other counties to be representative of the Kenyan nation. But time, space and commitment of committee members to other committees has made it rather difficult because sometimes of the issue of meeting rooms in this Senate facilities or the time required to visit as many counties as possible with a majority of members present.

Fourthly, we still feel strongly that in that regard, we should visit at least some counties in the coast region and further in the eastern region especially the Meru, Isiolo and Northern Kenya areas. Visits to northern Kenya have in the recent past been constrained on security grounds. We hope that the situation improves and that, that part of the Republic should not be isolated from discussions on public policy issues and law making by the Senate.

Mr. Deputy Speaker, Sir, our consultants have continued their work. We have since contacted them every three months. They keep on working with us. We hope that by the time we finish, the two documents they are drafting will be ready. The Committee also intends to benchmark the issue of philanthropy in our Republic with best practices elsewhere. I figure out that the Committee is conscious of the fact that this is something which resources can be spent and have to be spent. Therefore, the choice of best practices must not only be cost effective but contributing to the final report of the Committee.

Mr. Deputy Speaker, Sir, it is sometimes difficult to schedule visits to counties because of our multiple loyalties to various committees. We shall work with other committees who are equally doing field visits so that we can mainly collaborate in coordinating our affairs to the maximum benefit of our members. Senators have really been constrained in doing these visits. They are very useful because when you visit these counties and meet governors and county representatives, it is not just the committee work that becomes important but the whole interaction between the Senate and our counties. This has been useful. Time should be created for this to happen.

I would like to request one member of my Committee, Sen. Daisy, who is sitting over there, to second the Motion. I am quite sure she is equipped and well versed in the work of this Committee and capable of seconding this Motion.

Mr. Deputy Speaker, Sir, I beg to move.

Sen. Kanainza: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to second this Motion. As Sen. (Prof.) Anyang'-Nyong'o has said, the Committee has done a good job especially visiting these counties to see how harambees are being conducted and how they affect or are benefitting the citizens. It is important that the Senate gives us more time, so that we can continue deliberating on this issue. At the end of this process, we will give you a report that will be of use to us in the future.

I beg to second.

(Question proposed)

Sen. Murkomen: Mr. Deputy Speaker, Sir, allow me to support this Motion to give Sen. (Prof.) Anyang'-Nyong'o and the team the opportunity to do further consultations. I watched on television and listened to some discussions on radio, discussions on the issue of Harambees. I think there is total misconception. Some people think that the proposed Bill is meant to tax all the harambee collections when it is actually the opposite. The proposed Bill will assist in terms rewarding those who will be philanthropic enough to assist special causes in society. This is a very important Bill. I think with further consultations, the Committee needs to incorporate a public communication strategy so that we have a way of communicating to the public to realise the importance of legislating philanthropy and rewarding those who give. In one of the American universities where I studied, there is a department called School Development where the university would call upon the alumni to support in building of classes or libraries and other facilities. You will find that sometimes someone would call back and say: "I would like to make a donation to build a whole library." As a result of that, there is a mechanism within the country where they would have tax exceptions. Such mechanisms should be put in place so that alumni of various institutions in the country or people from some villages who have migrated to the city can have an opportunity to give back to those places where they benefited from and assist the society.

Sen. Musila: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Musila, what is your point of order?

Sen. Musila: Mr. Deputy Speaker, Sir, I have a lot of respect for my friend, Sen. Murkomen. But he has over stepped. The Motion is seeking to extend the term of the *ad hoc* Committee. He is now debating the merits of the Motion. I think he is completely out of order.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Murkomen, could you confine yourself to the Motion?

Sen. Murkomen: Mr. Deputy Speaker, Sir, it is important that time is extended so that the issues that I have raised can be incorporated in the Motion. The reason I was making the case of extension of time and the need to have a communication strategy is to ensure that these issues are captured. By the time the final report is brought to the House, the Committee will have considered all these issues, bring them to the House and we debate them. We will go on record as a House that provided a legal framework that will assist us to give back to the society as is expected.

Mr. Deputy Speaker, Sir, for that reason, I support this Motion.

The Deputy Speaker (Sen. Kembi-Gitura): Seeing that there are no other hon. Senators interested in contributing to the Motion, I will now proceed to put the question. But before I do so, under Standing Order No.69, it is my ruling that this matter does not

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

affect counties. So, we shall have a normal vote. Let me now proceed and put the question.

(Question put and agreed to)

Next Order.

POLICY FRAMEWORK FOR DEVELOPMENT OF
EMERGENCY LANES IN NAIROBI

Sen. Karaba: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that the City of Nairobi has grown to be a large cosmopolitan and metropolitan city in Kenya and the East African region and that it acts as the gateway to the rest of the countries in the hinterland; cognizant of the traffic jams occasioned by the ever increasing number of vehicles and narrow roads leading to time wastage, fuel consumption and insecurity to motorists; noting that there have been increased cases of incidents that require intervention of emergency services in the city of Nairobi; recognizing that Article 184 (1) (c) of the Constitution of Kenya and the Urban Areas and Cities Act provide for a participatory mechanism by residents in the governance of urban areas and cities; realizing the need for clearly marked emergency lanes in our road network; the Senate urges the national Government to develop a policy framework for the creation of emergency lanes to be used exclusively by ambulances, fire fighting motor vehicles and other authorized emergency response locomotives within the city of Nairobi.

Mr. Deputy Speaker, Sir, this is a Motion which should have come when the City of Nairobi was developing. Nairobi City, being one of the major cities in Africa, should be able to measure up to other cities of the world and the region. The city should fall within the bracket of cities with characteristics of an urban city. That is why it is characterized as a cosmopolitan and metropolitan city in the region.

If you compare the City of Nairobi with other cities in the world, like New York, London and Paris, you will realise that this city is developing haphazardly without any plans especially in the area of traffic management. It has become very difficult for emergencies to be dealt with urgently. If there is a problem on one side of the road, it becomes very hard for any emergency intervention to be taken because at times, our roads are congested. There are also times when traffic lights are not working. I have in mind cases where ambulances find it very difficult to meander trying to get to hospitals. This city has a number of hospitals like The Nairobi Hospital, The Kenyatta National Hospital (KNH), MP and The Aga Khan Hospital. Most patients coming from up country are brought easily through travel in the periphery areas. Those from Mt. Kenya region

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

may be brought fast through the Thika Super Highway. But the moment they get to Murang'a Road, so that they can enter the Central Business District (CBD), it becomes very hard for any vehicle to move out of the CBD to take the sick person to hospital as a result of heavy traffic. It becomes very hard for that emergency service to be rendered from one corner of the city to another one.

Mr. Deputy Speaker, Sir, the spirit of the Motion is that it requires that we have proper urban planning. The Motion insists on the need to ensure that there is a specific lane to take care of emergency vehicles. This emergency lane can be used, for example, by the police, if they have to arrest criminals from one point to another, ambulances taking sick persons to hospitals or fire fighting vehicles. If there is a fire, we need to get fire fighting vehicles moving very fast, so that they can attend to a fire. At the moment, this is lacking. Nairobi should be properly planned. Existing roads should be expanded---

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senators. The consultations are too loud.

Sen. Karaba: I agree with you, Mr. Deputy Speaker, Sir.

The spirit of this Motion, therefore, is asking the Government, 50 years down the line after independence to ensure that the roads that connect Nairobi and the southerners, particularly Nairobi and the airport and the Machakos area; Nairobi and Thika area; Nairobi and Waiyaki Way and Ngong Road and Lang'ata to have, at least, one lane specifically designed or set aside for emergency services.

I have visited cities like London and Paris where I observed that there is a special lane. In France, such lanes are marked in green. Vehicles which use those lanes are the ones that I am calling the rapid response vehicles. In our city, you find that between 4.00 p.m. and 5.00 p.m., the roads I mentioned earlier are so congested and jammed up with vehicles. There are times you find patients dying on their way to hospitals such as the KNH and The Nairobi Hospital. That is why in the Motion I have indicated that if there was a special lane which had been set aside from the concession of such roads, we would have had no problem taking patients to hospital at the time of need. This way, we would minimize the deaths which are occasioned by the delays on our roads.

Mr. Deputy Speaker, Sir, last weekend when we had the Westgate problem, most of the patients were taken to MP Shah Hospital. Why did this happen? It was not possible to take them to The Nairobi Hospital or The Kenyatta Hospital because of the congestion which was occasioned by traffic. If the roads had emergency lanes, I am sure this would have eased that congestion. Similarly, if such roads are there, the response, particularly of police vehicles, would be very fast. The crime rates in Nairobi would also be arrested.

Mr. Deputy Speaker, Sir, it is very difficult to move during rush hours from the Jomo Kenyatta International Airport (JKIA) to Nairobi City centre or from the city centre to JKIA. I am sure several Senators have experienced this. You find that you spend

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

longer time moving from the JKIA to the city centre than the time used to fly from Johannesburg to Nairobi or from Nairobi to Mombasa. In this case, time and fuel is wasted. About 30 per cent of money belonging to Kenyans is used on transport costs that are occasioned by high fuel costs. The cause of all these are the huge traffic jams. This Motion, therefore, is asking the Government to come with a policy which will see to it that the roads in Nairobi in future are well designed such that they will allow room for one special lane which can be used in such cases.

I also take note that when we have State guests, they use roads at the expense of other motorists. Some roads are closed most of the time for the guests to use. But if there was a lane which was designed for this purpose, motorists would not be wasting a lot of time. The State guests would use the designated lane, which is faster and more convenient. You will find that other motorists will appreciate this arrangement.

It is important to note that our traffic lights sometimes fail. When this happens, we are at the mercy of the traffic police officers who at times discriminately block vehicles from getting to their destinations. This delay often leads to embarrassment especially for State guests and busy people like Senators and other people flying the national flag. I want to think that if this lane is designed and made to work, it will be very easy for Senators who come late especially on Wednesday mornings to access these premises.

The Deputy Speaker (Sen. Kembi-Gitura): Are you amending the Motion? I thought you were very specific on what you were asking?

Sen. Karaba: Mr. Deputy Speaker, Sir, if that lane is established, it will not be easy for other people to divert. It will also be very easy for other systems to continue running. I am, therefore, asking Senators to support me in this issue and pass it as a matter of priority so that we do not have more deaths occasioned by delays in getting to various destinations like hospitals, the police stations, and fire stations among other places.

I beg to move and ask Dr. Machage to second.

Sen. (Dr.) Machage: Nashukuru, Bwana Naibu Spika. Naunga mkono Hoja iliyoletwa na mwenzangu, Sen. Daniel Karaba. Anaiomba Seneti hii ifikirie na kutafakari kuunda njia za ziada katika barabara za jiji letu la Nairobi. Wahenga walisema; “kwa sababu ya kukosa mikono, ng’ombe alijikunia ulimi.”

Tunajipata katika hali hiyo tunapokuwa na shida ama majonzi tukitaka kufika katika kituo cha usaidizi hapa jijini. Shida hii haimo hapa tu bali katika miji yote nchini. Jiji la Nairobi lilijengwa kuanzia 1901 wakati wa ujenzi wa reli. Wakati wa ujenzi wa hoteli ya Norfolk, ilitabiriwa kwamba kungekuwa na magari 300 ndani ya jiji hili. Kwa hivyo, jiji lilijengwa kwa minajiri ya magari 300. Barabara zake zilijengwa hivyo. Tangu hapo, hakuna mtu ambaye ameshawahi kufikiria kuhusu kukuwa kwa jiji hili na hitaji ya kutengeneza njia za ziada.

Sasa hivi, imehidhirika hasa wakati wa mikasa kwamba hatuna nafasi ya kuokoa maisha ya binadamu na mali. Lakini, tunapofikiria hivi, lazima tujue kwamba makosa

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

yaliyotekelezwa wakati huo pia yamewaleta wawekaji rasilimali na kuwafanya wajenge manyumba makubwa na viwanda vikubwa katika nafasi ambayo ingetumika kupanua barabara zetu kwa ajili ya jambo kama hili.

Hili silo jambo ambalo tulidhani lingekuwa la dharura lakini lazima liwekwe kwa mipango ya Serikali. Jambo hili linahitajika kwa njia kadhaa lakini sio zote zile zimewekwa mbele yetu. Bwana Karaba amesema kwamba njia ambazo zinaelekea kwenye zahanati kubwa kama vile Aga Khan, Kenyatta na zinginezo zitiliwe maanani ili zipanuliwe. Zinafaa kuwekwa njia maalum za ziada hasa wakati huu ambapo Serikali imejikaza kisabuni katika ujenzi wa barabara ambazo ni nzuri. Kama jambo hili limewapitabasi wanafaa kulitia maanani. Nimeona katika sehemu zingine wameweka njia nyembamba za kutumika na watu wanaotembea na baisikeli. Lakini, tunataka kuwa na njia tunazoweza kutumia katika siku za shida. Aliyelipanga jiji hili alikuwa na mawazo ya mbele. Miji mingi sasa imewanyima watu kutoka kutembelea juu ya barabara za kawaida. Wamelima barabara za chini kwa chini, kuanzisha njia za reli na kadhalika. Nafikiri kuna haraka ya kulipanga jiji la Nairobi upya.

Nashukuru Serikali iliyopita kwa sababu aliyekuwa Rais Mzee Kibaki aliiteuwa Wizara ya Maendeleo ya Jiji la Nairobi. Sijui kama mawazo hayo yamefunikiwa na Serikali ya sasa. Kama yamefunikiwa na Serikali ya sasa, basi yanafaa kufunuliwa. Hayo yalikuwa mawazo mazuri. Jiji hili na miji mingine kama vile Kajiado, Machakos na nyingine inafaa kufanyiwa mipango mipya ya ujenzi. Nafasi inafaa kuwepo ya kujenga barabara ambazo zinaweza kutimiza maendeleo ambayo nchi hii imefikia. Nchi kama vile Amerika na zingine zimeshafanya hivyo.

Twahitaji uchumi wa kutosha lakini Mungu si adhumani. Ametuangazia nafasi ya kupata mafuta, makaa na sasa hivi tunapata hata dhahabu Migori. Uchumi ambao utapatikana katika mambo hayo haufai kutumika vibaya. Unafaa kutumika kwa mipango mizuri kwa siku za usoni.

Sina budi wala kuunga mkono Hoja hii.

(Question proposed)

Sen. Musila: Thank you Mr. Deputy Speaker, Sir. I rise to support this Motion. The whole idea of having a policy framework for a special lane for emergency services is a very good idea. It will save lives in case of emergency services particularly when used by ambulances and fire fighting engines. It saves lives and that is the most basic and important thing. When this is done, this country will have achieved what many countries, in the developing world, have failed to achieve.

My only worry is that the implementation of such a policy, of having special lanes for emergency services in this country, in Nairobi in particular, will be a very difficult task to accomplish. I say this because of the culture that we have in this country where our people do not have any respect for areas reserved for anything. Recently, we have been developing pedestrian walkways along the city. However, if you go round, you will

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

find *matatus* driving on the pedestrian routes. You will even find the *matatus* hooting to have pedestrians come out of the area that has been constructed specifically for them so that they pass.

I do not know how this particular policy, if formed, will be implemented. Lately, it is known, all over the world that if you hear a siren of an ambulance or a fire-fighting equipment, then you must stay aside so that the vehicle passes. However, people do not allow the emergency vehicles to pass. If they do, you find *matatus* chasing them so that they take advantage of the passage. We have a culture in this country where we do not respect rules and regulations.

The big question is, if these lanes were preserved, would Kenyans honour them? When the Mover of the Motion was contributing - I do not know whether this was by the slip of his tongue but he said - Members who are coming to the House, as long as they are late can also use those lanes. Already, this is an indication that hon. Members will be allowed to flaunt those rules once put in place. I had a problem, in the morning with cable cars. I do not know why I am also having a problem with this Motion. I want to say that I support it. However, the difficulty in this is whether the law will be obeyed.

I want to commend the traffic police in the city for the work they do to make traffic in the city move. Already, we have seen situations where when we get stuck; it is because there was no traffic policeman. Once a policeman arrives, traffic starts flowing. That is an indication of our bad culture that a policeman must be around so that we obey rules. So, who will be policing these lanes as we wait for ambulances to come? We need to correct our culture and to obey rules or regulations. We have been given an example of London. Yes, we have seen it and it happens. Those people have gone through a change of culture and they know what it means to obey rules. I commend the police.

Finally, still in commending the police, I would like to say that the traffic police in Nairobi today are responsible for the traffic jams in the city. The County of Nairobi has made huge investments in setting up traffic lights. However, the police are still controlling traffic in Nairobi. Coincidentally, they ask motorists to go when the lights are red and to stop when they turn green. So, when will our people know that red means stop and green means go? Right now the police are encouraging us to drive when it is red and stop when it is green. I want to appeal to the City administration to tell the traffic police officers to keep off places where lights have been installed, so that people can be regulated by the traffic lights instead of them.

Mr. Deputy Speaker, Sir, I beg to support.

Sen. Chelule: Asante sana Bw. Naibu Spika kwa kunipa hii nafasi. Kwanza, ningependa kumshukuru Sen. Karaba kwa kuleta Hoja hii.

Bw. Naibu Spika, sisi sote tunaelewa kwamba msongamano wa magari katika Jiji la Nairobi unaleta shida, sio tu wakati wa hatari bali pia katika uchumi wa nchi. Naunga mkono Hoja hii ingawa najua kuwa kuna shida ya nafasi. Mara nyingi tunapoendesha magari yetu katika barabara za Nairobi, tukisikia milio ya magari ambayo yanabeba wagonjwa au yale ya kuzima moto, inakuwa ni changamoto sana kwa magari hayo

kupata nafasi ya kupitia. Hali hii inasababisha nyumba kuchomeka au wagonjwa kufa barabarani.

Bw. Naibu Spika, naunga mkono Hoja hii ingawa ninajua kuwa kuna shida ya nafasi katika barabara. Watu hukaa barabarani kwa zaidi ya masaa mawili au matatu bila kufika ofisini. Hii inachangia mabaya sana katika ujenzi wa uchumi wa nchi. Hii ni Hoja nzuri sana ambayo ingetekelezwa jana.

Bw. Naibu Spika, naomba kuunga mkono.

Sen. Mbura: Asante, Bw. Naibu Spika kwa kunipa nafasi hii. Pia ningependa kumpongeza Sen. Karaba kwa msaada wake mzuri kama huu ambao unaenda kutufungulia mambo mengi katika nchi yetu ya Kenya.

Bw. Naibu Spika, kwa siku chache ambazo nimekaa Nairobi, kuna maswala ambayo najiuliza kuhusiana na mambo ya barabara. Barabara kuu ya Thika iko na karibu leni 12 na inaingia katika Jiji letu la Nairobi. Ukishaingia Nairobi utapata leni mbili tu. Kwa hivyo barabara 12 mbili zinaungana na barabara ya leni mbili pekee yake katika Jiji letu. Hiyo inachangia msongamano wa magari katika Jiji letu la Nairobi.

Bw. Naibu Spika, pia nataka kusesitiza kuwa haya yote tunayoyaongea hapa yamesababishwa na utawala uliopita na wanasiasa ambao matumbo yao mpaka dakika hii sioni kama yameshiba na wala hayatashiba. Hii ni kwa sababu nakumbuka zamani *container* nyingi zilikuwa zinabebwa kwa magari ya moshi---

Sen. (Dr.) Machage: Jambo la nidhamu, Bw. Naibu Spika. Je, ni haki kwa mwenzangu kuchanganya Kiswahili na Kiingereza?

The Deputy Speaker (Sen. Kembi-Gitura): Did you mix Kiswahili and English?

Sen. Mbura: Bw. Naibu Spika, hata yeye pia wakati mwingine huwa anachanganya.

The Deputy Speaker (Sen. Kembi-Gitura): Nakuuliza wewe!

Sen. Mbura: Bw. Naibu Spika, nimechanganya.

The Deputy Speaker (Sen. Kembi-Gitura): Then you must follow the rules. You are not supposed to mix. Two wrongs do not make a right. Do they?

Go on!

Sen. Mbura: Bw. Naibu Spika, nilikuwa nasema kwamba haya yote tunayoongea hapa kuhusu shida za barabara zimechangwiwa sana na Serikali zilizopita na wanasiasa wa hapo awali. Nakumbuka zamani *container* zilikuwa zikibebwa kwa gari la moshi.

(Loud consultations)

Bw. Naibu Spika, kuna maneno mengine ambayo siyafahamu. Kwa hivyo, nitaongea Kiingereza na mnisamehe.

Bw. Naibu Spika, kama mpaka leo *container* zetu za mizigo zingekuwa zinapelekwa kwa gari la moshi, nafikiri kuwa msongamano wa magari ungekuwa umeisha katika barabara zetu. Wanasiasa ndio walisababisha kuondolewa kwa mizigo

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

katika magari ya moshi na kuanzisha biashara zao za kusafirisha mizigo kwa barabara. Usafiri wa reli ulififia na biashara zao zinaendelea barabarani hadi wakati huu. Watakapokubali kutii sheria za nchi hii na kuunga mkono uvumbuzi wa barabara za reli na mizigo yote kusafirishwa kwa magari ya moshi, huenda tukapunguza msongamano huu ambao tunaongea juu yake hapa.

Bw. Naibu Spika, ningependa pia kusisitiza hapa kwamba hizi *ambulances* ambazo tunazizungumzia zina hatari yake. Kuna *ambulances* zingine ambazo hazibebi wagonjwa. Kwa mfano, kwetu Mombasa tulikuja kugundua ya kwamba magari mengi yenye ving'ora vya kuashiria kuwa wagonjwa wanakimbizwa hospitalini huwa yamebeba madawa ya kulevyu. Kwa hivyo, wakati tutakapopanua barabara hizi ili kutenga barabara za *ambulance* na *fire brigade*, Serikali inafaa kuwa macho, kwa sababu nyingi huwa hazibebi wagonjwa bali ni kusafirisha silaha na mihadarati. Kwa hivyo, pia kuna hatari yake. Tunaweza kupanua barabara kisha tukawapanulia majemedari wasioshiba, ambao wanatuharibia nchi yetu.

Sen. Murkomen: On a point of order, Mr. Deputy Speaker, Sir. Could Sen. Mbura substantiate her serious allegation that in Mombasa drugs and illegal guns are ferried via ambulances? This is a very serious issue.

Sen. Mbura: Bw. Naibu Spika ninatoa onyo. Huenda *ambulances* hizi badala ya kusafirisha wagonjwa---

The Deputy Speaker (Sen. Kembi-Gitura): Let us get it right. Did you say that ambulances are used to transport weapons and drugs or are you suggesting that it is possible that they could be used for that purpose?

Sen. Mbura: Nasema kwamba kuna wakati niliona na kusikia kwa runinga kwamba ambulances zinabeba madawa ya kulevyu. Hili ni jambo ambalo lilionekana Kenya nzima. Kama mwenzangu haangalii runinga itabadi aanze.

The Deputy Speaker (Sen. Kembi-Gitura): Just a minute. We have just come from a terrorist attack. Now, when you make a statement which has been broadcasted throughout the country that ambulances, which we are now debating whether or not they should get special lanes, are used to ferry drugs and weapons, are you making a statement of fact or saying what you think happens?

Sen. Mbura: Bw. Naibu Spika, nasema kitu cha kweli ambacho nimeshuhudia katika runinga. Kuna wakati pia nilisoma kwa gazeti.

The Deputy Speaker (Sen. Kembi-Gitura): Then you may need to substantiate, because this is a major statement that you are making.

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Deputy Speaker, Sir. Thank you for that direction. I think that we really need to be careful, because some of the statements that we make here are being consumed sometimes wholeheartedly by the people who elected us. But my point of order is further to that. The danger that I see is that you even destroy the reputation of service providers in the ambulance industry. Finally, I do not think that television footage can be the basis

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

of making that allegation. The Senator is out of order, especially by saying that the only evidence that she has is the television footage.

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, Sen. Kindiki?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, the point of order is: Can television footage be the basis of making serious allegation?

Sen. (Dr.) Machage: On a point of order, Mr. Deputy Speaker, Sir. Is the Leader of the many in order to take your role, by telling a fellow Senator that she is out of order?

The Deputy Speaker (Sen. Kembi-Gitura): He is out of order and that is the reason I asked him what his point of order was. It is not his role to rule that somebody is out of order. I agree with you on that.

Sen. Mbura, you have made a statement which you say is a statement of fact. Some Members do not think that it is a statement of fact. Since I think that it is a very serious allegation, you may need to substantiate; that ambulances carry weapons and drugs. If you cannot, then you have to withdraw and apologize. The choice is yours.

Sen. Leshore: On a point of information, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mbura, do you want to be informed?

Sen. Mbura: Yes, Mr. Deputy Speaker, Sir.

Sen. Leshore: Mr. Deputy Speaker, Sir, yesterday a police vehicle was arrested carrying 30 bags of bhang. I saw it on television. So, sometimes we have to rely on television and radio to give us more information about what is happening in our country.

The Deputy Speaker (Sen. Kembi-Gitura): How do you want to use that information, Sen. Mbura?

Sen. Mbura: Bw. Naibu Spika, naomba kuwa nikiongea Kiswahili pia nyinyi mniongeleshe kwa Kiswahili. Naomba urudie tafadhali.

The Deputy Speaker (Sen. Kembi-Gitura): *Mimi sikukuongelesha.* Can I know how you propose to use that information?

Sen. Mbura: Bw. Naibu Spika, kwa sababu mmeniomba nitoe thibitisho, naomba kuondoa *statement* yangu kwa sababu ni kitu nilichokiona likini sina ushahidi. Lakini ninataka kuirekebisha na kusema kwamba ningependa kutahadharisha na kutoa onyo kwamba huenda *ambulance* na magari ya kuzima zikatumiwa kwenye biashara isiofaa, kwa sababu magari hayo hayasimamishwi.

Bw. Naibu Spika, kwa sababu mmenichanganya kichwa sitaendelea. Naunga mkono Hoja hii.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mbura, for your information, the way you have put it lately is the correct way to put it and not the way you had done it initially.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Sen. Masha!

Sen. Ongoro: Thank you, Mr. Deputy Speaker, Sir, I rise to support this Motion. I have a few key points in my support of this Motion.

Mr. Deputy Speaker, Sir, I want to draw your attention to the fact that in the last Parliament and Government, there was the Ministry of Nairobi Metropolitan Development that was created. One of the key areas that it was supposed to deal with – and I was an Assistant Minister in that Ministry – was infrastructure development. I remember we networked with key Ministries and line Ministries to ensure that this City is not only upgraded into a metropolis, but comes with the commensurate infrastructure that is required of that kind of a metropolis.

Mr. Deputy Speaker, Sir, infrastructure is the bedrock of development. We know that Nairobi City, which is now being upgraded into a metropolis, and by extension the County of Nairobi, provides this country with over 60 per cent of its Gross Domestic Product (GDP). If we want to sustain that and even upgrade it, so that even other counties can get their fair share of the national revenue, then we have to give a lot of--- We have to give a lot of time and planning to these kinds of proposals. I support Sen. Karaba's Motion because not only do we need in Nairobi this kind of lanes but we also need to take care of the many pedestrians in Nairobi. In our very wild attempt with my former Minister, the Late Mutula Kilonzo, we talked about how to be shuttling our diplomats when they visit. When somebody comes from Mombasa and he is driving to Nairobi and somebody leaves the Intercontinental Hotel---

(Loud consultations)

Mr. Deputy Speaker, Sir, can you save me, there is too much noise in the Chamber.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, consultations are a little bit too loud. It appears like it is coming from the side of the Senate Majority Leader. I would request to keep it lower.

Sen. Ongoro: Mr. Deputy Speaker, Sir, as I was stating, this led to the late Minister for Nairobi Metropolitan Development to suggest in his attempt to find ways of ensuring that our guests who visit this city get their flights, that we might have flights between hotels and the airport. Most of these jams are caused by the lack of an emergency lane. If we had an emergency that can be used by all emergency operators, security will be enhanced because even in the attempt of security agencies pursuing robbers, will use this lane to catch them. In the case of fire-fighting most people die in the slum areas not because the slums are so inaccessible but the time the fire-fighting equipment takes from the fire station to get out of the main city to the spot where there is fire, is not something that we can sustain.

I also want to support this because a recent study that was undertaken showed that the number of man-hours that the residents and business people in Nairobi lose in traffic

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

jams is actually costing this nation billions of shillings per day. So, if we are losing billions of shillings per day simply because of people sitting in jams for hours on end when they could be constructively involved either at home or in their various offices then it goes without question that this should be given a priority and we should have an emergency lane that will offload most of this traffic from the main lanes.

We also want to take issue with the manner in which we are treating organizations like the Red Cross. If a robbery or deaths have occurred somewhere and the Red Cross is trying to reach that point, they have to line up with ordinary vehicles and by doing so 20 to 50 lives are lost because we have not taken the right emergency interventions from one point to the other.

So, without overstating everything that has been stated before, I rise to support this but I would like to add that in creating this, we should also take care of the many pedestrians who are in Nairobi. We have people everywhere, you find that there is a bus lane, a *matatu* lane, emergency lanes but nobody thinks of a pedestrian lane. Look at Thika Highway and the money that it cost us. For some reason, the planners forgot that we have people who trek from Korogocho to the city centre and back. There are people who have to trek from wherever they are to their work place and back. So, we are only taking care of motor vehicles and everything else apart from our most valuable assets and our most valuable resource; the human resource.

With those few remarks, I beg to support.

Sen. Mbuvi: Mr. Deputy Speaker, Sir, this being my county, I rise to support this important Motion by Sen. Karaba. Indeed, it is true that the expansion of our road network within the capital city is not only going to decongest traffic snarl ups that we experience in Nairobi but also check the issue where we lose members of the public along major highways leading to the city centre. We have been losing churchgoers, school going children and so on. For example, along Mombasa Road, between South B and South C at the crossing point, we lose between 30 to 40 Kenyans weekly. By expanding our road network I am sure the concerned Ministries in the national Government are going to consider the construction of pedestrian flyovers thereby saving lives of innocent school going children and church goers. Again, we should always be serious on the laid down procedures and regulations. We saw what happened during the expansion of the Langata bypass. We saw premises belonging to innocent Kenyans, schools and churches being demolished. We should always be keen to comply with our Constitution. We should comply with Article 40(4) which clearly states that any land owner who is Kenyan whether he has a title deed or not, is entitled to compensation. The Government should follow all the laid down procedures. Myself being in the Government, we will ensure to obey and follow the Constitution. Again, I remember that there was a time a super highway was supposed to be constructed to expand Mombasa Highway, all the way from the Nyayo Stadium to Kitengela. By then the Ministry of Roads and Ministry of Lands came up with a suggestion where they issued a gazette notice that any building on road reserves should be demolished to pave way for

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

construction of this major super highway. I was shocked because the previous regime hurriedly formed a task force chaired by former Ministers and they stopped the demolition of the buildings on road reserves. When it comes to expanding our road networks in other areas like Eastlands, Langata and so on, we do not see this task force being formed. In other words, when we are expanding these roads, we should not apply law selectively. It should be applied equally to all citizens.

Mr. Deputy Speaker, Sir, when I was a Member of Parliament for Makadara and when you were the Assistant Minister for Roads, we constructed several roads heading to the city centre. I remember there is a road called "Sonko Road". I came to your office, I think the Minister was hon. Githae, and you allocated us Kshs300 million for the expansion of this road. When I was a Member of Parliament---

(Loud consultations)

The Temporary Speaker (Sen. Ongoro): Order, Senators! He is right!

Sen. Mbuvi: Under my patronage as the Member of Parliament for Makadara and the patron Kenya Rural Roads Authority (KeRRA), I managed to construct 37 roads leading to the city centre.

The Temporary Speaker (Sen. Ongoro): Order, Sen. Sonko!

Sen. Murkomen: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): What is your point of order?

Sen. Murkomen: I have been to Makadara and 37 roads to the city centre would have made traffic jam a thing of the past. Could the Senator for Nairobi substantiate where those roads are unless they are in his own imagination?

The Temporary Speaker (Sen. Ongoro): Sen. Sonko, did you mean from Makadara to the city centre or you meant within Makadara?

Sen. Mbuvi: Just within my former constituency. Those roads include "Sonko", Dunga, Bunyala, Dar-es-Salaam, Aoko Roads and so on. I wish I could have come with documents so that I table them before this House.

I rest my case and support this Motion.

Sen. Hassan: Madam Temporary Speaker, thank you for this opportunity. I want to acknowledge the Mover of this Motion, the Senator for Kirinyaga, Sen. Karaba. This Motion captures the spirit of moving towards modernisation and developing of our metropolitan cities. If you look at some of the cities in this country, there has been very little development in terms of infrastructure since these cities were initiated many years back. Many of these roads which would have been super highways are still not expanded. The road to the airport was only expanded five years ago to three lane traffic. When you travel to other countries and other cities - I was in Istanbul recently - you will wonder what we were doing all these time when others were putting up a foundation in their nations. Most of these countries cannot brag of any particular wealth like oil or expansive

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

minerals. They simply invested a vision and were committed to that vision through discipline.

This idea of having a lane for emergency purposes is long overdue especially with the uncourteous nature of the Nairobi motorist particularly. I have seen ambulances and other emergency vehicles trying to meander through traffic and many of us would not have the courtesy to step aside and let the emergency vehicles to move on. In addition to these kinds of infrastructural development which are necessary, they are no longer an issue of discretion. We need to ensure that we build a framework of discipline in terms of our road usage. I think we must discipline people and people must develop courtesy.

Madam Temporary Speaker, sometimes if you want to know who has borrowed a car, according to my analysis, they will go and block traffic when they are going nowhere. You will find someone driving a Mercedes Benz and knows that if he goes to the jigsaw, he will block everybody. So, rather than to allow others to continue, one goes and blocks it. There are two things to that Mercedes Benz: Either you stole it or you borrowed it. If you have the brains to buy that kind of car, then you cannot fail to make a simple decision that is only intelligent or reasonable to allow someone else to pass so that you can block the traffic.

This idea is long overdue but I wish Sen. Karaba had also had similar spirits and visions for Mombasa County. If you look at Mombasa County as currently is, many of you are regular visitors there for whatever reason like politics, Senate activities and so on, you will see congested small roads. We are even in a worse situation because we have bridges where you either use the bridge or sink. Therefore, it is incumbent that this spirit must be carried in all counties where we think we need to unblock the grid of traffic.

These issues about emergency lanes are no longer a luxury for this country. It is so nice to feel that we need to develop. If we were developed, we should have had these emergency lanes and ramps for people living with disabilities. We should have factored in the less disadvantaged of our society. Therefore, I think the Senate and the devolution systems give us an extraordinary opportunity to be able to rethink the model of this country. My friends talked of being digital, but being digital must demonstrate in its own action. We must also use digital mechanisms rather than the manual ways to control our traffic; that the Superintendent of Traffic can sit somewhere in a room and be able to control the traffic in Nairobi without having traffic policemen physically on the streets. They unblock one area and little do they know what is happening in the other areas. So, we need to ensure that we have a global plan.

Madam Temporary Speaker, sorry for quoting my recent trip; when I was leaving Istanbul on Monday, the driver simply went to google and got the traffic map of Istanbul to know which roads were flowing so that he could determine which road he could take to the airport before he leaves the point of origin. I think this is where we need to head to. Most of these developments in Istanbul were done in the last ten years, because like Kenya, there were people who sat on very noble ideas. It is time to effect those noble ideas back home. Therefore, what Sen. Karaba has suggested is not a luxury. We must

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

care for the people who are unfortunate in society and also care for the emergency services of this country. In Kenya when there is an emergency, another double emergency develops because our emergency services are not developed enough to be able to make the necessary intervention with efficiency.

If you do recall, when Nakumatt Downtown got burnt, I think there was a traffic snarl up in Nairobi for almost eleven hours. When there is a small crisis in this country, a country that collapses simply because there is a fire on one spot, it is a country that is not worth its name. This country is not any country; it is Kenya for that matter.

Sen. Murkomen: On a point of order, Madam Temporary Speaker. How does a traffic jam make a country collapse? Is the Senator in order to insinuate that when there is a traffic jam in Nairobi, this beautiful country collapses?

Sen. Hassan: Madam Temporary Speaker, that was not the intention of what I was trying to say. If you do recall – because you nodded your head in approval – the fire at Nakumatt Downtown and there was traffic jam for almost eleven hours from the point the fire started, that meant that the whole city was at a standstill. It was unfortunate for a city to be at a standstill because there is a blackout or a fire just in one point of the country. That is what I actually meant. Thanks for seeking that clarity. As you said, the HANSARD is a document of record and this House is a House of record and for those of us who would like to aver only what is fact. So, that is what I mean.

It is important for us to develop those emergency services. When this happens, it is therefore for this Senate to also initiate this broad vision. The Senate has the mandate to also determine development priorities and therefore, this Senate can take it upon itself in future development programmes of this country to ensure that we put some of these broad visions of what this Senate aspires to pin and paper and towards its execution or implementation. That is why I will end with this point: I am really curious to see that this Senate asserts itself. We are debating one Motion after another one; we must now bring substantive legislation that does not make these discussions a broad wish-list. It must be a firm statement of directive or law so that if you do not execute what this Senate says, then you suffer the consequences as provided within the legal framework. Therefore, as we move forward, my aspiration is to see more and more Bills being generated here so that we can be able to put these broad aspirations into some legal framework so that we are able to deliver.

On a light touch, I know Sen. Karaba has travelled broadly. I was joking with Senator Murkomen who had demonstrated to us the number of countries he had travelled to include Tanzania, Rwanda, Burundi and Uganda. Definitely, it is difficult to think of such a Motion if that is the list of countries you have been to. But Sen. Karaba you have just told me today that you have gone to Albany in New York, so I can tell you that that is where your inspiration comes from. Therefore, these Senators need to travel broadly so that they can bring some great ideas into the framework of our developmental aspirations. Those are called best practices. I think I have no problem absolutely with practices for a country.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

I beg to support.

Sen. Lesuuda: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion and also to congratulate my colleague, Sen. Karaba. I have to confirm to Sen. Hassan that in the morning we were discussing a Motion to do with cable cars. So, you can only be well travelled to bring such a Motion, and I congratulate Sen. Karaba.

I do not want to over-emphasize on why this Motion is important and why we need the emergency lanes. I am sure all the speakers who have spoken before me have said that. Secondly, it is something that I think we all know and it is something that as leaders and as people who have ever had the mandate to do this as Sen. Hassan has said, it should have been in place 20 years ago. It is not something that we have to over-emphasize why we need it. I also would like to point out that I think as a country, we are not short of laws. That is something that we just need to understand. For example, the traffic law that was passed, what is being done about it? There are so many times we have seen what happens on our roads even when a traffic policeman is there and really nothing happens. I think it is time we started to think as a country that it is not lack of ideas or laws. All these are in place but are they being implemented?

Madam Temporary Speaker, I would also like to touch on something else which is a bit different; attitude. Attitude on some of the basic things we are talking about from the leaders and the people we represent. Even now without this lane, there are many times I have seen an ambulance or I have heard the siren of an ambulance from far and you can see some of us just driving on and refusing to move out of the road. Surely, this should be common sense. Even now as we speak and hope that this Motion will be passed and implemented, there are things that are just common sense. I think it is important that even as we are in a digital Government, we should also have digital brains as Kenyans. We should think about the welfare of others and also imagine if we were the ones in that ambulance the following day, whether we would like other vehicles to move out of the way so that we can be rushed to hospital.

It goes far beyond traffic to things like uprooting of road furniture that have been put on the roads like Thika Road, so that we can sell them as scrap metal. I also know that scrap metal is illegal in this country. So, you wonder where it is being taken to. There are also some simple issues like littering. It is all about attitude! That is why when you talk about traffic in this country, sometimes it is just attitude. Some Senators who have spoken before me have said it. You can clearly see that if you join that road, that there is nowhere that you are going to go. You will only inconvenience others and it will take several hours to actually clear that traffic. But you just see somebody going into that road and blocking everybody else and we take hours in traffic jams. If it rains in Nairobi, it is clear that we cannot handle traffic in this country. I do not know whether we all leave our offices at the same time, but it is something that I have never understood what really happens in our city when it rains.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Madam Temporary Speaker, it is actually becoming a shame that there are actually some tourists who say that they come to see our traffic jam; the *matatus* and the craziness on our roads. I do not think it is something that we can be proud of. It is something that we should be embarrassed about and actually take it upon ourselves to ensure that such a thing does not happen. I have been to countries where whether it is midnight and the traffic light is red, you stop. Whether anyone is watching you or somebody is there to supervise you whatever time of the day, you actually stop. It is something that has become such a culture that when you get there, you actually stop because you could be endangering the lives of others but also of yourself because you may not be seeing an oncoming vehicle. For me when I was reading this Motion, apart from the pros and cons, we all know why this Motion is important but it has also to do with our attitude. As the counties come up with their plans, I know infrastructure is one of them, while some counties are planning to move their headquarters to some other place. So, definitely, they will come up with the structure of that place.

It is important for them to consider such issues as they come up with their plans and adhere to them. They should be able to prioritize their plans. What we have been seeing in our country is that we first put up the buildings and then we realize the need to have a road. Then we start demolishing everything, inconveniencing people and wasting resources. Let those of us who are in the counties, and I do hope as our governors think about restructuring their counties, they should really look at the plans that they have of those counties and actually adhere to them.

Madam Temporary Speaker, I am sure even for this city, if we could go and look at its masterplan, it is very beautiful and it takes care of such issues. In the past we have been greedy, grabbing every little space that we get. I am actually wondering where these lanes will be built as we speak right now. I do not know whether we have to give up one of the two lanes that we have or we build other lanes on top. The road reserves have also been grabbed, and I think it all boils to what I had talked about attitude and we have to deal with it. These are things to do with littering and plastic bags. We tried it once as a country to say that we do not want plastic bags even when we know the consequences of having them, we know it is our environment we are degrading and everything to do with that. Kenyans are known to be very bright people in Africa and all over the world, but when it comes to the basics, we actually do not do them in the right way. I really hope that even as we pass this Motion – I am sure the Senators are unanimous that we have to pass it – we have to start thinking about our attitudes. We know what we need to do but we are just hesitant to do what we are supposed to. I hope that those leaders who are entrusted with our city that they will implement these ideas. I would like to recognize that there are some traffic lights that we have been seeing on our roads which are very beautiful with timers and everything. We just hope they could work and that with time we might not need to have those traffic police officers at the roundabouts because that thing will just move smoothly. I really look forward to that time but I know that until we change our attitude as a people, then the Motions we pass will not benefit us.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

I support.

Sen. Wamatangi: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to this Motion by my good friend, Sen. Karaba. I think I would be in order to describe Sen. Karaba as a visionary because he has brought very useful and informative Motions to this House, especially today. I rise to support this Motion and as I support, I want to begin by recalling that the last time this nation faced a calamity of a big magnitude – that is when we had the fire at the airport – I happened to be on Mombasa Road. You just cannot believe what you see in the morning. On that day, the traffic happened to have been heavy heading towards the airport, with people going to work. The emergency vehicles were all coming from Nairobi; that is the fire fighters, heading towards the airport. What I witnessed on the road to the airport is unbelievable; traffic was full all the way from the Nyayo Stadium Roundabout up to the next roundabout, and these emergency vehicles had their sirens blaring. This information was all over and people knew what was happening. In support of what my colleague was saying here, what is unbelievable is the attitude of our people and our drivers; that even at that time, you will find somebody comfortably driving at his own speed on the lane that he took when he started, and he chooses to ignore the sirens that are blaring behind them. He drives casually until the emergency vehicles themselves have to find a way of going over the curbs and pavements to bypass him.

Madam Temporary Speaker, for us to address this problem, beginning by what has been proposed by my colleagues here, by providing for a special lanes for these emergency vehicles, I believe that there are specific measures that we must take as a people to make this useful. I want to allude to the fact that the first step we must take is educating our people. The first group that we need to educate is our policemen. If, for example, you are driving from the airport on Mombasa Road heading to Nairobi, you will be surprised that, many times, you can find four trucks on different lanes all blocking the road, and the jam that ensues behind all those trucks will slow down everybody else; be it emergency vehicles or small vehicles, which are faster. When that happens, the policemen themselves just stand by the side; what they will be looking for is probably other small misdemeanors of the drivers, probably a tire is worn out – I am not saying that they are small – but they will be completely ignorant of the fact that when a road is being constructed, especially a highway, there are specific designated lanes. There are fast lanes and there are slow lanes; heavy vehicles are supposed to drive at the extreme left and others on the right. But this is completely ignored even at the full glare of the police. When our traffic policemen are at the roundabouts holding and allowing traffic to pass as they have arranged, you will notice that sometimes a dignitary could be passing with police escort, and they will come with their sirens blaring. The traffic policeman will run to the roundabout and stop all traffic in order to make way for the dignitary to pass. Just wait a second when you are there and an ambulance comes; the traffic policeman will be standing where he was, the ambulance will have its siren blaring and he will not even move. That ambulance driver has to find his way, use his ideas and skills until he

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

meanders through the traffic. Our traffic policemen must be educated about traffic rules; they must understand and learn the highway code just as much as the drivers do themselves so that they can be useful in ensuring that even as we pass this Motion, then this extra lane that we are seeking to create to ease the flow and movement of emergency vehicles becomes a reality. It will not be difficult to just construct this lane and then you find the same thing happening now is what is going to happen next time.

Madam Temporary Speaker, the next group of our people that we need to educate to make this a useful reality is the ambulance drivers themselves. This is because when an ambulance driver takes on the road, even if and when the road is cleared for them – many-a-times, they will still insist on pursuing the lanes that are not fast. If they, themselves, know that they are supposed to keep to the left and use the lanes that are fastest, then this would be a reality.

Madam Temporary Speaker, the other group that needs to be discouraged as we debate this Motion is the one that I would want to call “ambulance chasers.” If you have noticed at any one time when an ambulance is going through traffic and courteous drivers would give way for an ambulance, there is a certain group or lot of drivers who think that this is their best opportunity to make their way home faster, and they will chase that ambulance. As you give way, somebody drops in line, and another one and another one. Within a short time, you have a beeline of vehicles chasing that ambulance, even sometimes to the extent of causing accidents. These Kenyans must be told that when we give way for ambulances to pass, we do not mean that they should be followed by this other traffic as though the other drivers do not intend to get home.

Madam Temporary Speaker, it will be self-defeating if we debated this Motion without also bringing to the attention of our emergency services themselves that they need to look at the quality of the ambulances, fire fighting equipment and all other emergency vehicles that they put on the road. Recently, I was on one of the roads in Nairobi and a vehicle was making a very strange noise behind me. I looked at my rear mirror to see what was happening, because even the noise was making cannot pass for a siren. Just when I looked behind, I realized it was an emergency vehicle because, yes, it has the Red Cross and the writings of an ambulance, but the vehicle itself was a wreck; it cannot even get somebody to hospital in time! So, unless we also highlight to these people who also provide these services that, yes, as a Senate, we are fighting and we will ensure that they have their right of way in order to get our people to where they need to get or to get your services to them, then your vehicles must also be serviceable.

Madam Temporary Speaker, my colleague here, the Nominated Senator from Samburu, Sen. Lesuuda, also mentioned a very important point about the attitude of our people. If our people do not change their attitudes on the road, this will be a self-defeating cause. Because if there is one thing that is dragging us behind, especially as far as road manners are concerned, it is our attitude.

Lastly, Madam Temporary Speaker, as I support this Motion---

Thank you, Madam Temporary Speaker; I think I have exhausted my points. I beg to support this Motion and congratulate my friend, Sen. Karaba.

(Applause)

The Temporary Speaker (Sen. Ongoro): Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion. First, I would like to congratulate Sen. Karaba for bringing this Motion. This is a real problem that Kenyans talk about on a daily basis, either informally or sometimes even formally. The 1.00 o'clock news bulletin on KBC featured this topic of the Nairobi curse. Over and over again, it has become like a song. I remember telling one of my friends that if Governor Kidero is able to solve the problem of traffic jams, I think he will get in for a second term; just that one problem, if it was solved, would really give an advantage to Kenyans. He might go in for a second-term far much easier because it is such a problem and everybody feels so helpless about how to address it.

Madam Temporary Speaker, there is the critical problem that this Motion is addressing that has to do with the road clearance by coming up with another lane for emergency responders, but there is the general problem of traffic jams which also needs to be addressed. We need to find innovative ways of addressing it; maybe very harsh ways of addressing it. There are radical ideas that come to mind, including levying very high parking fees so that people can leave their cars at home. In Nairobi, you will find a family having four different cars, all driving into Nairobi. You will find that at the end of the day, people who live at very near distances even to their places of work deciding to drive rather than walk. In many countries, people are being encouraged to walk because it is healthy. But in Kenya, when you walk or cycle, you are of the low class and you do not "belong". The ambition of many young people is such that the first thing they do when they earn an income is to look for a car. I was asking somebody "how come there are so many cars suddenly?" And I was told that it is because now, rather than thinking of buying a plot or mortgaging a house, that is the first thing we do in Kenya when we get a chance.

Madam Temporary Speaker, that newsflash today at 1.00 p.m. said that the cost of traffic jams in Nairobi is Kshs50 million per day; that is what it costs for that traffic snarl up. In whichever way you look at it, either in terms of wasted man hours or accidents caused by people who have so much tension--- I suspect there are some people who sleep along the way as well on the driver's seat because if you are spending between one and two hours, considering that you have woken up at 5.30 a.m. so that you can try to beat this same traffic jam, and then you find it almost immediately after. You will find that you have not even prepared yourself and some people even have breakfast in their cars as they are moving. I do not know how the petrol industry responds to traffic jams, but I think it is an advantage to them because the amount of fuel that you have to use to remain

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

in the jams is so huge. The people have to ensure that they have a full tank of fuel because if they are going into specific roads like Mombasa Road or Jogoo Road, you know you are going to be there for a long time, and you might end up being stuck because you do not have enough fuel. For some who are in the business of thieving, that is the best opportunity. I remember being on a jam on Waiyaki Way and realizing how exposed I was; nobody was moving – a perfect scene for crime – all that somebody needs to do is to come, break your window and they get away with it. So, the costs are enormous, and it is really quite a worrying trend.

So much time and effort is utilized as we struggle to get from home to office more than we ought to. A distance of about 10 to 15 kilometres takes about one to two hours to cover. I remember recently when we were coming from one of the committee trips, we actually got caught up in a jam along Waiyaki Way, where we spent a good nearly one hour that we would have probably spent well in the county where we were. So, even in terms of planning, people think about when to go, how to go quickly so that they actually avoid the jam, and I think it is very, very serious for this particular country.

Madam Temporary Speaker, it also has other implications on the broader social arena; parents are not able to get home on time to do their parenting roles, to help with homework and to assist their young ones. There is a lot of tension as well that comes as a result of that, and it creates a real situation.

Madam Temporary Speaker, we have already looked at the factors of what has caused the problem but, again, they are not excuses because population growth is given and guaranteed in any country. In 1963, the urban population for Nairobi was about 350,000; it has risen to 3.3 million without a planning mechanism put into place to ensure that these people are really catered for. A lot of work has gone on in the last few years in terms of building bypasses and tarmacking the roads that are there, but again sometimes I feel it is an exercise in futility. Because no sooner has a road been expanded, immediately there is a snarl up and a traffic jam. So, I think in terms of strategy to really come up with a way of addressing this problem, we need to go further and find a solution to this problem.

Madam Temporary Speaker, traffic volumes have been documented to be very, very high. On Jogoo Road, the highest, it is 87,000 cars that are using that specific road; Waiyaki Way with 49,000 and in between variations across Thika Road and Langata Road.

If everybody's dream is to buy a car or to come into town with their own car, we will continue to have this problem for a long time. Other initiatives that should be put to address these problems are digital lights. I witnessed an accident yesterday when cars tried to move after the lights had turned green. The lights were indicating green, but the cars coming from the opposite lane started moving. As you know, here in Nairobi, what matters most is how aggressive you are. Traffic lights do not help and at times we have traffic lights and policemen as well. We do not know whether that is easing or compounding the problem. That makes it very difficult.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

We end up in a situation where there is a disaster. It is a pity when you find an ambulance trying to move in between lanes and at times people do not give way. Fire fighting vehicles find it very difficult to find way to where they want to get to. Locomotives get stranded and that becomes very dangerous. Sometimes, you will find them using the wrong lanes rather than use their lanes. They move to the opposite side of the oncoming vehicles. I think they are very good drivers because I hardly see them causing accidents. However, they create quite a scenario for problems. There are solutions that other countries have used and, probably, this country could go into. These are systems like mass transit systems where you have park and ride systems. This is where you go and reach a particular spot and get into a public vehicle that is properly manned. There are also other ways like walking and riding that have worked for many developed countries. However, in all this, we need to have discipline and the need to change.

One of the underfunded areas is roads expansion. This is because it is not well planned for and very little money goes into it. So, this Motion is very important because it ensures that, at the end of the day, we come up with a policy framework that contributes to building and creating of emergency lanes. Fortunately, this has been raised. On some of our roads, there no space left. I do not know how we will go about it because there is no reserve. Along some roads like Thika Road with about eight lanes, probably, one lane can be converted. We can also make suggestions that if a road is being constructed, then there must be a provision for an emergency lane so that we take care of that right from the outset rather than much later.

There are other roads with many lanes that make it impossible for this to be done. This country needs to decentralise emergency systems in counties and even at constituency level. We should ensure that we have emergency centres that are not necessarily within the central business district so that where there is a need to get to a fire station and fire-fighting equipment is going to a site, there is a way it can get there. That will enhance the response within the constraints that we have.

Such emergency responses in all counties will help to ease up this situation. This situation also exists in other towns. We will be proposing an amendment that apart from Nairobi, we also think about all major towns in terms of infrastructure, so that they also have an extra lane for these emergencies. In the long term, this should be incorporated in those counties way in advance before the actual time. This should be factored in the planning at the beginning rather than at a later stage.

Sen. Elachi: Thank you, Madam Temporary Speaker. From the outset, I would like to thank Sen. Karaba for bringing this Motion. Sometimes, we look at our country and wonder what really happened. We had a masterpiece of all this and one country called Malaysia took it and used it. Today, the country is admirable. Those are the brains of Kenyans who came up with the masterpiece. They told them how they could build a country and organise it, have good roads, clean water, sewerage and sanitation facilities.

If you look at our country today you will see that the issue of traffic jams is affecting us. I remember that during the campaigns, every person who was vying for governorship would explain what he had put in place to ensure that traffic jams become history in Nairobi. These people gave a lot of good ideas. I remember sitting with them one time in a studio. We had Mr. Kisia, Dr. Kidero, now the Governor, hon. Waititu and Jimnah Mbaru who gave very good ideas of what they were thinking and how they were planning to unlock traffic jams.

Nairobi County has today invested in traffic lights. We need to ask ourselves if it is possible to rely on lights without using the police. I was thinking that the police should consider allowing us to use traffic lights. They should, probably, wait and see whether Kenyans will obey the lights.

I know that one of the challenges that Kenyans are facing is the failure to obey traffic laws. That is why the police are there. If you asked me, I would say that it is time that we penalised ourselves. I think Kenyans love harsh laws. We should penalise anybody who is found driving on those lanes. I like the way the judiciary has started mobile courts. I wish we had the mobile courts in all our busy highways. You would see how the traffic would open up. That is the only way to manage Kenyans today. They should be penalised and be made to pay Kshs3,000 on the spot for not stopping and tomorrow, if somebody sees the red light, they will stop.

That is the only law we understand. It is very difficult for us to understand laws written in a dignified manner. We want to be pushed. That is what Nairobi County should start thinking about. They should penalize Kenyans and collect revenue. There is a lot of revenue we can collect from law offenders.

On Thika Road, for example, we have enough lanes. The instructions are very clear that if you take a certain lane, then you must be headed to a certain direction. However, you will see someone driving from the left all the way to the right and will not care what is happening. Those are Kenyans for you. The attitude is as long as I get there, it does not matter how I get there. That is why Kenyans are dying on the roads. This is not about drivers, but also pedestrians. They also have an attitude where when they are crossing roads, they cross the way they want. When we have a stiff penalty in place, they will know when it is time to walk and when lights turn red that they should not cross. There will also be improved security. I recently saw a thief walking past a bike and snatched a handbag from a woman. This man walked away slowly after that shameful act. The woman was left wondering on the bike. Those are some of the reasons that Kenyans have decided to take the law in their hands. If that person is caught by people, he ends up being killed. Before we move to that extreme, it is important to understand, just as Sen. Lesuuda said, that if we will not deal with attitude in this country, we will seal these laws and cry for better laws, but nothing will change.

I do not understand how Rwanda, today, is the best country to live in. Honestly, when I was in the Non-Governmental Organisation (NGO) and the civil society

organizations, we worked there and build for them the best systems. Indeed, this is very sad.

We are saying that we will do our things the best way possible. But when you touch issues of the *matatu* people, everybody in that industry raises their hands, says that you are interfering with their tough and that you cannot bring order in the sector. They say that nobody can bring order in the *matatu* industry, but Michuki did. That is the best way to do it. We need to do it the Mututho way because you will hate him, but he stands up to fight.

Those are the few Kenyans we are looking for to deal with our roads. I hope that our Governor, Dr. Kidero, will start whipping us to understand all about cleanliness, how one can get into a town and take care of towns. Those who are getting the tenders to construct roads should put in mind the lanes for cyclists. We may be blaming Kenyans for not cycling, but this could be because we do not have the lanes for cycling. Many people would wish to cycle. That is a challenge. We must put in mind the fact that we have motor cycles which are now being used as a mode of transport in our country. That is the mode of transport being used by most people today. Therefore, we should have lanes that motor vehicles can use in cities and highways.

As I finish, it is important to say that this situation is not only experienced in Nairobi. Today, if you are driving to enter Nakuru, you get stuck in traffic jams. The place we used to use one and a half hours to reach may as well take you two and a half hours. Therefore, the Government must understand that as much as we are evolving and God is blessing us to have cars, it is important to have a different mode of transport, so that Kenyans can start using.

I know that Kenyans would prefer the train we were using to go to Kisumu. The challenge is that before we go into the bureaucracies of tendering and eating half of the tender and getting to know what somebody's cut is---

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Madam Temporary Speaker. This is a House of records. Is Sen. Elachi in order to suggest that when the tender for the railway line is given, part of it will be eaten through corruption? If she is in order, could she substantiate her source of information?

The Temporary Speaker (Sen. Ongoro): Sen. Elachi, are you privy to some information that is preempting a tender that has not even been advertised?

Sen. Elachi: Madam Temporary Speaker, I am not talking about the tender that is coming. I have said very well and you will remember that we gave this work to an institution. We told them to do the work. Up to now, instead of a railway, everything just died. Kenyans sold all the assets that belonged to the railway thinking that we would see one new railway line. So, with the new Government, we hope that, in two years time, Kenyans will see a new railway line with real locomotives that will assist them in transport.

I beg to support.

Sen. Ndiema: Thank you, Madam Temporary Speaker. I rise to support this very important Motion and thank Sen. Karaba for bringing it.

Madam Temporary Speaker, the planning of our roads is something that, we all have to agree, has not been done well for a long time. First of all, the road reserves are very small, leaving no room for expansion. The construction of roads also leaves a lot to be desired. Roads are done in a way that caters only for minimal traffic while we know that with the growth of the economy and the need, therefore, of transport, there is need for wider roads for use.

Madam Temporary Speaker, in view of the narrowness of our roads, it has created a situation where we treat the symptoms by enacting laws in the Traffic Act, to penalize drivers for simple things like overtaking wrongly and overlapping. They carry very heavy penalties, yet these are innocent drivers who want to reach their destinations and perform the work of growing this economy.

Madam Temporary Speaker, the hon. Senator has brought in Nairobi, but I think that this is an issue that affects all municipalities and townships in this country. If you are to drive today from here to Eldoret, as you reach Nakuru, you will encounter bottlenecks of heavy traffic. As I go to Kitale County where I come from, I must reserve one or even more hours to cross the municipality of Eldoret. On a number of occasions, I have missed my flights from Eldoret to Nairobi, because of the traffic within Eldoret Town, yet all we needed was to expand the road within the town, so that they can filter through different routes. But there is only one road that crosses that town. If you cost the man hours wasted on that road, fuel and foreign exchange that we forego, it is a lot. It would be cheaper if we widened that road and, perhaps, built a by-pass that would take more traffic.

Madam Temporary Speaker, if you reach Kitale Town, it is the same problem. The streets are congested and there is no parking. If you park wrongly, you will be penalized. As I speak now, there are innocent young men trying to earn a living through a business called *boda boda*. They have to use the road and park somewhere and wait for passengers. But there is no space, hence, they have engaged in a cat and mouse chase with the council *askaris*. There are people employed, in the name of *askaris*, trying to clear the roads, as if these innocent Kenyans are a menace, yet, again, if they are not cleared the vehicles will not move. This is an issue that engineers and planners have to answer.

Madam Temporary Speaker, from Kitale to Eldoret, the road is so narrow. It was constructed in the colonial days. The tarmac has gradually reduced in size. Even when contractors are given contracts to repair the road, they never stick to the original width. Therefore, the roads have become narrow, leading to accidents. If you go to Kitale District Hospital, there is a ward popularly known as “the motor cycles’ ward,” where so many of our youth, whom we rely on, are hospitalized due to accidents, arising from narrow roads. Sometimes we blame the drivers or riders, but really it is the mistake of the roads, coupled with the potholes that are on them. As they avoid the potholes accidents occur.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Madam Temporary Speaker, we have also lost so many people because of poor planning and narrow roads. It is time that we put a stop to this. It is unfortunate that even as we are speaking today, new contracts are being given for construction. There is still no foresight. The narrow roads are still the same size. Even Class A, Class B and Class C roads are the same. We should plan roads to provide for overtaking. Other than the emergency lanes, there should be a special lane dedicated for motor cycles. Also, road reserves should be planned wide enough to provide for cattle tracks, because livestock have to be driven along the roads as they go to the rivers and markets. In some instances, livestock share roads with motor vehicles and human traffic. Such a road, definitely, would not be classified as motorable.

Madam Temporary Speaker, we need to plan our towns and centres. Let us not wait for them to become municipalities or cities, like Nairobi, so that we can start thinking of widening the roads. We should plan wide roads. If you look at Nairobi, I think that we must give credit to the colonial government, because they planned roads in a way that there was space, yet Nairobi was a small centre. In fact, they did not have vehicles and were using ox-carts, but the roads were wide enough. Today there are no good roads in our estates. If you drive from here towards Limuru, you will see that there are buildings now coming up next to the road. People have used a lot of money on these buildings. Very soon if we think about expanding that road, we may necessitate pulling down buildings, on which a lot of money has been used by innocent Kenyans to build. That property is part of our GDP and so, why should we wait until structures come up and then, a few years down the line, we knock them down in the name of road construction? Where were we when we were planning?

Madam Temporary Speaker, I support this Motion, so that we can have proper roads that can be used by all forms of traffic.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Madam Temporary Speaker, similarly, I rise to support this Motion and congratulate the Senator for Kirinyaga County who has kept this Senate alive today. We spent the whole morning debating a Motion which he brought, although it was a sophisticated debate. Some of the Members who are digitally challenged had to walk out and go to the lounge, because they could not even understand what cable cars are.

Sen. Okong'o: On a point of order, Madam Temporary Speaker. Is the Senator in order to allude that there are some Senators in this House who are digitally handicapped?

The Temporary Speaker (Sen. Ongoro): What do you mean by "Senators who are digitally challenged?" Could you prove that whoever walked out actually did so because of that Motion?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Madam Temporary Speaker, for that request for clarification. What I meant was that all of us are not at par technologically. That is a fact. As to whether all those who walked out, did so for that purpose, I did not say so. I just said that, perhaps, that is why some of them walked out. I know one or two, but I will protect their identity for the sake of---

The Temporary Speaker (Sen. Ongoro): Definitely, you cannot mention anybody---

The Senate Majority Leader (Sen. (Prof.) Kindiki): Madam Temporary Speaker, I cannot mention them.

Madam Temporary Speaker, having said that, I just want to congratulate the Mover of this Motion which I find extremely useful for our country. The only thing that I would add is that I hope that we can think about other towns and cities, so that we do not have to pass a Motion or law for every city or town.

Madam Temporary Speaker, many things have been said about the misuse of sirens. I want to agree with the speakers who have spoken before me, that this is a big problem. First of all, it is true that, perhaps, sirens are misused. I believe that we are one country where we have too many people who move in convoys and sirens. That has partly complicated this problem. Every person who gets some little power somewhere wants a chase car with a siren. That has really complicated matters. So, I really hope that going forward we can regularize and say, for example, that other than the emergency vehicles which we are talking about here, who else is entitled to special clearance of traffic, so that we do not really experience that we have at the moment?

Madam Temporary Speaker, I heard some of my colleagues who spoke before me say that in some countries you do not see police officers on the roads controlling traffic. Some of them also said that in some countries even at midnight people will comply with traffic lights. I think just to contextualize, it is important to say that sometimes the reason people comply is not only because of the ethical issues. But on those roads there are cameras all over the place. So, you do not need a physical person there. Even if it is at 2.00 a.m. the camera will record, that a certain car, registration this, violated this traffic law. So, you will just find in your post office box a ticket requiring you to pay a fine. If we can put such cameras on our roads, that could be actually an encouragement to move towards non-human control of our traffic.

Madam Temporary Speaker, a few weeks ago, there was a similar Motion here on the fibre optic cable, which was brought by the Senator for Nyeri County. Going forward, there is need to put in the law that any engineer designing or building a road must include a duct which can be used for the channeling of these fibre optic cables and not just for one company, but any person who wants to lay their cables. If we go this route, we can also demand, because of the dangers that we are seeing from overhead electric cables and when it rains the cables just collapse, that every road designed henceforth must also have a duct for underground cables. That is why there are very few electric blackouts in some countries even when there is heavy downpour.

The other thing, and in the context of this Motion, is to insist that the design for new roads must have standards to include an emergency lane. We are building so many roads now. My colleagues asked that the existing roads may not have the capacity for expansion so where do we get the special lanes, but I am seeing many constructions going on. So, we can put it in the law and it will help us a big deal.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

The other thing I wanted to say with regard to our own discipline is that indiscipline is sometimes visited unreasonably against motorists, but I think pedestrians are equal suspects and perpetrators of the impunity that has become the culture of our country because they cross the road from any point and at any time, irrespective of the dangers and the risks they are exposed to. The *boda boda* is a cheap mode of transport, but I think we are staring at an epidemic. The deaths and injuries leading to medical costs associated with *boda boda* accidents are incredible. As much as we want to create lanes for cyclists and *boda boda* operators, hopefully, we will also demand the wearing of helmets. In Rwanda, they even wear reflective jackets that have a telephone number at the back which you can call if you think that the *boda boda* operator is driving or conducting themselves in such a way that is endangering lives.

Madam Temporary Speaker, I think this is a good Motion. My only concern is that it should not focus on the City of Nairobi alone. I want to encourage Sen. Karaba that if this House passes this Motion, he should think about introducing certain legislative amendments to the Traffic Act and other laws related to roads. This is the only way this Motion can have the force of law. That is the easiest way of ensuring implementation. I do not think the Government would oppose such an important measure if it is brought as a legislative proposal. The problem with Motions is that sometimes it is easy to give financial or other technical reasons as excuses for implementation, but if it is brought as a legislative proposal or an amendment to the law, I think we can realise the dream of having special lanes for emergency vehicles which is the standard thing we see whenever we visit Tokyo, Ontario, Johannesburg, London and so on. We want to include Nairobi, Mombasa, Embu and Maralal on that list.

With those few remarks, I beg to support.

Sen. Murungi: Madam Temporary Speaker, Sir, I also want to support this very important Motion by our friend, Sen. Karaba, who has been one of the most active Senators in this House.

(Applause)

I also want to agree with my colleagues who have spoken before me that we are facing a major traffic problem in Nairobi and other county capitals. It is virtually impossible for us to even come to the Senate. It is taking us two and a half hours to drive from Karen to the city centre. It also takes us the same time to go back home. So, five hours in a working day out of eight hours is spent on the road. It is not only here in Nairobi, but in my own county in Meru it takes two hours to move for one kilometre from Nakumatt Supermarket to Makutano in Meru. I believe it is the same in Eldoret and other cities. So, this is a very urgent and important matter. I am happy that Sen. Karaba has brought it before this House.

Madam Temporary Speaker, Sir, the important question for us, as a Senate, is to ask ourselves why there is all this chaos. Why are the ambulances not moving? Why are

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

fire-fighting engines not moving? It is very easy to blame the fire-fighters like the way we usually do when they arrive late, but nobody goes to investigate or to ask them why they came late. Maybe they were held up in traffic somewhere or maybe it was impossible for them to reach where the fire is because of congestion or poor roads. It is time that we addressed that particular problem of poor planning.

Madam Temporary Speaker, we have been to other countries, like I was recently in London and I took a train. We were very many in the train. One of the things we need to do in this country is to introduce an efficient public transport system. We do not have to do underground trains because those are very expensive and you know how our economy is, but there is no reason we cannot have trams and over-ground trains because they ferry many people. We are also saying that time has come for us to think beyond roads. There is no reason we should not have a train taking people to Thika, Machakos, Meru and Isiolo. Time has come for us to reduce the number of vehicles on our roads by increasing the railway system in the country. What we have here was built by the colonialists who did not have as much money as we have. So, we do not understand why we cannot lay more railway lines across the country. So, poor planning is one of the major challenges and the major cause of the traffic chaos that we see in this country.

Madam Temporary Speaker, another issue is poor discipline. We used to call it a *matatu* culture, but it is no longer for *matatus* only. Even people who drive Mercedes Benz and other high value vehicles have a *matatu* mentality. We keep on driving on the wrong side of the road because we want to reach our destinations as if other people do not have a destination to reach. We praised the late John Michuki because of Michuki rules. We have not been able to replace the late John Michuki in terms of toughness. We need somebody with a dictatorial mind to deal with the traffic sector in this country. The late John Michuki believed in punishment and rewards and even when the *matatus* went on strike he stuck to his guns until they all fixed safety belts, speed governors and so on. So, time has come for us to have another Michuki. I believe among the 40 million Kenyans, there must be another one. We shall have to impose some discipline on our roads. I do recall when the military took over in Nigeria, the police used to carry whips on the streets. If you are seen driving on the road side trying to overtake, you are taken out of your car and whipped on the spot. I do remember one of the judges was whipped because of flouting traffic rules in Nigeria. So, we need something like that which will make people fear.

Many cars are coming to this country where every month we are receiving more than one thousand cars, but for the individual who is buying the car he does not see the road and his comfort. I think it is important for us even as Government to relate the import of cars to road space. Just like we are talking about family planning, it is time for us to talk about car planning so that we know the number of cars coming into the country.

Madam Temporary Speaker, time has come for us to look at our traffic laws and enforcement again. I am very happy with the new system which has been introduced; the roadside courts for traffic offenders, but another problem arises there. The *mwananchi*

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

does not know how much money he should pay if he is found with a defective mirror for instance because we are being arrested for that. *Mwananchi* does not know how much he is supposed to pay for other defects with the motor vehicle. Those fines have become erratic. You will be taken aside and fined Kshs10,000 another one Kshs2,000 another one Kshs15,000 and so on. It has also become one of the potential sources of corruption because instead of paying Kshs10,000, you would rather see the policeman on the other side, *halafu muelewane* then you proceed.

The Temporary Speaker (Sen. Ongoro): Order, Senator! You mentioned a word which is not in English.

Sen. Murungi: Sorry, Madam Temporary Speaker. Even English language does grow and develop.

The Temporary Speaker (Sen. Ongoro): What is the meaning of that word?

Sen. Murungi: So, words like safari are now English words.

The Temporary Speaker (Sen. Ongoro): Yes, but the one you have just used, *muelewane*, is not English.

Sen. Murungi: I am sorry for that, Madam Temporary Speaker. It means the policeman and the pedestrian who has been arrested would negotiate outside the traffic system. It is actually petty corruption.

So, we should publish these fines so that the *wananchi* know how much they should be paying, then we are not solving the problem, but just increasing a source of corruption. So, I am fully in support of the roadside courts, but let the fines be published for every person to know how much he should be paying otherwise we are going to oppress and exploit innocent but ignorant Kenyans. I think time has now come for us to think very radically how much we have these good intentions. If you went to the old Mombasa Town where you can only drive one way and the streets are very narrow, how can you improve traffic in such a place? I think it might be impossible to completely sort Nairobi and we think of relocating this City. Much of the business in this City is brought by Government. It is we coming to the Senate, the Members of the National Assembly coming to the Lower House, Civil Servants coming to Harambee House and all that. I think time has come for us to think of moving the capital city from Nairobi to a new location which is properly planned. It has not just happened. You can see Tanzania moved to Dodoma---

The Temporary Speaker (Sen. Ongoro): Sen. Murungi, your time is up!

Sen. Abdirahman: Thank you, Madam Temporary Speaker, for allowing me to contribute to this Motion. I would not want to be left behind in adding my voice to this very important Motion. Creation of emergency lanes is very important. As we were told even when the Westgate Mall attack happened, it was not easy to take the injured persons to hospitals. This is mainly because of the fact that the transport sector in our country is riddled in a very big mess emanating from corruption and the inability of successive Ministries to actually plan properly for both major urban towns and even the rural areas. It is in the public domain that the traffic police department has not been able to contain

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

the mess. This is mainly because of corruption. We, as a country, keep on complaining and saying that we are not able to stem this. This is because it has become a culture. Bad culture must be fought seriously.

I heard the King of Meru, Sen. Murungi saying that out of the 40 million Kenyans, we will not miss somebody like the late Michuki. Indeed, it is true that we will not miss one strong person. But it is the manner in which we selected our Cabinet Secretaries all in the name of getting technocrats, what we needed were people who have been tried and tested. There are people who have delivered in this country and I think the current Government and the subsequent ones should actually not think about technocrats. We must get people who can be bold and who have the necessary capabilities and capacity to be able to deliver to the expectations of Kenyans.

Madam Temporary Speaker, looking at the statistics, year in, year out, road accidents continue to increase in this country. We have not been able to manage them. I remember quite an amount of effort was made during the Eleventh Parliament by the Ministry of Roads that extended to the rural areas. Several houses or buildings were actually earmarked for demolition. I think they did some good work when they demolished the Nakumatt Supermarket along the Thika Highway. This is because we needed support from the local population. So, we need that awareness. Shifting Government offices to other places is a good thing. I understand that we may relocate to Harambee House or Upper Hill or a number of Ministries to Upper Hill and people will keep on moving. Unless you are bold enough and you want to implement your policies properly without any fear as long as it is for the public good, we would need people who are strong enough to take action.

The other issue which I would like to raise is the fact that our systems operate in a compartmentalized way and that is why we are not able to work properly. The police and the Ministry of Transport and Infrastructure must work harmoniously so that they are able to actually think about our vision. As rightly put by some of the Senators who spoke before me, we must think well in advance. As our population increases our demands also increase. We will need to import more vehicles, but what are we going to do when our roads remain static? We need to think ahead 50 years to come or 100 years to come so that we can safeguard our generations in terms of their environmental health and status.

Thank you.

Sen. (Prof.) Lonyangapuo: Madam Temporary Speaker, I want to introduce an amendment to this Motion as follows:-

At the last line of the Motion, we should insert the words “and all other cities and towns in the country”.

The amended Motion in full now reads:-

THAT, aware that the city of Nairobi has grown to be a large cosmopolitan and metropolitan city in Kenya and the East African region and that it acts as the gateway to the rest of the countries in the hinterland; cognizant of the traffic jams occasioned by the ever increasing number of

vehicles and narrow roads leading to time wastage, fuel consumption and insecurity to motorists; noting that there have been increased cases of incidents that require intervention of emergency services in the city of Nairobi; recognizing that Article 184 (1) (c) of the Constitution of Kenya and the Urban Areas and Cities Act provide for a participatory mechanism by residents in the governance of urban areas and cities; realizing the need for clearly marked emergency lanes in our road network; the Senate urges the National Government to develop a policy framework for the creation of emergency lanes to be used exclusively by ambulances, fire fighting motor vehicles and other authorized emergency response locomotives within the city of Nairobi and all other cities and towns in the country.

Madam Temporary Speaker, as I introduce this amendment, I want to join my colleagues in thanking Sen. Karaba for introducing this Motion which as we have rightfully canvassed is something that should have been in place from the time we got Independence. We heard from Sen. (Dr.) Machage that from early 1900s when the City of Nairobi was planned, the roads were meant to carry a capacity of not more than 300 vehicles. At the moment, Kenya imports not less than 5,000 vehicles through the Port of Mombasa. This translates to over 60,000 vehicles per year. Most those vehicles remain in Nairobi. To that extent, for the last many years, so many vehicles have been crowded here in Nairobi. It is very serious that we do not have plans that have been visibly implemented here to open up the roads. A little bit of work has been going on the Mombasa Road for the last ten years since the NARC Government came in, but a substantial change to the extent that we see lanes that are dedicated for such emergencies has not been done yet. It is such a nightmare for the tourists that come to Nairobi to leave the airport to town. If such a lane was available, it would be very easy for emergency vehicles to reach destinations that are required.

When tragedy visited Kenya at the Westgate Mall, it was such a mess that even taking the patients to hospital was so difficult because we do not have such lanes. What does it cost if we sit down as a nation to come up with policies that we must stand by? The first one should be the use of train. All the vehicles that are in this town, the owners do not stay in this Central Business District (CBD). They come from far flung estates. If you go to places like Oxford and other countries, they have engaged a train that can, for example, pick people from Langata where they have parked their vehicles and take them to Westlands and Thika. These trains must not necessarily be on land, but above the ground. We are using a lot of money in making the roads. If we consolidate this amount of money, we could save between Kshs20 billion to Kshs80 billion per year. Some of these things we are talking about can easily be done. Flyovers are also essential in order to open up the little roads that we have. The only nightmare that we have in Nairobi is the roundabouts. When the Grand Coalition Government came into power five years ago, there was the Ministry of Nairobi Metropolitan which reduced the size of the roundabouts

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

with the hope that the traffic jam could be opened up. But you will appreciate that today we still have the same nightmare.

Madam Temporary Speaker, Sir, we need to remove the roundabouts, particularly the notorious Uhuru Highway roundabouts by introducing flyovers strategically to replace those roundabouts. In London, for example, I am told they were introduced so that when you got lost you go round until you get your bearing. But here we seem to know where we are going and we have a problem that is heavily on us. We need to see how this can be done. We also need to restrict heavy vehicles as we think of creating these lanes. I came from Naivasha recently and just after the Westlands Roundabout, I stuck in the car for three-and-a-half hours just to get to town. I did not understand what the problem was. But as long as those huge lorries are there, we need the bypasses that were the talk of the day some three or four years ago. I do not know whether they have been completed or not, but we do not want to see those huge lorries passing around.

Madam Temporary Speaker, in India, I saw express, raised up roads built on top of the highway, like the one proposed to be built on Mombasa Road. We should have such express, raised highways to bring all the vehicles all the way from Westlands. We may need about Kshs20 billion to Kshs50 billion, just like what we spent on Thika Road. Most of these problems will be done away with.

Madam Temporary Speaker, if you also look at the fire fighting and ambulances, we need to also have them strategically located in this town and city and in all other cities like Kisumu and Eldoret. Eldoret Town was meant for just a few white farmers, but now everybody is in town. We also have Nakuru, Mombasa and Kapenguria towns. All major towns that are now headquarters for counties must have such express lane designs. Policy framework must cover all of these towns.

Madam Temporary Speaker, these strategies must be put in place so that we can ease the traffic jams that are there. What also came to mind when we had the Westgate Mall siege was about our health centres and hospitals. How equipped are they? Wherever they are? To the extent that we have to rush people to Nairobi Hospital and to all the other major hospitals; were there no hospitals nearby? How well equipped were they in readiness for such emergencies?

Madam Temporary Speaker, when a disaster strikes in the US, they have standby helicopters that are specifically released for rescue mission. I did not see any of our helicopters going to Westgate Mall or the vicinity of Westgate to assist and rush people to hospitals, noting the problem we have here of traffic jams. Those are some of the things that we need to put into consideration, so that we do not have this elongated trouble that we have.

Madam Temporary Speaker, as we consider these express lanes, we also need to have a lane for the pedestrians. We have these new arrivals that came the other day; the motorcycles and bicycles, also need to be considered so that they have their own way. That will also reduce the number of vehicles that come to town.

Madam Temporary Speaker, it is time that we looked at our policies. We need very bold people like the late hon. Michuki. All of us have that capacity if we decide to do so. It takes the leadership from the top to say a decree has been issued, and people must implement the rules as required. These vehicles that you have noted at night and even during the day that are used to tow vehicles that break down, I keep seeing them around the roundabouts. Why are they anticipating problems? They are waiting for accidents to happen. Humanly speaking, when you see them, you see problems. So, sometimes when drivers see them, they panic. When you start displaying a source of a disaster in front of you, it causes obstruction. Indeed, as we table this Motion, those vehicles should be specifically moved away from the road. Why are they waiting for a problem there?

Madam Temporary Speaker, I beg to move this Motion and call upon Sen. (Prof.) Kithure to second.

(Loud consultations)

The Temporary Speaker (Sen. Ongoro): Sen. Okong'o?

Sen. (Prof.) Lonyangapuo: Okay; Sen. Okong'o it is.

Sen. Okong'o: Thank you, Madam Temporary Speaker, for giving me this opportunity to second this amendment, which has been brought very clearly by the good professor.

Madam Temporary Speaker, previous speakers have just given their outlines of the issues we are facing in this country in terms of emergencies. I also have to add that we need to go further and work on things like trams and the railway lines, which stop at the outskirts of town. We also need to go further and bite the bullet by amending the Traffic Act and incorporate corporal punishment. This is very crucial because we have looked at the rules which were there. The "Michuki" rules have been there, but when the late Michuki was transferred from that Ministry, everything went into a standstill. To end corruption, I propose that corporal punishment be included by amending the Traffic Act; I mean, that is the only way for Africans. Even if there are civil societies, where I belonged in the past, they can really run amok to take issue with what I am saying, but that is not important. Anybody who violates our traffic rules, if we say that he should get a stroke of a cane and, maybe, move further to suspend some licenses. In so doing, we can really end the congestion in our roads and save lives. The idea of roadside courts is a welcome move, but coming too late as we are only dealing with the symptoms, yet the disease of what is ailing our road users is still there.

Madam Temporary Speaker, emergency lanes are required, not only in Nairobi, like we are saying in the amendment. They are required in all towns because traffic jams have become terrible and people cannot move or transport their goods. In countries which most of the speakers have spoken about, like in London, even the Prime Minister just uses a bicycle to go to work. For instance, I have seen that Nairobi County is trying to

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

increase parking charges; that is a welcome move only and only if they improve the outskirts where people can park effectively and then they pay hourly rates. If people love their cars, as the good Sen. (Prof.) Lonyangapuo was saying, then they need to pay hourly rates for parking in city centres.

Madam Temporary Speaker, this country needs to move forward. We need men and women of repute who can put our country in a safe situation and assist in cases of saving lives during emergencies. The other day, I saw the Cabinet Secretary for Transport coming up with a raft of new rules to for the transport sector. I was surprised because the rules and laws are there, what is required is just implementation. I was very surprised to see that they were talking about those rules taking effect in July, 2014. I was wondering. I support some of the speakers who said that the new Cabinet Secretaries who have been appointed, even though they are technocrats, they do not understand the political dynamics of our people. These are issues we need to deal with. I do not think the Cabinet Secretaries need a year to implement the laws which are there.

Madam Temporary Speaker, emergency lanes are very crucial, as many have alluded to and as we saw when we suffered the Westgate Mall tragedy, and we require them to move. I, therefore, second this Motion and request the Mover of this Motion to think about coming up with a Bill at some point in time.

Madam Temporary Speaker, Sir, with those few remarks, I beg to second.

(Question of the amendment proposed)

The Temporary Speaker (Sen. Ongoro): Sen. (Prof.) Kindiki.

The Senate Majority Leader (Sen. (Prof) Kindiki): Thank you, Madam Temporary Speaker. It is important that as we pass Motions in this Senate, we look at the future. This single amendment saves a lot of trouble by including the rest of the country's major urban centres; namely cities and towns, we have removed ourselves from the problematic of passing similar Motions with regard to particular towns.

Madam Temporary Speaker, my brother, the Senator for Mombasa, mentioned about Mombasa just to demonstrate how this matter and how this amendment is important. Mombasa is one of the cities which are choking under the pain and load of traffic jams. The problem is simple. First of all, the road is very small; if you are entering Mombasa from the airport, you have to use Makupa Causeway. The problem is not even in Makupa Causeway, but it is between Changamwe at the junction to the airport and the natural bridge itself, which is the causeway. It is also between the airport and the Changamwe junction. Also, towards north Coast, if you are driving towards Nyali and past Nyali towards Mtwapa, the road is just too narrow, yet the traffic is huge. So, the way I see this amendment and even the Motion itself is that we just need to convert the ideas in this Motion into a law. For me, that is the only saviour of this situation. What the law will do is that it will ensure future designs and future construction of roads will take into consideration things like emergency lanes. But at the same time, what this

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

amendment has done is to say that whatever is possible to be done in Mombasa, Nakuru and in other towns. Nakuru was also given as an example of where there is a huge traffic by several speakers who spoke before me. I am also very conversant with Eldoret. There is only one road there called Uganda Road. These others are small outlets or feeder roads, but the main road is called Uganda Road. This is just one road for a big town. I am told by those who know it much better than me, like Sen. (Prof.) Lonyangapuo, who is a neighbour of Eldoret, that it was initially constructed as a road for a few white farmers for a small town at that time who owned several cars. But today, you cannot imagine the time spent between Barngetuny Plaza and Central Bank branch in Eldoret. Somebody might leave Johannesburg by air and land in Jomo Kenyatta International Airport (JKIA) while you are still queuing on Uganda Road. So, I think the time has come for us to stop the blame game of saying “this should have happened” and start offering solutions for our country; start saying “this is how it should be.”

Madam Temporary Speaker, as I support this amendment, I want to reiterate that we want to look, not only at the traffic laws, but also the construction related law. I am aware that there is new legislation with regard to civil engineering in this country. That is why we have a National Construction Authority (NCA). We have fostered standardisation of our construction industry whether in civil works, roads, buildings or other matters.

The more we move to a more intense standardising and requiring that these things be done, as a basis of approval of designs, the better we will be as a country. Otherwise, we will be coming here and praising foreign countries as some of us are used to. You praise every other country, except Kenya. In fact, I have heard Senators who have said that the fact that we do not have emergency lanes, we are not worth being called a country. Come on, has it come to that? The truth is that we have problems. However, the truth is that we also have solutions to those problems. Some of the solutions are futuristic while others are remedial, for the existing cases.

I support this amendment and say that we should not focus on Nairobi. In any case, I also want to take the line of argument that was taken by my neighbour, the Senator for Meru County, Sen. Murungi who is informally referred to as the King of Meru. I will amend that and refer to him as the King of Meru County because the Ameru people come from both Tharaka-Nithi and Meru counties. In Tharaka-Nithi, I am the king. But I want to support the view that if we have a capital city out of Nairobi, the things we are thinking should happen in Nairobi should be applied to areas that may become capital cities in future.

I am one of the lucky senators although this is a short-term disadvantage because my county does not have a headquarters. My people in the county refused all the existing urban centres and decided to start a new town. I said that for the short term, we would operate in not-so-good facilities. In fact, the county assembly for the last four months was meeting under a tent which I had donated. However, we have now set up some structures. We got some money and build some temporary structures. This is also an opportunity to plan and execute a well planned modern town. Watch this space because

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

the headquarters of Tharaka-Nithi County will be a model town where best practices will be borrowed on urban and physical planning.

With those few remarks, I support the amendment that we include other cities and towns in the Motion.

Sen. Murungi: Thank you, Madam Temporary Speaker. I also rise to support this amendment. I think the amendment is brought in the spirit of devolution. It is our role, as Senate, in terms of Article 96 of the Constitution to take care of all the interests of all 47 counties of this country. We should ask ourselves what we are devolving. Are we devolving traffic jams to our counties? Are we devolving poor planning to our counties? That is why the amendment is important and I want to thank Sen. (Prof.) Lonyangapuo whose name, I understand, means in Pokot, a very beautiful bull, for bringing this beautiful amendment.

As I had mentioned earlier, we are experiencing traffic chaos in Meru County and, indeed, other examples have been given about the country. The amendment should resolve that. I remember the major frustrations that foreigners visiting the country are facing. One time, I spend a whole evening with the Minister for Environment in France and the only thing she talked about is how she spent about six hours to move from the airport to a United Nations Environmental Programme (UNEP) meeting in Gigiri. As I was telling her how we had discovered oil, how Kenya is at the door of opportunities and how we should get more French investors and tourists coming into the country, she was saying that we should solve that problem first. We cannot be spending six hours on the roads. So, even as we talk about opportunities in the counties, the oil in Turkana, coal in Kitui and minerals in Kwale, unless we resolve transport problems, those things will not happen. This is critical, urgent, but what we are talking about in Nairobi also happens at the county level.

Before my time expires, I was saying that one way of resolving this problem in Nairobi is to relocate the capital city to another county. We can move it to a neighbouring county like Kajiado County which is next to us here. We can also move to Kitengela and plan a beautiful capital city there. We can also move to Thika or Machakos where the original capital city was. So, we can move Government from Nairobi and make leave Nairobi to be a commercial centre. People seeking Government services should be moved to the other county. That would move traffic and that is another way of developing infrastructure and attract business. That is a way of diversifying business from the capital city.

You have seen what happens in the US. New York is still the largest city. However, it is a commercial centre. The only politics you will find there are the UN politics. The Washington DC is the administrative capital city and that is where the Government is. We can borrow what happened in Nigeria. Lagos was impassable and people were being caned on the streets. However, they moved to Abuja which is another State. This one is well planned and there are no traffic jams. We are asking for something like that. We should do the same in Nairobi.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

I was impressed by what my neighbour, Senator for Tharaka-Nithi, Sen. (Prof.) Kindiki Kithure said. He correctly referred me to as the King of Meru. However, I know my boundaries. I have not claimed to be the King of Tharaka-Nithi or the King of Chuka, for that matter. I am the King of Meru. When an appropriate ceremony is held in Tharaka-Nithi to crown Sen. (Prof.) Kindiki as the King of Tharaka-Nithi, I will be there. If he wants some bulls, we can talk to our friend, the Professor, to donate some from Pokot for that important ceremony.

What is critical is the spirit in which he said that he will start a new capital city for the Tharaka-Nithi County at a place called Kagwana so that he can plan from scratch, create a green city, nice streets and more.

The Temporary Speaker (Sen. Ongoro): Senator, we have to interrupt your debate because of time constraints. I have to call the Mover before 5.40 people. So, give your closing remarks.

Sen. Murungi: Thank you, I beg to support the amendment to this Motion.

The Temporary Speaker (Sen. Ongoro): I will now call upon the Mover of the Motion to reply.

Sen. Karaba: Madam Temporary Speaker, thank you very much. I would request whoever wants a donation to stand up.

(Laughter)

The Temporary Speaker (Sen. Ongoro): Can you reconstruct that sentence? What do you mean? It is: "Whoever would like to talk."

Sen. Karaba: Whoever would like to talk, please, stand up.

(Sen. Elachi stood up in her place)

Okay, proceed!

Sen. Elachi: Thank you, Madam Temporary Speaker. I also want to support the amendment, knowing very well that now that---

The Temporary Speaker (Sen. Ongoro): Excuse me, Senator. The Motion is already amended. Just speak to the Motion as amended.

Sen. Elachi: Thank you, Madam Temporary Speaker.

Madam Temporary Speaker, I want to support the Motion as amended by saying that it would be good for Kenyans to see transformation happening at the same level in every county. One of the challenges that we are going to face is that we have not been able even to harmonize the blueprint, so that in every town you can see something similar. You will feel proud and part of Kenya. If we are not careful, every county will just decide to move on their own and implement what they feel is good. But it is important that when we are trying to transform the country, we ensure that when one moves from one county to another, there is some similarity in terms of growth and

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

development. That way Kenyans will appreciate that, indeed, devolution came in to give them service and change their lives.

Madam Temporary Speaker, as we talk about Nairobi, Kisumu, Mombasa, Nakuru, Eldoret and other cities, with all the trucks that pass through them, indeed, this is something that we need to really rethink. The challenge that Eldoret is going to face is the infrastructure of housing that has been done along the road. So, even when coming up with a design for a road, they will need to sit down as leaders and agree that whoever has taken a road reserve must be ready to surrender it back to the public, so that construction can start. Therefore, as we agree that we need to expand roads and construct new ones in order to bring transport closer to our people, the next question will be: How do we ensure that those who have put up buildings along the roads are not disadvantaged?

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. Ongoro): Sen. Karaba, you have six minutes.

Sen. Karaba: Thank you, Madam Temporary Speaker, for giving me the chance to conclude my Motion. I would like to thank all those who have contributed in support of this Motion. I am sure that once passed, we will work with the likes of the Senate Majority Leader, so that we enact it into law.

Madam Temporary Speaker, it is necessary to have emergency lanes because they have been used elsewhere. Since we are a growing country, we need to copy from other countries which have already implemented these things and succeeded. Once we start such programmes, we do not need to discriminate. I am aware that with regard to the Langata Road which is being expanded and extended towards Karen, there are some buildings which cannot be demolished because they belong to senior people. We wonder why this is the case, when other houses and homes belonging to “lesser” people have been demolished on the other side of Langata Road. So, if a road is designed to be constructed on one course, all houses along the course have to be demolished because they are there illegally.

Madam Temporary Speaker, we need not blame our culture of ignorance. This is something that can easily be solved amicably by amending some of the rules and laws, particularly the traffic rules. We are capable of interpreting these laws and can come up just like any other state in the world which is civilized. I believe that Kenya is in that line.

Madam Temporary Speaker, if you visit other countries and towns, you will realize that what the Members here have said is true. In England, for example, you cannot drive to central London without paying a penalty. In Korea, you cannot walk on the roads without paying a fine. There are designated pedestrians’ walkways. So, if we can exercise that tolerance and make sure that all rules are passed and observed, I am sure, that we will live a better life in Kenya.

Madam Temporary Speaker, I appreciate what has been contributed here this afternoon. Thank you very much for contributing positively. I hope that, in future, such Motions will be passed here without any problems.

Madam Temporary Speaker, I beg to move.

The Temporary Speaker (Sen. Ongoro): Hon. Senators, before I put the Question, I want to rule, under Standing Order No.69, that this Motion does not affect counties. So, we will not vote by delegation.

In case somebody is wondering why we are closing business earlier, this Motion falls under the category of timed Motions, and we started debate at 2.50 p.m. According to the Standing Orders, therefore, we have to end debate on this Motion by 5.50 p.m., otherwise, it might be contested.

I will, therefore, proceed and put the Question.

*(Question that the words to be added be added,
put and agreed)*

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:-

THAT, aware that the city of Nairobi has grown to be a large cosmopolitan and metropolitan city in Kenya and the East African region and that it acts as the gateway to the rest of the countries in the hinterland; cognizant of the traffic jams occasioned by the ever increasing number of vehicles and narrow roads leading to time wastage, fuel consumption and insecurity to motorists; noting that there have been increased cases of incidents that require intervention of emergency services in the city of Nairobi; recognizing that Article 184 (1) (c) of the Constitution of Kenya and the Urban Areas and Cities Act provide for a participatory mechanism by residents in the governance of urban areas and cities; realizing the need for clearly marked emergency lanes in our road network; the Senate urges the National Government to develop a policy framework for the creation of emergency lanes to be used exclusively by ambulances, fire fighting motor vehicles and other authorized emergency response locomotives within the city of Nairobi and all other cities and towns in the country.

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, there being no other business, the Senate stands adjourned to tomorrow, Thursday, 10th October, 2013, at 2.30 p.m.

The Senate rose at 5.50 p.m.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*