

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)

**NCCA/TJ/PL/2025(40)
2025**



PAPER LAID

Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of the Assembly, today Tuesday 8th April, 2025:

— **THE REPORT OF THE SECTORAL COMMITTEE ON
PROCEDURE AND RULES ON CONSIDERATION OF
AMENDMENTS TO VARIOUS STANDING ORDERS.**

(Chairperson, Select Committee on Procedure and Rules)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

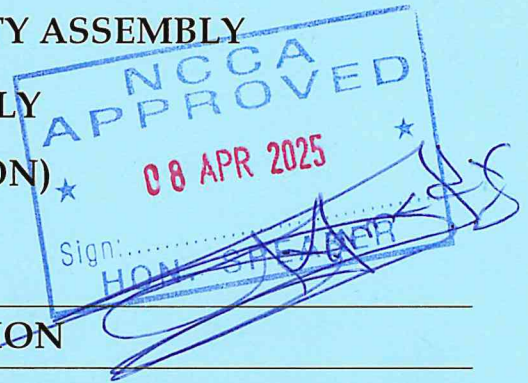
GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY
(FOURTH SESSION)

8th April 2025



NOTICE OF MOTION

Subject: Adoption of report of a Committee

Hon. Speaker, I beg to give notice of the following motion:-

*** THAT**, this Assembly adopts **THE REPORT OF THE SECTORAL COMMITTEE ON PROCEDURE AND RULES ON CONSIDERATION OF AMENDMENTS TO VARIOUS STANDING ORDERS**, laid on the table of the Assembly today, 8th April 2025.

(Chairperson, Select Committee on Procedure and Rules)

NAIROBI CITY COUNTY GOVERNMENT



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – FOURTH SESSION

THE REPORT OF THE SELECT COMMITTEE ON PROCEDURE AND RULES ON THE
CONSIDERATION OF THE PROPOSED AMENDMENTS OF THE STANDING ORDERS

THE SELECT COMMITTEE OF PROCEDURE & RULES

Clerk's Chambers,
CITY HALL,
NAIROBI.

April, 2025

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The Third Report of the Select Committee on Procedure and Rules on Amendments of Standing Orders.

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1.0 PREFACE

1.1 Establishment and Mandate

Hon. Members,

The Select Committee on Procedure and Rules is established pursuant to the provisions of Standing Order 206. Pursuant to the provisions of Standing Orders 206 and 257, the Committee is mandated to consider and report all matters relating to the Standing Orders. The Committee is further mandated to propose amendments to the Standing Orders for approval by the County Assembly. The Committee is further mandated to rule for the orderly and effective conduct of Committee business.

Pursuant to the provisions of Part XXIX of the Standing Orders, the Committee may receive proposals for amendments of the Standing Orders from Members of the County Assembly. The Committee is mandated to consider such proposals from Members and table a report to the County Assembly for consideration within twenty-one days (21) days.

1.2 Committee Membership

The Committee Membership comprises of:

1. **The Hon. Kennedy Okeyo Ng'ondi, MCA – Chairman**
2. **The Hon. Paul Kiguathi Kados, MCA – Vice-Chairman**
3. The Hon. Peter Imwatok, MCA – Majority Leader
4. The Hon. Anthony Kiragu, MCA – Minority Leader
5. The Hon. Esther Waithera Chege, MCA – Deputy Minority Leader
6. The Hon. Moses Ogeto, MCA – Majority Whip
7. The Hon. Mark Mugambi, MCA – Minority Whip
8. The Hon. Perpetua Mponjiwa, MCA
9. The Hon. Jane Wanjiru, MCA
10. The Hon. Jane Muasya, MCA
11. The Hon. Paul Ndungu, MCA

1.3 Secretariat

- | | |
|---------------------|-----------------------------|
| 1. Monicah Muthami | – Principal Clerk Assistant |
| 2. Kevin Wasike | – Snr. Clerk Assistant |
| 3. Rose Edna Kanana | – First Clerk Assistant |

Hon. Members,

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Committee undertook a workshop to scrutinize the various proposed amendments to the Standing Orders including amendments to provide for the County Executive Committee Members to appear in the County Assembly to answer to Honorable Members' Questions. The workshop was held from Thursday, 5th to Sunday, 8th September 2024, at Muthu Nyali Beach Hotel, Mombasa County.

1.4 Acknowledgement

Hon. Members, I wish to acknowledge with gratitude the Members of the Select Committee on Procedure and Rules for the dedication that they have portrayed in ensuring that the Committee implements its mandate and that the County Assembly upholds its dignity and integrity, while undertaking its tripartite mandate of legislation, oversight and representation.

Hon. Members, my sincere appreciation also goes to the office of the Clerk of the County Assembly and the Secretariat of the Select Committee on Procedure and Rules for offering sound advice on the proposed amendments.

Hon. Members, it is therefore my pleasant duty and privilege to table this report before the Assembly and recommend it for adoption.

Thank You.



Signed

Dated.....

Hon. Kennedy O. Ng'ondi, MCA
Chairman

2.0 INTRODUCTIONS

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary.

The Select Committee on Procedure and Rules is established pursuant to the provisions of Standing 206. Pursuant to the provisions of Standing Orders 206 and 257, the Committee is mandated to consider and report all matters relating to the Standing Orders. The Committee is further mandated to propose amendments to the Standing Orders for approval by the County Assembly. The Committee is further mandated to rules for the orderly and effective conduct of Committee business.

The Committee undertook a workshop to scrutinize the various proposed amendments to the Standing Orders including amendments to provide for the County Executive Committee Members to appear in the County Assembly to answer to Honorable Members' Questions. The workshop was held from Thursday, 5th to Sunday, 8th September 2024, at Muthu Nyali Beach Hotel, Mombasa County.

3.0 PROPOSED AMENDMENTS TO THE STANDING ORDERS

Following a resolution of the County Assembly during its retreat held from 14th to 18th August, 2024 at Lake Naivasha Resort in Nakuru County to invite the County Executive Committee Members to answers to the questions raised by the Members on the floor of the Assembly, the Select Committee on Procedure and Rules considered the resolution and proposed the following amendments to the Standing Orders: -

STANDING ORDER	AMENDMENTS	JUSTIFICATION
New Standing Orders	Introduce the following new Standing Orders. PART XIA: QUESTIONS Notice of Question 47A (1) A Member proposing to ask a Question in the County Assembly shall give notice to the Clerk.	— To provide for the County Executive Committee Members to appear before the County Assembly

	<p>(2) The Member shall deliver a signed copy of the proposed Question to the Clerk for submission to the Speaker for approval.</p> <p>(3) Where the Speaker approves a Question and determines the County Executive Committee Member responsible for the matters to which it relates, the Clerk shall, at an appropriate time, publish the Question in the Order Paper.</p> <p>(4) In scheduling a Question in the Order Paper, the Clerk shall consider the urgency of the Question as determined by the Speaker.</p> <p>(5) The Leader of the Majority Party shall inform the County Assembly of the date, time and order in which County Executive Committee Members shall appear to reply to Questions and provide Reports to the County Assembly and Committees, subject to paragraph (7).</p> <p>(6) A Member shall ask his or her Question on the day it is scheduled in the Order Paper.</p> <p>(7) In determining the date and time when a County Executive Committee Member shall be required to answer a Question, the Leader of the Majority Party shall consider the urgency of the Question as determined by the Speaker.</p> <p>(1) The Speaker may vary the order in which Questions shall be disposed of or defer a Question scheduled to be responded to.</p> <p>(2) A County Executive Committee Member shall attend and answer any Question concerning matters for which the County Executive Committee Member is responsible.</p>	<p>to answer to questions raised by the Members.</p> <p>— To provide for procedure in discharge of questions raised by Members.</p>
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General Rules on Questions

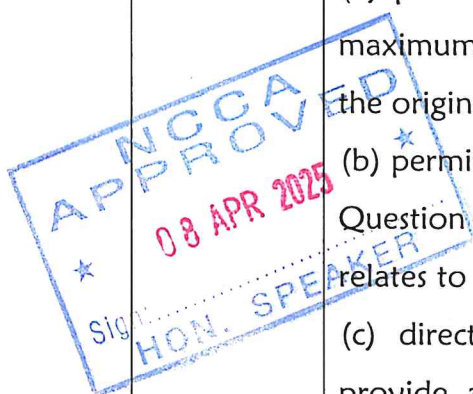
47 B (1) These rules apply to Questions raised in the County Assembly and replied to in the County Assembly or before a Committee.

(2) Except as the Speaker may otherwise allow, a Member may not ask a Question which—

- (a) is in effect a speech;
- (b) is lengthy;
- (c) is limited to giving information;
- (d) is framed so as to suggest its own reply or to convey a particular point of view;
- (e) includes extracts from newspapers or quotations from speeches;
- (f) contains any argument, inference, opinion, imputation or ironical or offensive expression or epithet;
- (g) seeks an expression of opinion;
- (h) repeats in substance a matter already addressed by a Committee of the County Assembly or in the course of debate in the Assembly during the same Session;
- (i) refers to more than one subject;
- (j) includes the name of a person or a statement not strictly necessary to render the Question intelligible;
- (k) contains an allegation which the Member is not prepared to substantiate;
- (l) implies an allegation of a personal nature or which reflects upon the conduct of a person whose conduct can only be challenged through a Substantive Motion or upon the conduct of any other person otherwise than in that person's official or public capacity;

	<p>(m) relates to a matter which is sub judice or which by any written law is secret pursuant to Standing Order 97 (Matters sub judice or secret);</p> <p>(n) falls within the functions and powers of National Government as contemplated under Part I of the Fourth Schedule to the Constitution of Kenya 2010;</p> <p>(o) seeks a reply that is readily available in ordinary works of reference or official publications; or</p> <p>(p) refers to a matter under consideration by the County Assembly or a Committee.</p> <p>(3) A Member shall take responsibility for accuracy of the facts upon which a Question is based.</p> <p>(4) A Member may, with leave of the Speaker, ask a supplementary question to a Question raised in the County Assembly before it is referred to a County Executive Committee Member for reply.</p> <p>(5) Where the Member scheduled to raise a Question in the County Executive is absent without the Speaker's permission, the Question shall be dropped and no further proceedings shall be allowed on the Question during the same Session.</p> <p>(6) A Member scheduled to ask a Question in the County Assembly may—</p> <p>(a) request the Speaker to defer a Question to another time or day;</p> <p>(b) withdraw a Question where it has been overtaken by events; or</p> <p>(c) at least two hours before a sitting, nominate another Member to ask the Question in his or her absence by notifying the Speaker in writing;</p>	
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	<p>(7) The Speaker may defer a Question to a different time or day from its scheduled time and day.</p> <p>(8) A Question may include a request for a Report from a County Executive Committee Member concerning matters under the control of the County Executive Committee Member.</p>	
	<p>Manner of disposing Questions</p> <p>47C. (1) A County Executive Committee Member shall provide physical and electronic copies of the reply to a Question at least a day before appearing before the County Assembly.</p> <p>(2) Subject to Standing Order 47A (Notice of Question), the County Assembly shall dispose of a Question in the sequence it appears in the Schedule of Questions or as the Speaker may direct.</p> <p>(3) The Speaker may—</p> <p>(a) permit the Member who raised a Question to ask a maximum of three supplementary Questions that relate to the original Question;</p> <p>(b) permit a Member other than the Member who asked a Question to ask a further supplementary Question that relates to the original Question;</p> <p>(c) direct a County Executive Committee Member to provide additional information or a further reply to a Question or supplementary Questions to the relevant Committee of the County Assembly; or</p> <p>(d) defer a Question to a different time or day from its scheduled time and day.</p> <p>(4) A County Executive Committee Member shall reply to a Question on the day it is scheduled for reply</p>	



notwithstanding the absence of the Member who raised the Question.

Questions for written reply

47D. Where a Member prefers a written reply to his or her Question—

(a) the Speaker shall direct that a written reply be provided in respect of the Question; and

(b) the Clerk shall forward the Question to the relevant County Executive Committee Member and, upon receipt, provide the written reply to the Member.

Timeline for reply

47E. (1) Subject to paragraph (2), a County Executive Committee Member shall reply to a Question within seven days of referral of the Question.

(2) Where the Speaker determines a Question to be urgent, a County Executive Committee Member shall reply to the Question within forty-eight hours of referral of the Question.

Report on Questions

47F. The Chairperson of a Committee shall by way of a Statement report to the County Assembly on Questions—

(a) referred to the Committee;

(b) replied to;

(c) which the Committee has directed a County Executive Committee Member to provide additional information or further reply; and

(d) pending before the Committee.

Amend Standing Order 42	<p>Weekly programmes of the Business of the County Assembly 42.</p> <p>The Clerk shall prepare and publish on the County Assembly website a weekly programme showing the business of the County Assembly, a tentative list of County Executive Committee Members scheduled to reply to Questions and provide Reports to the County Assembly, and a schedule of sittings of the various Committees; and shall circulate such programmes to Members, Sectors, and the media not later than the Friday of the week preceding such business.</p>	
Amend Standing Order 43	<p>Sequence of proceedings</p> <p>43. (1) Each day after Prayers have been said and the County Assembly has been called to order, the Business of the County Assembly shall be proceeded with in the following sequence—</p> <ul style="list-style-type: none"> (a) Administration of Oath; (b) Communication from the Chair; (c) Messages; (d) Petitions; (e) Papers; (f) Notices of Motion; (g) Questions and Statements; (h) Motions and Bills. <p>(2) Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly, direct.</p> <p>(3) On Wednesday afternoon Questions and Reports by County Executive Committee Members shall have priority over all other business for a period not exceeding three hours.</p>	<p>Make provisions for the County Executive Committee Members to answer to questions and Statements</p>

	(4) The Speaker shall direct the Clerk to read the Orders of the Day without question put.	
	<p>Questions to County Boards</p> <p>47G. (1) Subject to paragraph (2) this Part shall apply to a Question directed to a County Board with necessary modifications.</p> <p>(2) A County Board to which a Question is directed shall reply before the relevant Committee of the County Assembly.</p>	

The Committee further undertook a workshop to scrutinize the various proposed amendments to the Standing Orders including amendments to provide for the Select Committee on Powers and Privileges as provided in Section 15 of the County Assemblies Powers and Privileges Act, 2017. The workshop was held from 20th to 23rd February, 2025 at Epashikino Resort, Nakuru County. The amendments were as follows:-

STANDING ORDER	AMENDMENT	JUSTIFICATION
New Standing Order 36A	<p>36A Temporary suspension of a Sitting</p> <p>(1) At any time during proceedings, a Member may, for reasons stated, claim to move “That, the Assembly do suspend its proceedings for ...(Minutes/hours) in order to....”</p> <p>(2) The Speaker shall propose the Motion forthwith or if in the opinion of the Speaker that such Motion for suspension is frivolous, vexatious or an abuse of the proceedings of the County Assembly, decline to propose</p> <p>(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.</p> <p>(4) No Member speaking on a matter under this Standing Order shall speaker for more than five minutes, unless with the permission of the Speaker.</p>	To provide the Assembly moment during the proceedings to deal with/resolve any matter of concern for seamless dispensing of the County Assembly Business

	(5) A suspension under this Standing Order shall not exceed sixty minutes or such other time as the Speaker may direct.	
New Standing Order 208A	<p>Select Committee on Powers and Privileges 208A.</p> <p>(3) There is established, for each county assembly, a committee known as the Committee of Powers and Privileges consisting of—</p> <p>(a) the Speaker, who shall be the chairperson of the Committee, Majority Leader, Minority Leader; and</p> <p>(b) Not more than five other members, who shall be nominated by the County Assembly parties and approved by the County Assembly, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independents.</p> <p>(4) In nominating the Members in 1(b) above, the parties and the Select Committee on Selection shall take into account the individual Member's conduct and probity in the course of his/her collective tenure as a Member of the County Assembly.</p> <p>(5) A soon as practicable after its constitution, the County Assembly Select Committee on Powers and Privileges shall elect a Vice-Chairperson from amongst the Members of the Committee.</p> <p>(6) The quorum of the Committee shall be a third of the Members of the Committee, including the Speaker.</p> <p>(7) The functions of the Committee of Powers and Privileges shall be to—</p> <p>(a) either of its own Motion or as a result of a compliant made by any person, to inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege in terms of section 16; and</p>	To provide for establishment of the Committee pursuant to the provisions of Section 15 of the County Assemblies Powers and Privileges Act, 2017

	<p>(b) perform such other functions as may be specified in the County Assemblies Powers and Privileges Act, 2017 and the Standing Orders.</p> <p>(8) In discharging its functions, the Committee shall be guided by the Constitution of Kenya, 2010, relevant Statutes of Parliament, County Assembly Standing Orders and Parliamentary practices and Procedures.</p> <p>(9) To safeguard its proceedings and records; and the provisions of Standing Orders 192 and 196 notwithstanding, the Select Committee on Powers and Privileges shall reserve the right to admission of non-Members and the public respectively into its meetings.</p> <p>(10) A decision of the Committee shall be made by two-third of its Members.</p>	
New Standing Order 108 (1) A	(2) The security check or screening under paragraph (1) shall extend to a handbag or other accessory that a Member intends to enter with into the Chamber.	Safety reasons
Standing Order 109 be amended	<p>Firearms and other Offensive Weapons</p> <p>109. (1) A Member shall not bring a firearm or any offensive weapon into the Chamber or Committee Rooms and any such weapon must be deposited with the Sergeant-at-Arms for safe custody before entering the Chamber or Committee Rooms, and collected at the time of leaving the Chamber or Committee Rooms.</p> <p>(2) Members with firearms must deposit it with the Sergeant-at-Arms for safe custody upon entry into the main County Assembly building.</p>	Safety reasons
New Standing Orders 137A	<p>Limits on consideration of matters by Committee</p> <p>137A. A Committee shall not consider any matter other than a matter which has been referred to it or which it is required by these Standing Orders to consider.</p> <p>Committee of the Whole County Assembly may not adjourn</p> <p>137B. A Committee may not adjourn its own sitting or the consideration of any matter to a future sitting, but the Chairperson may by Motion be directed notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the County Assembly and ask leave to sit again.</p>	Salient procedures in the Committee of the Whole Assembly

	<p>Report</p> <p>137C. When all the matters referred to a Committee of the whole Assembly have been considered, the Chairperson shall be directed by Motion to report to the County Assembly.</p> <p>No debate on Motion for Report</p> <p>137D. (1) When a Motion is made in Committee to report or to report progress and ask leave to sit again, the question shall be put forthwith and decided without amendment or debate and if the question is agreed to the Chairperson shall forthwith leave the chair.</p> <p>(2) Except as otherwise provided by these Standing Orders, every report under paragraph (1) shall be made without question put, and may, by Motion, be agreed to or negatived by the County Assembly or re-committed to the Committee, or postponed for further consideration.</p> <p>General application of rules in Committee of the Whole Assembly</p> <p>137E. Except as otherwise provided in these Standing Orders, the same rules of order and of debate for the conduct of business shall be observed in Committee of the Whole County Assembly as in the County Assembly.</p>	
<p>New Standing Orders</p>	<p>Membership of Committees</p> <p>169A. (1) Every Member shall have the right to serve in at least one Committee of the County Assembly.</p> <p>(2) A Member may waive the right to serve in a Committee of the County Assembly by notifying the Speaker in writing.</p>	<p>To conform to the provisions of Section 14(4) of the County Governments Act, 2012</p>
<p>Amend Standing Order 206</p>	<p>(2) The Committee shall comprise the Speaker as chairperson, the Deputy Speaker, and not more than nine other Members.</p> <p>The Vice-Chairperson shall be elected among the nine Members of the Committee.</p>	<p>Clear provisions on the vice-chair of the Committee</p>

<p>New Standing Orders</p>	<p>Public Petitions Committee</p> <p>208A. (1) There shall be a select committee to be designated the Public Petitions Committee.</p> <p>(2) The Committee shall be responsible for—</p> <p>(a) considering all public petitions tabled in the County Assembly;</p> <p>(b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;</p> <p>(c) recommending whether the findings arising from consideration of a petition should be debated; and</p> <p>(d) advising the County Assembly and reporting on all public petitions committed to it.</p> <p>(3) The Committee shall consist of a Chairperson and not more than fourteen other Members.</p> <p>(4) The Committee constituted immediately following a general election shall serve for a period of three calendar years and the Committee constituted thereafter shall serve for the remainder of the County Assembly term.</p>	<p>Timely response to public petitions</p>
<p>New Standing Order 151A</p>	<p>Consideration of a Policy</p> <p>151A (1) A policy requiring the County Assembly's approval shall be submitted to the Clerk who shall assign it a number as a Sessional Paper and process it for tabling.</p> <p>(2) A Sessional Paper having been laid on the Table of the County Assembly shall stand committed to the relevant Sectoral Committee without question put.</p> <p>(3) Notwithstanding paragraph (2), the County Assembly may resolve to commit a Sessional Paper to a select Committee established for that purpose.</p> <p>(4) The Sectoral Committee to which a Sessional Paper is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly.</p> <p>(5) The Chairperson of the Sectoral Committee to which a Sessional Paper is committed or a Member designated for that purpose by the Committee shall present the Committee's report to the County Assembly within thirty calendar days of such committal together with a notice of Motion.</p> <p>(6) The County Assembly Business Committee in consultation with the relevant Committee shall appoint a</p>	

	<p>date not later than fourteen (14) days to debate and adopt the Committee's report on a Sessional Paper.</p> <p>(7) Upon the adoption of the Committee report, the Clerk shall submit the resolution to the County Executive for further action.</p>	
<p>New Standing Order 236A</p>	<p>Consideration of Reports from County Boards; Controller of Budget; Auditor-General; County Executive; and other statutory institutions</p> <p>236A A report from the Controller of Budget, County Boards, Auditor-General or County Executive and other statutory institutions requiring the County Assembly's consideration shall be submitted to the Clerk who shall process it for tabling.</p> <p>(2) A report having been laid on the Table of the County Assembly shall stand committed to the relevant Select Committee without question put.</p> <p>(3) The Select Committee to which a report is committed shall scrutinize it and make its report to the County Assembly within sixty(60) calendar days of such committal together with a notice of Motion.</p> <p>(4) The County Assembly Business Committee in consultation with the relevant Committee shall appoint a date not later than fourteen (14) days to debate and adopt the Committee's report.</p> <p>(5) Upon the adoption of the Committee report, the Clerk shall submit the resolution to the County Executive or/ implementation agency for further action.</p>	<p>To provide guidelines in consideration of reports before the County Assembly</p>

4.0 COMMITTEE RECOMMENDATIONS

Following the proposed amendments to the Standing Orders, the Committee recommend the following for adoption by the County Assembly: -

1. That the County Assembly adopts the proposed amendments to the Standing Orders; and
2. That the proposed amendments to take effect immediately after the adoption of this report by the County Assembly.

