



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Wednesday 14th February 2024

The House met at 2.30 p.m.

[The Temporary Speaker (Hon. Malyun Abdi) in the Chair]

PRAYER

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

QUORUM

Hon. Temporary Speaker: Clerk, confirm whether there is quorum.

(Clerk-at-the-Table confirmed there was quorum)

Order, Hon. Members! The House is fully constituted; we are back to business. Happy new year, you are all welcome.

PAPER

PUBLIC FINANCE MANAGEMENT ACT (NAIROBI FESTIVALS FUND) REGULATIONS, 2023

Hon. Anthony Karanja: Thank you, Hon. Speaker. Pursuant to Section 11 of the Statutory Instruments Act, 2013 and Standing Order No. 208 (2), I beg to lay the following Paper on the Table of this Assembly, today, Wednesday 14th February 2024:

The Public Finance Management Act (Nairobi Festivals Fund) Regulations, 2023.

(The Paper was laid on the Table)

Hon. Temporary Speaker: Thank you. I have committed this to the Committee of Delegated Legislation.

NOTICE OF MOTION

RENEWAL OF THE MANDATE OF THE AD HOC COMMITTEE

Hon. Peter Imwatok: Happy Valentine's Day, Madam Speaker and the entire House. I was struggling to walk along the Koinange Street because the entire road is full of people. As SDA, we do not partake, but Happy Valentine's Day for those who do, and Happy New Year.

I beg to give Notice of the following Motion:

THAT, aware that at the Sitting of the County Assembly held on Wednesday 11th October 2023, the County Assembly approved a Motion to establish an Ad Hoc Committee to investigate into the performance of Nairobi City County Revenue Collection System and administration;

FURTHER AWARE THAT, on 1st November 2023, the County Assembly approved a subsequent motion constituting the said Ad Hoc Committee;

APPRECIATING THAT, pursuant to Standing Order No. 211 (4) (b), the mandate of the Committee elapsed on Wednesday 31st January 2024 while the County Assembly was still on long recess, prior to which, the Committee had notified the Hon. Speaker on the then impending lapse vide a memo dated 25 January 2024;

ACKNOWLEDGING THAT, the Committee has undertaken a tremendous amount of work in execution of its mandate;

NOTING THAT, the circumstances surrounding gaps in revenue collection in the County continue to evolve while the Committee is yet to meet some crucial witnesses and visit various sites whose evidence and findings are crucial in the inquiry;

NOW THEREFORE, notwithstanding the provisions of Standing Order No. 22 (11) (4) (b), the County Assembly resolved to renew the mandate of the Ad Hoc Committee by a further period not exceeding 45 days with effect from 1st February 2024, and to Table its final report on/or before Tuesday 19th March 2024.

Madam Speaker, I beg to lay this Notice of Motion.

Hon. Temporary Speaker: Thank you Hon. Majority Leader. Next Order!

STATEMENTS

BUSINESS APPEARING BEFORE THE ASSEMBLY FOR THE WEEK BEGINNING WEDNESDAY 14TH FEBRUARY 2024

Hon. Kame Adano: Hon. Speaker, pursuant to Standing Order No. 47 (2) (a), on behalf of the Assembly Business Committee, I rise to give the following Statement regarding the Business appearing before the Assembly for the week beginning Wednesday 14th February 2024 at 2.30 p.m.

Hon. Speaker, the Assembly Business Committee met on Tuesday 13th February 2024 to allocate Business for the week for consideration by this Assembly. In that regard, Hon. Speaker, allow me to brief the assembly as follows;

1. That, Wednesday 14th February 2024 under Order No. 8, 9, 10, 11, 12, 13, 14 and 15, we will be considering the under listed Business respectively:
 - a) Procedural motion by the Leader of the Majority Party on limitation of debates sponsored by the parties or committees;
 - b) A procedural motion by the Leader of the Majority Party on limitation of debate on motions;
 - c) A procedural motion by the Leader of the Majority Party on limitation of debate on individual members' bills;
 - d) A procedural motion by the Leader of the Majority Party on limitation of debate on reports;
 - e) A procedural motion by the Leader of the Majority Party on limitation of debate on the motion on the address by the Governor;
 - f) A procedural motion by the Leader of the Majority Party on limitation of debate on the adjournment motion;
 - g) A motion by the Leader of the Majority Party on the approval of the Assembly Calendar for the Third Session; and
 - h) A substantive motion by the Chairman of the Ad Hoc Committee on inquiry on the County Local Revenue Collection System and Administration.
2. Further, on Thursday 15th February 2024 under Order No. 8 and 9, the Assembly shall be considering the under listed Business items respectively:
 - a) The Second Reading of the Nairobi City County Climate Change Management Bill 2023 (Assembly Bill No. 4 of 2023); and
 - b) A substantive motion by the Member for Clay City Ward, Hon. Mwaura Samora, urging the County Executive to develop a Nairobi City County Virtual Artisan Bureau that will vet, license and link Artisans to those who require their services for promotion of economy in the County;
3. On Tuesday 20th February 2024, the Assembly will be considering the motion by the Member for Roysambu Ward, Hon. Sospeter Mumbi, urging the County Executive to conduct a registration of all solid waste collectors in the County, and through a public notice encourage placing a signage at the entrance of all residential storey buildings indicating the solid waste collectors name, business number and collection license number to ensure compliance.

Hon. Speaker, the Assembly Business Committee urges the Members of this Assembly to familiarize with the aforementioned bills and motions and prepare accordingly for the debate, through the help of our Research Department. Details of the bills and motions can be obtained in the Notice Paper, being the last page of today's Order Paper.

Hon. Speaker, the Assembly Business Committee shall be informing this Assembly through their designee the allotted business every Wednesday during the Statements Hour for timely preparations.

Finally, Hon. Speaker, the Assembly Business Committee will meet again on Tuesday 20th February 2024 at the rise of the Assembly to ballot Business for the subsequent week.

I now wish to lay the Statement on the Table of the Assembly. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Kame. Next Order!

PROCEDURAL MOTIONS

LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

Hon. Peter Imwatok: THAT, pursuant to the provisions of Standing Order 106 (1), this Assembly orders that, each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: -

A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that order.

Madam Speaker, I beg to move and ask my counterpart to second.

Hon. Temporary Speaker: Hon. Minority Leader, please.

Hon. Anthony Karanja: Thank you, Hon. Speaker, I beg to second the Motion.

(Loud consultations)

Hon. Temporary Speaker: Order, Hon. Members!

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the Motion. The screen is clear. I now call the Majority Leader to reply.

Hon. Peter Imwatok: Madam Speaker, I beg to reply.

(Question put and agreed to)

LIMITATION OF DEBATE ON MOTIONS

Hon. Peter Imwatok: THAT, pursuant to the provisions of Standing Order 106 (1), this Assembly orders that, each speech in a debate on any Motion, including a Special motion be limited in the following manner: -

A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply---

(Loud consultations)

Hon. Temporary Speaker: Hon. Members, there is a serious Business that the House is transacting, kindly get seated and listen to the Majority Leader, give him the space that he requires. Chairperson, Delegated, kindly sit down.

Hon. Peter Imwatok: Thank you, Madam Speaker for protecting me; that is the girl child power. I respect that, have my flowers.

Before the expiry of the time the Mover shall be called upon to reply and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that order.

My counterpart, to second.

Hon. Anthony Karanja: Thank you, Majority Leader. Hon. Speaker, I would like to second.

Hon. Temporary Speaker: Thank you, Hon. Members.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question.

Hon. Peter Imwatok: Madam Speaker, I beg to reply.

(Question put and agreed to)

LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS

Hon. Peter Imwatok: Hon. Speaker, THAT, pursuant to the provisions of Standing Order 106 (1), this Assembly orders that, each speech in a debate on Bills not sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: -

A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that order.

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Madam Speaker, my counterpart, to second.

Hon. Anthony Karanja: Hon. Speaker, I second.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question. The screen is clear, the Leader of Majority to reply.

Hon. Peter Imwatok: Madam Speaker, I beg to reply.

(Question put and agreed to)

LIMITATION OF DEBATE ON REPORTS

Hon. Peter Imwatok: Madam Speaker, THAT, pursuant to the provisions of Standing Order 106 (1), this Assembly orders that, each speech in a debate on a Report of a Committee, a Sessional Paper or any other Report submitted to the Assembly, be limited as follows: -

A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party---

Hon. Temporary Speaker: Hon. Fiunifiu, please listen to the Majority Leader. Take your seat! Thank you.

Hon. Peter Imwatok who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Madam Speaker, I request my counterpart to second.

Hon. Anthony Karanja: Hon. Speaker, I second.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question. The mover to reply.

Hon. Peter Imwatok: Thank you, Members, Minority Leader and Madam Speaker. I beg to reply.


(Question put and agreed to)

LIMITATION OF DEBATE ON THE ADDRESS OF H.E THE GOVERNOR

Hon. Peter Imwatok: Hon. Speaker, THAT, pursuant to the provisions of Standing Order 106(1), and in furtherance to the provisions of Standing Order 27(5), this Assembly orders that debate on the Motion on the Address by the Governor be limited to no more than five (5) minutes for each Member Speaking, thirty (30) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of Minority Party.

Madam Speaker, I beg my counterpart to second.

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Hon. Anthony Karanja: Hon. Speaker, I second.

(Some Hon. Members left the Chamber)

Hon. Temporary Speaker: There is a serious business being tackled, Serjeant-At Arms, Members should not leave. Hon. Members, please respect these Motions and the Leaders of this Assembly. Thank you.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question. The mover to reply.

Hon. Peter Imwatok: Madam Speaker, I beg to reply.

(Question put and agreed to)

LIMITATION OF DEBATE ON THE
ADJOURNMENT MOTION

Hon. Peter Imwatok: Madam Speaker, THAT, pursuant to the provisions of Standing Order 106 (1), this Assembly orders that, the debate on any Motion for the Adjournment of the Assembly to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. Provided that, when the period of Recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

Madam Speaker, I ask my counterpart to second.

Hon. Anthony Karanja: Hon. Speaker, I beg to second.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question. The mover to reply.

Hon. Peter Imwatok: Madam Speaker, allow me to thank the entire House. As you are aware, procedural motions are guidelines towards our debates in the next one year. No debate can take place without guidelines and that is the essence of procedural motions. I am happy to say that we have gone with a good speed. The House is now almost passing the last procedural motion; it is officially a House of debate.

Thank you, Madam Speaker and the Clerk's Office for your guidance. The Leader of Minority, the entire team from the Minority side, and the entire team of the Majority side, thank you for coming and for passing these motions. May God bless you. I beg to reply.

(Question put and agreed to)

APPROVAL OF THE ASSEMBLY CALENDAR
FOR THE THIRD SESSION

Hon. Peter Imwatok: Madam Speaker, after passing the procedural motions, parliamentary precedence and practices request us to have a motion on the Calendar for the entire Session.

THAT, pursuant to the provision of Standing Order 31 (1), this Assembly approves the Calendar of the County Assembly (Regular Sessions) for the Third Session (2024), as contained in the Schedule.

Madam Speaker, this is important for this House to outline its Calendar and approve it. I request my counterpart to do the necessary.

Hon. Anthony Karanja: Thank you, Majority Leader. I beg to second this Motion on the Calendar. I would like also to urge... or do I second and comment later?

Hon. Temporary Speaker: There is no commenting, you are seconding.

Hon. Anthony Karanja: Okay, I second the Motion.

Hon. Temporary Speaker: Thank you, Hon. Minority Leader.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question. The mover to reply.

Hon. Peter Imwatok: Thank you, Madam Speaker and the entire House. I beseech the House to pass this Calendar so that we have a clear path towards the Second Session of the Third Assembly of Nairobi County Assembly. I beg to reply.

(Question put and agreed to)

MOTION

RENEWAL OF THE MANDATE OF THE AD HOC COMMITTEE

Hon. Peter Imwatok: Madam Speaker, THAT, aware that at the Sitting of the County Assembly held on Wednesday 11th October 2023, the County Assembly approved a Motion to establish an Ad Hoc Committee to investigate into the performance of Nairobi City County Revenue Collection System and administration;

FURTHER AWARE THAT, on 1st November 2023, the County Assembly approved a subsequent motion constituting the said Ad Hoc Committee;

APPRECIATING THAT, pursuant to Standing Order No. 211 (4) (b), the mandate of the Committee elapsed on Wednesday 31st January 2024 while the County Assembly was still on long recess, prior to which, the Committee had notified the Hon. Speaker on the then impending lapse vide a memo dated 25 January 2024;

ACKNOWLEDGING THAT, the Committee has undertaken a tremendous amount of work in execution of its mandate;

NOTING THAT, the circumstances surrounding gaps in revenue collection in the County continue to evolve while the Committee is yet to meet some crucial witnesses and visit various sites whose evidence and findings are crucial in the inquiry;

NOW THEREFORE, notwithstanding the provisions of Standing Order No. 22 (11) (4) (b), the County Assembly resolved to renew the mandate of the Ad Hoc Committee by a further period not exceeding 45 days with effect from 1st February 2024, and to Table its final report on/or before Tuesday 19th March 2024.

Madam Speaker, this is a very important Committee, you gave us the mandate. I happen to be the Chair of this Committee. I must appreciate all the Members of this Ad Hoc Committee. The Chair of ICT, the Leader of Minority, Mheshimiwa Katile, Mheshimiwa Musangi, Mheshimiwa Matara, and Mheshimiwa Wilfred Odalo, the Vice Chair, I must laud you for your commitment. Friends of the Committee like Mheshimiwa Robert Alai, Mheshimiwa Oyugi, Mheshimiwa Helen, Mheshimiwa Ochieng Jera, Mheshimiwa Regi and all those Hon. Members who have been walking with us in this journey during the recess, thank you. We have been sitting in this Chamber with different witnesses even in December.

What we have gotten so far is almost enough from what you gave us to do. We have asked for extension because we have about two or four witnesses yet to appear before us, and then we do site visits so that we clearly know who runs our system. Is the money we get from the County Government exact reflection of what is collected on a daily and monthly basis? Can we reconcile the system versus the money in the account? That is what, Madam Speaker, I still beseech the House that this Committee is committed to bringing a very valid report. We are only begging for this extension and we promise that before 19th March 2024, we will all be here to debate on this report. I want to assure the House that there is no amount of anything whatsoever that can derail this Committee from delivering what Nairobians want. We want genuine revenue that is collected genuinely and given to the County Government in a genuine manner that is transparent.

So far, Madam Speaker, all the witnesses that have been before us, no one to this extent knows where our servers are. I understand that someone asked somebody somewhere why the Leader of the Majority, the Chairperson of this Ad Hoc Committee, is so obsessed with the server. Yes, I am, because that is the kitchen that cooks our revenue. It might be leaking, but we want to see our kitchen. It might not have locks, but we need to know if it is safe. We want to know who locks our server in the evening and opens it in the morning, who gives the rights to this server, and who has it. More will come when we will Table the report.

I beg to ask Madam Katile, on behalf of my counterpart, to second.

(Applause)

Hon. Diana Mwangangi: Thank you very much, Majority Leader. With the blessing of the Minority Leader, I will proceed to second the Motion and state that from the inception of our

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activity as the Ad Hoc Committee, we have done a number of activities. We started by setting up our work plan, and we proceeded with public participation, which we exhausted. We have also been meeting with witnesses, among them former service providers. We are just remaining with a little bit that we need to exhaust so that we can be able to give a workable report to this Assembly and adopting all that has been said by the Majority Leader. I beg to second.

(Question proposed)

Hon. Temporary Speaker: Hon. Members, you may now debate on the question. Hon. Kennedy Oyugi.

Hon. Kennedy Oyugi: Thank you, Madam Speaker. Indeed, as rightly put by the Majority Leader, I am one of the friends of the committee who have been attending the sessions.

Majority Leader, with a lot of respect, you are a seasoned Member of this House, and I want to remind the House that we are all Members of the Common Wealth Parliament. We share so many similarities across the Common Wealth parliaments. I want to bring to the attention of the House that an Ad Hoc Committee has specific timelines. And as it is explicitly clear in our Standing Orders, which is 211 (4) (b), if you allow me, Madam Speaker, I will read.

“An Ad-Hoc Shall submit its report to the Assembly within three months and shall, upon submission of the report, stand dissolved.”

Nowhere in any Common Wealth parliament is there a provision for extension of an ad hoc committee, and I repeat nowhere. Therefore, Majority Leader, again with allot of humility, I would only request you that you request the House for an extension of one week to go and do the report, not for another 45 days.

Madam Speaker, again if I take you to Standing Order 211 (4) (b)... I want your full attention. Finish with the Clerk, then I proceed.

Madam Speaker, Standing Order 211 (4) (b) reads:

“An ad hoc committee may not deal with a matter that falls under the mandate of another committee.”

Madam Speaker, I am on record at the formation of this Committee, I opposed it because the matters revenue was falling under a specific committee. Therefore, it was a mistake forming an Ad-Hoc Committee to deal with revenue because revenue fell under Budget Committee. Therefore, extension must and should be opposed by all Members. I want to beseech my colleagues, we have respected leadership led by the Majority Leader, Hon. Peter Imwatok, on this one, let us all agree that as lawmakers we should not be bending laws to suit our needs. Let us stick to what is written in the law. Our guiding book here is called Standing Order, and we must stick to what is stipulated in the Standing Order.

For that matter, the Majority Leader, with a lot of humility, I oppose and beseech Members that let us follow the rule. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Oyugi. I think when the Ad Hoc Committee was formed, the Members of the Assembly approved. Now, it is up to the Assembly to disapprove the extension of the Ad-Hoc Committee. So, let us hear other members. Hon. Jera.

Hon. Samson Ooko: Thank you, Madam Speaker. I used to attend the Ad Hoc Committee meetings. Hon. Oyugi has come up with a thought which I think he sat down, investigated and decided to come up with the matter. This Ad Hoc Committee was formed here by the Members and they gave it the mandate to go out and inquire, investigate, and get a report on how revenue collections have been managed over the years. It is us Members who always complain about our allowances as we are not always paid on time. All the time we are told there is no money while we collect money. That is why I supported the motion to form this Committee so that we can have money in our kitty, both in the Assembly and the Executive side.

Another reason I want this system to be investigated, I want the Majority Leader in future after having this money, to ensure that the WDF is managed elsewhere and not by the Executive. Contractors do work but are not paid in time because there is a lack of money. At times we are told that our salaries are borrowed elsewhere. Why can't we give the Ad Hoc Committee time to investigate and come up with a proper report so that we are able to know where our money goes and how much we collect every time?

I am not accusing any Member, but I know some of the Members here have been invited somewhere to come and shoot down this Motion. I beseech you that let us not shoot down this Motion because of self-interests. It is about this House. I support this Motion. Thank you.

Hon. Temporary Speaker: Thank you, Hon. Samson. Hon. Jeremiah Themendu.

Hon. Jeremiah Themendu: Thank you, Madam Speaker. I think the matter before the Assembly today is very serious. The reason we formed this Committee is because it is within our mandate to do oversight, particularly with the money that has been collected from our taxpayers. As a Member of ICT Committee, for several years we have summoned chief officers and directors, but they do not know where the server is located, the company that is collecting our money, and how much they are collecting on a daily basis. So, it is a serious matter that needs serious action. Since the Committee has not reached where we wanted them to reach, it should be added more time to go and complete the work that they were mandated to do.

I concur with Hon. Jera that we are having problems concerning funds. We are being told there is no money even for repairing lights in our wards. There is a timetable for repairing lights in every ward, but all the lorries used for repair are grounded because of lack of fuel. Even if the Committee is added another 45 days, it is well and good so long as we know where our money is. We need them to come up with a proper report which should help Nairobians go ahead with the development they deserve. I support the extension of time. Thank you, Madam speaker.

(Applause)

Hon. Sospeter Mumbi: Thank you, Hon. Speaker for this opportunity. When I read Standing Order 211 (4) (b), I think the word ‘shall’ is very clear, and when you talk about ‘shall’, it is mandatory that we confine ourselves within the specified law. That Standing Order says;

“An Ad-Hoc Committee shall submit its report to the Assembly within three months and shall, upon submission of the report stand dissolved.”

There are two angles here, Hon. Speaker. We agree that we are guided by the spirit of the Standing Order, but here we find ourselves in a quagmire where the Standing Order does not provide us with a room for extension. But when we come on the other end and look at the value of the Ad Hoc Committee or the benefits that will come with the report that will be submitted in this House, it is upon us as Hon. Members to ask ourselves whether we dissolve the Committee and starting again or are we safe when we give an extension so that we can enjoy the benefits that will come with the said report. Having said that, Hon. Speaker, I would want to support it on that ground.

Allow me to end by saying as follows; that under Standing Order No. 1, the Speaker has the powers to give directions because where the Standing Order is silent, it is upon the Speaker to give a ruling on the said motion or question. There is something we should also ask ourselves, come March 19, 2024 when this report will be tabled in this House and it happens that the Committee will not have completed its mandate, will we have the same discussion in this Assembly when the Committee requests for another extension? We need to be clear on how many times the Ad Hoc Committee is allowed to seek for an extension. That is another question we need to be guided on

Lastly, moving forward, the Procedures and Rules Committee should think about how they can harmonize that Standing Order by providing room for extension so that come next time, we do not find ourselves in this kind of quagmire. Thank you, Hon. Speaker.

Hon. Temporary Speaker: Hon. Member, are you supporting or opposing?

Hon. Sospeter Mumbi: I have said that I am supporting. Thank you.

Hon. Temporary Speaker: Hon. Munuve Kimanzi.

Hon. Joel Kimanzi: Thank you, Madam Speaker. Based on what my colleague has just read, I think that is what the Standing Order says, but I want to beseech him to support so that the Committee can be added more days. If you go to Kariobangi North today, there are a lot of garbage on the roads that people cannot pass. I ask myself, if Nairobi County makes Kshs. 32 million every day, then where does this money go to? I would wish the Committee is added more days so that we can be able to know where this money goes to.

For the last few days, I have been making serious calls and everyone has been telling me that the County does not have fuel to fuel the trucks. Actually, in the morning, I even asked the Chief Officer of Transport and Mobility how much it costs so that I could foot the cost of the fuel for the five trucks. I really want to see a scenario whereby we are accountable. We need to know the monies that come into the County and how they are spent. It is sad that the people of Kariobangi North cannot enjoy the roads that are there because of garbage.

I want to ask my colleague to just crossover so that we can...

Hon. Temporary Speaker: Hon. Member, please address on the Chair.

Hon. Joel Kimanzi: I wish they could be added more days so that they can be able to work on these issues and we know where the leakages of our monies are. I support. Thank you.

Hon. Temporary Speaker: Hon. Robert Onyango.

Hon. Robert Alai: Thank you, Hon. Speaker. If the Standing Order says that you cannot extend the mandate of an Ad Hoc Committee because it takes up the role of a substantive committee, it is only fair that we change the Standing Order. But before we do so, we cannot extend the mandate of an Ad Hoc Committee, with a lot of reservations. I am between a rock and hard place because I also understand the argument by the Majority Leader and I sat in a few sessions of the Ad Hoc Committee. Even today in PAC, we met the Nairobi Revenue Authority. They have not even appeared on the Ad Hoc Committee. Last year, we passed a law here that gave them a mandate over revenue. They don't have funding nor any communication about revenue. They are totally in the dark. I would wish them to appear before the Ad Hoc Committee before it concludes its hearings. But what does the law say? If the Standing Order says that you cannot extend, you can't. I kindly oppose the Motion to extend the mandate of the Committee. Thank you.

Hon. Temporary Speaker: My screen is not showing any request. Hon. Deputy Majority Whip.

Hon. Stazo Omung'ala: Thank you, Madam Speaker. In all fairness, the Ad Hoc Committee that this Assembly passed and gave a mandate to investigate matters of revenue, has not tabled its report. But we have a gray area in our Standing Orders. An ad hoc committee has been formed, and we do not care if the committee has tabled the report or not. We do not care about the results of this committee, whether they are negative or positive. It is clear that when there is a gray area in law, the Speaker takes precedence. I beg to support that the Ad Hoc Committee be given time to at least table the report as provided by the law. Thank you, Madam Speaker.

Hon. Temporary Speaker: Hon. Dabar.

Hon. Dabar Mohamed: Thank you, Madam Speaker. Matters of revenue are sensitive. I have attended the Ad Hoc Committee as a friend of the committee. What I have seen is not a matter that can be concluded with the time given. The House has the power to change anything. This is a House of law and procedures. If the Committee can convince this House that they need more time, I concur and support to be given more time.

Madam Speaker, it happened that a resident of my area paid for plan approval through RTGS. It took up to three weeks for that money to reflect in the system. If I as an Hon. Member can look for that money for three weeks, what about an ordinary Nairobiian? This is not a matter to be politicized; it is a serious matter that needs the House to look into it and tread carefully. We want the Ad Hoc Committee, if we extend the time, to give sufficient report to this House so that Nairobiians can get services. I support this Motion. Madam Speaker, thank you.

Hon. Temporary Speaker: The move to reply.

Hon. Peter Imwatok: Madam Speaker, allow me to appreciate the entire House. Barack Obama once said, *“I will be very keen to listen to you, especially when we differ.”* That does not mean I do not agree with you, but I am keen to learn from what you are saying.

Madam Speaker, I want it to be on HANSARD; this is a House of records. Standing Order 211 (4) says;

“An Ad-Hoc Committee established under this Standing Order:

(a) May not deal with a matter that falls within the mandate of another Committee; and,

(b) Shall submit its report to the Assembly within three months and shall, upon submission of the report stands dissolved.”

In law, it means that so far, the Assembly has not received a report from this committee for the committee to stand dissolved.

Madam Speaker, if you go to Standing Order No 1 (1), and I read it in totality, Hon Members, with all respect;

“In all cases where matters are not expressly provided for by these Standing Orders or by other Orders of the County Assembly, any procedural question shall be decided by the Speaker.”

There is a cancellation of ‘shall’ under Standing Order No. 244 by Standing Order No. 1. Just like the premise of our Constitution Article (1); *“we, the people”*, Standing 1 (2) says:

“The decisions made in paragraph (1) shall be based on the Constitution of Kenya, statute law and the usages, forms, precedents, customs, procedures and traditions of Parliament and of County Assemblies of Kenya and other jurisdictions to the extent that these are applicable to Kenya.”

Madam Speaker, as a County Assembly, we are guided by precedence set by the National Parliament or the Senate. I want to quote a precedent set by the Senate through the report of Shakahola. It says;

“The Senate granted the committee 90 days to complete its investigations and table a report on or before 26th July 2023. However, the committee sought an extension through a motion that was adopted by the Assembly on 1st August 2023. The committee was granted a 30-day extension to conclude its work and to table a report on or before 5th September 2023. Due to the evolving nature of events on 3rd October 2023, the House granted the committee a further 14 days, from 5th October 2023, to conclude its work and table its final report on or before 19th October 2023.”

The precedent has been set by the Senate, and the County Assembly of Nairobi has no option but to borrow from the precedent under Standing Orders 1 (2).

Hon. Members, after expounding the law, I beg this House to do justice to the people of Nairobi. It is in your hands. God bless you. Madam Speaker, I beg to reply.

Hon. Temporary Speaker: Thank you, Hon. Majority Leader. I now put the Question.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Temporary Speaker: Hon. Members, there being no other Business, the House stands adjourned until tomorrow, Thursday 15th February 2024 at 2:30 p.m. Thank you so much for your cooperation.

The House rose at 4.43 p.m.