



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Tuesday 23rd April 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Kennedy Ng'ondi) in the Chair]

PRAYER

Hon. Speaker: Thank you, Hon. Members, you may be seated. Clerk, let us proceed.

COMMUNICATION FROM THE CHAIR

WELCOMING GUESTS TO THE ASSEMBLY

Hon. Speaker: Hon. Members, good afternoon. I have a Communication to relay, this is in regard to the visiting dignitaries who are privileged to sit at the Speaker's Gallery.

Hon. Members, today's sitting is graced by members of an eminent delegation who are here at the Assembly to give a courtesy call to the office of the Speaker and are seated in the Speaker's Gallery.

Hon. Members, the delegation comprises of the following:

1. Mr. Steve Andrew Wolf, who is a Kenyan German nominated by Christine Democratic Union (CDU) which is the Party of the former German Chancellor, Madam Angela Merkel and also the First Chancellor, Mr. Konrad Adenauer. You may wave thank you.

(Applause)

2. Mr. Joseph Kagai, who is a Jubilee Party Administrator at the Headquarters. Karibu.

(Applause)

3. Mr. Desmon Gitonyi from Jubilee Party Communication Section.

(Applause)

May I therefore take this opportunity, on behalf of the County Assembly of Nairobi, to extend a warm welcome to our esteemed guests and to appreciate you for finding it appropriate to visit our Assembly. Accordingly, I wish you all the best in all your engagements within our Assembly. Feel utmost welcome. Thank you.

Hon. Members, under Order No. 2, I still have a further communication to make, I don't know whether the message is with you, the-Clerk-at-the-Table. As we wait, let me defer the communication to a later time during the session. Kindly, let proceed to Order No. 3.

PAPERS

RECONSTITUTION OF PUBLIC ACCOUNTS AND WATER AND SANITATION COMMITTEES

Hon. Peter Imwatok: Hon. Speaker, pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 23rd April 2024:

The 6th Report of the Select Committee on Selection on Reconstitution of Select Committees on Public Accounts and Water and Sanitation.

(The Paper was laid on the Table)

SUPPLEMENTARY BUDGET ESTIMATES (1) FOR FY 2023/2024

Hon. Speaker: Chair, Budget and Appropriations Committee.

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Pursuant to Standing Order No. 196, I beg to lay the following Paper on the Table of this Assembly, today, Tuesday 23rd April 2024:

The 17th Report of the Select Committee on County Finance, Budget and Appropriations on the Supplementary Budget Estimates (1) for the financial year 2023/2024 for the Nairobi City County Government and Nairobi City County Assembly.

(The Paper was laid on the Table)

NOTICES OF MOTION

Hon. Speaker: Chair, Budget and Appropriations Committee.

Hon. Wilfred Odalo: Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to Standing Order No. 196, the Assembly adopts the 17th Report of the Select Committee on County Finance, Budget and Appropriations on the Supplementary Budget Estimates (1) for the financial year 2023/2024 for the Nairobi City County Government and Nairobi City County Assembly, laid on the Table of the Assembly, today, Tuesday 23rd April, 2024.

STATEMENTS**REQUEST FOR STATEMENT REGARDING OWNERSHIP
OF LAND LR. NO. 32354 IN SOUTH C WARD**

Hon. Speaker: Hon. Abass Khalif.

Hon. Nasra Nanda: Hon. Speaker, I rise to make this request for a Statement on behalf of Hon. Abass Khalif, with your permission.

Hon. Speaker: You may proceed, I have got a request by the Hon. Abass nominating you to appear and act on his behalf.

Hon. Nasra Nanda: Thank you, Mr. Speaker. I rise to make a request for Statement on the ownership of the parcel of land LR. No. 32354 in South C Ward.

Hon. Speaker, pursuant to Standing Order 47 (2) (c), I wish to request for a Statement from the Chairperson of the Sectoral Committees on Lands, Planning and Housing, and Justice and Legal Affairs regarding the ownership and development of the parcel of land LR. No. 32354 (Original LR. No.20273) in South C Ward.

Hon. Speaker, Article 40 of the Constitution of Kenya, 2010 provides for the rights for every person, either individually or in association with others, to acquire and own property of any description in any part of Kenya.

Hon. Speaker, there exists a dispute of ownership of the said parcel of land between ARJ capital Limited and Sienta Investment Limited. It is alleged that Sienta Investment Limited has applied to the Executive for the subdivision of the said parcel of land.

Hon. Speaker, on the other hand, it is also alleged that ARJ Capital Limited completed a change of user on the same parcel and surrendered the old title deed to the Lands Registry where a new title deed LR. No. 32354 was issued to them.

Hon. Speaker, in the Statement, the Chairperson should inquire into and report on:

- i. The ownership of the parcel of land in South C Ward;
- ii. Whether there was an application by Sienta Limited to subdivide the parcel of land LR. No. 32354 in South C Ward;
- iii. Whether the contested parties have been paying land rates to the County Government and for how long;
- iv. Whether the change of user of a parcel of land affects the land registration number of that said parcel of land; and
- v. Measures the County Executive is taking to ensure the contested parcel of land is solved amicably.

Thank you, Hon. Speaker.

Hon. Speaker: The chairpersons of Planning and Housing, and Justice and Legal Affairs to give the time frame they would want to respond to the request by the Member. Hon. Collins.

Hon. Collins Ogenga: Thank you, Mr. Speaker. We request for 14 days.

Hon. Speaker: You are appearing for which Committee?

Hon. Collins Ogenga: Planning, I am the Vice Chair.

Hon. Speaker: Thank you. Do we have the Chair of Justice and Legal Affairs? The Vice Chair? You may proceed, Hon. Hamisi.

Hon. Hamisi Maleya: Thank you, Hon. Speaker. I rise on behalf of my Chairman who is fully committed somewhere on matters party. I give an undertaking of 14 days.

Hon. Speaker: Thank you. Hon. Nasra, is that okay?

Hon. Nasra Nanda: Mr. Speaker, Sir, I wish to request that both chairpersons consider reducing the timeline indicated because, Hon. Speaker, I am aware that we would be on long recess after 14 days. So, my kind and humbly request to the chairpersons is if they could hasten the process and give us an earlier date for response. Thank you.

Hon. Speaker: Thank you.

COMMUNICATION FROM THE CHAIR

MINORITY PARTY LEADERSHIP

Hon. Speaker: Hon. Members, before we move to Order No. 8, I had indicated I would give a communication from the Chair. It is a bit elaborate but very much important and pertinent to the Assembly of Nairobi, for purposes of records and archives.

Hon. Members, I want to make a communication on the matter of the Minority Party leadership, and I want you to you to be very keen on this.

Hon. Members, my office is in receipt of several correspondences dating as far as October 2023 to as recent as yesterday 22nd April 2024, from the United Democratic Alliance (UDA) Party the Minority Party, in the Assembly, relating to the Party's leadership in the Assembly.

While I would have ordinarily responded to the letters from my Chambers, I have reviewed the correspondences and found it prudent that due to the serious legal and procedural issues it raises, I need to address those issues on the floor of this Assembly and put to an end to the speculations regarding the Minority leadership, and for orderly conduct of the House Business.

Hon Members, on Monday 23rd October 2023, I received a letter dated 22nd October 2023 from Hon. Joyce Muthoni, MCA, Deputy Minority Whip, communicating the removal of Hon. Anthony Kiragu, MCA and Hon. Mark Mugambi, MCA from the offices of Leader of Minority and Minority Whip respectively.

Equally, I received a letter Ref. UDA/I/NCA/04/2023 dated 23rd October 2023 from the Secretary General of UDA Party (the Minority Party), the Hon. Sen. Cleophas Malala, communicating the replacement of the aforementioned Members.

Further, I received a subsequent letter from the said Secretary General Ref. UDA/1/NCA/05/2023 dated 23rd October 2023 raising concerns on the validity of the process used to remove Hon. Anthony Kiragu and Hon. Mark Mugambi from their respective leadership offices.

Hon Members, as if that was not the end, I was served with Interim Orders issued on 24th October 2023 by the Political Parties Dispute Tribunal (PPDT) in Case No. PPDTC/E020/2023

Anthony Karanja & Mark Mugambi v United Democratic Alliance (UDA) & others, restraining me from enforcing and/or effecting the changes communicated by the UDA Party.

This was followed by another letter from the UDA Secretary General REF. UDA/1/NCA/07/2023 dated 25th October 2023 suspending its desire to change its leadership in the House. However, on Monday, 22nd April 2024, I received another letter from the Deputy Minority Leader dated 20th April 2024 now requesting me to effect the changes as communicated by Hon. Joyce Muthoni, MCA, and Deputy Minority Whip.

Hon. Members, faced with such conflicting correspondences, I have distilled the following two issues requiring my guidance:

1. Whether the provisions of the Constitution, the law and the Standing Orders have been complied with by the Minority Party as regards the proposed changes in its leadership in the House; and
2. Who is the lawful authority to make and communicate the decision of the Minority removing and replacing its leadership?

Hon. Members, on the first issue, our Standing Orders and the established precedents either in this House or in comparable jurisdictions are very clear on the procedure for removal and replacement of the House leadership. From the onset, I wish to make it clear that the Chair is blind to affairs of political parties represented in the County Assembly.

My role, if any, is to arbitrate conflicts that may arise on the floor and ensure strict adherence to our Standing Orders and precedents set. I therefore strongly associate myself with the views expressed in a ruling of Hon. Jonathan Lucas Hunt, M.P., the then Speaker of the New Zealand House of Representatives whom while giving direction on the nexus between parties and the House, and how their affairs in as far as the House is concerned, noted as follows, and I quote:

"...that whether under the Standing Orders or the Electoral Act, the Speaker is not concerned with what persons outside the House do, but only with what Members of the House do by way of giving formal advice of changes to party arrangements through the mechanisms provided for in the Standing Orders. That the Speaker only acts on formal advice and does not take the initiative. How Members conduct themselves politically is a matter for them to determine (sic)".

Hon. Members, the Chair as an independent and impartial arbiter, I am only guided by the law as presently enacted and with democratic principles set in the Constitution of Kenya, 2010. Indeed, on many occasions, myself and other Chairs who have occupied this seat have always rose to the occasion and provided the necessary guidance when questions of law and procedure have been raised.

Hon. Members, the procedure for the removal of party leadership, which applies to both sides of the Majority and Minority, is provided for in Standing Orders 22 and 23 respectively of our Standing Orders. However, in the interest of the present matter, Standing Order 23 (8, 9 & 10) provides:

(8) A Member designated under paragraphs (1), (2), (3) or (4) may be removed by the party or coalition of parties that designated him or her by two thirds of votes of all Members of the second largest party or coalition of parties in the County Assembly:

(9) The Whip or the Deputy Whip in absence of the Whip of the second largest party or coalition of parties in the County Assembly shall forthwith, upon a decision being made under this Standing Order, communicate to the Speaker in writing the decision together with the minutes of the meeting at which the decision was made; and

10) The removal of a Member from office under paragraph (8) shall be followed by the designation of such Member in his place in the manner provided for under paragraph 1 of this Standing Order within 48 hours.”

Hon. Members, for the benefit of the House and for future reference, I will now turn, and in detail with precision, guide the House on the steps that must be followed in the removal of the House leadership as contemplated under Standing Order 22 (8) and 23 (8) to ensure compliance with the provisions of Articles 47, 49 and 50 of the Constitution of Kenya, upholding the rules of natural justice and the rule of law. The steps are as follows:

- i. Issuance of a Notice – Sufficient notice by a Member sponsoring the removal and enumerating the charges against the leader need to be issued to the leader and copied to the Party Whip requesting the convening of a meeting of the Party Members to deliberate and resolve on the intended removal. This should be supported by signatures of Members in support of removal. Currently, for the Majority Party, its 46 Members while Minority Party, it is 35 Members.
- ii. Meeting to resolve the removal – The Party Whip upon receipt of the notice mentioned above, should convene a meeting of all the party Members by issuing a notice to all Members containing the agenda and venue of the meeting for the removal of the accused leader. The meeting should be attended by all Hon. Members of the Party, i.e. both those in support and against the removal, but should not be less than two thirds of the party membership. The meeting should be chaired by the Party Whip or in the absence, a neutral person as the party may decide. The accused leader need to respond on the charges levelled against him or her. Finally, Members to vote on the question of removal and the minutes and attendance of the meeting to be recorded. The attendance register should indicate the name and signature, and for elected Members, the Ward while the nominated Members, it should be indicated as such.
- iii. Conveying to the Hon. Speaker the decision on the removal – The decision on the removal to be communicated by the Party Whip or Deputy Party Whip. However, if all have been removed, a Member so designated by the Party in writing to communicate. The communication to the Speaker to be supported by the following:
 - a. A letter by the Party Whip or Deputy Whip conveying both decisions (removal and replacement);
 - b. A letter from the Party forwarded by the Party Whip or Deputy Party Whip communicating the replacement of the removed leaders;

- c. Minutes of the meeting held to make the decision on the removal, including the venue and proceedings of the meeting and the attendance, as mentioned herein; and
 - d. A copy of the list of Members in support of the removal with attendant signatures.
- iv. Replacement – The Party should communicate the replacement of the leaders through the Party Whip or Deputy Party Whip or in their absence a Member designated by the Party, in writing within 48 hours of the removal.
- v. Effecting the changes – The Speaker, having reviewed compliance with the Standing Orders and the law, shall inform the assembled House the changes. The changes to take effect upon communication by the Speaker. Before communicating, the Speaker shall confirm whether threshold required for the changes has been met particularly on the following:
 - a. Notice of the meeting (to include, venue, agenda and charges);
 - b. A register of attendees;
 - c. Evidence of service of invitation to the accused leaders to attend the said meeting together with charges preferred against them; and
 - d. Evidence of taking of a vote on the matter.

Hon. Members, the above process is aimed at ensuring that while political parties are at liberty to change their leadership, they must do so while respecting the bill of rights and the principles of natural justice, and fair administrative action enshrined in the Constitution under Article 47. I have had the benefit of reviewing the correspondences from the Minority Party particularly the Minutes of the meeting of 17th October 2023 and the judgement of the UDA Internal Dispute Resolution Committee on this matter, and I have noted a number of issues in conflict with the procedure. I have enumerated herein.

Honourable Members, the centrality of the bill of rights in the architecture of our Constitution cannot be gainsaid. Indeed, human rights are one of our national values and principles of governance under Article 10 of the Constitution. Article 47 on the right of fair administrative action and Article 232 (2) (b) of the Constitution which requires due process of law to be followed before removal of a holder of an office, finds the basis in the bill of rights. These rights accrue to every person, including Members of the County Assembly and cannot be limited except in the manner provided for under Article 24 of the Constitution.

Hon. Members, whereas Article 22 and Article 165 of the Constitution confer the exclusive jurisdiction to the High Court to determine the question of whether a right or fundamental freedom in the bill of rights has been violated, Article 3 of the Constitution obligates the Speaker to uphold, defend and respect the Constitution. It is important also to note that under Article 20 of the Constitution, the Bill of Rights binds all state organs and persons. Further, pursuant to Article 21 of the Constitution, every State Organ is under a duty to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

Therefore, when a process affects the rights of Members, the Speaker cannot ignore and fail to act in blindness of the express requirements of the provisions of the Constitution that I have

cited. Looking at the minutes and the judgement, I note serious procedural and legal lapses that are at the core of a fair administrative action in line with Constitution and Standing Order 23. In particular, the minutes, supporting documents and the judgement reveal the following:

- i. No evidence that sufficient notice was issued to the accused leaders with the charges levelled against them;
- ii. No evidence that the leaders responded to the charges levelled against them or failed to respond to the charges preferred against them;
- iii. No evidence that the meeting was properly convened and presided over by a neutral party to ensure impartiality, and that the meeting was actually held at City Hall as alleged; and
- iv. No evidence that there was actual voting to resolve on the removal.

With such serious questions touching on the bill of rights and the procedure established by this House lingering on my mind and remaining unresolved, it is my conclusion that the provisions of the Constitution, the law and the Standing Orders were not complied with by the Minority Party as regards to the removal of its leadership as presented to me.

However, Hon. Members, as I have observed earlier, addressing this issue exhaustively requires the involvement of other competent constitutional and statutory bodies besides the Speaker. Whereas the Speaker may in the interim interventions facilitate the continuity of business of the House, the final interpretation and enforcement of the rights and freedoms lies with the Judiciary, as outlined under Article 165 of the Constitution.

Hon. Members, the second issue has partly been addressed in my analysis above. However, this is not a new matter in this Assembly since it was previously handled by Hon. Chege Mwaura, MCA and Hon. Beatrice Elachi while in this Chair.

In the matter handled by Hon. Chege Mwaura which is now the classic case on this issue, he communicated that he had received a letter dated 25th October 2018 from the Chairperson of the ODM Party, Hon. John Mbadi, M.P., communicating the ODM Party's decision to recall its earlier letter appointing the Hon. Elias Otieno, MCA as Leader of the Minority and the Hon. Peter Imwatok, MCA as the Minority Whip and in their respective places, appointed the Hon. Kennedy Oyugi, MCA as Leader of the Minority and Hon. Nicholas Okumu Ouma, MCA as Minority Whip.

In his finding, Hon. Mwaura observed that since the said communication emanated from the Office of Hon. John Mbadi, M.P. being the Chairperson of the ODM Party and the Minority Party Leader in the National Assembly, it contradicted the provisions of Standing Order 20 (8) (as were then), which domiciles the authority to communicate such party decisions in the ambit of the Minority Party Whip. The Chair held that Hon. John Mbadi, CBS, M.P. is not, and indeed cannot purport to be the Minority Party Whip for an Assembly to which he does not belong.

Further, the Chair noted that the said communication was not accompanied by minutes of the NASA Coalition's meeting, and therefore did not comply with Standing Order 20 (8). To that extend, Hon. Mwaura declined to effect the changes in the Minority Coalition as communicated by the ODM Chairman.

Hon. Members, in the present case, the letter informing me to effect the changes in the Minority Party emanates from the Deputy Majority Leader, Hon. Waithera Chege, contrary to the express provisions of Standing Order 23 (9). Accordingly, I find that only the Party Whip or the Deputy Party Whip are the lawful authority to make and communicate the decisions of the Minority Party removing and replacing its leadership and therefore the letter by Hon. Waithera Chege has no force of law.

In view of the foregoing, I am unable to act on the correspondences from the UDA Party, the Minority Party, and cannot effect the desired changes in the form so presented until such a time when the Minority Party acts in strict fulfilment of the laid down procedures, including compliance with the Constitutional provisions on the bill of rights.

Finally, Hon. Members, as the Speaker of the Assembly, I am bound to apply the rules of the Assembly without fear or favour, especially in cases where the Standing Orders have expressly provided for the matter in question. To ensure the orderly flow of business, and the maintenance of stability, this Assembly observes parliamentary rules and traditions, both written and unwritten. It is the Speaker's duty to interpret these rules impartially, to maintain order, and to defend the rights and privileges of all Members regardless of their positions. You are so guided.

Hon. Members you may proceed and sit.

(Several Members entered the Chamber)

Point of Order

Hon. Speaker: You cannot have a Point of Order on the Communication of the Chair. Hon. Waithera Chege, an order normally emanates from the transaction before the assembly.

Hon. Waithera Chege: I will still raise it in the middle of this debate so you cannot---

Hon. Speaker: You just hold on until such a time we will give a chance, please.

(Hon. Waithera Chege spoke of the record)

Hon. Speaker: I will give you an opportunity to talk.

(Hon. Waithera Chege spoke of the record)

Hon. Speaker: Are you trying to threaten the Speaker? Hon. Waithera Chege, no one is here to gag you. I have just read a ruling which is my responsibility.

(Hon. Waithera Chege spoke of the record)

Hon. Speaker: But you cannot raise a point of order on the Communication from the Chair!

Hon. Waithera Chege: You will not gag this House...

Hon. Speaker: You want to question the Chair on his communication? Can we proceed?

BILL

Second Readings

THE NAIROBI CITY COUNTY EVICTION, RESETTLEMENT ANTI-DEMOLITION BILL, 2023 (ASSEMBLY BILL NO. 11 OF 2023)

Hon. Peter Imwatok: I beg to withdraw this particular Bill until an appropriate time. I will re-introduce it, Hon. Speaker.

Hon. Speaker: Kindly, Hon. Imwatok be assisted by the Table Clerk and make some reference on your intention to defer. Clerk, kindly assist the Hon. Majority Leader.

(Hon. Imwatok consulted the Clerk-at-the Table)

Hon. Peter Imwatok: Hon. Speaker, I am guided that there is Standing Order that provides for the withdrawal of a Bill. It is the mover in his own volition who decides to withdraw at the leave of the House. I am guided.

Hon. Speaker: Thank you, let it go on record. Clerk, let us proceed.

(Bill withdrawn)

THE NAIROBI CITY COUNTY BETTING, LOTTERIES AND GAMING BILL, 2023, ASSEMBLY BILL NO.12 OF 2023

(Loud consultations)

Hon. Speaker: Hon. Petit, what is the issue? Kindly, can you give the Hon. Member time to go through the reading? Hon. Chege Mwaura please, before I give you an opportunity.

Hon. Chege Mwaura: Thank you Mr. Speaker. I was rising on the Bill on the Nairobi City County Betting, Lotteries and Gaming Bill, 2023. Mr. Speaker, as you are aware that once the Bill starts to be processed, it becomes the property of the House. As such the Trade Committee respects you for this Bill where they had requested for more time for them to continue with public participation so that we can proceed and I had no objection.

Mr. Speaker, please give guidance. Thank you.

Hon. Speaker: Hon. Petit, may be now you can raise your voice because it is the same issue.

Hon. Paul Ndung'u: Thank you, Mr. Speaker. On the said Bill on behalf of the Sectoral Committee on Trade, Tourism and Co-Operatives, I wish to report progress pursuant to Standing Order no. 135 (5). The committee is still on consideration on the Nairobi City County Betting,

Lotteries and Gaming Bill 2023, and currently the committee has not received any memorandum from the stakeholders.

Mr. Speaker, the committee therefore requests for extension of time for consideration of the said Bill due to the following reasons: -

1. No stakeholder appeared during the public participation exercise at Charter Hall;
2. Despite having advertised in the dailies, no memoranda was submitted by any stakeholders
3. Kenya Association of Manufacturers requested for more time to submit their memorandum

Mr. Speaker, I further wish to report that we have written for the second time to several stakeholders requesting them to submit their memoranda on/or before Wednesday 1st May 2024.

Hon. Speaker, for the aforementioned reasons, I beg to seek extension of one month in order to finalize on the report. Thank you Mr. Speaker.

Hon. Speaker: Hon. Member, I can only afford to give you three weeks, thank you.

(Hon. Anthony Karanja rose to speak)

Over the same issue? You may proceed.

Hon. Anthony Karanja: Hon. Speaker, I would like to object to an extension of one month to that Bill. The notion when you call for a public participation, the only role that this assembly is supposed to play is to provide for a platform for members of the public and stakeholders to come, that was provided.

Hon. Speaker, the victims who are the stakeholders in this Bill who are expected to come here are either the industry players or the poor Kenyans who are hooked to betting and gambling which today is the leading cause of depression and suicide in this country. The purpose of this Bill, because I have interacted with it, is to control the industry. We had this Bill in the last assembly and again it is in this assembly.

Hon. Speaker, I think the reasons given by the Chair and the mover of the Motion are not enough to give an extension. We need to bring this Bill in this House so that that we make sure that we have stringent laws that protects the poor Kenyans and the poor residents of this city who are victims of vetting. Amongst the things I saw in that Bill, Hon. Speaker, are the hours that people are supposed to bet including online with their phones.

Hon. Speaker, I believe that we should either give them less time or no time at all so that members of this House as representatives of the people can be given an opportunity to debate and pass this Bill as it is. Thank you.

Hon. Speaker: Thank you Hon. Minority Leader. I am sorry the Chair has already made a pronouncement and I have given him a record of three weeks. Just bear with the Chair, thank you. Clerk, can we proceed?

(Bill deferred)

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

Hon. Members, I have been informed by the Clerk on the Supplementary Order Paper of Tuesday 23rd April 2024 at 2.30 p.m. and that informs that we go straight to Order No. 8, on the procedural Motion. Clerk, can you make the pronouncement?

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO PUBLIC ACCOUNTS COMMITTEE

Hon. Speaker: Hon. Majority Leader, who happens to the Chair of the Selection Committee!

Hon. Peter Imwatok: Hon. Speaker, allow me to present the following Motion on behalf of the Selection Committee:

THAT, pursuant to the provision of Standing Order 203(1), this Assembly approves the appointment of the following Members to the Select Committee on Public Accounts: -

Hon. Speaker, as you are aware, a week ago, you gave a directive to us the committee of Selection which was conveyed by the Whip and we have to comply by it. Allow me to read the names of the new Members of the Public Accounts Committee:

1. The Hon. Stazo Omungalla, MCA
2. The Hon. Nyantika Ricardo, MCA
3. The Hon. John Musila, MCA
4. The Hon. Cyrus Mugo, MCA
5. The Hon. Jane Musangi, MCA
6. The Hon. Abel Atito, MCA
7. The Hon. Benter Obiero, MCA
8. The Hon. Rex Omolleh, MCA
9. The Hon. Emmy Khatemeshi, MCA
10. The Hon. Fuad Hussein, MCA
11. The Hon. Wanjiru Kariuki, MCA
12. The Hon. Patrick Karani, MCA
13. The Hon. Fatuma Abduwahid Abey, MCA
14. The Hon. Chege Mwaura, MCA
15. The Hon. Eutyclus Mukiri, MCA
16. The Hon. Fredrick Njogu, MCA
17. The Hon. Simon Mugo, MCA
18. The Hon. Martin Mbugua, MCA
19. The Hon. Carrington Heho, MCA
20. The Hon. Mark Thiga, MCA
21. The Hon. Rachel Wanjiru Maina, MCA
22. The Hon. Paul Wachira, MCA
23. The Hon. Aaron Kangara, MCA

Hon. Speaker, I beg to ask my counterpart Bishop, to second.

Hon. Anthony Karanja: Hon. Speaker, I second the Motion based on your direction to re-align the committee.

(Question proposed)

Hon. Speaker: Hon. Members, my screen is clear, I call the mover to reply.

Hon. Peter Imwatok: Hon. Speaker, allow me to commend the House and the Whips of the two divides. As you are aware, the Public Accounts Committee deals with reports and I want to implore the new Members to whoever they appoint as the new chair and vice-chair, that the County Government of Nairobi is getting a disrepute for misunderstandings by the public on what is the work of PAC Committee. In particular, what is trending on the media on the audit reports.

Hon. Speaker, on the same as the leader of this House, I want to implore the Clerks that as soon as possible they convene this committee tomorrow upon the adjournment of this assembly.

The election of the Chair of this committee takes effect immediately so that it can embark on clearing the backlog of the Auditor General's Report.

Hon. Speaker: Thank you.

(Question put and agreed to)

Hon. Peter Imwatok: Hon. Speaker, pursuant to provisions of Standing Order no. 209 (1), this assembly approves the appointment of the following Members to---

(Hon. Redson Onyango rose to speak)

Hon. Speaker: Order, Hon. Majority Leader please! Hon. Redson, you have an issue?

Hon. Redson Onyango: Yes, I have an issue.

Hon. Speaker: Please take your mic. Let the Clerk make the pronouncement first Hon. Member, please be seated.

PROCEDURAL MOTION

APPOINTMENT OF MEMBERS TO SECTORAL COMMITTEE ON WATER AND SANITATION

Hon. Speaker: Hon. Redson, you can use the other mic.

Hon. Redson Onyango: Hon. Speaker, last week you disbanded the Water Committee, today, you have given your reasons on why you have not appointed the Minority Leader. I want to know which Standing Order was used to disband Water Committee and why you are only targeting Hon. Redson Otieno Onyango? I will not allow.

This communication must come from the party. Some time back in the year 2017 and 2022, the letter came from the SG Hon. Sifuna removing from the committee. Mr. Speaker sir, I will not allow this, you rather kill me today.

Hon. Speaker: Thank you Hon. Redson.

(Hon. Redson Onyango spoke off the record)

Hon. Speaker: That can be better explained by nominating Whips and the Selection Committee.

Hon. Redson Onyango: I will not allow.

Hon. Peter Imwatok: Hon. Speaker, this is my Member—

(Hon. Redson Oyanggo spoke off the record)

Hon. Speaker: Hon. Member please be seated.

Hon. Redson Onyango: I will not allow. *Mimi sikubali!*

Hon. Speaker: The Motion has not even been voted

Hon. Redson Onyango: *Sikubali! Haisomwi! Muniue! Intimidation, communication inafaa itoke kwa SG ODM.*

Hon. Speaker: Be seated Hon. Member.

Hon. Redson Onyango: I will not sit!

Hon. Speaker: Hon. Redson please be seated.

Hon. Redson Onyango: *Hata mimi nimechaguliwa*

Hon. Speaker: Hon. Member please be seated.

(Hon. Redson Oyanggo spoke off the record)

Hon. Speaker: Hon. Redson you have made a request and I will make a communication in regards to your request.

(Hon. Redson Oyanggo spoke off the record)

Hon. Speaker: Hon. Majority Leader, kindly proceed.

Hon. Redson Onyango: *Hapana, muniue, I will not allow. Hii intimidation mko nayo; hii inatoka kwa party (ODM)*

Hon. Speaker: Hon. Redson please---

(Hon. Redson Onyango sat on the floor of the Chamber)

Hon. Redson Onyango: *Sikubali*

Hon. Speaker: Don't force me to eject you for the rest of the sitting please.

Hon. Redson Onyango: *Spika kuwa fair, why Redson Otieno Onyango?*

Hon. Speaker: Do not attack the Chair please.

Hon. Redson Onyango: *Hapana. No!*

Hon. Speaker: Serjeant-at-Arms kindly escort the Hon. Member out for the rest of the sitting.

(Several Seargent-at-Arms approached Hon. Redson Onyango to escort him out of the House)

Hon. Redson Onyango: *Hapana. Wachaneni na mimi*

Hon. Speaker: Serjeant-at-Arms please.

Hon. Redson Onyango: *Mimi siendi! Hapana*

Hon. Speaker: Serjeant-at-Arms please escort the Hon. Member.

Hon. Redson Onyango: *Siendi! I am not going anywhere! I am not leaving!*

(Loud consultations)

(Several Members emerged to protect Hon. Redson Onyango from being escorted out of the House)

Point of Order

Hon. Speaker: Hon. Alai, the House is disorderly please be seated.

Hon. Redson Onyango: *Siendi! Hapana!*

Hon. Speaker: Serjeant-at-Arms, the Hon. Member is not properly before the House. Hon. Majority Leader, kindly proceed with the business.

(Hon. Redson Onyango spoke off the record)

Hon. Peter Imwatok: Hon. Speaker, I want to advise my member, Hon. Redson Otieno who I respect so much as his Leader of Majority, I ask you to sit down Hon. Redson if you respect the party that I lead.

Hon. Redson Onyango: I am ready *munitume nje* one year.

Hon. Peter Imwatok: Hon. Redson, as your leader, I request you to have a seat. You have not come to my office formally. I request you to sit down and every member of Azimio Party Coalition who has any issue with the Whip, whether arbitration, the only person who can arbitrate between you and the Whip is me. Separation of powers requires me to give ample time for the Whips to make decisions.

Hon. Kados has just intimated me here when I read the names, the name of Hon. Karani had been omitted. I have advised him together with Hon. Karani to appear before me so that we can correct the anomalies. Therefore, I want you to calm down, I present the Selection committee's report, anything more than that, you come to my office so that we sort it out.

That, pursuant to provisions of Standing Order No. 209 (1) ---

Hon. Redson Onyango: *Hapana. Spika ulisema upatiwe ruhusa kama niko na makosa wageniita waniambie ni makossa gani. Waulize, waliniita? Ulidisband Water Committee without valid reasons. Which Standing Orders did you use to disband the Water Committee?*

Hon. Peter Imwatok: This assembly approves---

Hon. Speaker: You cannot question the discretion of the---

Hon. Redson Onyango: No, the same issues *umeleta kwa akina* Hon. Waitheera, *umesoma* standing orders---

(Applause)

Hapana, siwezi tulia.

Hon. Speaker: Serjeant-at-Arms please, for the rest of the sitting the Member stands discharged from the proceedings.

Hon. Redson Onyango: Hapana, Sitoki! Wacha mnitoe hao ndio wako power. Wacha wanitoe nikaе nje. Wacha nifukuzwe for the remainder of the year, hiyo tu. Hata hii yangu ya MCA walete communication wachukue.

Sitoki! Muniue, hiyo intimidation muache! I am ready for everything. Niko ready! Redson Otieno Onyango, amefanya nini? Mlikuja na signatures mkitaka nikuwe Chair, kujeni na signatures nitoke.

Hapana sikai. Hizo mastanding orders kusoma, wacha tu. Nasimama hapa. Hapana, muniue hapa.

(Procedural Motion interrupted)

ADJOURNMENT

Hon. Speaker: Under Standing Order No. 116 on the gross disorderly conduct and unrest before the assembly; the House stands adjourned to 2.30 p.m. tomorrow.

(Applause)

The House rose at 4.34 p.m.