



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Third County Assembly – Third Session

Thursday 25th April 2024

The House met at 2.30 p.m.

The Speaker (Mr. Kennedy Ng'ondi) in the Chair

PRAYER

QUORUM

Hon. Speaker: Hon. Members, the attention of the chair has been raised for the lack of quorum. For that reason, I direct Seargent- at- Arms to ring the bell under Standing under 37 (2), for a record of 10 minutes.

(Quorum bell was rung)

Kindly, I do not expect the whips to be seated while we lack quorum in the assembly. Please step in and mobilize Members. We have a serious business before the assembly on the Appropriation Bill with a timeline.

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

Hon. Members, we now have the quorum, and I direct the assembly to proceed. Clerk.

PAPERS

Hon. Peter Imwatok: Hon. Speaker, before I lay the Papers, let me pass a message of congratulations to the new chairperson of the Water committee.

(Applause)

Vice chair of the PAC Committee and the new chair who was Chair Chege Mwaura it is now in their hands to make sure these committees are delivering what you envision them to do and protecting the integrity of this House.

Hon. Speaker, pursuant to Article 229(7), I beg to lay the following Papers on the Table of this Assembly today, Thursday, 25th April 2024:

The report of the Auditor General on the Nairobi City County Alcohol Drinks Control and Licensing Board for the year ended 30th June, 2023.

Hon. Speaker, I beg to lay, and I have several of them Speaker.

Hon. Speaker: Hon. Majority Leader, as you lay the papers, kindly tell the Members to be a bit keen so that they will account for the detailed report coming from the Auditor General. This is because most of the time you will find Members losing track of the report, which is supposed to be very critical for consideration.

Therefore, it is not just a question of laying Papers; you need to understand when it is mentioned the Report of the Auditor General on Nairobi City County Alcohol Drinks Control and Licensing Board for the Financial Year ended 30th June 2023.

Hon. Peter Imwatok: Yes, Hon. Speaker. This is a report that has been established and scrutinized by the Auditor General for the years 2022/2023. I agree with your Hon. Speaker there are many misconceptions out there before even this particular committee delve into this report.

There are those who are wannabes out there who want to know more than what we can be. This assembly has capable committee chairs and capable committees that can dispense with any report that is brought before them.

This particular report is being tabled before this, and Hon. Speaker, under your guidance, you will, forward it to (PAC) Public Accounts Committee, which was re-established today. I hope, Speaker, I will be expounding more on any Paper laid out as directed. Thank you, Hon. Speaker. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you. Under order five (a), I commit the report of the Auditor General on the Nairobi City County Alcoholic Drink Control and Licensing Board for the year ended 30th June, 2023 to the Public Accounts Committee. Kindly proceed.

Hon. Peter Imwatok: Hon. Speaker, before me, I have another Auditor's report on the Loans and Mortgage accounts that is domiciled with us in the County Assembly where I chair. These are reports reflecting the year 2022/2023.

Pursuant to Article 229(7), I beg to lay the following Papers on the Table of this Assembly today, Thursday 25th April, 2024:

The report of the Auditor General to the Nairobi City County Assembly on the Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2023. This particular reflection is on our

expenditure, and on how we have operated these accounts for our car and mortgage accounts. Hon. Speaker, I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you, and I now do commit the report of the Auditor General on the Nairobi City County Assembly on the Car Loan and Mortgage Scheme Fund for the year ended 30th June 2023 to the (PAC) Public Accounts Committee. Thank you. Kindly proceed.

Hon. Peter Imwatok: Hon. Speaker, the second last is also the same, the report on Auditor General.

Pursuant to Article 229(7), I beg to lay the following Paper on the table of this assembly today, Thursday 25th April 2024:

The report of the Auditor General or Nairobi City County Assembly for the year ended 30th June 2023. Hon. Speaker, this report reflects on all total expenditure, prudent finance, and use of the county assembly under the accounting officer, who is the Clerk, and the Service Board of our respective county assembly. I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you, Hon. Majority Leader. I now commit the report of the Auditor General on Nairobi City County Assembly for the year ended 30th June, 2023 to the Public Accounts Committee.

Hon. Peter Imwatok: Hon. Speaker, last but not least, pursuant to Article 228 (6), I beg to lay the following Paper on the table of this assembly today, Thursday 25th April 2024:

The report of the Controller of Budgets on the County Government Budget Implementation Review for the first half of the year 2023/2024. Hon. Speaker, this is an implementation review of how the county government, in its entirety, has spent money for the first half of the 2023/2024 financial year.

This is the financial year where we are, and I believe this one will reflect exactly how the Controller of Budget looks at the county government in terms of expenditure on the budget that we have passed for the years 2023/2024. Hon. Speaker, I beg to lay.

(The Paper was laid on the Table of the Assembly)

Hon. Speaker: Thank you. Hon. Members. I now commit the Report of the Controller of Budget on the County Government Budget Implementation Review for the first half of the financial year 2023/2024 to the Budget and Appropriation committees and several committees. I would request that all the chairs of these committees be upstanding, please. The sectoral committees not select committees.

(Various Chairs of Sectoral Committees rose to their feet)

It is just an advice that once these reports are committed to your committees, please help us get the correct position of the audited reports, so that when we appear before the Senate Public Accounts Committee committee, we are in a position to defend the position you have taken as a committee. Kindly please.

Hon. Peter Imwatok: Hon. Speaker on that note...

Hon. Speaker: Yes, Majority Leader.

Hon. Peter Imwatok: I want to implore this House, Hon. Speaker, and I also want to challenge the Senate, because it is time we put things into perspective. No one is a lesser leader. The Senate remains the Upper House in our Constitution. Article 92 of the Constitution expresses the functions of the Senate, namely, to protect the interests of the county. Not to devolve to devour the interest of the county.

Hon. Speaker, as a Leader of the Majority in this House, I want to direct any Chair and committee appearing before any other legislative arm, which is contrary to the constitution, to seek clearance from the Office of the Speaker in concurrence with the leadership of the assembly.

A legislature cannot oversight a legislature, and I want to challenge the Senate, of which most of them are experienced lawyers, to tell me where in law a legislature can summon our fellow legislature to do oversight on him.

Therefore, the issue of the Public Accounts Committee appearing alongside the Executive or the County Assembly Service Board, and the chairperson of the Board is an illegality. In addition, I challenge the entire Senate to address me on this.

Hon. Speaker, the County Assembly of Nairobi will not be accountable for any expenditure made by the Service Board. The Service Board of the County, led by yourself, must be solely responsible for representing us in any PAC committee in the Senate.

The county executive, represented by the Governor of this town is solely to represent the expenditures of the county government in the Senate but not the Committee of the Assembly. I beg to lay that communication.

(Applause)

Hon. Speaker: Thank you. Let us proceed, Clerk

NOTICES OF MOTION

Hon. Kennedy Swaka: Hon. Speaker, I wish to give a notice of the following Motion. Aware that Article 26...

Hon. Speaker: Hon. Matachi, please switch off your mic. Thank you

Hon. Kennedy Swaka: The Constitution of Kenya 2010 provides that every person has the right to live. Further aware, that Article 53(2) of the Constitution states that a child's best interests are of paramount importance in every matter concerning the child.

Concerned that many schoolchildren, especially in formal settlements, travel long distances to access the few available education facilities that are affordable. Further concerned that there is an increased number of road accidents involving school-going children in Nairobi City County, especially those in public schools.

Cognizant of the vulnerability of the accompanying schoolchildren, crisscrossing Nairobi highways, and busy roads to access the few affordable educational institutions, which endangers their lives.

Acknowledging, that the National Transport and Safety Authority has put in place measures to ensure road safety, performance, in line with international best practices. Noting that Section 62 of the Children Act 2022, provides that the county government may, in consultation with the National Children Council, establish welfare schemes to provide or facilitate the provision of child care facilities and programs for children, including children with disabilities;

This Assembly urges the County Executive, in conjunction with the Ministry of Education, community-based organizations, and other relevant stakeholders to develop a school busing program to provide all-inclusive transport services to children from informal settlements to access government schools and reduce road accidents. Thank you.

Hon. Speaker: Thank you, Hon. Swaka.

PROCEDURAL MOTION

Hon. Speaker: Chairman, proceed.

Hon. Wilfred Odalo: Hon. Speaker, that pursuant to provision a Standing Order 127, this Assembly resolve to reduce the publication period of the Nairobi City County Supplementary 1 Appropriation Bill 2024, Assembly Bill 1 of 2024 from seven days to two days. I call upon Hon. Roro to second.

Hon. Mark Mugambi: Thank you, Hon. Speaker. I second.

(Question proposed)

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

Hon. Wilfred Odalo: Thank you Hon. Members for the Motion on reduction of publication period from seven days to two days. I beg to reply.

(Question put and agreed to)

BILLS

First Reading

THE NAIROBI CITY COUNTY SUPPLEMENTARY 1 APPROPRIATION BILL 2024, ASSEMBLY BILL NO. 1 OF 2024

(A Bill for an Act of the Nairobi City County Assembly to Authorize the Issue of a Sum of Money Out of the County Revenue Fund and Its Application Towards the Service of the Year Ending 30th

June 2024 And to Appropriate the Sum and A Sum Voted On Account by The Nairobi City County Assembly for Certain Public Services and Purposes)

(Read the First Time and ordered to be read the Second Time)

Second Reading

THE NAIROBI CITY COUNTY SUPPLEMENTARY 1 APPROPRIATION BILL 2024
ASSEMBLY BILL NO. 1 OF 2024

Hon. Wilfred Odalo: Thank you, Hon. Speaker. Mr. Speakers, I beg to move that Nairobi City County Supplementary 1 Appropriation Bill 2024 be read second time.

Hon. Speaker, yesterday the County Assembly adopted the 17th report of the Finance Budget and Appropriations Committee on the consideration of the First Supplementary Budget Estimate for the Financial Year 2023/2024.

In the adoption report, the County Assembly has granted authority for additional Kshs 3 billion for payment or salaries for the newly recruited staff. Under mobility, Hon. Speaker, the County Executive has been given the nod of purchasing and paying for the road maintenance material at a cost of Kshs 400 million while also spending about Kshs 400 million on public lighting.

The health sector must move with speed and ensure that the additional Kshs 300 million allocation for pharmaceutical and non-pharmaceutical material is spent so that the health facilities in our wards become the lifesavers they are meant to be.

On the Ward Development projects, the County Executive should ensure full expenditure of the allocated amount and positive returns for the elected Members of the County Assembly seated here this afternoon.

The County Assembly has a role in ensuring that all the pending per diems and all other financial obligations are settled before the end of the current financial year. The County Assembly enhanced the allocation for the purchase of tanks to all elected leaders to the tune of Kshs 60 million.

Under the disaster, Hon. Speaker, the floods currently being experienced in the city are a direct threat to our collective existence. It is for that reason that this Assembly enhanced the allocation for the emergency fund to Kshs 440 million.

Just yesterday, we watched on our TVs how the floods claimed the precious lives of many people within and outside our county. Hon. Speaker the County Assembly expects nothing but service to the residents of this great city.

The Finance Committee shall be on the lookout to ensure that the budget approved is implemented without fail. Further, the committee takes this early opportunity to urge the County Executive Committee Member for Finance to ensure that the processing of funds meant for Ward Development Fund programs and all other areas as approved is processed without any delay.

Mr. Speaker sir, the County Assembly has undertaken its function as anticipated in the provision of Section 135 of the PFM Act and expects that the adjustments made will contribute positively to the making of Nairobi work.

Mr. Speaker, this Supplementary Appropriation Bill therefore aims to provide a legal basis for the utilization of the funds approved by the County Assembly. The Budget Committee has scrutinized and submitted bills and confirmed that they are consistent with the figures approved in the Supplementary Estimates.

The recommendations have been incorporated as resolved by the County Assembly.

Hon. Speaker, I wish to urge Hon. Members to support this Bill and give the county the go-ahead to utilize the funds for the completion of the projects and to counter the emerging issues. I now call upon Hon. Emily Oduor, who is my vice to second the Motion. Thank you.

Hon. Emily Oduor: Thank you, Hon. Speaker. I stand to second this Motion as has been read and as you have followed from yesterday, we have really worked hard on these supplementary budget and now we have the Appropriation [Bill] which actually clearly states how we intend to spend the money.

Because of the duration of the time for which we have to spend this money, we are kindly requesting all Members of this Assembly to support this so that we are not delayed and all our pending projects are carried out within the given time. Thank you, Hon. Speaker. I second.

(Question proposed)

Hon. Mark Mugambi: Thank you, Hon. Speaker. I also wish to support the Supplementary Appropriation Bill.

We have been accused as a county of spending less especially on development.

Therefore, I wish to concur with the chair that the Executive needs to move with speed and start paying because we have put money for development and we have also put money for the pending bills. It will be in order if they move with speed so that we can at least improve on our development scorecard compared to what other counties have been doing.

One thing I like about the way we have been operating is that we are now going to pay for projects. Most of the projects that actually began after elections - where we gave the contractors time for completion, raising of certificates, processing of the invoices into internet banking- I believe most of them are ready for payment.

Therefore, we will not have many issues with ghost projects - air, oxygen, carbon dioxide- or whatever they are calling them but rather we shall be paying for projects that we can own; project we are aware, that we launched up to completion. That is the right usage of public funds.

Hon. Speaker, with these few remarks, as I conclude, we have given the disaster a good budget. It is as if the Chair had foreseen because by the time we were sitting down to do the supplementary budget we did not have this calamity in this county.

I have seen on the social platform the Hon. Atito and other Hon. Members complaining and crying about the loss of lives of their voters. The disaster team should move with speed because we have allocated their finances to go and help our people.

Finally, Hon. Speaker, during the last time when the disaster chief was giving a media address he mentioned Nairobi County's intention of purchasing boats and I saw residents making fun and making memes on the statement. I actually thought it was insane but the disaster we are facing has come to prove him right because the floods in Mathare requires a boat for evacuation. We did not think that we might need boats in this county. But we see that we need a few boats for the county disaster team so that they can access and assess regions that are flooded and help in evacuation of our people.

With these few remarks, Hon. Speaker, I beg to support.

Hon. Kennedy Swaka: Thank you very much Hon. Speaker. I would like to congratulate the Budget Committee and especially the Chair for seeing it wise to allocate enough funds for works especially materials. I have heard that Kshs 400 million has been allocated to purchase materials and also a huge amount has been allocated to repair and purchase the floodlights and street lights.

As we know, during these heavy rains most of our streetlights and floodlights have been damaged and so our wards are in darkness. I request the executive to move with speed to ensure that this story of saying that every time we do not have fuel to go and repair the street lights and the flood lights will be something of the past.

Thank you very much Hon. Speaker, I was rising to appreciate the committee for doing this.

(Applause)

Hon. Joyce Lugonzo: Thank you Mr. Speaker. I am strongly in support the Supplementary Budget.

(Applause)

Hon. Speaker: I now call upon the mover of the motion to reply.

(Applause)

Hon. Wilfred Odalo: Thank you Mr. Speaker. Before I reply, I have to say thank you to my Members. This is the only committee that does not have the issue of quorum. I appreciate you Members.

(Applause)

Let me also appreciate the entire assembly being a Thursday and having a quorum means you have Nairobi at heart. Having said, there is something that the Whip has touched, and I must stress it. That we will not allow to allocate money for oxygen supply. Any time you know that you are living in a thatched house, be keen not to throw stones. We will not allow to appropriate money for others to supply oxygen and more so if you are in this House. We will smoke you out and show you that we were here before you – it is not a threat; but we will show you we were here before you---

Hon. Speaker: Chairman, can you use parliamentary language?

Hon. Wilfred Odalo: Let me say that---

Hon. Speaker: Yes, Hon. Majority Leader.

Hon. Peter Imwatok: It is in bad taste for the Chair of Budget to impute that there are oxygen supplies here. This is causing disrepute to the Hon. Members of this House. Hon. Speaker, you must protect our integrity.

Hon. Speaker: And that is what I am doing.

Hon. Peter Imwatok: I know that I breathe oxygen unless you say that the Minority Whip is the Chairman of the oxygen supplies because he is the only one who has spoken about the oxygen and he has alluded to the issue of living in a glass house. I live in a thatched house Hon. Speaker.

Hon. Wilfred Odalo: I am making my submissions from a point of knowledge and---

Hon. Speaker: Chairman, you are doing a lot of disservice to yourself as the Chair of the Budget Committee.

Hon. Wilfred Odalo: Mr. Speaker, let me rephrase myself by saying: As the Chair of the Budget Committee, I will not appropriate money for those who are supplying *hewa*; carbon dioxide. I have also said that some of them are in this House. If you give me time next week, I will even name them from a point of knowledge.

Thank you Leader for your indulgence and if given time I will table their names. Having said that, I beg to reply.

(Applause)

(Question put and agreed to)

THE NAIROBI CITY COUNTY SUPPLEMENTARY APPROPRIATION BILL 2024

(A Bill for an Act of the Nairobi City County Assembly to Authorize the Issue of a Sum of Money Out of the County Revenue Fund and Its Application Towards the Service of the Year Ending 30th June 2024 And to Appropriate the Sum and A Sum Voted On Account by The Nairobi City County Assembly for Certain Public Services and Purposes)

COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

THE NAIROBI CITY COUNTY SUPPLEMENTARY (I)
APPROPRIATION BILL, 2024 (ASSEMBLY BILL NO. 1 OF 2024)

Hon. Chairman: Hon. Members, you can now be seated. We are now in the Committee of the Whole Assembly to consider the Nairobi City County Supplementary Appropriation Bill (I), Assembly Bill No. 1 of 2024.

Clause 2

(Clause 2 proposed as part of the Bill)

Hon. Chairman: Any debate?

(Question that Clause 2 be part of the bill put and agreed to)

Clause 3

(Clause 3 proposed as part of the bill)

Hon. Chairman: Any debate?

(Question that Clause 3 be part of the bill put and agreed to)

The Schedule

(Question that Schedule be part of the bill proposed)

Hon. Chairman: No debate.

(Question that Schedule be part of the bill put and agreed to)

The Long Title

(Question that the Long Title be part of the bill proposed)

Hon. Chairman: No debate.

(Question that the Long Title be part of the bill put and agreed to)

Clause 1

(Question that Clause 1 be part of the bill proposed)

Hon. Chairman: Any debate?

(Question that Clause 1 be part of the bill put and agreed to)

Hon. Chairman: Any debate? Chair Budget?

Hon. Wilfred Odalo: Thank you Hon. Speaker. I beg to move that the committee do adopt the report of the assembly on the consideration of the Nairobi City County Supplementary (I) Appropriation Bill 2024, Assembly Bill No. 1 of 2024 and its approval thereof without amendments.

Hon. Chairman: Thank you Chair.

(Question put and agreed to)

(The House resumed)

(Hon. Speaker in the Chair)

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

REPORT AND THIRD READING

Hon. Chair: Thank you Hon. Speaker. I beg to report that the committee of the whole Assembly has considered the Nairobi City County Supplementary Bill (I) Appropriation Bill 2024, Assembly Bill No. 1 of 2024 and approved the same without amendments.

(Applause)

Hon. Speaker: I call upon the mover---

Hon. Wilfred Odalo: Hon. Speaker, I beg to move that this assembly do agree with the committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Mover!

Hon. Wilfred Odalo: Hon. Speaker, I beg to move that Nairobi City County Supplementary Bill (I) Appropriation Bill 2024, Assembly Bill No. 1 of 2024 be now read a Third Time.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

BILLS

Second Reading

NAIROBI CITY COUNTY PERSON WITH DISABILITIES AMENDMENT BILL 2023, ASSEMBLY BILL NO. 7 OF 2023

Hon. Speaker: Hon. Chege Mwaura, did the Hon. Member designate any Member to act on his behalf? Is he in the House?

Hon. Members, I direct that the Bill under Order No. 12 on Persons with Disabilities Amendment Bill be referred back to the House Business Committee for allocation.

Second Reading

THE NAIROBI CITY COUNTY FOOD SAFETY AND FORTIFICATION BILL, 2023 (ASSEMBLY BILL NO.10 OF 2023)

Hon. Speaker: Hon. Stazo Omang'ala

Hon. Stazo Omang'ala: Hon. Speaker, I beg to move the following Motion:

That the Nairobi City County Food, Safety and Fortification Bill 2023, Assembly Bill No. 10 of 2023, be now read a Second Time.

Hon. Speaker, the Bill was read the First Time on 5th December 2023 and committed to the relevant committee pursuant to the provisions of Standing Order Nos. 134 and 135 respectively.

The Bill seeks to provide the safe production, storage, distribution and consumption of food articles and create enabling environment for food safety and fortification.

The Bill further seeks:

- a) To strengthen regulation and monitoring for compliance on food safety and fortification under the Act.
- b) To increase demand and consumption of safe and adequate fortified foods to monitor and evaluate food safety and fortification performance at the industries, markets, household levels and provide framework to resource mobilization, financing and performance management for food safety and fortification

Hon. Speaker, the proposed law provides for general guiding principles in food safety and fortification which includes:

- a) National values and principles of governance under Article 10 of the Constitution of Kenya
- b) Creation of an enabling environment and appropriate incentives to ensure equitable accessible, reliable and affordable sustainable safe and nutrition food production.
- c) Allocation of financial and administrative resources to match annual work plan and budget for sustainability; and
- d) Public participation for users, beneficiaries and other stakeholders on food safety and fortification

Hon. Speaker, the Bill provides for functions of the County Executive Committee Member responsible for Health, the function of the directorate for health and functions of the authorized officer in administration and coordination programmes on food safety and fortification.

The Bill further proposes for establishment of multi-sectoral coordination committee to enhance the implementation of the proposed Act.

Hon. Speaker, the Bill further proposes for promotion of public awareness in food safety and fortification and health consequences. It provides for information, education, communication on food safety and fortification.

Hon. Speaker it further provides for food safety, fortification requirements, prohibition and penalties therein. Key to note; is the production process, procedures to be used in production. For food, medical examination of food handlers, standard of food labels on food articles sales or fortified food imported and export of food.

Hon. Speaker, the proposed law establishes a county food safety and nutrition laboratory with adequate equipment facilities and competent personnel. The law provides for the procedures to be used in taking samples and form of certificate of analysis of food articles.

Hon. Speaker, this Bill if passed and implemented in compliance with Article 46 of the Constitution of Kenya 2010 which provides for consumer rights on food and services, reasonable quality, access to necessary information to gain food benefit from goods and services, the right to the protection of their health, safety and economic interests.

Hon. Speaker, I now call upon Hon. Diana Katile to second the Motion.

(Applause)

Hon. Diana Mwangangi: Thank you Mr. Speaker. I take this opportunity to second this Motion.

First I want first to derive the basis of my brief support from the short title of the Bill: 'It is important for this assembly to note that this bill aims at protecting the consumer who is not there at the time when the food is being prepared, at the time when the fortification is being done, therefore fore they will not know if the standards have been followed, if the safety measures have been taken care of.

If this assembly passes this bill and it becomes an Act, then the consumer will have enough protection as long as the authorized officers and various functions that have prescribed under this bill are performed.

With that brief comment Mr. Speaker, I beg to second. Thank you.

(Question proposed)

Hon. Speaker: Hon. Jared Akama

Hon. Maurice Ochieng: Thank you Mr. Speaker, I am using his card. There are some issues that the committee while considering the Bill---

Hon. Speaker: Can you confirm whether the member will take the responsibility for your actions and contribution? Hon. Akama, kindly.

Hon. Jared Akama: Hon. Speaker, he has said that he lost in line of duty, he has not carried his brown envelop, so I oblige to take the risk of what he is going to say. But next time he should be carrying his brown envelop. Thank you.

Hon. Speaker: You are admitting liability?

Hon. Maurice Ochieng: Thank you my fellow Chair. Hon. Speaker, the committee while considering the bill, there are some issues which arose and the committee requested for extension of time. We are requesting for extension of time and we plead with Hon. Stazo so that we---

Hon. Speaker: Hon. Member, you are out of order. You either support the Bill or---

Hon. Maurice Ochieng: Hon. Speaker---

Hon. Speaker: Hon. Member, you have been reprimanded, you are out of order.

Hon. Members, my screen is clear, I call upon the mover---

Hon. Stazo Omang'ala: Thank you Hon. Speaker. First before I reply, the Chair of Health is aware that the bill was rightfully in the committee and even before coming here he was called and did not pick the call. I think we shall handle that at another level.

Mr. Speaker, having said that, I reply.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House)

STATEMENT

Hon. Joel Munuve: Thank you Hon. Speaker. I would like to request for your time from your busy schedule so that I can read a statement.

Hon. Speaker: Thank you Hon. Member. Your request is granted under Standing Order No. 43(2), I read; under Sequence of proceedings, '*Business shall be disposed of in the sequence in which it appears on the Order Paper or in such order of sequence as the Speaker may, for the convenience of the county assembly direct*'.
You stand guided, you may proceed.

REQUEST FOR A STATEMENT**ON TRANSFER OF MAMA MARGARET UHURU HOSPITAL MOH, KNH
FROM THE NATIONAL GOVERNMENT TO THE NAIROBI COUNTY GOVERNMENT**

Hon. Joel Munuve: Thank you Hon. Speaker. Hon. Speaker pursuant to Standing Order No.47 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Health Services on transfer of Mama Margaret Uhuru Hospital MOH, KNH from the National Government to the Nairobi County Government.

Hon. Speaker, Article 47 (1) (a), of the Constitution of Kenya 2010 provides every person the rights to the highest attainable standards of health which includes; right to health care services including reproductive health services.

Hon. Speaker, Mama Margaret Uhuru Hospital MOH, KNH Annex is a Level 6 pediatric hospital that opened its doors on Friday 18th March 2022, and is located in Kariobangi North Embakasi North Constituency, Nairobi County. It is currently managed by KNH as one of its satellite facilities.

Hon. Speaker, during the Governor's Address on the state of the county, the Governor stated that a formal agreement to revert the Mama Margaret Uhuru Hospital to Nairobi County as a Level 5 general hospital was close to completion.

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

1. Why Mama Margaret Uhuru Hospital KNH is being transferred from National Government to the Nairobi County Government;
2. Whether there was any public participation done pursuant to Article 1(2) and Article 10 (2) of the Constitution of Kenya 2010 as the matter has an effect on Kenyans and Nairobian. Therefore, they have the right to have the opinion heard and considered; and
3. What are the circumstances that led to the request of the transfer and whether the County Government has a capacity to manage the hospital in the same capacity it was being managed by the National Government?

Thank you Hon. Speaker.

Hon. Speaker: Chair Health Committee, kindly give an undertaking on the period you will take to respond to the statement.

Hon. Maurice Ochieng: Thank you Hon. Speaker. The Hon. Member has raised an issue which is touching health and there are some controversial issues surrounding the hospital on where it lies between the two wards. We request for two weeks to bring the report.

Hon. Speaker: Hon. Munuve, are you in agreement?

Hon. Joel Munuve: Mr. Speaker because it is health matters and is very sensitive for my people, I request the Chair of Health to hasten the process and make it one week.

Hon. Maurice Ochieng: Hon. Speaker, I think two weeks will be enough and as I have indicated, there are issues that is touching the two wards i.e. Korogocho and Kariobangi North Wards.

Hon. Speaker: Thank you Hon. Member. I think Hon. Munuve, the Chair has made a request that in order for him to give a comprehensive response to your request he need two weeks and we will go with that.

ADJOURNMENT

Hon. Speaker: Hon. Member, the assembly stands adjourned to next week Tuesday at 2.30. p.m.

The House rose at 4.40 p.m.