

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Wednesday, 08th August, 2018

House met in the Main Chamber at 09:00 a.m.

(The Temporary Speaker (Hon. Carren Muga) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Muga): Good morning Hon. Member?

Hon. Members: Good morning Madam Speaker!

The Temporary Speaker (Hon. Muga): Welcome to this morning session. Hon. Members, while making reference to Standing Orders No. 32, Part II of it which reads and I quote, if there is no adequate quorum present when the Chair is taken at the time appointed for a meeting of the County Assembly, immediately after the saying of the prayers, the Speaker shall order the quorum bell to be rung for five minutes. Hon. Members, I therefore order the Office of the Serjeant-at-Arms to ring the bell so that we attain the required quorum to commence proceedings of the House.

(Quorum Bell is rung for Five Minutes)

(House resumes after five minutes)

The Temporary Speaker (Hon. Muga): Leader of Majority, please check if we have attained the requisite quorum in the House.

Leader of Majority (Hon. Onyango): Thank you Madam Speaker. I want to confirm that there is quorum in the House. Madam Speaker, I want to seek your indulgence that ordinarily the

Chair is supposed to be blind on issues to do with quorum unless it is raised by a Member. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Leader of Majority, I would like you to make reference to Standing Orders No. 32 Part II of it. Thank you.

I would like to request the Clerk to take us through the Orders Paper of the day.

STATEMENTS

The Temporary Speaker (Hon. Muga): Leader of Majority the floor is yours.

Leader of Majority (Hon. Onyango): Thank you Madam Speaker. I would wish to notify Members of the Budget and Appropriations and members of the Justice and Administration of Laws Committees that they should present their email addresses to Mr. Owen Ojuok who is the Clerk to these Joint Committees so that the soft copies of the Bills that are due to be discussed can be copied to them through their email accounts.

Madam Speaker, I equally want to reiterate what I said yesterday that, from tomorrow the relevant Committees of this House will formally commence going through the Bills that have been presented and I want to appeal to them to ensure that they do a thorough job because the Bills that shall be presented to this House must and should withstand the test of time. Thank you.

The Temporary Speaker (Hon. Muga): The Liaison Chair

Hon. Samo: Thank you Madam Speaker for according me this opportunity and I wish as I make a statement that all the relevant Chairs of Committees be able to converge tomorrow when we want to discuss issues pertaining to all Committees with regards to travels and any other thing because that is for your welfare. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Liaison Chair, but you did not indicate at what time?

Hon. Samo: Thank you Madam Speaker. Please allow me to consult the Clerk to that Committee and I would convey the same through their Whatsup numbers of messaging please.

The Temporary Speaker (Hon. Muga): Next Order

MOTION

CONSTRUCTION OF REHABILITATION/TRANSFORMATION CENTRES FOR STREET FAMILIES

BY HON. DAVID ARAO, MCA, RAILWAYS WARD

Hon. Arao: Thank you Madam Speaker. Today, I thought it prudent to bring this motion in the floor of this House.

Aware, that the Fourth Schedule Part II (9) of the Constitution of Kenya, 2010, a Devolved Function on Pre-primary Education, Village Polytechnics, Home craft Centres and Children Facilities.

Madam Speaker, Kisumu as a County is lacking Children Facilities for Rehabilitation and Transformation. If such facilities are established and adequately equipped it will help teenage boys and girls who are rendered homeless and are roaming the streets. This will help decongested Mama Ngina Children's Home which majorly deals with young orphaned babies as we speak now is overstretched. This motion urges the Hon. Members of this House to compel the Department of Children, Culture and Community Services to construct Rehabilitation/Transformational Centres in every Sub-county to assist and do away with defilement of insane people. As you know the women on the streets sometimes get those street urchins and engage in sexual relations with them, which result to children born out of wedlock. Madam Speaker, the harassment of law enforcers, at times the law enforcers, go across the streets, apprehend these street children and take them to the police cells and later eventually they are released back into the streets as street families and unwanted pregnancies within our towns.

Majority Leader (Hon. Kenneth Onyango): That is the fact of this motion. I want to believe that it is in order that we continue with these discussions because we would wish a way in which these children that roam the streets can be rehabilitated and the issue is that the children that are roaming the street are a menace to peace and security. Thank you.

The Temporary Speaker (Hon. Muga): Yes Hon. Otura. Liaisons Chair, I am sorry I saw you late.

Hon. Otura: Thank you Madam Speaker. I want to commend the mover of this motion for finding it fit to present before this Honourable House. If it were that the motion moved in the last assembly was to compel, then, we ought not to have been in this House today. The mover was very clear and I urge fellow members to support it and compel the relevant department to establish the rehabilitation centers for the street children.

Madam Speaker, this is a motion of substance to this county. I wish this motion was discussed in the last assembly we could be having these centers in place. It is true that we need to plan for ourselves. We need to think about our origins and this is out of childhood. You cannot be who you are without passing that stage and we have to take utmost care for the young ones. It is not their wish to be street children, it is by coincidence.

Every child must be under the custody of the parents. The mover is very right that we have a department that deals with the same. We must compel that department to provide good

settlement for this unfortunate lot. Establishment of these centers is long overdue. Even if we can't do it for each sub county, there must be one for the county. Having at least one is better than none. We must take care of these families without looking at their ethnic backgrounds.

Madam Speaker, building rehabilitation centers for these children is mandatory and we have to legislate and lay down the relevant policies. We must ensure what is done before the lapse of this assembly. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Hon. Otura. Yes Liaisons Chairperson.

Hon. Samo: Thank you Madam Speaker. In matters of jurisprudence, where the intense is not known, I would wish to go back to the questions that were raised by Hon. Jenipher. She did ask as a member where the part of the motion which was brought in the last House could be.

The Temporary Speaker (Hon. Muga): Excuse me Hon. Samo, I would request you not to mislead the House because the motion is ongoing and the Majority Leader came up and made a clarification. You are therefore out of order.

Hon. Samo: Madam Speaker, I wanted to put this to you under Sanding Order No 46...

The Temporary Speaker (Hon. Muga): Order Hon. Samo. You are out of order because the debate on this motion is already on.

Hon. Samo: On a point of Order. Madam Speaker, the Standing Order No. 46 says, *the Speaker may permit a member to move a motion. That is the motion on amendment.* I hope we are in the same page.

The Temporary Speaker (Hon. Muga): Hon. Samo order. What is it Hon. Majority Leader?

Majority Leader (Hon. Kenneth Onyango): Madam Speaker, I just want to ask the Liaisons Chair to stop blowing hot and cold. Of course you have ruled but for the purposes of gaining more knowledge I wanted him to read Standing Order No. 47. It reads, *No motions may be moved which is in the same substance as any question which has been resolved but is during the preceding six months.* May be you didn't get that clearly. We are in order even if there are substances which are the same. Six months has literally elapsed. I wanted him to get that so that he stops misleading the House. Thank you.

The Temporary Speaker (Hon. Muga): Thank you very much. Yes hon. Otura.

Hon. Otura: Thank you Madam Speaker, for allowing this motion to be moved and we continue, I also want to clarify something on Standing Order No. 47 so that the distracters should get it very clear. *47 (2) (a) a motion to rescind the decision on such a question may be moved with the permission of the Speaker. That has been done. Why don't we allow this motion to get the light of the day? Thank you.*

The Temporary Speaker (Hon. Muga): Thank you Hon. Otura. This motion should be debated on. Yes Hon. Oraro Elisha.

Hon. Oraro: Thank you Madam Speaker. I stand to support the motion as presented by Hon. Pastor David Arao. I also want to commend you and as I stand here am also a member of the House Business Committee. It was the duty of the HBC to confirm whether such motions should be brought in the house or not.

Madam Speaker, I also want to confirm that the Standing Order No. 47 also allows for the debate and we knew similar motion with the same substance had been brought in this House. Not one and not two but around three. There was one on Sexual Violence against Children and if you read the recommendations of that particular motion, it is the same plea that the mover Pastor David Arao has brought.

The Standing Order No. 47 is very clear that the motions with similar substance can be brought provided that it is more than six months even if it is same session. Therefore Madam Speaker, thank you for standing with Hon. Arao and I want to say that it is true that we have several organizations that are working for the street children but if you look at what they are doing then it is more or less than business. These homes are few and if you visit them they are already full.

The same plea had been given by an Honourable Member sometimes back in 2016 that rescue centers be established in Kisumu County. This is the same plea that we are giving. It is therefore important that we fast track the implementation of the same plea through Implementation Committee. Let us see some actions once we are done with the motion.

Madam Speaker, it is in the public domain that even sexual violence to the children normally happens and these are children who lack places to settle them. Remember once they have gone through such heinous act they find it hard to be accepted back in the society.

Madam Speaker, I would like to support this motion. I would say that for once let us ensure that such rescue centers are established in Kisumu County. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Hon. Oraro. Yes, Hon. Majority Leader.

Majority Leader (Hon. Kenneth Onyango): Thank you Madam Speaker. I also want to support this motion. We have street children who are in the street not because they like but because of situations at home that are very cruel. Some of these children are born out of wedlock. Some of them are orphans. Some of them stay with relatives who do not give them peace and that is why rehabilitating them is very critical. I want to inform this House that there is a friend of mine who adopted a street child sometimes in the year 2014. When he came across this boy, the child did ask that he be returned to school because he had dropped out in form 1. After a discussion with

this friend of mine, he decided to take him back to standard 8. This child did very well and was called to Alliance High school. His performance was exemplary and he got a scholarship in Alliance High school so that in the subsequent years he learnt through that scholarship. As we talk today, that boy is doing medicine at Cambridge University. I want to believe that the society is filled with such children who are bright but they do not have the opportunity to better their lives. That is why as a County it would be very important that we find a mechanism through which some of these children can be rehabilitated. Madam Speaker, you do remember that a serious effort was done in Nairobi some time back when Former President Kibaki came to power. So many street children were rehabilitated and out of that effort, so many of those street children are now professionals.

I would wish that as other non Governmental entities also do their part we compliment their effort by injecting capital to construct rehabilitation centers so that the ones that are in existence at the moment like the Mama Ngina children's home may be decongested. I want to believe that these children are not on the street out of choice and that a lot of time they do so because of compelling circumstances. That is why it is comparative that as a Government that is concerned about education of our citizen, we need to be on the fore front in trying to find solutions to some of these societal problems. Therefore, I want to plead with the Hon. Members that we adopt this motion and it should not just end there. Let us compel the department of children to implement recommendations that shall come out of this deliberation and the honors therefore will be bestowed on the Implementation committee to follow up if Members do decide to pass this motion. The motions that are passed in this House are very critical to our society and should be implemented so that the gains are enjoyed by our people. Thank you.

The Temporary Speaker (Hon. Muga): Thank you the Leader of Majority. Yes, Hon. Samo.

Hon. Samo: I wish to support the motion. Earlier on, I thought we would do an amendment even though I had quoted a wrong standing order. Standing order no. 52 was supporting Hon. Arao whereby we could just amend the motion and pass it straight away. I want to support the motion that has been moved by Hon. Arao. Why do I say so...

The Temporary Speaker (Hon. Muga): Excuse me Hon. Samo. Are you bringing before the House that the motion would have been moved with the amendment or you feel that it is okay like that?

Hon. Samo: I feel that it is okay as it is because it has been captured. I am supporting the motion because several years back in our home in Kajulu my father used to run an organization that was supporting children and as it has been said by the Leader of Majority, quite a number of them have performed well in the society. I have friends and family Members like Kennedy Otieno who is now in UK, who was rehabilitated. What Hon. Arao is saying is that, in this County in the Next financial year it can be deemed fit to apportion some money so that we can construct rehabilitation centers. I am very sure that quite a number of children who are on the streets are

going to be saved and are going to help this community. I know of several other people like Erick who were street children and they were put into a rehabilitation center, a lot of work was done to them, they have gone through schooling and they are now good members of the society who are helping this society in the aspects of life. I would wish that the implementation committee should be able to take this with a lot of vigor so that it would be able to see the light at the end of the day. Thank you.

The Temporary Speaker (Hon. Muga): Yes Hon. Khan.

Hon. Khan: I rise to support this motion and take this opportunity to thank Hon. Arao for having thought of this issue because it is a burning issue within our city. It has been noted in the streets of this city that every evening you will find a lot of children who are young selling boiled maize and groundnuts at night and you will wonder on how they will be going home and if their parents are really involved in this. Actually this could be one of the reasons why we have a lot of street families. There was a time when I used to go at supermarket and the only way I used to help was to tell them to bring the entire bucket of maize which would cost Kshs.200 hence talk to the child and ask what the problem was. One of the biggest problems was school fees and home issues.

Sometimes you find it very hard because when you go there the next day, you will still find them. So you wonder if you will keep on buying these things and you will encourage them to continue doing this job. There has to be a way that we can help these children. We are saying that the welfare society has failed in making sure that these children go to school. It would have been very prudent if the social welfare committee department should actually get hold of these children, find out their background, make some reports and make sure whether there are those who might have committed crimes. The ones who are good should be rehabilitated so that they become part and parcel of the society. Majority of them have talent and we can tap talent from those street children so that they become senior citizens of this society.

Therefore Madam Speaker, we should look for ways on how best we can actualize implementation of these street children and in mind making sure that the majority of them who come from Kisumu County should benefit otherwise we are going to have an inflect of the majority of children who do not come from Kisumu County benefit from the same so that the issue cannot be so tiresome to the tax payers of this County. On the other hand you could remember some time back there were these street children who were picked from Uasin Gishu County and dropped in Busia County. We don't want such a scenario in Kisumu County and let us find a way that we can factor this in our next budget because tomorrow when they grow up they are going to be a threat to the society. Thank you.

The Temporary Speaker (Hon. Muga): Yes Hon. Manuche.

Hon. Manuche: I want to support the motion since I am a witness to these rehabilitation centers. When I went to Mama Ngina Hostel, I found a girl who was an orphan and had nowhere else to

go hence sought refuge in Mama Ngina Children's Home where she was rehabilitated. Last year she completed her University studies. Therefore I wish to support this motion because of that. Thank you.

The Temporary Speaker (Hon. Muga): Yes Hon. Olang'o.

Hon. Olang'o: Thank you Madam Speaker I wish to call the mover to reply.

The Temporary Speaker (Hon. Muga): Yes Hon. Pst. Arao.

Hon. Pst. Arao: I want to thank this House for such a powerful deliberation on this motion. The purpose of this motion was to consider the vulnerability of these children on the street who came to the streets after their parents separated and this motion targets those children who are total orphans who could not take care of themselves after their parents died. Some of their parents died of HIV/AIDS. We as leaders have to lead on the front. We must give hope for the families who are on the streets and who have nobody to look after them. Sometimes there are also some women who are mentally challenged in the street and are found with unplanned pregnancy giving birth to children who are bastards because they don't have fathers hence making Mama Ngina children's home even full. I understand that in the past men who were mentally ill who were unable to find love from women because they could not seduce ladies sometimes looked for sexual satisfaction from these street children and women who are mentally challenged. I am afraid because one day you never know one of these mentally challenged women can jump onto one of the Hon. Members here and insist that they bare their child.

The Temporary Speaker (Hon. Muga): Hon. Arao, Majority Leader is on his feet. What is it Majority Leader?

Majority Leader (Hon. Onyango): Is the Honorable Member insinuating that we have armories men here who can sleep easily with mentally retarded women? What he has mentioned is a little bit disturbing me. Can he clarify or withdraw because in my knowledge we have very decent Hon. Members here.

The Temporary Speaker (Hon. Muga): Hon. Arao, can you please clarify that?

Hon. Arao: Madam Speaker, I want to tell Majority Leader that I did not mean the Hon. Members can go to the Mentally Challenged Women in the streets. I meant that these women can go and challenge because they are not mentally fit and can chase after you because they cannot tell who impregnated them.....(interrupted)

Majority Leader (Hon. Onyango): Madam Speaker, a man is usually judged by the company he maintains. I do not know if our company entails walking around or being in situations where you can be jumped over for women who are handicapped and tormented. I do not see where an honorable member would be where the integrity can be compromised. I still insist that what the

honorable member is insinuating is in bad taste and I kindly ask him to withdraw and apologize because personally, I am in total control of my emotions and I do not see any situation where somebody can jump on me.....

The Temporary Speaker (Hon. Muga): **Majority Leader please, order! According to how I understand it, Hon. Arao was just giving an example that even a pastor in the street, a bishop or MCA, an person who is mentally disturbed can chase you. He has** not talked about anything above which is normal, it can happen to any of us. Thank you. Continue Hon. Arao.

Hon. Arao: I will pray for you more Madam Speaker. To call red, red is not sin. I did not know that the last Assembly deliberated on something resemblance of this but the holy spirit gave me the insight of what was discussed even though I was not there. NGO's use these families to make profit and street children create insecurity in our towns. We can transform their lives if we come up as leaders and take up responsibility and put up a rehabilitation centre even though it will be too expensive to our County but a hundred miles we can start with one. I sincerely feel in my heart that if we do such a project in this County, it can also give us people whom we can rely on and we shall have a better future for our County. We cannot sit down and our boys are rotting on the street, those who deserve health care, employment and to be in this County. Some are total orphans, they do not know anybody to run to for help. They have come to the street to look for life then what do we do as leaders? I feel we should do something by starting with rehabilitation centre, we can do carpentry, electrification in these centres then they become people who are responsible. In my life I have met people who were on the streets some of them are now respectable millionaires helping families out here. A Government who does not care about people within his county is not a government. Aslam said that people would come running to vocational training that is offered now but we can do vetting so that we consider people within our County. We shall pick them and take them to the rehabilitation centre and our streets will remain secure. I can talker longer because I am a pastor and a politician but I want to thank Hon. Members in advance for supporting this motion. Thank you.

Sorry Madam Speaker, I have brought so many motions in this house and this is again one of them. The people of Railways are looking up to me on issues that affect them. I am worried, I might be forced to go back to the electorate and express to them the leadership of this Assembly. If motions that are passed in this house cannot be honoured and implemented..... Madam speaker I need your attention. I have brought so many motions in the house.....

Temporary Speaker (Hon. Muga): Excuse me Hon. Arao, I believe this is what you brought before the house yesterday, should you repeat it again?

Hon. Arao: I will keep on talking about it if nothing is done. How can I keep quiet and there is nothing being done? We have the Majority Leader and the leadership of this house.....

Temporary Speaker (Hon. Muga): Order!! Hon. Arao, you are becoming so unruly and arrogant in the house. I want to request you to be humble, do not show your arrogance please or else the chair might one day act.

Thank you very much members for having done your deliberations and I put a question.

(Question put and agreed to)

This motion has been approved and will be but in the next budget. I direct it to the Implementation committee who will bring report in 60 days time.

ADJOURNMENT

The house stands adjourned to 2.30 p.m today 8th August 2018

(House rose at 10.13 am)