

**COUNTY GOVERNMENT OF KISUMU**



**COUNTY ASSEMBLY OF KISUMU**

**THE HANSARD**

**SECOND ASSEMBLY – SECOND SESSION**

**Wednesday, 15<sup>th</sup> August, 2018**

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

**(The Temporary Speaker (Hon. Eric Agolla) in the Chair)**

**PRAYERS**

**The Temporary Speaker** (Hon. Agolla): Good morning Hon. Members, welcome to this morning session. It is within our Standing Orders that we must meet the requisite quorum. So, I direct the Office of the Serjeant-at-Arms to ring the bell for five minutes.

**The Temporary Speaker** (Hon. Agolla): What is it Hon Okumu?

**Hon. Okumu:** Thank you Mr. Speaker. The procedures of the House assume that the Speaker is blind and I am not sure how you came to realize that the House lacks the requisite quorum so that the bell is rung, thank you.

**The Temporary Speaker** (Hon. Agolla): Hon. Member for East Seme, as we wait for the Quorum Bell which is being rung, can you read step by step Standing Orders No. 32.

*(Serjeant-At-Arms ring the Quorum Bell for 5 minutes)*

*(Session resumes after 5 minutes)*

**The Temporary Speaker** (Hon. Agolla): Hon. Members, I am afraid, I am not able to see the Majority Whip in the House. Can the Leader of Majority confirm that we have the required quorum in the House?

**Leader of Majority** (Hon. Onyango): Yes Mr. Speaker, we have the requisite quorum, thank you.

**The Temporary Speaker** (Hon. Agolla): Can the Clerk take us through the business of the day?

### MOTION

#### WITHDRAWAL OF LICENSES FROM FIRM ENGAGING IN BUSINESS OF ADULTERATED FUEL.

BY HON. SETH OKUMU, MCA, EAST SEME WARD.

**Hon. Okumu:** Thank you Mr. Speaker. I rise to move a motion on WITHDRAWAL OF LICENSES FROM FIRMS ENGAGING IN BUSINESS OF ADULTERATED FUEL.

Mr. Speaker,

Aware that the Fourth Schedule Part II (8) (e) of the Constitution of Kenya 2010, County Planning and Development includes Electricity and Gas Reticulation and Energy Regulation are devolved functions to County Governments.

Mr. Speaker, Kisumu County is not in isolation in terms of adulterated fuel sold by some greedy businessmen who want to become rich at the expense of consumers without working hard but have resorted for shortcuts.

This motion urges the Hon. Members of this House to compel the Department of Planning, Industrialization and ICT to undertake investigations and those found culpable, withdraw licenses of such fuel stations. Mr. Speaker, the Energy Act of 2006 establishes and Energy Regulation Commission. Section 5 (b) of the Act requires that the ERC protects the interest of consumers. As you might have heard, recently somewhere in Mamboleo Area, members of the public were surprised when they found fuel flowing from one of the pipes of Kenya Pipeline Company. It is assumed that the gasoline that was flowing was being siphoned and taken to some petrol station without the Kenya Bureau of Standards (KEBS) assessing its quality for use.

Mr. Speaker, Hon. Arao repeated today to me that before we brought this motion to the House, in Nairobi, there was an outbreak of adulterated fuel which is hindering the functions of vehicles. Members of this House have tried to promote income and even bought pumps to firmer groups who they intend to buy fuel to use in those pumps. Mr. Speaker, the rate at which some of our petrol station are messing with fuel which some of these firms might use, we might not get quality productions from those pumps and we might end up running into losses.

Mr. Speaker, the Act requires that the County Government to work closely with the Energy Regulation Commission (ERC) to assess those Petrol Stations in terms of their locations,

distribution networks and closeness to the residence, but more importantly, in terms of the fuel they are selling to the public in general and if it meets the standards that is set by the KEBS.

Mr. Speaker, the outbreak has started in Nairobi and we fear that it is coming to Kisumu, before it reaches our County we would like to request the Department of Energy to work closely with the ERC to help us ascertain some of the Fuel Stations that might be in Kisumu that is engaged in selling of Adulterated Fuel and if we find them, their licenses should be withdrawn from operating any businesses within our County. However small these firms might be, or big like Total, we have the powers to withdraw their licenses.

Mr. Speaker, I want to implore Hon. Members, for the sake of the consumers and the general welfare of our County to push this motion so that the relevant departments can liaise with the ERC...

**Hon. Muga:** On a point of information, I want to inform the member on the floor that it is right to bring the motion but he has gone further than what is before us. Thank you.

**The Temporary Speaker** (Hon. Erick Agolla): Hon. Careen Muga, I am afraid you are out of Order. The Honourable Member has properly moved the motion and he was just elaborating further. That is not against the laws governing this House. We also need not to have a lengthy motion. It is within his authority. This is not similar to what happens yesterday. Hold on Hon. Seth. What is it Hon. Okiri?

**Hon. Okiri:** Thank you Mr. Speaker. I do not know whether it is in order for my motion to be discussed without my consent. This issue of members taking others' motions should stop. I am basing my facts on issues he cannot elaborate.

**The Temporary Speaker** (Hon. Erick Agolla): Hon. Member, you are out of order because the motion before the House is signed by Hon. Member for East Seme. It categorically means that the sponsor of the motion was Hon. Okumu. Can you prove that you are the owner of this motion by providing a certified copy?

**Hon. Okiri:** Mr. Speaker, The mover of this motion is aware when I was drafting this motion...

**The Temporary Speaker** (Hon. Erick Agolla): Hon. Member can give a prove on that?

**Hon. Okiri:** He is the one to respond to that.

**The Temporary Speaker** (Hon. Erick Agolla): You are out of Order. What is it Hon. Samo?

**Hon. Samo:** I would wish to request for your due diligence to allow Hon. Okiri to consult such that they can see a way forward.

**The Temporary Speaker** (Hon. Erick Agolla): What is it Hon. Majority Leader?

**Majority Leader** (Hon. Kenneth Onyango): Mr. Speaker, Hon. Okiri is a senior member of this House and I would urge him to stop playing to the gallery. A proper notice of motion was given and if there were issues then that is the stage at which they would have sorted it...

**The Temporary Speaker** (Hon. Erick Agolla): Hon. Linet, a member is on his feet and on a point of order.

**Majority Leader** (Hon. Kenneth Onyango): Mr. Speaker, you know, as you have stated, the motion has been clearly signed by Hon. Seth Okumu. If there is contrary and flimsy issues they are not supposed to be brought before this House. Those are issues that can be sorted out in the kitchen and not on the floor of the House. Thank you.

**The Temporary Speaker** (Hon. Erick Agolla): Hon. Okiri, you are seeking the leave of the Chair to allow you cross?

*(Laughter)*

**Hon. Seth Okumu:** Thank you Mr. Speaker for protecting me. Thank you Hon. Okiri for your contribution and for accepting that I was the mover of the motion as required by the Standing Orders. We recognize that you had the idea but you never brought the motion on the floor.

County Government needs to work with the Energy Regulations Commission to help us identify the stations that are selling adulterated fuels and if found culpable then we need to withdraw the permits of operations within the county. On that note I want to request Hon. Okiri to second the motion. Thank you.

*(Laughter)*

*(Bows as a sign of secondment)*

**The Temporary Speaker** (Hon. Erick Agolla): Very well. A motion by Hon. Okumu has been moved and seconded by Hon. Okiri. It is now opened for the Honourable Members. Yes Hon. Samo.

**Hon. Samo:** Mr. Speaker, I stand to second the motion as moved by Hon. Okumu. A few days ago as every person is aware that there was a syndicate on the lines that serves the Kisumu storage at around a place called Kibos. This is directly between two Wards. There was a burst in the main line and when investigations were carried it was found that some people had connected a line illegally. That is unrefined fuel. So you find that a number of stations....

**The Temporary Speaker** (Hon. Erick Agolla): What is it Honourable Majority Leader?

**Majority Leader** (Hon. Kenneth Onyango): Mr. Speaker, I do not know whether words reinvent themselves. I mean the key word here is adulterated.

I want to indulge the Honourable Member for Kajulu that fuel that comes to Kisumu through pipe is ready for use and does not go through any further processing. What they were doing was siphoning, by and large that has nothing to do with adulteration of fuel. I wish that he be informed. Thank you.

**The Temporary Speaker** (Hon. Erick Agola): Continue Hon. Samo.

**Hon. Samo:** Thank you Mr. Speaker for giving my colleague time to air out his concerns. He is just a teacher and I have involved in issues to do with fuels. So I believe I know what I am talking about. When I said some fuel was being siphoned, some people mix them at a place called Guba...

**The Temporary Speaker** (Hon. Erick Agola): What is it Hon. Majority Leader.

**Majority Leader** (Hon. Kenneth Onyango): Mr. Speaker does the Honourable Member confirm adulterator by essence because he lives in Guba where that act is taking place. Is that what he has been doing? Is it not a common knowledge that he has that many of us ordinarily lack? What is taking place is siphoning and not adulteration. Can he confirm that he has that professional knowledge? Thank you.

**The Temporary Speaker** (Hon. Erick Agola): Proceed Hon. Samo.

**Hon. Samo:** Thank you Mr. Speaker. This is why it is good to be in a place where people have studied Christian Religious Education because they can just contain their brain on issues to do with civic education. I am aware that when fuel has been siphoned even from the tanks which are ready for use, people normally mix kerosene in to them.

I can confidently say that whenever a fuel has been siphoned, the next stop is adulteration. I am aware of that because I have been in a position to see people doing that.

I support the motion as moved by Hon. Okumu that all the stations, some of which we can forward the list to you are engaging in this crime. As I speak my vehicle KBM 753S had a knock a few days ago. Meaning I cannot move around my Ward and when it was checked, we realized that the engine had several problems due to adulterated fuel.

I also want to urge the Energy Regulations Commission to do a thorough inspection on the stations so that we can have clean fuels into our tanks. Thank you and I support.

**The Temporary Speaker** (Hon. Erick Agola): Hon. Majority Leader, you have the floor.

**Majority Leader** (Hon. Kenneth Onyango): Thank you Mr. Speaker. I also want to support this motion. Yesterday, in The Standard Newspaper, there were articles where Kenyans have literally been left on their own because the energy regulatory body that is supposed to see into it that we buy goods that are good for consumption have abandoned us.

Mr. Speaker, I did read in the same newspaper that goods are being imported that are fake. Kenyans are buying goods that are unfit for their health. Recently, mercury was detected into the sugar that we are taking. A lot of electronics being imported in this country that are fake.

Therefore, it is not just an issue of adulterated fuel. There are issues of concern about the quality of goods that we are consuming. The quality of goods that are being imported in this country and the authorities like Kenya Bureau of Standards have abdicated their responsibility of ensuring that we consume goods that are not harmful.

If you go to the country side, you will find petrol stations that are mushroomed. In these stations you will find that they are selling fuels that are literally knocking down our vehicles. I have a case in point where somebody bought kerosene and when he lighted his lamp there was an explosion because the kerosene was mixed with a petrol. This is actually endangering the lives of our people and I think the ERC needs to take very keen measures to ensure that the fuels that are being sold to the consumers especially in this county meet the requisite standard.

Mr. Speaker, the County Government through the coordination of relevant agencies needs to sample the fuel that is being sold across the breadth and width of our county to ensure that what is consumed do not pose any danger to our citizenry.

I think this motion is quite timely and I want to believe that the department of energy within the County Government should actually take a lead role by collaborating with other agencies to ensure that the fuel that we are using is that which meets the international standards.

Otherwise we are bound to have many accidents arising from the consumption of fuel that is adulterated like I have given example of this poor person that was burnt as a result of purchasing kerosene that was adulterated. This is not just..

This kind of watch dog on the goods that we are consuming should not just be confined to fuel. I think that we are consuming a lot of fuel. Mr. Speaker, recently, I did have the opportunity of going to Addis Ababa and one of the things that we recognized over there is that the goods that they sell are genuine product like clothes, shoes and bags. I think that Kenya should follow that direction. Thank you.

**The Temporary Speaker** (Hon. Agola): yes, Hon. Ogutu.

**Hon. Ogutu:** Going by the mood of the House, I would like to call upon the mover of the motion to reply.

**The Temporary Speaker** (Hon. Agola): yes, Hon. Okumu.

**Hon. Okumu:** Thank you Mr. Speaker and the Hon. Members for deliberating on this motion that will ensure that the security and the protection of the consumers of the County of Kisumu. I want to agree with the Hon. Members that it is high time that the County officers should walk

around and do sample in all the filling stations and find if there are any places of adulteration of such fuel and that they should do this with the department of Energy. Members have deliberated but there is a tendency that motions are brought in this House going down and fading before they see the light of the day. I want to request that on this motion, that should not be the case and whenever you are going to commit it, let it be taken seriously and let the actions that are needed also be taken. As I sit down I want to thank all the Members, I want to appreciate the contribution of Hon. Okiri and that I want to remind him and other Hon. Members that a motion will only be a motion brought before the House business and approved as signed by the Member. Any idea that a Member is having and is feeling that he/she should put it in paper and use our standing order for it to come to this House is just an idea, then let it remain like that and if it is a motion, then let it be brought to the House. Thank you.

**The Temporary Speaker** (Hon. Agola): Hon. Members, this motion on the withdrawal of licenses from firms engaging in businesses of adulterated fuel has been moved by Hon. Okumu and seconded by Hon. Okiri. It has been well deliberated on by the Hon. Members and I therefore put a question for the adoption of the same.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Agola): The motion is adopted. Hon. Members, considering many factors I hereby commit the motion to the committee on planning and industrialization and ICT and a report should be tabled on the floor of this House after 60 days. Hon. Members, you do remember that yesterday the Chair had ordered that all Chairs to submit their reports by Thursday afternoon that is tomorrow. So I would like to ask the Liaison Chair to Liaise with all Chairpersons that there are some reports which were supposed to be brought in this House to bring back those reports by tomorrow. Before I call on the next order allow me to use standing order no 1 to communicate this important communication to you. Hon. Members, you are aware that due to some challenges there are some diseases that are affecting people hence their legs being cut off. For those who might be affected, there are some organizations that are willing to support those that are affected. So kindly liaise with the Leader of Majority who has more of the information.

Next order!

## ADJOURNMENT

**The Temporary Speaker** (Hon. Agola): There being no any other business to transact, this House stands adjourned to Thursday 16<sup>th</sup> August 2018 afternoon.

*(House rose at 3.40 pm)*